

## **The Trial of Anwar Raslan and Eyad Al-Gharib**

Trial Reports 1-58

April 23, 2022 – January 13, 2022

Syria Justice and Accountability Centre

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## **TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 1

Hearing dates of April 23, 24, 27, 28 & 29, 2020

### **Highlights**

#### **Trial Day 1**

- **Anwar Raslan and Eyad Al-Gharib appeared in court for the first time**
- **The charges of the indictment were read out in court, including charges of torturing 4,000 persons at Al-Khatib (Branch 251), which led to 58 deaths**
- **The proceedings were adjourned early because Anwar Raslan did not have sufficient time to consult with his attorney**

#### **Trial Day 2**

- **A Police Inspector testified as to the main components of his investigation of the Accused**
- **Several witnesses had named Anwar Raslan in asylum proceedings, alerting the authorities to the importance of investigating him**
- **Other evidence obtained in the investigation included the Caesar photos, 3 documents signed by Anwar Raslan as head of Branch 251, and media files/texts obtained from Raslan**

#### **Trial Day 3**

- **An expert in conflict research testified about Syrian history, religious makeup and structures of the intelligence agencies and branches**
- **The expert spoke about a history of torture and mistreatment under Hafez Al-Assad and Bashar Al-Assad**
- **Many attorneys questioned the expertise of the witness and challenged her on certain facts**

#### **Trial Day 4**

- **Three witnesses from the German government testified as to Anwar Raslan's transit to Germany and his application for asylum**
- **Proceedings were adjourned until May 18, 2020**

### **Trial Day 1 – April 23, 2020**

There was considerable public interest in the first day of the trial with around 50 people waiting outside to enter the courtroom. The Judges, Lawyers and Accused, Anwar Raslan and Eyad Al Gharib, entered the courtroom. The trial began at around 10:00 a.m.



### Judges and Parties:

The Chief Judge Dr. Anne Kerber introduced herself and the remaining panel members: Judges Wiedner, Jeserich, Lenz, Kapischke, Zeitler-Hetger and Schlagmann as supplementary judge. Then she asked the Accused Anwar Raslan to pronounce his name.

Judge Kerber introduced the Accused:

Anwar Raslan, born February 3, 1963 in Homs, currently detained in Koblenz, and his defence lawyers Michael Böcker from Berlin and Arne Bodenstein from Karlsruhe.

Eyad al-Gharib, born May 25, 1976 in Damascus, currently detained in Wittlich, and his defence lawyers Hannes Linke from Karlsruhe and Matthias Schuster from Berlin.

The Federal Prosecutor General is represented by senior prosecutor Thomas Klinge and prosecutor Löbner.

Joint plaintiffs are Messrs Hashish, Muqdad, El-Tinawi, Ghair, Al-Kalous, and Mrs Kana with their lawyers, Dr. Patrick Kroker and Scharmer from Berlin. Messrs Fayad and Al-Shaar, are represented by their lawyer Khubaib Ali Mohammed. Mr. Kala is not present, but represented by his lawyer Andreas Schulz. Messrs Jubaiji and Hazem are not present, but represented by their lawyer Manuel Reiger from Stuttgart and Dr. Anna Oehmichen from Mainz.

Arabic-German translators were sworn.

### Prosecution Introductory Statement

The prosecution began to give a history of the Syrian uprising, then introduced the two accused and gave a history about them.

The prosecution read the indictment identifying the specific crimes and facts for which the Accused are charged. These include: torture, bodily and mental damage, oppression of the opposition, inhuman conditions in prison, refusal of medical care, beating, killing of detainees.

The prosecution introduced the witnesses that will testify, including the name and history of the witness (date of detention, reason for detention e.g. demonstration, if the witness was transferred to another facility/prison, and the method of torture the witness sustained). [*We have redacted the names of the witnesses here to protect their privacy until they have testified*].

Some methods of torture included: beating with wooden sticks and cables, electricity, beating after being tied up to a chair, hitting the penis, forcing to swallow a lot of water, and hitting the genitalia so that urination would be painful. One torturer was named as Abo Al-Ghadab أبو الغضب

Accused Eyad Al Gharib denied the charges against him.

The Chief Judge noted that Anwar Raslan did not have enough time to speak with his lawyer, because he was transferred from Moabit prison in Berlin to Koblenz. Court was adjourned to permit the Accused to speak to his attorneys.

The proceedings adjourned at 11:00 a.m. until 9:00 a.m. the following day, April 24, 2020.



#### Note on Technical Arrangements:

Translation – simultaneous interpretation was provided for the accused through electronic means. An additional translator was seated next to the accused to provide assistance should the accused not understand something.

COVID arrangements – Prior to the start of the trial, the court announced that it had reduced the number of seats available to the public to permit social distancing. Clear partitions were built in the courtroom to separate the parties.

#### Trial Day 2 – April 24, 2020

The number of attendants was noticeably reduced from Day 1, particularly from the media.

Accused Anwar Raslan sought additional time to consult with his lawyer. Therefore, the proceedings began at 9:30 a.m. with the calling of a witness to testify after taking an oath.

#### Testimony of Inspector Deußing

Witness Manuel Deußing, a 36-year-old inspector in the criminal police of state Baden-Württemberg, testified as to his investigation concerning Anwar Raslan which began in November 2017. The investigation was initiated because the name “Anwar Raslan” was raised many times during interviews with refugees who were applying for asylum.

Inspector Deußing said that, since 2008, there were detentions in Branch 251 and “problems with the opposition”. Accused Anwar Raslan used to live in Marienfeld-Berlin. A visa to travel to Switzerland was mentioned, but the context was not clear.

Inspector Deußing inquired with the German Ministry of Interior concerning the Accused and the latter confirmed that Anwar Raslan had been an officer in the Syrian government. He worked in Branch 285 as well as Branch 251.

Inspector Deußing also asked about Anwar Raslan to the Commission for Justice and Accountability (CIJA), while the inspector ran a parallel investigation about the structure and the hierarchy in Branch 251. CIJA replied that some documents suggest that Raslan held a leading position in Branch 251 and sent the inspector 3 documents that were signed by Raslan in 2012.

Inspector Deußing testified concerning preliminary proceedings regarding Accused Eyad Al Gharib who was responsible for the arresting group. Prior to his arrest, Eyad was under police surveillance. In court, a photo array of 12 individuals, which included Raslan’s photograph, was shown using a projector. The inspector said that photo array was shown to witnesses abroad and they were able to recognize Anwar. The witnesses were also able to identify Branch 251 on maps. They could also describe the facility from the inside, the number of floors, and other details.





There was a discussion of the Caesar photographs which came to public attention in January 2014. [These photos document the mistreatment of detainees, including torture and deaths, in Syrian prisons between 2011 and 2013]. The German Ministry of Foreign Affairs confirmed 28,000 names of individuals depicted in the photographs.

German authorities obtained and inspected the Accused Raslan's media files and text messages, in which they found awards/commendations from the Syrian government. They also found a diary with the names and phone numbers of Syrian government and opposition individuals.

The inspector asked a translator for help in translating some documents, but the latter was unable to translate certain graphic content.

The remaining parties asked questions.

Counsel Patrick Kroker, victim's representative, asked if there was evidence of sexual violence. The inspector answered that there was mistreatment and he cannot exclude the possibility of sexual violence. Asked again, Inspector Deußing said that nothing comes to his mind at the moment.

Inspector Deußing provided examples of the types of mistreatment in Branch 251, including beating, kicking, hitting with cables and sticks, Falaqa (البقة), Doolab (tyre) (الب), Shabh (شبح) standing for long time and beatings for sitting down, Bisat Ar-Reeh (flying carpet) (بساط الريح) and German chair. Inspector Deußing testified that detainees were tortured with electricity and burned.

Asked whether there were executions, Inspector Deußing replied that nothing comes to his mind at the moment. The questioning of the inspector ended.

The Court announced that on Monday April 27, there will be no proceedings because the witness who was scheduled to testify is ill and it is unknown when he will recover. In the second session, Anwar Raslan was to read a statement, but he did not have enough time to consult with his lawyer due to his transfer from the prison in Berlin to Koblenz. Therefore, the whole day was cancelled.

The proceedings ended at 12:30 p.m.

### **Trial Day 3 – April 28, 2020**

Chief Judge Kerber began the day by telling the audience that taking photos in the courtroom is completely prohibited. Those who violate this rule will be excluded from participation and will be fined up to 1000 euros.

#### **Testimony of Ms. Laura Thurmman**

The 1st witness was Laura Thurmman, 30 years-old, an employee of the Federal Criminal Police office. She was nominated by the prosecution to be questioned and is an "expert in conflict research" from Manchester, England.

Ms. Thurmann gave a historical overview of Bashar al-Assad's rule and the current situation, including Syria's religious background. She provided an overview of the use of torture in various countries, including European and Arab conflicts. Ms. Thurmann testified about the history and the situation in Syria, including how Baath party was founded and how Bashar al-Assad rose to power. She said that torture and massacres existed since the beginning of the Baath Party's rule and explained how the government created a climate of fear. In 2000, Bashar al-Assad became the president and promised to make reforms, but he was no different from his father who preceded him, Hafez al-Assad.

Ms. Thurmann testified that since 1973, the Baath party was predominantly Alawite, who are not considered members of Islam. She talked about the Alawite religion and "tension" with Sunnis. The Baath party used the conflict with Israel for its own agenda and suppressed any opposition.

#### The March 2011 Uprising

Ms. Thurmann testified that the uprising was shaped by a wish for reform from four groups: (1) [monitor did not hear] (2) people who participated in the uprising due to economic reasons; (3) the opposition who were assisted by the Internet; and (4) people who suffered repression from the beginning (the older people). Ms. Thurmann testified that children and young people were detained, which led to demonstrations in the whole of the country. The government used violence against the demonstrations and erected many checkpoints. The Arab league was supposed to help (in the release of the detainees, for example), but did nothing.

In 2011, demonstrations began in Daraa. Children were detained and tortured, which led to a demonstration in the market in Damascus in March 2011. Many demonstrations emerged from mosques, which played an important role. Demonstrations in Daraa that resulted in death and detention, resulting in more (peaceful) demonstrations in Damascus, Duma, etc. In mid-March, there were civilian victims. She said that the death toll rose from 2-3 at the beginning to 100 dead.

#### Religious Background of Syrian Leadership

Ms. Thurmann testified that Syria consists of 70% Sunnis, 11% Alawites, and the rest are a mixture of Christians, Jews, Yazidis, etc. 90% of the military commanders are Alawite, although there are some Sunnis. Asked to name some Sunnis that were in command positions, Ms. Thurmann identified Hasan Turkmani, علي شحاتة, Ali Mamlouk, Sha'ban Ateyya, مخلوف Makhoul, [this point was revisited later].

In February 2012, some international journalists were killed in Homs.

Asked by the defence how Alawites could manage the government, even though 90% were Sunnis, Ms. Thurmann answered that Sunnis were not favoured by the occupying French who privileged minorities. Asked whether Sunnis held prominent positions in other fields, Ms. Thurmann answered that they could be found in universities, but that Alawites predominated in religious institutes, the Army, and the Baath party. Asked by the defence how 11% of the population could manage to rule by themselves, Ms. Thurmann answered that it was because Alawites controlled the government, Army, and Intelligence. Further, government officials themselves feared punishment.

In order for a Sunni to rise in the government, he must be a member of the Baath party and must not criticize the government. Asked how other minorities, like Christians, could be in the government, Ms. Thurmann answered that Christians and Druzes must cooperate with Alawites in order to obtain positions in government.

Ms. Thurmann testified that the torture methods employed in the 1970s and 1980s are identical to what is being documented right now. Although there is less information about what happened in the past (lack of media in general, etc), the use of sexual violence definitely increased in present times.

The judge gave leave to a Plaintiff Firas Al-Fayyad فiras الفايض to ask the expert questions. He asked in Arabic whether Sunnis who sought to rise in the government needed to show “allegiance/loyalty”, for example, through acts of violence, in order to reach these positions. Ms. Thurmann did not have such examples.

The victim asked about the emergence of the term “terrorism” and whether it was used to describe Bashar al-Assad’s opposition. The expert replied in the affirmative that, “at some point,” the opposition were described as terrorists. Checkpoints and surveillance were used in 2011.

Asked whether specific intelligence apparatuses were specialized in torture, Ms. Thurmann testified that branch 235 “Palestine” had a very bad reputation in torture.

Asked about Asef Shawkat أصف شحات and his family relationship to Bashar al-Assad, Ms. Thurmann said that they were relatives, but said that she was not an expert in family relationships. She did not know what position he had. Asked about the homogeneity of the FSA and if it had Islamist orientations when it was founded, Ms. Thurmann did not know.

Asked about the intelligence apparatuses, Ms. Thurmann testified that there were branches in Damascus and others distributed throughout the country. They are classified, for example, as Military Intelligence Branches 227, 291, 235, etc. and General Intelligence Branch 255 (more of an administrative branch), Branch 251 (she described the property, location), and Branch 285 (she described the property, location). There was torture in Branches 251 and 285.

Ms. Thurmann gave an overview of the Caesar file describing who Caesar is, what he did, and to whom the photos belonged. Asked about the role of the military intelligence, Ms. Thurmann testified that it had cooperated with other apparatuses to repress the opposition. Asked about the Central Crisis Management Cell (CCMC) and its purpose, Ms. Thurmann testified that it was a group that was founded by Bashar al-Assad and other officers to contain/suppress the demonstrations that rose in the country. The most important sections were the 4<sup>th</sup> Division and the Presidential Guards.

She did not know whether there were military trials and if the intelligence relates to cases of death in a military context. Asked about soldiers who defected, Ms. Thurmann testified that soldiers were ordered to shoot at demonstrators and there could be torture for units who refused to do so. Defected units were punished and were shot.

Ms. Thurmann testified that demonstrators and those who tried to help them (such as medical staff) were tortured in military hospitals.



Asked about torture methods, Ms. Thurmann described them e.g. Tyre, Shabh, sexual violence, electric shock, Falaqa, flying carpet, German chair, cold water, de-nailing, depilating/plucking out hair, deprivation of medical care, nutrition and the use of toilettes, no treatment for diseases, and medical emergency situations. Death was sometimes the result. Asked about the origins of the term “German Chair”, the expert did not know.

Asked about torture methods specific to Branches 251 and 285, Ms. Thurmann testified that sexual violence, beating, tyre, and child torture were used at Branch 251. Detention and child torture were used at Branch 285. Sexual violence was against both males and females. She also said that Branch 251 was among the most brutal branches.

A Defence counsel recalled that Ms. Thurmann mentioned “Makhlouf” earlier and asked what she knows about Hafez Makhlouf. Ms. Thurmann said that she doesn’t know who he is. She said that maybe she mistook him with “Mamlouk”, because they have similar names but she meant the latter.

Asked whether Alawites have privileges (when applying for command positions), she said that she has no idea. Asked if Sunnis could make reforms and make decisions on their own, or if they have the freedom not to do something, she did not know.

The witness was challenged multiple times by the lawyers noting that as an expert she should have known certain facts of which she was unaware.

The proceedings ended at 2:30 p.m. and adjourned until April 29, 2020.

#### **Trial Day 4 – April 29, 2020**

There were about 6 spectators and 4 media present.

The proceedings began at 9:30 a.m.

#### **Testimony of Christine Bohlmann**

The 1<sup>st</sup> witness was Christine Bohlmann, 35-years-old, who works at the Federal Office for Migration and Refugees (BAMF). She is a part of what is called the “decision centre”, where applications of asylum are being processed. She was responsible for Accused Anwar-Raslan’s case file (but she did not meet him).

The witness spoke very quickly and was asked many times by the translator and the judge to speak slowly.

A copy of his Syrian passport was shown. His father’s name is Abbas عباس. His mother’s name is Ayyah آية. The stated profession was written as “Lawyer” محامي in Arabic. A copy of the application for asylum was shown. A copy of the application for a family reunion was shown. His wife is called [redacted] and his children’s names were read out.



A photo of a visa to Switzerland was shown for February 13, 2014 to February 24, 2014. A photo of a visa to Amman, Jordan was also shown. Accused Anwar Raslan arrived in Germany on July 26, 2014 and applied for asylum according to Residence Act 23 section 2 and 3 on May 18, 2015. He was granted political asylum on July 22, 2015 pursuant to basic law 16a.

#### Testimony of Witness Rita Drechsler

The 2<sup>nd</sup> witness was Rita Drechsler, 43-years-old, who works at the Federal Foreign Office / Ministry of Foreign Affairs. She previously worked at the Criminal Police Office in Berlin. She stated that Anwar Raslan is a military officer (contrary to what is written in his passport). Anwar Raslan worked with the opposition between 2013 –2015 and participated in the Geneva conference.

Ms. Drechsler testified that Anwar Raslan applied for asylum through the UN asylum program in Jordan (according to Residence Act 23 section 2 and 3). His daughter, who lived in Turkey, had a baby, so he used a fabricated passport to visit her. He tried to travel to Germany with this passport, but the Turkish authorities in the airport discovered the fabricated passport. [There was a question as to why he fabricated a passport because he could have sought a travel document pursuant to the Residence Act.]

#### Testimony of Witness Tamara Huss

The 3<sup>rd</sup> witness was Tamara Huss, 53-years-old, who works at the Foreigners' Registration Office.

A copy of Anwar Raslan's passport was shown with a visa to Germany June 11, 201[3] to September 8, 2014. There was a family civil status book among the documents.

Anwar Raslan also possessed an A1 German language certificate and B1+ German language certificate (passed) among the documents. He also passed an integration course as exhibited by a course completion certificate.

An application for the job centre and how much money he received was read thoroughly.

#### Procedural matters

There was some discussion about the court schedule in September. The judge suggested a few dates. There was an agreement to fix the dates later.

The proceedings adjourned at 2:00 p.m.

The next trial day will be May 18, 2020 at 9:30 a.m.



**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 2

Hearing dates of May 18 & 19, 2020

**Highlights**

**Trial Day 5**

- Four witnesses from the German government, including a translator, testified about their interviews with Eyad Al-Gharib during his asylum procedure.
- Anwar Raslan's defence counsel read his statement to the court, denying the accusations, claiming that he had never ordered torture, that he did not have any power, and that he had helped many detainees.

**Trial Day 6**

- A police chief testified about a letter from Anwar Raslan that described his experiences of being followed by Syrian intelligence in Germany.
- A former researcher and NGO founder testified about her interactions with Anwar Raslan in Germany, and her knowledge about Syria's religious groups and intelligence services.
- Proceedings were adjourned until May 27, 2020.

**Trial Day 5 - May 18, 2020**

There were about 16 spectators and 14 individuals from the media present. The proceedings began at 9:30 am.

**Testimony of Marco Pütz**

The 1st witness was Marco Pütz, a 27-year-old case worker ("Sachbearbeiter" in German) at the Federal Office for Migration and Refugees (BAMF) who interviewed Accused Al-Gharib. A memorandum between the witness, Eyad Al-Gharib and a translator was shown.

According to the witness, Accused Al-Gharib stated that he had travelled from Turkey to Greece in 2016, stayed in Greece, and then moved to Germany in 2018. He travelled by foot and by airplane.

Copies of Al-Gharib's asylum application, asylee registration (dated May 25, 2018), military ID, and resident permit were shown. In his asylum application, he mentioned he was Sunni. A copy of Al-Gharib's wife's ID and asylee registration were also shown.

The prosecutor asked how long the admission interview lasted and Pütz stated that the admissions interview usually lasts about 80-90 minutes.

The defence asked Pütz if he asked Accused Al-Gharib about Branch 251, and Pütz said no.





### Testimony of Klaus Wöllner

The 2nd witness was Klaus Wöllner, a 46-year-old decision-maker ("Entscheider" in German) at BAMF who also interviewed Accused Al-Gharib. Wöllner testified that Al-Gharib said that he used to bring people to prison.

The judge, defence and prosecutors asked him to speak clearly, and the judge asked him to speak more slowly.

In his interview with Wöllner, Accused Al-Gharib described the intelligence services' military exercises and their weapons training. There was some confusion regarding the translation of a type of bomb. [the issue was put to the translator of this interview, Ahmad Abdullah, who testified later the same day].

Wöllner said that Accused Al-Gharib told him he worked in Branch 251 (on Baghdad street in Damascus) until 2012. Accused Al-Gharib used to work in the "religions department," where he monitored religious activities, such as Friday sermons in mosques. He worked in various locations between 2010 and 2011 (including Al-Yarmouk camp and Al-Hajar Al-Aswad).

Wöllner testified that when he asked Accused Al-Gharib why he wanted to leave his job, he said he did not want to harm Syrian civilians. He worked in Al-Khatib Branch , فرع الخطيب and then was transferred to division 40, near the president's house, which was under Hafez Makhoul's حافظ مخلوف's command.

According to the witness, Accused Al-Gharib left Syria on December 2, 2013, and applied for asylum through the UN in Greece.

Al-Gharib went to school until the 12<sup>th</sup> grade, but he did not graduate. He did not serve his compulsory military service, but said he has a military ID because one receives it automatically if they work in the intelligence services.

Accused Al-Gharib said in his interview with Wöllner that he saw people getting beaten, including on their heads. He mentioned that Hafez Makhoul came to Duma once with his car, shot and killed 5 people.

Al-Gharib said that there were ISIS detainees in his department in 2012. Wöllner stated there could not have been ISIS detainees in 2012, when ISIS in Syria was not established yet.

Wöllner testified that Accused Al-Gharib stated he now wanted to fight against the government. Al-Gharib left Damascus, went to Muhasan (in Deir-ez-Zor) and hid there for 6 months while his family stayed in Damascus. Syrian intelligence told to return to Damascus or his family would be harmed. Accused Al-Gharib's family fled to Muhasan by car. Their house in Muhasan was shelled with rockets,





though they escaped injury as they spent days at the Euphrates to avoid daily shelling. They then fled to Abu Hasan, but some problems arose in the family and the house was too small for them, so Al-Gharib went back alone to Muhasan.

When Wöllner asked how Al-Gharib's wife used to move around with no ID card, he said that she was using her cousin's ID card as they resemble one another.

#### Testimony of Ahmad Abdullah

The 3<sup>rd</sup> witness was Ahmad Abdullah, a 48-year-old translator who works at BAMF and who translated the interview between Wöllner and Accused Al-Gharib. Abdullah described how he translates.

When asked what he does when faced with difficulties in translation, Abdullah said he asks the "client" to repeat what they said and mean. He said he must be sure of what he is translating. Abdullah was asked about the confusion on the translation mentioned in Wöllner's testimony and if he knows what "Strombomben" means. Through Abdullah's translation, Accused Al-Gharib said he was trained to use the "Strombomben" in military training. Note this did not make sense to the judge and the defence team. The defence asked Abdullah if there is a possibility of errors caused by retranslating the term and Abdullah said yes.

Dr. Anna Oehmichen, one of the plaintiff's attorneys, asked the witness where he studied Arabic and Abdullah said he studied in Baghdad.

#### Testimony of Kerstin Zinsius (Zensius)

The 4<sup>th</sup> witness was Kerstin Zinsius, a 49-year-old female from the Zweibrücken municipality.

Copies of Accused Al-Gharib's asylum application, family registration and marriage document were shown. His children's names [redacted] were read out.

Zinsius spoke of charges that Accused Al-Gharib faced in Germany as a refugee. In one incident, Al-Gharib hit a child and threatened the child's father that he would chop his head off and break his hand. He was charged with physical abuse and personal/health injury, and he paid the fine. Al-Gharib also faced assault charges for allegedly fighting and beating two Afghans.

His wife's original work ID card was shown and her name [redacted] was read out. The translator was asked to translate it directly from the screen.

Accused Al-Gharib's original military ID card (ID #232512 – D/738606), issued on June 15, 1998, was shown. He was a "volunteer" [not-conscripted] sergeant.

#### Procedural matters

A lunch recess was called from 12:45-1:45 pm.

#### Anwar Raslan's statement (read out by his attorneys)



Accused Raslan's defence attorneys presented his statement over the course of 2 hours. At the end of the statement, the Judge asked Accused Raslan if this was his statement, and he responded "Yes" in Arabic.

Accused Raslan explained how he joined the police and intelligence services, how the situation changed after 2011, and how his superior (Tawfik Younis) grew suspicious of him since Accused Raslan released many prisoners and since he was from Al-Houla. Allegedly, Accused Raslan's responsibilities were thereafter reduced, and he said he did not have any power after that.

Raslan addressed each of the plaintiffs and other parties; stating their name, giving a brief summary of each person, and how and/or when the person was detained. Subsequently, Raslan noted conflicting evidence in the plaintiff's and other parties' accusations against him (such as discrepancies in dates and contradictory statements).

Raslan stated that many plaintiffs knew that he was helping and sympathizing with the opposition. Accused Raslan was treating prisoners according to the protocol and offered them coffee when they first came to be interrogated. Accused Raslan met some of them later on in Jordan and Turkey, and drank coffee with them in cafes.

Raslan stated that he helped one plaintiff [name redacted] to be released and helped another to escape from Damascus to Jordan. He noted contradictions between two plaintiffs' testimony for example, he stated that one plaintiff [name redacted] did not see Raslan personally, and only saw a board with his name written on it. He also stated that he did not know two assailants that two plaintiffs [names redacted] claimed had sexually mistreated them. In response to [name redacted]'s claim that there was "shabh" شبح (a torture act where the victims, either standing or sitting down, are tied and suspended), Accused Raslan stated that the prison's ceilings were too high to tie someone and thus, it was not possible for such an act to occur. Further, he noted that one plaintiff helped him get to Germany. Raslan also stated he did not know another of the plaintiffs.

After addressing each person, Raslan said whether he saved each person's contact information in his phone, including their phone number or Messenger, Viber or Facebook contacts.

Additionally, Raslan named multiple persons who could testify that he was supporting the opposition.

Accused Raslan claimed that he did not hit or torture anyone nor did he order that anyone be tortured.

He stated that he participated in the Geneva conference "against Al-Assad." Raslan was in contact with opposition figure Ahmad al-Jarba أحمد الجربا until a few months prior to his arrest by German authorities.

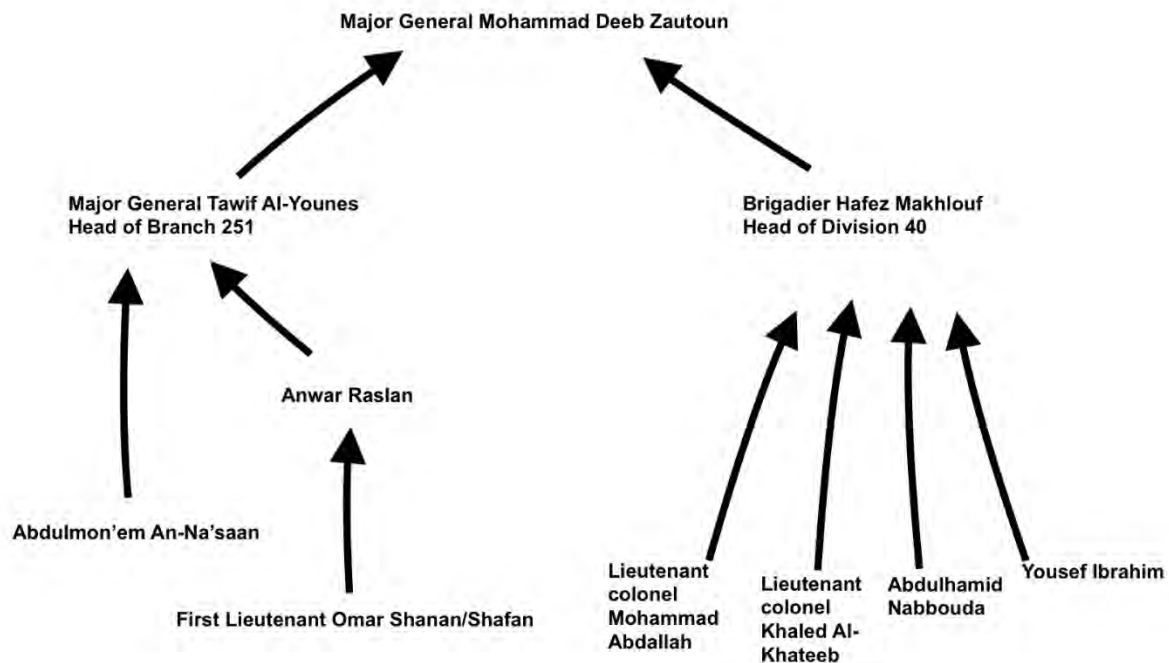
Raslan stated that he travelled from Jordan to Germany, and how he obtained asylum. He went to visit his daughter in Turkey, but was caught in the airport when he was traveling back to Germany using a fabricated passport, and thus had to wait in Turkey for 3 months before being allowed to travel. The passport listed Raslan's profession as "lawyer," but it was not far from the truth as he had studied law.

When he was applying for asylum, Raslan told the authorities that he was from the military, gave them his military ID and stated that many were imprisoned in his branch.

Accused Raslan stated that he wants a democratic Syria, free from dictatorship and sectarianism.

Following the statement, the defence stated that Accused Raslan would not answer any questions regarding the statement, but would answer questions on other topics.

The prosecution and plaintiffs' attorney requested that a sketch, originally drawn by Accused Raslan in Arabic, be shown. The sketch, shown in Arabic and its German translation, illustrated Accused Raslan's place within the intelligence services, and it was noted that there was some mistranslation. A redrawing of the sketch is here:



The proceedings ended at 3:45 pm.

Trial Day 6 - May 19, 2020



There were about 11 spectators and 10 individuals from the media present. The proceedings began at 9:30 am.

#### Testimony of Corinna Müller-Durmann

The 1st witness was Corinna Müller-Durmann, a 45-year-old police chief inspector of the Berlin police.

She stated that Accused Raslan sent the Berlin police a three-page letter expressing his concerns that he was being watched on multiple occasions by Syrian intelligence because he defected. The letter asked the police to do something and signed the letter as “Colonel Anwar Raslan.”

The original letter in Arabic was shown, followed by the translated version. The inspector said she asked for the letter to be translated to check that the police’s direct translation is the same as the statements written in the letter. Judge Kerber began to read out the letter and told the translator to stop her if there is a mistranslation.

One of the incidents addressed in the letter involved a time when Accused Raslan was at the dentist. He looked outside the window, saw people looking, and assumed they were part of the Syrian intelligence services. When he left the dentist, he was not being followed. Then, he found 2 people standing between the dentist clinic and the S-Bahn [urban train] station. They entered the train with him. One got off at the station before him and the other one got off at the same station with him. That person followed him for a bit, and then disappeared. When he arrived at his home, he saw an olive car parked close to where he lives. Inside the car was a man with a light beard who started to speak on his phone the moment he saw Raslan. He approached the car to see the license plate number as the car moved away.

Another incident mentioned in the letter occurred in a refugee camp in Germany where 2 people who looked Syrian were watching him before they spoke on the phone.

#### Testimony of Petra Becker

Petra Becker is a 57-year-old founder of an NGO that supports Syrian refugee children. She lived and studied political science in Syria for 14 years. Previously, she was the head of the German Embassy’s language services in Damascus and researched the Syrian conflict at the Stiftung Wissenschaft und Politik (SWP) (German Institute for International and Security Affairs). She left Syria in 2012 due to the war.

Becker met Accused Raslan when he was aligned with the opposition. She said it was interesting to meet him due to his experience in Syria and she was looking for a conversational partner. Becker said that [redacted] and his daughter [redacted] recommended him to the German authorities, but later added that it could have been other individuals.



Becker stated that Raslan asked her to request the foreigners' registration office to help him, but the office suggested that he seek help from the State Criminal Police Office in Berlin. Becker stated that she cannot recall the exact details of this incident.

Accused Raslan told Becker about the events in 2011-12, the intelligence services and Al-Nusra. He also told her about the Al-Houla massacre and that he was under pressure because the intelligence services threatened his family.

He did not tell Becker about the nature of his work with the regime.

The judge asked Becker about her impressions of her discussions with Accused Raslan, and Becker replied that when a researcher speaks with individuals about what happened in Syria, there is a 50-50 chance that the statements are true or false, and she was not sure of what she is being told.

Becker stated that Accused Raslan had called her, asking for help and stating the Syrian intelligence services were monitoring him.

Becker spoke about her background, stating that people call her "Mother of the Syrians," because she speaks their dialect, helps them and brings attention to the situation of Syrian refugees.

Becker said that she was wary because Accused Raslan worked with the intelligence services. When asked if she knew the nature of his work with the intelligence services, she acknowledged that offences are committed in a sector like the intelligence services, but she cannot say exactly what type of offenses they would be.

When asked if she knew how Accused Raslan came to Germany, she said no.

Accused Raslan called Becker on another occasion and asked her to meet him and his wife in a café. He asked for Becker's help in bringing his daughter to Germany. Becker stated she could not help, but he insisted. Becker refused, left the table, and Accused Raslan's wife followed her and asked her "OK. How much do you want?", which was suspicious and disappointing to Becker.

Counsel Patrick Kroker, plaintiff's representative, asked Becker about the regime's stability in 2012, and Becker replied that the regime was under pressure. Kroker asked if she knew about the role of intelligence apparatuses in Syria, and Becker confirmed, stating that this was common knowledge among the people in Syria.

Counsel Kroker asked if she knew about the methods of torture in Syria, and Becker mentioned some methods like Falaqa, the German chair and beating until death. When asked if this occurred before 2011, Becker said yes.



Counsel Michael Böcker, one of Accused Raslan's defence lawyers, asked whether Becker would be willing to go to the police with him if he felt that he was being followed by Mossad. She answered that she might only if she was an expert in Israeli affairs.

Counsel Böcker asked whether Becker brought German authorities with her to her arranged meetings with Accused Raslan without Raslan's knowledge. Becker asked for clarification, and Böcker clarified by mentioning authorities like BND (the German Federal Intelligence Service). She said that she does not remember such a thing. Böcker emphasized that he was talking about the BND, and questioned how she would not remember such a thing. Becker affirmed that she does not remember any such instance.

Counsel Böcker asked about the Sunnis and Alawites, and the effect of this on power in Syria. Becker asked for clarification, and Böcker gave a past example of the Catholics in Europe. Becker responded and stated that until the beginning of 2011, the population consisted of about 70% Sunnis and about 10 – 12% Alawites. The Alawites occupied key positions as Bashar Al-Assad's father (Hafez) built security and intelligence apparatuses in that manner so other sects do not have a big role.

Counsel Böcker asked for historical context regarding the disproportionate power between the two sects. Becker replied that Sunnis predominantly controlled the economy until the 1950s, which changed after the rule of Al-Ba'th party.

Counsel Böcker asked what it is like when a Sunni and an Alawite met each other in normal life. Becker said that in normal life, it does not have an important effect. The regime was integrating other sects and ethnicities in the system, so they remain loyal to it. She added that Sunnis were surveilled more than others.

Counsel Andreas Schulz, one of the plaintiffs' representative, asked if she knows Asef Shawkat آصف شوكت. Becker said that he is Bashar al-Assad's brother-in-law and that he is an important figure in the regime. Schulz asked if she knows other Sunnis who have high positions in the regime, and Becker answered that these positions are not exclusively for Alawites, as the most important thing is that they have loyalty towards the regime. Non-Alawites are positioned in the regime to maintain stability in the country. When asked if she knows other similar Sunni commanders who have committed offences, Becker responded yes, but said that she cannot give examples at the moment.

Counsel Schulz asked Becker how many individuals were working at the German embassy in Damascus during her tenure, she said 40. Schulz continued to ask Becker if she met someone from BND, but the Judge interrupted him, stating he had gone off course [it was irrelevant].

Counsel Kroker asked Becker if she knew Anwar al-Bunni and his case while working at the German embassy in Damascus, and Becker said yes.



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Senior prosecutor Jasper Klinge asked if there were other defected Sunni commanders, and Becker said there were many who began to defect in June and July 2011. Klinge asked if she talked with other defectors and Becker said yes. When asked where she spoke with them, Becker said Turkey and Germany. Klinge asked her if she can mention some of the names of individuals who are now in Germany, but Becker said she cannot remember.

The proceedings were adjourned at 11:45 am.

The next trial will be May 27, 2020 at 9:30 a.m.





**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 3

Hearing dates of May 27, 28 & 29, 2020

**Summary / Highlights**

**Trial Day 7**

- Three witnesses—a police inspector, translator and police high commissioner—testified about their questioning of Eyad Al-Gharib. The police inspector testified that Accused Al-Gharib shared details about his work in the intelligence services and Branch 251's hierarchy, including Accused Anwar Raslan who he said was the head of investigations. During his questioning, Accused Al-Gharib said that 100 detainees arrived at Branch 251 every day. He described torture techniques imposed at the branch such as Shabh and drew a sketch illustrating where detainees who died at the branch were buried. The Defence sought to exclude Al-Gharib's statements from the evidence because Al-Gharib was questioned as a witness and not as an Accused.

**Trial Day 8**

- A police chief superintendent and a chief inspector testified about their interview with Anwar Raslan. The chief superintendent stated that Accused Raslan spoke about his work in Syria and his experiences in Germany where Accused Raslan felt as if he was being watched by the Syrian intelligence. The second witness, the chief inspector, testified that Accused Raslan shared with her multiple incidents where he claimed the intelligence services were watching him.

**Trial Day 9**

- A police chief inspector testified about his questioning of Accused Raslan, where he testified that Accused Raslan spoke about his past work in the intelligence services and how he came to Germany. The Judge, Accused Raslan's attorneys and plaintiff's attorneys questioned the witness.
- Proceedings were adjourned until June 3, 2020.

**Trial Day 7 - May 27, 2020**

There were about 11 spectators and 2 individuals from the media present. The proceedings began at 9:30 am.

Matthias Schuster, one of Eyad Al Gharib's defence attorneys, stated that his client was not notified that he was being questioned as a suspect. Therefore, he requested that the statements Accused Al-Gharib provided to Investigators [name redacted], [name redacted], and [name redacted] be excluded as evidence.



### Testimony of Manuel Deußing

The 1st witness was Manuel Deußing, a 36-year-old inspector with the criminal police who shared details about his questioning of Accused Al-Gharib.

According to Deußing, Al-Gharib stated he was born in Damascus, and that he lived there and in Muhasan (Deir ez-Zor). When Accused Al-Gharib was 20 years old, he began to work under Kamal Al-Ahmad in Division 40.

Deußing testified that Al-Gharib mentioned a specific incident where 5 people were killed near the grand mosque (الجامع الكبير) in Duma in September 2011. Al-Gharib stated that they were detaining people in Al-Khatib branch, and that someone once got hit on his head and died.

Deußing stated that Accused Al-Gharib and his family came to Germany from Athens in the beginning of 2018 through the UN.

On August 16, 2018, the Office of the Federal Prosecutor interviewed Accused Al-Gharib as a witness, one month after they began Accused Raslan's questioning. The arrest warrant for Accused Raslan was issued three days before the Al-Gharib's questioning began. Accused Al-Gharib was informed about his rights as a witness during his questioning; Al-Gharib was able to understand the translator and provided consent.

Accused Al-Gharib spoke to Deußing about his work background. Deußing stated that Accused Al-Gharib worked at the general intelligence and did an anti-terrorism training. He used to work in Duma and its surrounding area under the Al-Khatib Branch. After the army's takeover of Duma, Al-Gharib was transferred to the "storming" division, and then to Zabadani. He went back to Damascus to work in the "religion" division under the command of Kamal Al-Ahmad كمال الأحمد in Branch 251. Afterwards, he was transferred to Division 40 under the command of Hafez Makhoul حافظ مخلوف. Accused Al-Gharib then defected.

Deußing asked Accused Al-Gharib to describe the structure of Branches 251 and Division 40; he provided information and [Al-Gharib] drew some sketches [see below].

Accused Al-Gharib said to Deußing that he was in command of a checkpoint in Duma. People who were detained were transported to Branch 251 by buses. Accused Al-Gharib stated that his colleagues beat detainees on those buses.

The Judge asked Deußing about the exchange of information between the criminal police and the Federal Office for Migration and Refugees (BAMF). Deußing replied information is shared between entities if it is determined that an individual committed criminal offenses or if the person is a member of certain groups.



The Judge asked Deußing about the translation process during the questioning, and Deußing noted that he ensured that there was both a direct translation and reverse translation (whereby the interviewee is asked to confirm the accuracy of the translation).

The Judge asked Deußing about his impression of Accused Al-Gharib, and he said that Al-Gharib was relatively calm. When Deußing asked Accused Al-Gharib if he used violence against protesters, Deußing stated that Accused Al-Gharib said that he did not use violence against protestors and that violence against civilians was illegal.

Hannes Linke, Counsel for Accused Al-Gharib, asked Deußing why police conducted their investigation on Syrian intelligence. Deußing replied that following the release of the Caesar report and reports on torture by Amnesty International and Human Rights Watch, the police began investigative proceedings.

Counsel Michael Böcker, one of Accused Raslan's defence lawyers, asked Deußing to provide the exact year of the reports as Deußing was only mentioning the months. Deußing replied that he needs to refer to his files, but thinks it was in the beginning of 2018.

Counsel Böcker asked Deußing if he remembered the witness Z28 [pseudonym]. Deußing confirmed that this witness told him about the structure of Al-Khatib. Böcker asked Deußing about detention in Branch 251 and Deußing said that brutal torture occurred, but some detainees in 251 and 285 do not experience torture. Böcker asked if Deußing was questioning Al-Gharib as a witness or an accused. Deußing said as a witness, just as senior prosecutor Jasper Klinge instructed him to do.

Deußing stated that Accused Al-Gharib described Branch 251 as well as its religion and students' divisions [division that monitored student activity/colleges]. Al-Gharib mentioned that Accused Raslan was the head of the investigation unit and that Kamal Al-Ahmad was the head of the religion division. Al-Gharib further told Deußing that Branch 251 had multiple checkpoints and that he used to work in one of them.

Referring to Accused Raslan's questioning in July 2018, Counsel Böcker asked whether Deußing communicated with the Federal Prosecutor. Deußing affirmed and stated there was communication with senior prosecutor Jasper Klinge. Deußing called the Federal Prosecutor to ask how to proceed with the questioning, and the office told Deußing to proceed by considering Accused Al-Gharib a witness.

Accused Al-Gharib mentioned to Deußing a torture tactic (used even prior to 2011) that included pouring boiling water over detainees' bodies. Following 2011, Accused Al-Gharib said to Deußing that there was more freedom to use other torture methods. Accused Al-Gharib added that around 100 people were detained at checkpoints on a daily basis, and he identified the location of these checkpoints using google Maps during the questioning.

Counsel Linke asked Deußing about witness 280716 [pseudonym], who was questioned before Accused Al-Gharib and who had claimed that interrogations in Branch 251 or 285 were always conducted without torture. Linke wanted to know if this meant there was a general suspicion of



misconduct at 251 prior to Al-Gharib's questioning. Deußing replied by stating that the federal prosecutor handled such matters and his job was to only conduct the questioning.

Deußing asked Accused Al-Gharib about his duties in Damascus. Accused Al-Gharib replied that he used to research and collect information from mosques, and report if the Imam or anyone else would say anything against the government.

Mr. Scharmer, a plaintiff's attorney, asked Deußing if Accused Al-Gharib had any reaction or admonition during the questioning, but Deußing stated no.

Deußing asked Accused Al-Gharib about his experience and his reasons for leaving Syria. Accused Al-Gharib answered that the intelligence services have always committed crimes against humanity, and the government discriminates against minorities and based on religion, especially against Sunnis, who were subjected to more punishment.

Accused Al-Gharib also mentioned to Deußing that he did not say everything to the Federal Office for Migration and Refugees (BAMF) during his interview with them, because there was not enough time.

During his questioning with Deußing, Accused Al-Gharib told Deußing that detainees were transported to the Al-Khatib branch via buses, where they were beaten and one of them got hit on his head and died. Accused Al-Gharib said that between May and June 2011, the detainees did not have enough ventilation in their cells. He added that some died and were transported to Al-Mojtahed hospital, مشفى المجتهد, before their bodies were buried in mass graves.

Accused Al-Gharib provided more details on Branch 251 to Deußing. He described Branch 251's hierarchal structure in the order as follows: Tawfiq Younis, أنور رسلان, Anwar Raslan, Kamal Al-Ahmad, كمال الأحمد, Basel Habib, باسل حبيب, Abu Ali أبو علي [i.e. "Father of Ali"] (he said that he does not know his real name). He also mentioned the number of the members in each division. Accused Al-Gharib drew sketches of Branch 251's building, the buses' garage, basement, stairs and the location of where the interrogations were conducted (see sketches below).

During the questioning, Deußing asked Accused Al-Gharib whether there were any personnel changes at Branch 251. Al-Gharib replied that if someone was suspected not to be loyal, they were relocated to Branch 295, where it was easier to get rid of him or have him killed.

Accused Al-Gharib also stated to Deußing that some detainees were released in April and May 2011, after they signed that they will not be joining demonstrations again.

Senior prosecutor Jasper Klinge asked Deußing to enumerate some torture methods, which the latter did. Deußing mentioned Falaqa and electric shock. Klinge asked if Deußing can explain what Shabh is and Deußing explained it [hanging a detainee above the ground by only his/her hands]. Klinge further asked if Deußing knows where the individual's hands should be hanged during Shabh, but Deußing answered that no one told him this detail.

Andreas Schulz, a plaintiff's attorneys, asked Deußing to explain the "detainees play." Deußing said that Accused Al-Gharib told him that in the late 2011 (before Arab league delegates came to Syria to see the prison), some members of Al-Khatib branch pretended that they were injured due to being shot by the opposition. They were filmed in Al-Mojtahed hospital as if they were wounded, with the plan to portray to the public that they were victims of armed assaults. This was done with the



permission of Tawfiq Al-Younis توفيق اليونس and under the supervision of Habib Fadel حبيب فاضل. Furthermore, other members were acting as alleged detained armed assailants to give fabricated testimonies.

*Judge Kerber then started to read the transcript of the questioning.*

During the questioning, Deußing asked Accused Al-Gharib if he had relatives in Syria, and he stated that he had a sister in Syria.

Accused Al-Gharib elaborated to Deußing about the Hafez Makhoul incident in Duma in 2011 near the grand mosque. Hafez Makhoul came riding his “Hammer-like” Mercedes and shot on the demonstrators. The location of the grand mosque was shown on google earth via the projector in the courtroom. Accused Al-Gharib stated that he saw Makhoul with his eyes shooting on them using an AK-47. Some of the demonstrators were killed, some detained, some wounded, and others escaped. Accused Al-Gharib heard Makhoul saying, “The ones who love Bashar, shoot!” Accused Al-Gharib mentioned that some Alawites started shooting along with Makhoul; he could only identify one of them: Zaydoun Barakat زيدون بركات.

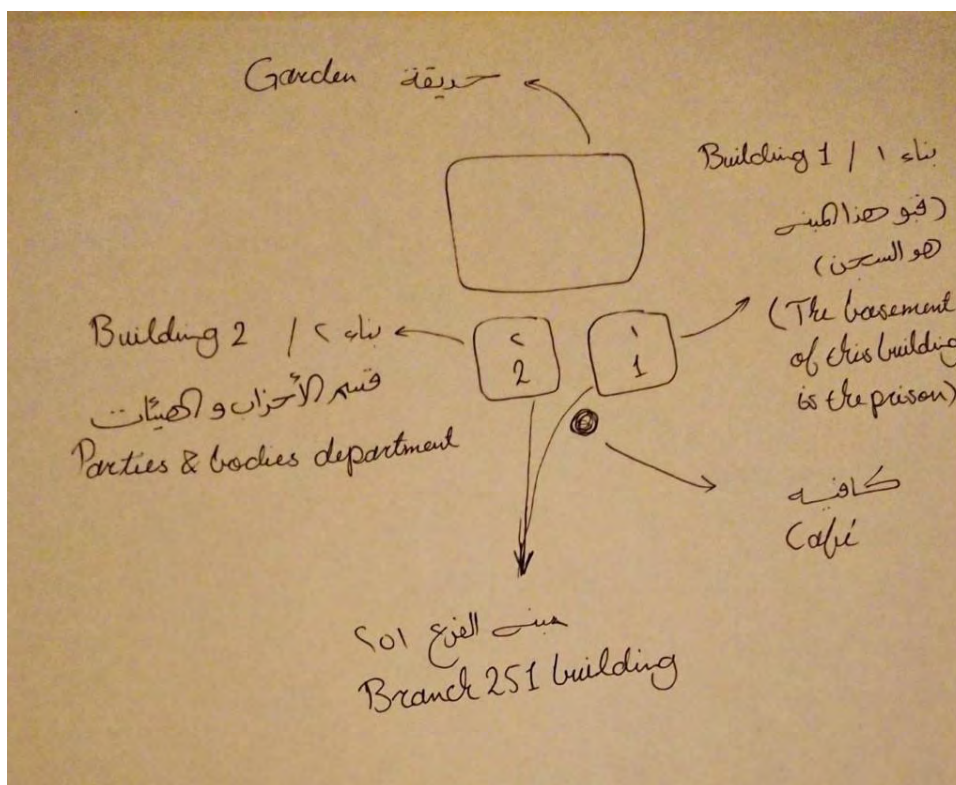
Accused Al-Gharib told Deußing that beatings on the buses were not very aggressive in comparison with the beatings the detainees received when they arrived at the branch. The prisoners’ screaming and crying in their cells from the torture could be heard in the cafe [see the sketches below for a map of the prison].

Accused Al-Gharib described and drew a sketch (in Arabic) of the leaders of the divisions in the order as follows:

1. Head of Branch 251: General Brigadier Tawfiq Al-Younis  
رئيس الفرع 251: العميد توفيق اليونس
2. Head of Investigations Division: Colonel Anwar Raslan  
رئيس قسم التحقيق: العقيد أنور رسلان
3. Head of Religions Division: Kamal Al-Ahmad  
رئيس قسم الأديان: كمال الأحمد
4. Head of Students Division: Basel Mohammad  
رئيس قسم الطلبة: باسل محمد
5. Head of Operations Division: Habib Fadel (Abu Ja’far).  
رئيس قسم المهمات: حبيب فاضل أبو جعفر

***Sketch of a map of Branch 251 (shown via the projector):***





Accused Al-Gharib mentioned to Deußing that [name redacted], an acquaintance who used to work in Branch 251, defected on October 11, 2012. Accused al-Gharib told Deußing that he visited [name redacted] once and saw the prison.

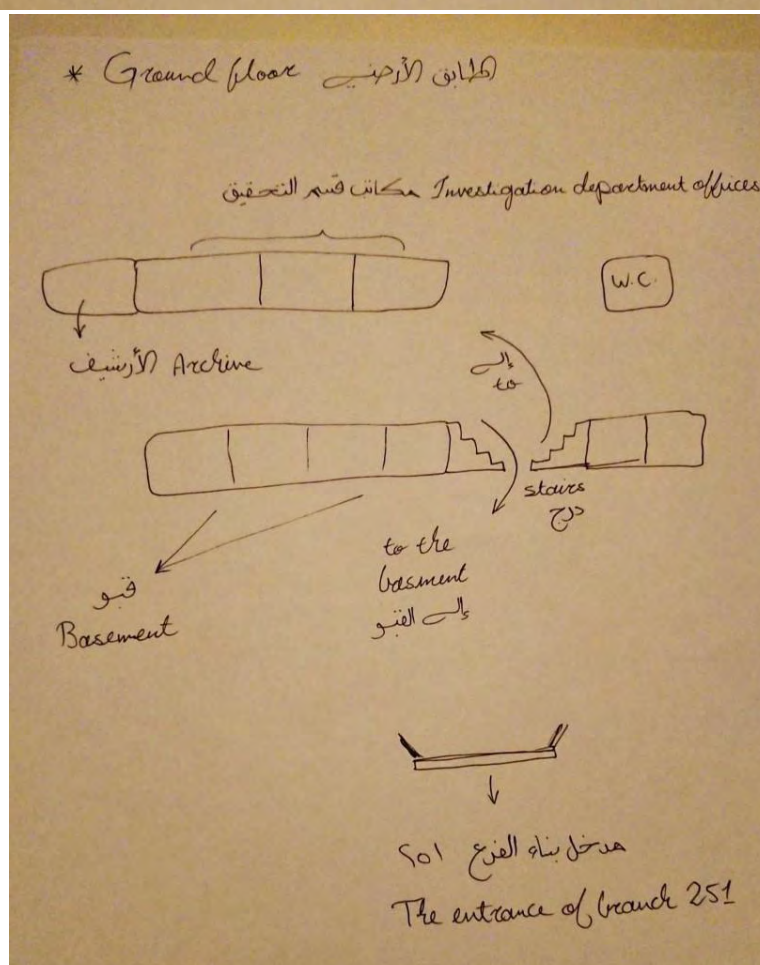
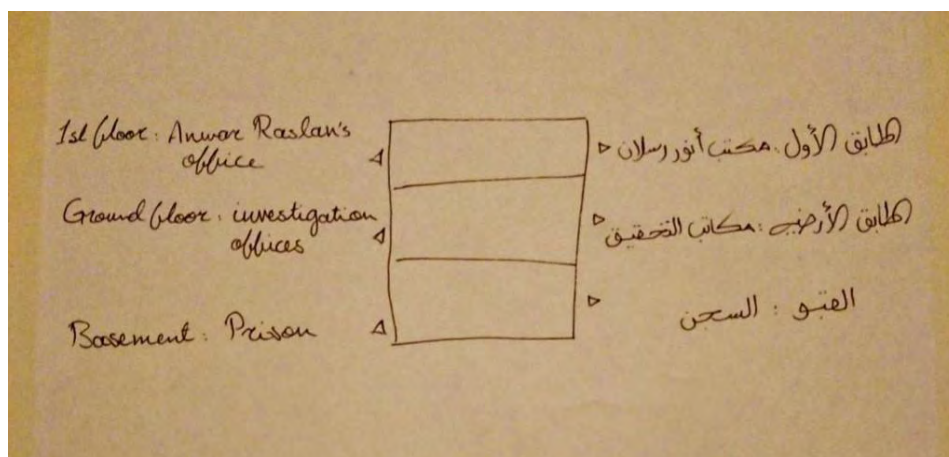
Accused Al-Gharib told Deußing that detainees were delivered to Branch 251 usually on Fridays and some of them left the prison dead.

Deußing stated that he always told Accused al-Gharib that they can take a break during the questioning whenever he wanted to.

A photo of the location of Accused Al-Gharib's checkpoint was shown via the projector.

Accused al-Gharib said to Deußing that around 100 people were detained on a daily basis, and six members of Branch 251 along with 23 members of the presidential guards were working at his checkpoint.

**Sketches of Branch 251's layout (shown via the projector):**



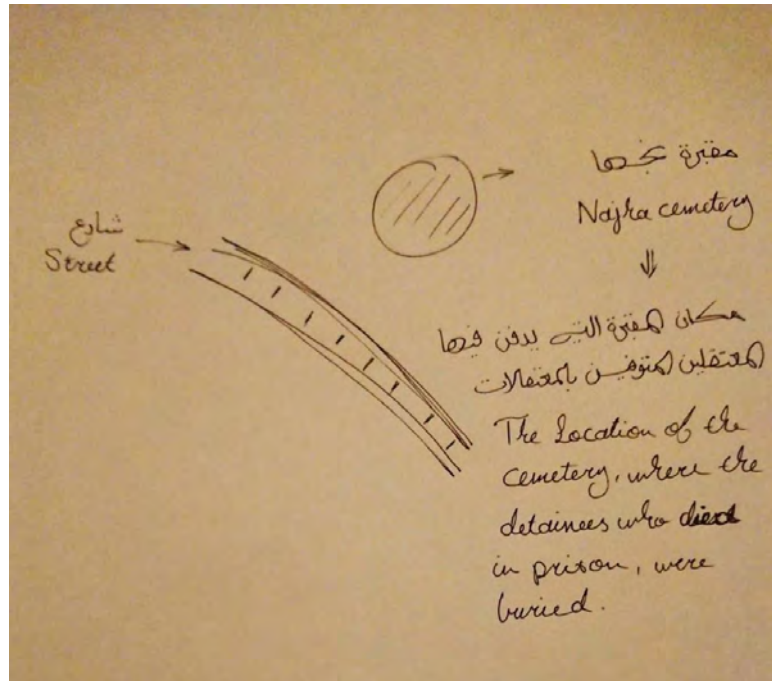
Deußing asked Accused Al-Gharib what he knew about Accused Raslan and Al-Gharib said that he only knew that Accused Raslan defected. Deußing asked if he saw Accused Raslan receiving or meeting detainees himself, and Al-Gharib said no. Deußing asked Accused Al-Gharib if Accused Raslan was able to punish people who were responsible for torturing and Gharib said he did not think so as Accused Raslan is a Sunni. Accused Al-Gharib denied personally witnessing any interrogation and stated that he never entered Accused Raslan's office.

Accused Al-Gharib stated to Deußing that he once saw Tawfik Al-Younis and Hafez Makhoulf in a car in At-Tal.



Deußing asked Accused Al-Gharib if Hafez Makhlouf حافظ مخلوف used to report to Ali Mamlouk علي مملوك directly, and Al-Gharib answered no.

***Sketch of where detainees in prison were buried:***



Accused Al-Gharib stated to Deußing that the detainees who died in prison were transported to Najha نجها cemetery, if their corpses showed signs of torture. Otherwise, the corpses were delivered to Al-Mojtahed المجتهد hospital. He stated that this was done in May and June 2011. The corpses were transported 10 at a time from the basement mainly at night using a pick-up truck.

Deußing asked Accused Al-Gharib about Caesar [the photographer] and Al-Gharib said that Caesar was responsible for taking photos of the corpses, but that he does not know him personally.

Accused Al-Gharib told Deußing that after he defected, others defected as well and some of them went to Muhasan. [Name redacted] defected from Branch 251 and is in Stuttgart, Germany. [Name redacted] defected from Branch 295 and is in Greece. Accused Al-Gharib stated to Deußing that [name redacted] told Al-Gharib that the car used in the bombing of the Damascus general intelligence building was prepared in Branch 295.

**Various photos were shown through the Court's projector, and Deußing stated to the Court what Accused Al-Gharib told him about these photos during his questioning.**

- A photo of a corpse taken from the Caesar file was shown, with these numbers on it: 1099; 251 and 4558.
- A photo was shown and Deußing identified the person as Ali Mamlouk علي مملوك.
- A photo was shown and Deußing said that he does not know the individual, but Accused Al-Gharib might have seen the person in the branch.
- A photo was shown and Deußing said that it was Rostom Ghazali, رستم غزالي, but he was not sure (the photo belongs to [name redacted]).



- A photo was shown and Deußing said that he cannot recognize the person in it.
- A photo array of 12 individuals of similar appearance was shown during the interrogation and Accused Al-Gharib was able to recognize Raslan's photo. The photo array was shown in the courtroom.
- A photo of a person was shown and Accused Al-Gharib thought the person was Hafez Makhoulf, but it turned out to be someone else.

Deußing asked Accused Al-Gharib if he knows someone in Europe who committed criminal offences. Accused Al-Gharib mentioned an ISIS member called [name redacted].

Senior prosecutor Jasper Klinge asked if he heard about [name redacted], who was mentioned by Accused Raslan as potential witness. Deußing said that this person used to monitor demonstrations and got some videos of some on his phone. The UN tried to contact him; he is considered an inside-informant for them.

Dr. Patrick Kroker, plaintiff's representative, asked if Deußing asked Accused Al-Gharib about [name redacted] and [name redacted]. Deußing said that one witness mentioned [one of the redacted names].

Counsel Kroker asked if Deußing asked Accused Al-Gharib about [name redacted], who is in Greece. Deußing said that he tried to ask about the important people only. Therefore, he did not bring up [name redacted], because he lives outside Germany.

Judge Kerber asked Deußing about his impression after interrogating Accused Al-Gharib. Deußing replied that Al-Gharib was cooperative and answered questions, and there were no discrepancies with what Accused Al-Gharib stated to the Federal Office for Migration and Refugees (BAMF), nor were there any contradictory statements that conflict with Accused Raslan's statement.

#### Testimony of Sami Koca

The 2<sup>nd</sup> witness was Sami Koca, a 59-year-old translator from Germersheim.

The Judge asked Koca if there were difficulties understanding what was said during Accused Al-Gharib's questioning with inspector Deußing. He stated that Deußing asked Accused Al-Gharib during the questioning if he had difficulty understanding, and Al-Gharib replied no. Koca said that Al-Gharib drew the sketches in Arabic and Koca later translated them.

#### Testimony of Alexander Frey

The 3<sup>rd</sup> witness was Alexander Frey, a 32-year-old high commissioner at the Federal Criminal Police Office in Meckenheim.

Frey stated that inspector Deußing conducted the questioning while he took notes. Accused Al-Gharib told Frey and Deußing that he was a commander of a checkpoint and that he detained people. Frey stated that Deußing told Accused Al-Gharib that they needed a break and called the federal prosecutor's office.

Counsel Matthias Schuster, one of Accused Al-Gharib's attorneys, asked Frey when he began to work on Al-Gharib's case. Frey said since March 1, 2019.

The proceedings were adjourned at 2:30 p.m.



### **Trial Day 8 - May 28, 2020**

There were about 13 spectators and 2 individuals from the media present. The proceedings began at 9:30 am.

Chief Judge Dr. Anne Kerber stated that Mr. Himmler, a translator at Mr Björn Schmidt's interview with Accused Raslan, could not appear because he was sick. Chief Judge Kerber added that Himmler might not be called to testify at a later date.

### **Testimony of Björn Schmidt**

The 1<sup>st</sup> witness was Björn Schmidt, a 52-year-old chief superintendent at LKA (State Criminal Police Office) in Berlin, who spoke about his interview with Accused Raslan.

Schmidt said that he saw Accused Raslan's criminal complaint (originally mentioned in Trial Day 6) and its translated version by Petra Becker.

Schmidt is responsible for investigating people who have backgrounds in military or intelligence services. Schmidt pointed out that that he was interrogating Accused Raslan as a witness.

Schmidt asked Accused Raslan about the nature of his work. Accused Raslan told Schmidt that he used to work at the intelligence services and that he has a legal background. Accused Raslan said he completed his education with the police, and graduated top three in his class. Raslan said he used to work in Branches 251 and 285 and was mainly responsible for the Ar-Rawda الروضة and Al-Maalki المالكي neighborhoods in Damascus (they were locations of embassies).

According to Schmidt, Accused Raslan conducted surveillance of Islamic organizations until 2007, and was responsible for taking care of members of Iranian Intelligence services when they visited Damascus. For a short period of time (until 2008), Accused Raslan was responsible for the security of ministries and external affairs. Between 2002 and 2008, Accused Raslan used to investigate organisations like Al-Qa'eda since they began existing in Iraq.

Accused Raslan said to Schmidt that he faced pressure from his family, the Al-Houla massacre and the regime. His wife called him once and asked how he could work with the regime.

The witness testified that Accused Raslan fled to Jordan with his family and hid there until 2014. Because Accused Raslan fled, his name was shared with border crossings in case they were able to catch him. Accused Raslan told Schmidt that if he had been caught, the punishment surely would have been death.

The Judge told Schmidt that there was an opposition figure who sent an English translated version of Accused Raslan's C.V. to the German Embassy. The Judge asked if Schmidt remembered the name of this figure. Schmidt said the name was [redacted].

According to the witness, Accused Raslan said that Al-Jazeera conducted interviews with him in Jordan in 2014. He also mentioned that he worked with the opposition and was a delegate for them.

Accused Raslan told Schmidt that he grew suspicious about one of his acquaintances, since the individual was asking Raslan many questions.

Schmidt mentioned Accused Raslan's letter to the police of suspicious activities, originally mentioned in Trial Day 6. Raslan told Schmidt about events that made him nervous, including a visit to the



doctor where the doctor asked Raslan about his work in Syria and asked to take a photo with him. In another appointment, Accused Raslan was in the waiting room and looked through the window to find two persons, whom he suspected to be Syrians. The two persons drove away with a car when he got out from the clinic. Accused Raslan mentioned an incident that involved two individuals following him from the doctor's clinic into the S-Bahn [city train]. These individuals were wearing headphones and Accused Raslan was sure that they were member of the intelligence services.

Schmidt said that he does not believe that the Syrian embassy is capable of organizing surveillance operations and that such procedures are unlikely and improbable.

Accused Raslan said to Schmidt that during his training at the police, he was taught to differentiate people based on their ethnic and geographical background through methods such as identifying their face and dialects.

Schmidt asked Accused Raslan if he was in contact with external intelligence services. Raslan replied that he shared information with the Syrian opposition, Jordanian intelligence and American intelligence after he defected. Accused Raslan added that he had data and information on his old laptop, but his children broke his laptop in Jordan, and thus, he lost this data. However, Schmidt did not find this believable and plausible.

The Judge asked Schmidt if he communicated with others regarding the case, and Schmidt stated he was in contact with BKA (Federal Criminal Police Office), the Ministry of Foreign Affairs and Petra Becker [a witness who testified on Trial Day 6].

Schmidt said Accused Raslan appeared to be unsatisfied during the questioning, because Schmidt did not seem to believe him. Schmidt found it strange that Accused Raslan waited and did not report the incident that involved two individuals monitoring him immediately to the police, as Raslan could have identified the vehicle license plate.

The Judge asked Schmidt about his view on Accused Raslan's statement about being followed, and Schmidt said that he was skeptical.

The Judge asked Schmidt who specifically he was in contact with at the Ministry of Foreign Affairs. Schmidt said with Mrs Drechsler.

The Judge asked Schmidt if he knows if Accused Raslan had a role within the opposition. Schmidt said yes, but stated he did not recall exactly what Raslan's role was.

Schmidt stated that people who work in intelligence are generally skeptical and think that they are being watched. Schmidt believed Accused Raslan was overreacting to the situation.

Schmidt said that the case was forwarded to the BKA (Federal Criminal Police Office).

The Judge asked Schmidt his opinion of the translator at the questioning, and Schmidt said that the translator was very good and the translator studied Arabic since the DDR era (German Democratic Republic).

Schmidt stated that he did not understand why Petra Becker, a witness called on Trial Day 6 and a representative of the SWP (German Institute for International and Security Affairs) was involved with Accused Raslan. The Judge asked Schmidt if he had asked Becker about this and Schmidt said no.



Dr. Anna Oehmichen, a plaintiff's attorney, said that she could not find the part that mentioned that the translator studied in the DDR in the transcript. Judge Kerber gave the page number to Oehmichen.

### Testimony of Anja Krüger

The 2<sup>nd</sup> witness was Anja Krüger, a 30-year-old chief inspector at the Berlin police (Directorate 5), who testified about her interview with Accused Raslan.

Krüger said that Accused Raslan mentioned multiple incidents where he claimed the intelligence services were watching him (these incidents were the same incidents mentioned above by Björn Schmidt) and said they were a threat to him. Accused Raslan said he was under pressure as he had family problems. Krüger said that Accused Raslan was anxious and afraid.

The proceedings were adjourned at 11:00 a.m.

***The Syria Campaign and Families for Freedom attended the trial. At page 12 photos of their demonstration outside the Courthouse can be found:***





### **Trial Day 9 - May 29, 2020**

There were about 11 spectators and 2 individuals from the media present. The proceedings began at 9:30 am.

### **Testimony of Martin Holtzky**

The 1<sup>st</sup> witness was Martin Holtzky, a 51-year-old chief inspector at the LKA (State Criminal Police Office) Baden-Württemberg, who questioned Accused Raslan. Specifically, Holtzky called Accused Raslan as a witness following an interrogation about incidents that occurred during demonstrations in Hama.

Holtzky explained that when a witness is called, his rights and the official procedures are explained to him. He stated that Accused Raslan agreed to take part in the questioning.

Judge Kerber asked Holtzky about Accused Raslan's personal life. Holtzky said that Raslan said he had 7 children—6 of whom are in Germany. Raslan said he studied law and after his graduation, he joined the police before working in the intelligence services in Branches 251 and 285.

Judge Kerber asked if Accused Raslan mentioned cities that he worked in. Holtzky said that Raslan said that he worked in multiple locations including Damascus and Tartous; Raslan specifically stated that he did not work in Hama.

Holtzky asked Accused Raslan if he has any information about [name redacted] and Branch 320 but Raslan said no.

Holtzky said that Accused Raslan left Syria in 2012 due to the family pressures and the Al-Houla massacre. Raslan stayed in Jordan until 2014, and then went to Germany with a visa issued by the German authorities. Holtzky did not recall the name of the opposition figure who helped Raslan in the visa process. Judge Kerber asked Holtzky if the name [redacted] rings a bell, and Holtzky affirmed that it could be the name of that previously mentioned opposition figure.

According to Holtzky, Accused Raslan stated that there were criminal offences committed in the branches. Raslan added that some detainees died, were transported to the hospital and were photographed.

Holtzky asked Accused Raslan about his tasks in the branch. Raslan said that he was responsible for the interrogation, which Raslan said sometimes was conducted harshly and other times, peacefully. Accused Raslan said that one cannot be courteous all the time in his past position. Accused Raslan claimed that he did not use violence, did not order violence to be used, and that he was trying to avoid violence.

Holtzky testified that Accused Raslan requested to be transferred to the Ministry of Interior.

Holtzky testified that Accused Raslan claimed that no weapons were used to suppress demonstrations before August 2011, aside from batons and tear gas. But afterwards, presidential guards used machine-guns.

Holtzky said that Accused Raslan was communicative, willing to help and had strong knowledge about people, religions and locations in Syria. Holtzky added there were no difficulties in



communication. Reverse translation was provided to Accused Raslan. Afterwards, the case was forwarded to the BKA (Federal Criminal Police Office).

The Judge asked Holtzky if he asked Accused Raslan whether Maher Al-Assad and Hafez Makhoulf had any relation to Branch 251. Holtzky said no [he did not ask Raslan].

Counsel Michael Böcker, one of Accused Raslan's defence lawyers, stated that travelling to Stuttgart (where he had his questioning with Holtzky) was inconvenient to his client.

Arne Bodenstein, one of Accused Raslan's defence lawyers, told Holtzky that after Raslan mentioned that corpses were transported from prison, Holtzky should not have asked follow-up questions as Raslan was being interrogated as a witness [and not as a suspect].

Dr. Oehmichen, a plaintiff's attorney, said that Holtzky mentioned once that 750 corpses were brought to the prison. However, the questioning's transcript stated that 750 individuals were brought alive, but some of them were corpses.

Counsel Manuel Reiger, a plaintiff's attorney asked Holtzky if he checked the authenticity of Accused Raslan's statement with other witnesses. Holtzky affirmed that he did corroborate key points in Raslan's statement.

The proceedings were adjourned at 10:30 a.m. The next trial will be on June 3, 2020 at 9:30 a.m.





**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 4

Hearing dates of June 3, 4, & 5, 2020

*Note: Some testimony includes descriptions of torture.*

*[Information located in brackets are notes from our court monitor].*

*(Information located in parenthesis is information stated by the witnesses themselves).*

**Summary / Highlights**

**Trial Day 10**

- Witness and plaintiff [name redacted] [P1], the first plaintiff to testify, spoke about his background, his experiences as a detainee in Syria and how he knows Accused Raslan. P1, a filmmaker, was detained twice, primarily due to his work and footage of demonstrations in Syria. He testified about his interrogations and the abuse and torture he experienced in the Al Khatib Branch, which included *Shabh*. He also spoke about the Branch's inhumane living and sanitary conditions, as well as the confined living space in the shared cells. Judge Wiedner asked how he knew Accused Raslan. The Witness said he was about 60-70% sure that his interrogator at Al-Khatib was Accused Raslan due to facial features that he remembers and conversations with other prisoners during his detention. Prosecutor Klinge questioned him further about his experiences in Al-Khatib.

**Trial Day 11**

- P1's questioning and testimony continued. He spoke further about the interrogation tactics used while he was detained, including threats and insults towards him and his family. He mentioned that he saw a child who showed signs of being tortured, and heard the screams of women in the prison. He spoke about his personal health and psychological conditions as a result of his experiences as a detainee. He stated that he believed he could recognize his interrogator's voice and that anyone who works at Al Khatib Branch is aware of the torture and abuse there.
- [Name redacted] [P2], a Syrian human rights lawyer, testified about his experiences as a lawyer in Syria and his experiences in detention. This Witness stated that the regime has detained his family members since 1977. He spoke about his five years in Adra prison, where he was arrested for his human rights-related work in Syria. Using his own experiences and the experiences of his detained clients, P2 shared his knowledge about the Branch 251's hierarchy, noting that it was the main branch that detained, tortured and interrogated detainees, before transferring them elsewhere. He testified how he identified Accused Raslan as the individual who delivered him to court while he was detained in Syria, and stated how he came across Accused Raslan three times in public places in Germany.

**Trial Day 12**



- **P2's testimony and questioning continued. P2 spoke further about Branch 251's hierarchy and noted that Division 40 was under Branch 251, and thus Division 40 followed 251's orders. Using his own experience and his clients' experiences, he described Branch 251's layout, including the underground prisons. He testified about the experiences of female detainees, and more specifically the sexual assault they endured. He stated that a non-Alawite could have a high-rank in the prisons, and stated he was able to distinguish a person's sect or hometown from their dialect.**
- **The next trial session will be June 24, 2020 at 9:30 a.m.**

### **Trial Day 10 – June 3, 2020**

There were about 15 spectators and 10 individuals from the media present. The proceedings began at 9:30 am.

Chief Judge Dr. Anne Kerber stated that witness Martin Holtzky [chief inspector who testified on May 29 about his questioning of Accused Raslan] sent a passenger receipt that belongs to Accused Raslan. The receipt was shown via the projector and listed Raslan's flights on Eurowings airline between Berlin and Stuttgart.

Counsel Arne Bodenstein, one of Accused Raslan's attorneys, filed an objection regarding the use of Accused Raslan's interrogation from 2017 in which Raslan explained where he worked, mentioned information about detainees and was asked about arrests and torture methods. The defence objected to the interrogation being used as testimony because it assumed that Raslan was being interrogated as an accused (as opposed to a witness), and thus no statements from that questioning should be admitted as evidence. Counsel Sebastian Scharmer, a plaintiff attorney, said that the objection was obsolete [no ruling was issued as it was no longer necessary].

Judge Kerber called upon the first witness, and explained to him that he will be questioned both as a witness and a plaintiff.

### **Testimony of P1 [Name redacted]**

The 1<sup>st</sup> witness was plaintiff [name redacted] referred to as P1 in Trial Monitoring Report #1], a 35-year-old film director. He testified in Arabic with German translation.

### ***Questioning by Judge Kerber***

Judge Kerber asked the witness to introduce himself. He testified he was born in [redacted] province to a mother with Kurdish origins and a Syrian father. His father was an Arabic teacher and his mother was a teacher. He has seven sisters and two brothers. He completed his elementary school education in his home village [redacted], and his junior high/preparatory education in a nearby town called [redacted] because there were not many schools in his home village. He went to high school in [redacted].

Judge Kerber said that she was aware that his father had two jobs. P1 explained that his father studied Arabic literature and was active in the political field. He said that his father wrote pieces, but never published anything due to regime oppression and censorship in the 1980s. He stated that members of his family, specifically three uncles, were detained. He said that this forced his father to collect everything he wrote, burn it and bury the ashes in the house's yard to protect the family. The



Witness mentioned that his father switched to teaching, but then left it as his father felt that he was not able to change anything within the community. He said this made his father become depressed, which affected the whole family. He stated that his father's decision to burn his writings and switch professions was needed to save the lives of his family members, and not get involved or entangled with the "criminal" regime.

Judge Kerber asked P1 to explain his father's work in sales. He testified that his father became a dealer in car replacement parts and sanitary ware parts in the town of Khan As-Subul خان السبل.

Judge Kerber asked P1 about his fields of study. He said that he switched between multiple fields of study. He said he first studied law, then switched to acting at the high institute of the dramatic arts, where he was advised by one of his teachers to study film directing. Judge Kerber asked him where he studied directing, and he said Lebanon. He mentioned that he wanted to specialize in cinema, so he went to France to study in English.

P1 also stated that he studied in France for three years. Judge Kerber stated that P1's academic journey lasted for a long time, and she asked him if he served his military service. He replied that he did not serve in the military. He said that he went back to Syria in 2005 or 2006, and applied multiple times for "open learning" [an education program in Syria that allows a wide array of people to enroll in classes. Many men used the program to delay their military service]. He said he always tried to register in universities so he would not join the army and that his family suffered from the Syrian army as it detained family members. Judge Kerber asked him to elaborate further on his education history. He said that he studied media for 3 years, but did not graduate.

### ***Witnesses involvement in the 2011 protests and 1st detention***

He testified that at the beginning of 2011, public movements began in Egypt and Tunisia. He added that him and his friends believed that this type of movement would reach Syria sooner or later, and it did on March 15, 2011. Judge Kerber asked him about his experiences in 2011. He mentioned that he took his camera and went to the streets on the first day, where there were short demonstrations. P1 said that he tried to film the demonstrations to inform the world what was happening in Syria. He testified that his filming included footage of how demonstrators were shot at, showed that tear gas was used, that people were beaten with batons, and how individuals at demonstrations were arrested and kidnapped. P1 added that later (he said he did not recall exactly when) he installed a camera in a taxi with the taxi driver's consent during a Friday demonstration in Al-Midan الميدان in Damascus. P1 said they drove through right when security forces attacked the demonstration. He added that shooting occurred. P1 stated that all his films were confiscated after he was arrested in Al-Khatib Branch.

In response to a question from Judge Kerber, P1 also testified that he was detained twice.

According to P1, the first time was at the end of March 2011. He said he was in Dahiyat Harasta ضاحية حرستا [Harasta suburb/outskirts], part of Al-Ghouta, الغوطة but the regime calls it Dahiyat Al-Assad. ضاحية الأسد. He stated that he was in an internet café with one of his friends before he was abducted. He answered that he was detained for a total of two months—he was first detained for one month in the Air Force Intelligence branch, and then he was transferred and detained for another month in another department. He testified that the Harasta Air Force Intelligence abducted him from the café and he was beaten on the way to the branch. He stated that he was fiercely hit by



a sharp object (he said he was not sure what the object was, but assumed that it could be a razor) on his face and the back of his neck. He continued and stated that when he arrived to the Air Force Intelligence branch, he was blindfolded and was hit on his face. He said he was not sure how many people were there, but he was certain that there was more than one person. He alleged that the beating was fierce and grave; as a result, he said he could hardly breathe for several days. P1 said that he was taken inside [the building] and went down a number of steps, where he was prostrated on the ground and was beaten by hard and sharp objects.

This was during his first detention. P1 said that there was someone who was killed there as a result of torture and children under ten-years-old.

Counsel Michael Böcker, one of Accused Raslan's attorneys, intervened and asked P1 if he saw this occurring during the night. Judge Kerber did not allow for questioning and said that questions will be asked later.

### ***Second detention in Branch 251***

Judge Kerber asked P1 about the second detention. He said that he was arrested due to materials he had filmed; he said he had a lot of filmed footage. He stated that he received information from a friend that "they" will continue chasing him and that he should be careful. Subsequently, he said he packed his stuff and a lot of his filmed material. He asked his friends if his name was distributed on checkpoints or was on the "wanted list," and his friends said no. He added that at this point, he left Dahiyat Harasta ضاحية حرسنا and moved to Mazzeh Sheikh Sa'd مزة شيخ سعد. He stated that there were demonstrations emerging from a mosque near his place of residence, several people were detained, and the area close to him was raided. He stated that the detainees' heads were covered by their t-shirts and people dressed in army clothes were beating them. He noted that it was a swift operation. P1 testified that his friend gave him a ride to the airport, and following his security check in the airport, a person summoned him. He said that this person and a few others took him to an empty corner, arrested him and covered his head with his t-shirt. He stated that they went upstairs and walked in a hallway before entering a room, where he found his two suitcases open and his stuff rummaged. He stated that they took his hard disk drives, and sorted his film material and his clothes. He said there was a computer that connected his hard drives and played his film materials.

Judge Kerber asked P1 when that was, but he said that he could not remember precisely. He said he could estimate since he remembered he spent his birthday (September) in prison. Judge Kerber told P1 that during a prior questioning, he said that it was in October. P1 replied and said it was in August and not in October, because he spent September entirely in the Al-Khatib Branch.

P1 continued his testimony of his second detention and said that he was transferred to another location, where the person in charge asked him why he was filming demonstrations and which part of intelligence services he was working for. He said the beating then started and lasted for about one–two hours. Afterwards, P1 was transferred via car, where he was also beaten. He testified that there were three other people in the car—one in the front, one on his right and another on his left. He said he used to have long hair, and they were pulling his hair and trying to pull his hair out. He added that one of the persons on his side told the one in the front that he wanted to take some hair. Additionally, he said his head was pushed downwards until he could not breathe, and they were trying to harm him with a sharp object on the back of his neck.



Judge Kerber asked P1 to clarify if the beating occurred in the first or second detention, and P1 answered that it occurred in both.

Judge Kerber asked P1 where he was taken, and he said that he did not know because he could not see around him. He said the car arrived at an unknown location, where he went upstairs and was put in a corridor. He stated that after a while, another detainee came and both he and P1 were prostrated on the floor. P1 said he talked to the detainee and asked him if he knew where they were. He stated the detainee told him that they were in the information branch [branch 255, one of the branches of the General Intelligence Directorate]. P1 said that he asked the other detainee how could he know, and the detainee answered that he was a taxi driver, was giving someone a lift and suspected the passenger could be a member of the security forces. The taxi driver told P1 that the passenger was criticizing the regime and the taxi driver did not defend the regime. Consequently, the security forces member [the passenger] forced the taxi driver to go to the Branch.

P1 said that afterwards, he was taken to a person in charge, who gave P1 a paper and a pen and told him to write down the names of all people P1 was allegedly working with and who P1 was filming material for. P1 said that he told the person the material was for himself, not for someone else. P1 testified that they started to beat him on his face and his lower limbs' muscles. He said he stayed there for about two and a half days, was then transferred by car (where he was also beaten) and arrived to another location, where he stayed for about two days. P1 said he was then transferred again by a car, where he was also beaten, to another location. P1 said he was not placed in a cell, but rather in an office. He said that after that, he was taken to Al-Khatib. When he arrived there, P1 said they pulled him down from a microbus, insulted and swore at him, beat him and went downstairs. He said that individuals at the branch also stole his mobile phone and his luggage so he was there without his belongings but with his passport. P1 testified that people were being beaten and tortured in an inner yard at the branch. P1 said that he was told to keep his head down, he was highly afraid and the screaming was horrifying. He stated that they beat him, took him to a shared cell and his body was smashed and broken.

Judge Kerber asked if the beating was with hands or with tools. P1 stated that the beating was committed via hands during his transportation between locations, while both sticks and hands were used at the Branch.

Judge Kerber asked P1 about the shared cell. P1 said that people were all over each other in a shared cell. P1 testified that there was a person at the corner, who seemed to be about 80 to 90 years old. P1 said that this man called P1 and told him to sit knees to the chest [P1 demonstrated the sitting position to the courtroom]. P1 stated there were also people standing. He added that the elderly man asked multiple prisoners to stand up and give some space to P1 so he could sit down. P1 said multiple prisoners were summoned on the first day, one of whom was a 14-year-old child. After a few hours, P1 said the child was brought back to the cell and his legs were bleeding, and some prisoners tried to stop the bleeding. He testified that there were prisoners, whose leg wounds were festering, and he could see through their faces that they were mistreated and were not capable of moving. P1 said that there were many elderly prisoners and a child. P1 stated that he was not summoned on the first two days. He said that prisoners were summoned on a daily basis; some were summoned and returned while others were summoned and did not return, but rather newcomers entered the cell. He testified that when the prisoners returned, he could see the signs of beating and



torture on their bodies and backs like in movies, and he stated that he could not even describe how horrible their condition was.

P1 testified that on the second or third day (he said he was not sure), he was taken to the interrogation. He stated that he was blindfolded, but was able to see from underneath because the blindfolds were made out of a cheap material. On his way to his interrogation, he said that he saw people being tortured. He said that some people were lying on the floor and were being tortured, and others were lying on the floor and were not moving. He stated that he was not sure if they were dead.

Judge Kerber asked P1 which floor the interrogation was conducted, and P1 said that he did not know because he was underground. Judge Kerber asked P1 if he was taken upstairs for the interrogation; P1 said that he always stayed in the underground level.

P1 stated that in the interrogation room, he sat down with his head facing down and there was a person in front of him sitting on a chair with no table between them. P1 said that the person crossed his legs (P1 said he wanted to show P1 that he was relaxed and prideful). P1 said the person spoke with him, did not remove his blindfold and told him that he knows that P1 is a director (P1 felt that the person was feeling powerful at that moment). P1 said that he lifted his head up and saw the person's face. The person was wearing shoes, a formal uniform and a tie. P1 stated that he glanced at a mole and did not know or see that person previously. P1 said that he kept note of the interrogator's mole as his mother had multiple moles and used to tell him that these were fulfilled wishes. P1 said that the person lowered P1's head down and asked P1 whether he saw him.

Judge Kerber asked P1 how he could have seen the interrogator's face when he was blindfolded. P1 answered that he saw him when he lifted his head up, before the interrogator lowered his head down. Judge Kerber asked P1 if he meant that he saw from underneath the blindfold, and P1 affirmed.

*The Court took a five-minute break.*

Judge Kerber asked P1 to clarify his reference to the mole as P1 did not mention the mole during his prior questioning in Germany. P1 said that he was exhausted at the questioning in Germany; it lasted too long (about 7 hours) and he said he was working on the montage phase of his very tough film at the time. P1 stated that he did mention the features of the interrogator's face during the questioning in Germany, and added that he did not mention details, because he was planning to forget everything during his stay in Germany. P1 said his questioning in Germany began at around 11:30 a.m. (he said he was not sure, but it was daytime), and there were breaks. He said he arrived in Germany after 12 hours of travelling on the previous day. He said his questioner in Germany was wearing a clean white shirt, which P1 said he could not forget, due to the prisoners' abysmal conditions in Syria. P1 testified that though these are small details, they are related to human dignity, which was the reason he left Syria and which is what the German constitution expresses in its first article.

Judge Kerber asked P1 to go back to what happened to him during his second detention. P1 said that the interrogator talked to a person, asked him what P1's profession was, and that person answered that P1 was a cinema director. He stated that another person behind the interrogator said, "this man is specialized in artists" [apparently telling P1 to get ready as this investigator is specialized for artists]





like him]. P1 said that the person in the back was speaking with the interrogator using a low tone, which made P1 feel that the interrogator in front of him had a higher rank. P1 stated that the person in the back did not address the interrogator with a name or a title, and P1 believed that it was on purpose to not let him know the interrogator's identity. He said the interrogator continued asking P1 questions about his personal life to confirm P1's identity. P1 stated the interrogator then asked him who he was filming the footage for, told him they knew everything and that P1 should not lie. P1 mentioned that the interrogator told him he has all the power to do whatever he wanted with P1 to get answers. P1 stated that he told the interrogator that he personally filmed and recorded the footage. He said the interrogator asked if someone helped him and P1 answered negatively (P1 told the court that he did not want to embroil anyone with him). P1 said the interrogator asked him which external parties he was dealing with, and P1 told the interrogator that he was a director and working on a film. The interrogator asked him "against the government?" and P1 did not respond (he told the court that he knew that they already knew everything, so it did not make sense to answer that question). P1 stated that the interrogator told him "don't answer" (in a threatening way). P1 said that he tried to raise his head up, but his head was lowered down again without being beaten. P1 said that cursing, beating and torturing were occurring around him. According to P1, it was as if he was being told that this is what would be happen to him, as the interrogator was letting him hear the sounds of torturing and the screams by taking pauses of silence.

Judge Kerber asked if the surrounding torturing, beating and screams were happening in the same room. P1 explained that the rooms were open towards each other and there was an open area behind him. P1 said that sounds were coming from every direction, and torture and interrogations were being conducted around him. P1 said that the interrogator asked him if he liked the President, and P1 responded that he did not know what to answer, because his film footage already answered the question and any answer from him would not help. P1 answered that he did not like the people around him [the President]. P1 mentioned that the interrogator did not respond to his answer, continued to ask if P1 had relations to the committees in Aleppo, Idlib and Damascus, and demanded the names of individuals P1 was dealing with inside and outside of Syria. P1 said he told the interrogator that it was for a film, it had nothing to do with anyone inside or outside of Syria, and that he was not dealing with any intelligence party. P1 said that the interrogator asked him if he was a French or American agent. P1 said that he was immediately afraid when the interrogator asked him that question [it seemed P1 was afraid to be accused of being a traitor], and he told the interrogator that he was a director and worked alone. P1 said that the interrogator told him again, "don't answer" (in the same threatening way). P1 said that the interrogator then called a person to "come here." P1 said he was then taken to the open area, where he was prostrated on the floor among the other people and they began to beat him. P1 said that he did not hear if the interrogator ordered anything, but the beating on the floor began only a moment after his interrogation. P1 said other interrogations occurred and after that specific one, he was taken to the solitary confinement cell.

Judge Kerber asked if the same interrogator conducted the other interrogations. P1 answered that he could guess from the interrogator's voice, clothes and shoes, but he was not 100% certain.

Judge Kerber asked how he went to the solitary confinement cell, and P1 answered that there were small stairs. He added that there were two other solitary cells, then stairs, a toilet and a hallway that leads to the interrogation rooms.



Judge Kerber asked how P1 identified Accused Raslan. P1 said that before his interrogation, he was in the shared cell. He said that prisoners in the shared cell used to share names of interrogators and information. P1 mentioned that he used to know some names but cannot recall them anymore. He said that a prisoner in the shared cell told him about the features of the person who interrogated him, and that Accused Raslan might interrogate P1. P1 added that he was not able to recall details until he got out of the prison, where he began to link the events and experiences he went through. P1 said he saw photos of Accused Raslan before Accused Raslan's arrest and after Raslan became part of the opposition. P1 mentioned that he saw the photo where Accused Raslan was wearing a suit, had a mole and said that it was the face of his interrogator.

Judge Kerber read out what P1 said during his questioning in Germany. She read "I went to him on the third day and he told me that he was Anwar Raslan, the head of the branch." Judge Kerber added that in a previous questioning, P1 answered that he was sure he did not go to the shared cell after that interrogation. Judge Kerber said through these statements, P1 had discrepancies with what he stated previously. P1 stated that he was sure that he went to the solitary cell after the interrogation, but he was not certain if he went to the shared cell prior to going to the solitary cell. He said that he did not sleep in the shared cell that day. He said that it could be that he was brought to the shared cell and stayed there for few hours, before he was taken to the solitary cell. P1 said he was not sure.

Judge Kerber asked if the guards were addressing the interrogator with "Sidi" سيدي [sir/my master]. P1 answered that he did not remember. Judge Kerber asked P1 if there were breaks during the interrogation, and he said no.

### ***Questioning about interrogation methods***

Judge Kerber asked P1 about his status after being interrogated. P1 alleged that he was beaten by a cable (he said he does not know its type) on his back and legs during his interrogation. He also stated that they attempted to place pressure on his anus with a fairly hard object. Judge Kerber asked if this was only an attempt, or if the object was placed inside. P1 said that because he was wearing underwear, only part of the object was placed inside.

Judge Kerber asked if the interrogator was present at that time. P1 answered that he did not know, but they were asking him the same questions and were telling him that he must speak.

Judge Kerber asked whether it took place in the same interrogation room, P1 said no as it was in the open interrogation area. He said that his hands were cuffed behind his back with a cable.

Judge Kerber asked P1 whether he was tortured through *Shabh* شبح. P1 said that throughout the six days, constant torture occurred either daily or every other day, and *Shabh* occurred on the last day with a cable. Judge Kerber mentioned that it was claimed [Accused Raslan stated this on Trial Day #5, May 18] that there was no place to hang the cable. P1 said that there was a wall, but he did not look upwards and he could not accurately say where it was precisely hanged. P1 stated that whoever could build such a prison for torturing would be able to find a way to tie up the cables. Judge Kerber asked how long *Shabh* lasted, and P1 said that it lasted for a long period of time. He stated that he remembered having so much pain and still had difficulties in his legs and toes.

Judge Kerber asked if P1 recalled if the introduction of the object mentioned earlier occurred in the *Shabh* position. P1 said no, as he was on the floor when that occurred. Judge Kerber asked if the



object entered inside, and P1 answered that they attempted more than once and when he has on the floor, he felt it inside. He said that this incident injured him and he spent five-six months recovering.

Judge Kerber asked if the beating targeted certain areas of the body. P1 responded that he was beat on his lower limbs and across the body with the cable, as well on his upper limbs and back. He stated that beating was indiscriminately done across the body. He added that there was *Falaqa* فَلَاقَة [beating the victim on the soles of their feet with a baton, whip or another object], punching and kicking.

Judge Kerber asked how often that person interrogated him, and P1 answered more than three times. Judge Kerber affirmed that P1 stated the same during his questioning in Germany [by the investigator].

Judge Kerber asked if the interrogator was present during the *Shabh*, and P1 said that he did not know. Judge Kerber further asked what types of torturing methods were used in the interrogator's presence. P1 said that there were beatings and *Shabh*, but he did not know if the interrogator was present and he did not directly hear him during the torture.

Judge Kerber asked about the torturing methods in the shared cells. P1 said that food was rotten, unhealthy and inedible; the prisoners ate it because they had no other options. He said that in the shared cell they used to drink from the toilet. P1 stated that the solitary cell had harsher conditions for water, food and toilet as there was only one meal per day which consisted of a few olives, potato and a piece of bread that was mouldy. P1 said he could choose between either getting the mouldy piece of bread and the potato, or the mouldy piece of bread with three olives.

Judge Kerber asked about sleeping conditions. P1 said that in the shared cell he used to sleep sitting while others stood. In the solitary cell, P1 said he used to bend himself to sleep. Judge Kerber asked if P1 used to sleep on the bed or on the floor, and he said the floor. Judge Kerber asked P1 how big was the solitary cell, and P1 described it visually using the courtroom as a measurement guide. Judge Kerber said that, according to P1's description it was 80 x 80 cm, and P1 affirmed.

Judge Kerber asked about the toilets' condition. P1 said that there was no toilet in the solitary cell and if he had the urge to use the restroom, he used to knock on the door. He said the guards would come, but they did not take him to the restroom; instead, they would beat him.

Judge Kerber asked if water was available, and P1 said no. Judge Kerber asked how often he used to drink water. P1 said that when he used to go to the restrooms, he used to drink from the toilet. He said that prisoners could only drink until the guards counted to five.

Judge Kerber asked about the air ventilation, and P1 said that the health condition was bad. P1 alleged that no one with respiratory problems would be able to withstand the air there. He added the air was filthy, smelled like blood and mould, and breathing was difficult.

Judge Kerber asked if P1 saw corpses in the cell. P1 answered that there were prisoners who were near death and suffering, and could die in a week. He added that prisoners had ulcers in their feet and bodies, disfigurement on their faces, fractured bones and respiratory diseases. However, he said he did not see corpses in the shared cells. He added that when he used to be taken out in the hallway, he used to see incapacitated people.



Judge Kerber asked how long he stayed in the branch, and P1 answered about two – three months; he said he was certain that he spent his birthday there.

P1 said he was then transferred to the General Intelligence Directorate. P1 said he was released in mid 2012 or July 2012, but he said he was not exactly sure.

P1 also said he was still having problems in his upper limbs' muscles, which became aggravated [by recalling all the events for trial].

Judge Kerber asked if P1 was still receiving treatment. P1 said that he was in treatment recently, but due to COVID-19 and his move to Berlin, his treatment ceased as his therapist was in Copenhagen. Judge Kerber asked if the treatment was over, and P1 said that it was on hold because of COVID-19. He added that that experience caused him daily psychological damage and put him in a state of distrust against people, made anxious about being abducted, and lead to memory problems.

Hannes Linke, one of Accused Al-Gharib's attorneys, asked P1 if this affected his long-term memory. P1 answered that sometimes he has to exert effort to remember. P1 added that he became nervous at work occasionally. P1 said the films he made included harsh scenes, and thus, he was slow in accomplishing his work and faced fears and anxiety due to the footage he worked on. He said this was contrary to his filmmaking experience prior to being detained.

*A lunch break was set until 01:30 p.m.*

### ***Questioning by the Judges***

Judge Wiedner referred to P1's second detention and asked P1 where he wanted to travel before his second arrest. P1 said that he wanted to travel to Dubai as he could stay with relatives there and work.

Judge Wiedner asked P1 if he was renowned in Syria, and P1 answered that several of Syrian newspapers mentioned the films he was preparing. Judge Kerber asked what was the film's topic, and P1 answered it was a documentary about immigrant and displaced people coming into Damascus.

Judge Wiedner asked P1 if he had anti-government sentiment at that time. P1 said yes but said it was not declared, because Syrians cannot do that [i.e., criticize the government openly]. He added that he was not affiliated with any party or group, and that he was independent.

Judge Wiedner asked P1 if he was asked about his films during the interrogation. P1 said that he was asked who he is making these films for, and if these parties were demanding specific things.

Judge Wiedner referred back to P1's statement that he was transferred to different locations until he arrived at Al-Khatib Branch (following being detained in the airport). Judge Wiedner asked P1 how he knew it was Al-Khatib Branch. P1 answered that he knew from the prisoners inside the shared cell as they talked about the prison, the interrogators and the torture.

Judge Wiedner asked P1 what he was wearing during the interrogation. P1 answered that the interrogator was wearing shoes, classic pants, a suit, a white shirt and a tie. Judge Wiedner clarified and said they meant what was P1 wearing. P1 said that he was wearing pants [underwear]. Judge Wiedner asked P1 if he kept the same wardrobe throughout the detention period, and P1 affirmed.



Judge Wiedner mentioned that P1 stated that there was more than one interrogation and asked him about the intervals between them. P1 answered that there were days in between interrogations. Judge Wiedner asked P1 if he was mistreated during these intervals, and P1 affirmed.

Judge Wiedner asked if there were any physical signs left after the torture or beating, and P1 answered that he had only psychological problems and nightmares left. Judge Wiedner asked if P1 had signs on his body, and P1 said that he had one on his leg, but it had been a long time since he got the mark and it was not clear. Judge Wiedner clarified that they meant if he had wounds during the imprisonment period, and P1 answered that he had wounds on his legs, bruises on his thigh and an anal fissure.

Judge Wiedner asked P1 whether he was able to walk in spite of his leg wounds. P1 answered that he was struggling and was forced to walk. Judge Wiedner asked if the guards noticed that, and P1 said he did not know. Judge Wiedner asked P1 if he was limping, and he affirmed.

Judge Wiedner mentioned that P1 stated that the interrogator did not hit him and P1 affirmed.

Judge Wiedner asked P1 whether he noticed changes in Accused Raslan's features. P1 said Accused Raslan's face changed and that Accused Raslan looked very tired. Judge Wiedner asked P1 if he believed that Accused Raslan is the same person who interrogated him. P1 answered that he is about 60 – 70 % sure because he did not see him directly, but rather glanced at some features from underneath the blindfold. He added that when he saw Accused Raslan in the courtroom, he could say that he is certainly the same person.

Judge Wiedner asked if P1 talked with the prisoners, and P1 affirmed. Judge Wiedner asked if they talked about Accused Raslan, and P1 affirmed. Judge Wiedner asked P1 what they said about Accused Raslan and if they described him. P1 said that Accused Raslan was described as short who wears a suit and talks slowly when he starts to interrogate. P1 added that they said that one will be tortured with him and that he has moustache. P1 said that more descriptions of Accused Raslan were shared, but he only recalled those descriptions at that moment.

Judge Wiedner asked if the other prisoners said that Accused Raslan tortured them. P1 answered that they did not state that he directly tortured them, but they stated that "you will be tortured after he interrogates you."

Judge Wiedner asked P1 if he searched for information about Accused Raslan after his release. P1 said no and said that he tried to forget. He added that the [Syrian] community is not as open and he did not want to be attacked, abused or bullied for the experiences he endured, specifically rape. He said that he was able to reconcile with himself what happened after about five years, and he saw a psychiatrist during that period.

Judge Wiedner asked P1 if he heard that Accused Raslan moved to the opposition. P1 said that when he knew about that, he was not interested as he had no faith in the opposition and said that the opposition could not do anything. P1 alleged that many opposition members were working with the regime and some of them stuck to partisan ties. P1 said he was independent.

Judge Wiedner asked P1 when was the first time he saw Accused Raslan's picture. P1 answered that he was reading the news on the internet around 2015 – 2017. Judge Wiedner asked P1 if he was able to recognize Accused Raslan and P1 answered: yes, immediately. P1 said that when he saw the





picture, he matched it with the image in his head of the person who interrogated him, and they were the same person. P1 said that as a Syrian, he knew that some people who used to work with the regime became part of the opposition to establish a good image about themselves [they were acting good].

Judge Wiedner asked P1 if he was interrogated more than once, and P1 affirmed. Judge Wiedner asked if the interrogation occurred in the basement, and P1 affirmed.

Judge Wiedner asked P1 if he could recall the furniture and the equipment in the interrogation area. P1 said that he was blindfolded and was not able to glance at anything.

Judge Wiedner told P1 that he mentioned that there was a desk and the interrogator was sitting on a chair. P1 denied that he mentioned a “desk”, but rather said it was a “table.” He added that he glanced at a table, but did not recall the details as his head was lowered down whenever he tried to raise it up. P1 said that at the moment, he cannot recall the details of the room’s equipment.

Judge Wiedner asked P1 if there was a different room where he was mistreated. P1 said that there was a space outside in the hallway. Judge Wiedner asked if P1 meant “space” to be like a yard, and P1 clarified that it was a space inside the building and there was a pillar there. Judge Wiedner asked P1 if all of that was in the basement. P1 affirmed and said that he did not know that there was a ground or other floor. He said that he only knew that he was in prison downstairs.

Judge Wiedner asked P1 if his job as a director was mentioned during the interrogation. P1 said that the interrogator mentioned it and expanded his questioning to P1’s associations, relations and political orientations.

Judge Wiedner asked P1 if the interrogator was aware of P1’s work, and if the interrogator asked him direct questions about it. P1 affirmed and said that he could understand that the interrogator was aware from the way he was conducting the interrogation. Judge Wiedner asked P1 if they talked about certain films and people. P1 said the questions were particularly about previous films and the film he was working on at the time. P1 said that the interrogator was focusing on the footage and how it was financed. P1 stated that as a Syrian filmmaker, he did not work with the artists association in Syria so they used to seek financing from Europe, as it was the only way to make films and avoid government propaganda.

Judge Wiedner asked P1 if he was assaulted when he did not answer a question. P1 said that when he did not answer a question, the interrogator used to tell him “don’t answer” (P1 described this as a veiled threat). Judge Wiedner asked P1 if he received a direct threat when he did not answer, and P1 stated that the interrogator insinuated once that P1 would not be able to see life outside the prison again. P1 added that the interrogator did not torture him personally.

Judge Wiedner referred to P1 statement that he was not personally tortured or directly threatened by the interrogator, and asked P1 if the interrogator ever told him that he was not satisfied with his answers. P1 said that the interrogator did not tell him that he was not satisfied with his answers, but he told P1 that he has all the capabilities to extract answers. P1 added that the guards were able to behave as they want, and in some moments, there were no guards around.

Judge Wiedner mentioned that during his questioning in Germany, P1 stated that Accused Raslan had a long list of guards that he could use. P1 said that he told the police during his questioning in





Germany that the interrogator told him that he has all the power to extract answers from him, but he did not personally state that he got a long list of the guards. Judge Wiedner asked P1 if the interrogator directly told him that he has the power to extract answers from him, and P1 affirmed.

Judge Wiedner referred to how P1 stated that his hands were injured, and P1 answered that it was due to the torture. Judge Wiedner asked P1 what happened. P1 said that his hands were tied with plastic straps, tightened to its maximum and sometimes multiple straps were used. P1 said that these straps were used to cease blood flow and compress the nerves. P1 added that beating on the forearms also caused harm to his hands.

Judge Wiedner asked P1 if there was healthcare in the branch. P1 said no and that the branch's only practice was torture until a prisoner lost consciousness. P1 stated that if one was lucky, one could get healthcare from other prisoners. P1 added that there was not even an attempt to show some kindness.

Judge Wiedner mentioned that P1 stated that they used to drink when they used to go to the WC, and asked P1 if there was a basin there. P1 explained that the prisoner had one of two options: either drink water or use the toilet. He said that if one chose to use the toilet, then he does not have the right to drink from tap water, so he had no choice but to drink from the toilet.

Judge Wiedner asked P1 how big the shared cell was, and P1 answered that the police asked him that in the questioning, and he told them that he did not know how big it exactly was but it was approximately 30m<sup>2</sup>.

Judge Wiedner asked how many prisoners were there. P1 said that he could only estimate as he did not count the prisoners in the shared cell. He estimated they were 200–300 prisoners. He added that this was not an accurate number, because some prisoners sat down.

Judge Wiedner asked P1 if he faced despair or feared death. P1 answered that he had the feeling that he was going to be executed and was hoping that it would come quickly, as the torture was intense and seeing people in that state of being was not easy. P1 said that he used to communicate with the prisoner next to him by knocking. The prisoner had two little girls and was from Al-Ghouta. P1 did not know why that prisoner was detained, but the prisoner mentioned that he was taken when he was gathering people for a demonstration. P1 said he told the prisoner that he was a film director and captured footage, including footage of the President's picture falling down. The prisoner told P1 that he will be executed [because of that] and P1 felt that was going to happen.

Judge Kerber asked if the solitary cell contained windows, and P1 said that there were two in the cell door. Judge Kerber mentioned that P1 stated that there was a window in the cell. P1 clarified and stated that by "window," he meant the door's vision panel and a service hatch at the bottom of the door. Judge Kerber asked if there was light in the cell, and P1 said no and it was dark.

*The Court issued a ten-minute break.*

#### ***Questioning by Senior Prosecutor Jasper Klinge***

Senior prosecutor Jasper Klinge asked P1 how he was released after his first detention. P1 stated that he got help from the lawyers [name redacted] [P2] and [name redacted]. P1 was set to be tried in Duma.



Prosecutor Klinge asked if P2 had something to do with P1's second release, and P1 said that several lawyers were involved, including P2.

Prosecutor Klinge mentioned that a release certificate was included among the documents P1 handed in when he applied for asylum. Klinge asked if this document related to the first or the second release. P1 said that he did not remember since he handed in many documents, and that it depended on the type of the document Klinge was referring to. The release certificate was shown via the projector showing the release date of February 20, 2012. Judge Kerber mentioned that P1 previously state a different release date, and asked P1 if the one on this document is correct, and P1 confirmed.

Prosecutor Klinge asked P1 if he had to sign any document when he was released. P1 answered that he had to sign that page [the release certificate] in addition to another blank one. P1 added that he had signed more blank pages when he was in the Branch.

Prosecutor Klinge asked P1 about his arrival at Al-Khatib Branch. P1 said that when he arrived at Al-Khatib Branch, his head was covered with his t-shirt and he was beaten. Klinge asked if the beating was inside the branch and P1 replied that it occurred at the outside yard/space. Klinge asked how long the beating lasted and P1 said he was not sure, but it lasted minutes. Klinge asked if tools were used, and P1 said rifles and fists were used for the beating. P1 also mentioned that his head's hair was pulled. Klinge asked how many people were involved in the beating and P1 said that they were multiple people.

Prosecutor Klinge asked if P1 had to take off all of his clothes and be naked. P1 answered that at first, he had to be completely naked but he was then allowed to wear his pants [underwear]. Klinge asked P1 if he was frisked while he was naked and P1 affirmed. Klinge asked P1 to depict what happened. P1 said that the person started to inspect his entire body, then ordered P1 to spread his legs apart and held P1's inner part of his leg with his hand, then moved his hand downwards then upwards.

Prosecutor Klinge asked P1 how the guards addressed him. P1 said he was called by his name when he was in the shared cell, and by his number when he was in the solitary cell. Klinge asked P1 what his number was, and P1 said he did not want to say as it would not be accurate. Klinge asked if other prisoners had numbers and P1 affirmed.

Prosecutor Klinge asked P1 if he heard the name Caesar, and P1 answered he heard about it only after Caesar defected. Klinge asked P1 if the regime was known for that [photographing corpses], and he said that he did not know before he researched it. Klinge asked P1 if he found something while researching. P1 said that he tracked stories of people who died under torture and found out they were given a number that was related to the Branch they were in and another number placed on their corpse. P1 stated that additional numbers and symbols were added on the corpses. Klinge asked if there were corpses from Al-Khatib branch among Caesar photos. P1 affirmed and said that he was working on a film about it.

Prosecutor Klinge asked P1 if the guards used to jump around on the detainees' bodies when they were prostrated on the floor. P1 said that he forgot about that and only remembered it after Klinge mentioned it.



Prosecutor Klinge asked P1 what kind of torture he was subjected to. P1 mentioned *Shabh* and deprivation of water, food and toilet use. Klinge asked P1 if he heard from other detainees that *Shabh* was used, and P1 affirmed and said that prisoners in the shared cell mentioned that it was used.

Prosecutor Klinge asked P1 if he and the other prisoners used to talk and if so, what they would talk about. P1 said that they used to talk daily about torturing methods and if someone disappeared, they used to predict how he disappeared. Klinge asked P1 if he got the impression from the rest of the prisoners that *Shabh* was a standard method of torture. P1 answered that according to his talks with prisoners in the shared cells, *Shabh* was a routine torture method.

Prosecutor Klinge asked if P1 was tortured using electro shock, and P1 said that it was used only in the main General Intelligence branch. Klinge asked P1 if he was tortured by it in Al-Khatib branch, and P1 said electric shock existed in Al-Khatib, but it was not used on him.

Prosecutor Klinge asked P1 if he knew about *Doolab* دولااب [Torture tactic that translates to “tire”]. P1 said that he knew about it, but it was not used with him. Klinge asked P1 if he got information that it was used in Al-Khatib. P1 affirmed and said from the prisoners in the shared cell.

Prosecutor Klinge asked P1 if he used to scream and P1 said of course.

Prosecutor Klinge mentioned that P1 stated the torturing location was the open space/area and asked if there were other locations for torturing. According to P1’s knowledge, some guards used to torture prisoners in front of or inside their solitary cell, but he had not been tortured in the solitary cell.

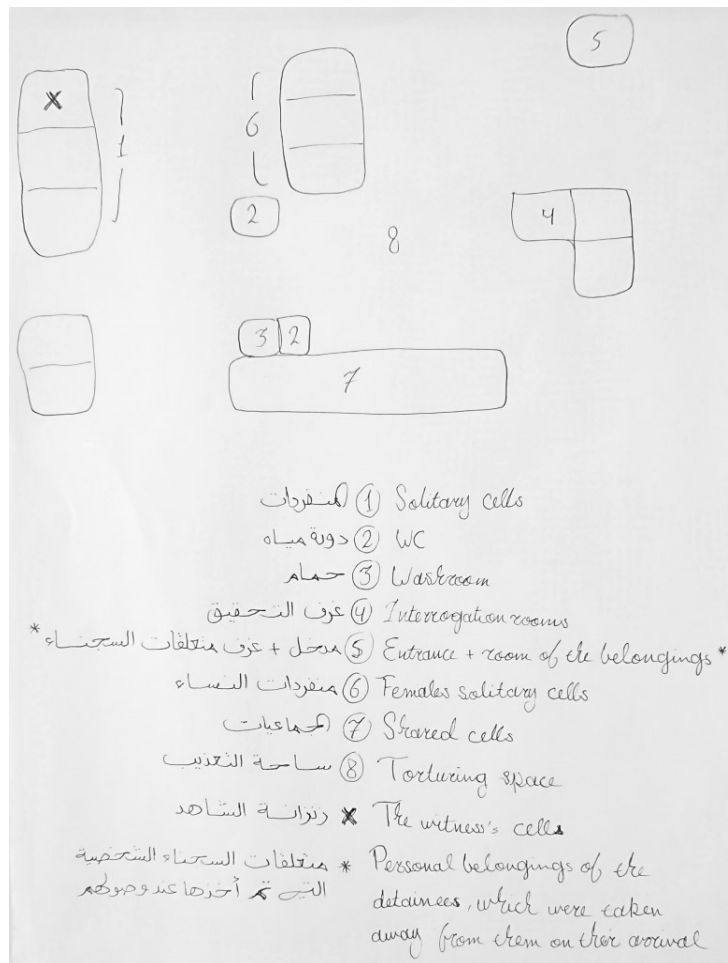
Prosecutor Klinge asked P1 if he saw any children and females. P1 replied that he only heard females and children, but saw one child in the shared cell. Klinge asked P1 if he only heard sounds of females and children being tortured, and P1 affirmed.

Prosecutor Klinge asked P1 if the prisoners in the shared cell used to talk about whether they were sexually mistreated. P1 said that he did not imagine that one would talk about that, because it was a harsh experience to discuss. Klinge asked P1 if he himself talked about it and P1 said no.

Prosecutor Klinge asked P1 how long he stayed in the shared and the solitary cells. P1 said that he stayed in the shared cell for about around 2 –3 days (from what he remembers) and he spent the rest of his detention period in the solitary cell. Prosecutor Klinge asked P1 which cell was more difficult, and P1 answered that the solitary cell was more difficult as it was complete deprivation and there was no one to speak with.

Prosecutor Klinge asked if cutlery was offered with the meal, and P1 answered that there was a piece of bread and three olives.

**A sketch by P1 of the prison was shown via the projector. This is a re-draw of it:**



Prosecutor Klinge asked P1 if he saw members of the presidential guards or soldiers with uniforms. P1 said no and that he only saw the guards.

Prosecutor Klinge asked P1 to briefly mention how he escaped from Syria in 2012. P1 said that before he was released, a complaint was issued that he was wanted for the military service and therefore, they had the right to detain him until he signed the paper [the release certificate was shown to court] (P1 explained that the paper [the release certificate], was written by "them" and it was not his handwriting). He said that after his release, he went to his village [redacted] to see his family and stayed there for a short period of time. P1 stated that during this time, the regime was conducting a military campaign in that area. P1 said he feared for his family because of his status with the regime, so he left and sneaked into Damascus, avoiding checkpoints. P1 said he stayed in Damascus for around 3 months. After that, P1 testified he left Syria due to threats of re-arrest. He said he arrived in Jordan at night, along with 200 – 300 other Syrian refugees, and stayed in a refugee camp for 4 – 5 days. P1 said one of his Jordanian friends, whom he knew for a while, helped P1 leave the camp. P1 stayed for two months in Amman, and then left to Istanbul. P1 stated that he started to enter Syria and film with the White Helmets, and because of the footage he obtained, he left Turkey (he feared Russia in particular) and escaped to Europe. He applied for asylum in Germany and began the montage of his film about the White Helmets. P1 stated that he tried to forget everything from the past period at that time, because he did not know that he would see Accused



Raslan again or that there would be trials related to Syria. Therefore, P1 said he focused on working on his films.

P1 testified that when Accused Raslan was arrested, it was not interesting as he did not believe that something would happen. He said his friends summoned him to testify because they knew that he was detained in Al-Khatib. P1 stated he was hesitant at the beginning, because he was worried that his family may be threatened or harmed. He added that he was also hesitant as he did not think anything will happen and thought that he was dreaming, until he received a letter from the court and gave his testimony with the help of [name redacted]. P1 said that it was not easy as it re-opened wounds that he tried to seal. He said had an intention to forgive Accused Raslan, if the latter confessed to torture, brutality in the branch and that he had the power. However, P1 stated that because Accused Raslan disclaimed the torture, the sexual mistreatment and the beating, he was obliged to testify.

### **Procedural Matters**

Judge Kerber said that the witness will not be dismissed and the session was adjourned to the following day.

Counsel Sebastian Scharmer, plaintiff representative, raised an error in the translation. P1 stated that “prisoners” tried to help the child in the shared cell (to stop the bleeding) after he was tortured, whereas the translation stated that the “guards” tried to help him. The translator Sami Koca explained that both words in Arabic originate from the same stem “سجن” i.e. “imprison.” Judge Kerber asked P1 to repeat his statement, which was retranslated by Koca as “prisoners.”

The proceedings ended at 03:55 pm.



### **Trial Day 11 – June 4, 2020**

There were about 19 spectators and 11 individuals from the media present. The proceedings began at 9:30 am.

Judge Kerber asked members of the media to stay inside the courtroom for a bit. She stated that an Arabic media channel took a photo of one of the translators and published it in an article, claiming that it was one of the defendants. Judge Kerber requested the photo to be deleted and asked that if someone knows who published it, to tell the individual to fix this matter. Judge Kerber then dismissed the members of the media.

### **Testimony of P1, Questioning continues**

Judge Wiedner asked P1 if he was able to recognize Accused Raslan in his questioning in Germany. P1 answered that he was shown a photo array and he recognized Accused Raslan in that line up [the same photo array was shown via the projector in the courtroom]. Judge Wiedner asked P1 if the individual he identified was Accused Raslan, and P1 affirmed. Judge Wiedner asked P1 how certain he was and P1 said he was not 100% certain, but rather 60%.

### ***Transferral and detention in different Branches***

Judge Wiedner asked P1 what happened after he was detained at Al-Khatib Branch. P1 said that he was transferred to the General Intelligence Directorate in Kafar Sousah كفرسوسة. P1 said that upon the arrival to this branch, there was a “welcome party” for P1 and other prisoners where they were brutally beaten, threatened with weapons on their heads, and the branch’s forces jumped on them while P1 and others were prostrated on the ground. P1 said that after two-three hours, he was brought to the basement, where he was forced to take off all of his clothes. He stated that they went to an open area inside where cold water was poured on them (as they were prostrated on the floor) and they were beaten with cables. Afterwards, P1 said they were ordered to stand up, raise their hands up and face the wall, before they were beaten with cables for one hour. P1 said that the torture was inexpressibly brutal, and mentioned that he became unconscious and almost died.

Judge Wiedner asked P1 if he saw corpses. P1 said no but he did hear about it from others.

Judge Wiedner asked P1 if he was transferred to another prison afterwards. P1 said that at night, he and other detainees were transported in groups by buses with black-tinted windows. He said they were on the road for three-four hours and that it was completely dark. P1 added that they were blindfolded. He said they got off the busses and entered the state security training camp in Najha نجها, where they were beaten, had their hair shaved off and heard constant shooting in the air.

P1 testified that two weeks later, he was transferred back to Branch 285, where he was tortured. He said he stayed there for 3 weeks, before he was transferred to Adra ادرا prison. P1 said he was transferred to Aleppo for his trial, where he was sentenced for harming the country through his work and for having contacts living abroad. P1 also mentioned that someone from the general intelligence was next to the judge, watching him. P1 said he was brought back to prison. He said that lawyers [name redacted] [P2] and [name redacted] helped to release him, but he also needed to sign many blank pages.

### ***Questioning by Counsel Khubaib Ali Mohammed, representative for P1***





Counsel Khubaib Ali Mohammed asked P1 how he got from the cell to the interrogation room. P1 stated that he was called by his name in the shared cell, whereas he was called by his number in the solitary cell. Mohammed asked what happened afterwards. P1 said that he was blindfolded and taken to the interrogation. P1 stated that on his way to the interrogation room, he heard voices and saw people lying on the floor (from underneath his blindfold).

Counsel Mohammad asked what happened inside the interrogation room. P1 stated that he used to kneel down and was ordered not to look up. He said that when he was in the cell, the guard used to order P1 to turn around and face the wall so P1 would not be able to see him.

Counsel Mohammed asked P1 what was the first thing he heard after entering the room. P1 stated that the interrogator told him that he usually removes the blindfold during the interrogation, but he would not remove it from P1 so P1 would not see him. P1 added that the interrogator had a dreadful aura. P1 said that the interrogator told someone that P1 was a film director, and then a person in the back said that P1 works with artists. P1 said he was asked to explain "artists," and he told them that all directors and writers are "artists."

Counsel Mohammed asked P1 how the interrogator was being addressed. P1 said that the guard who brought him to the room called the interrogator "my master/sir" سيدي. He stated that from the way the interrogator was talking, he felt the interrogator was from a higher rank. Mohammed asked if anything else was said about the interrogator's salutation. P1 said that he did not recall anything else, other than how the guard greeted the interrogator (P1 felt that there was an attempt to cover-up identities).

Counsel Mohammed asked P1 how the interrogator greeted him. P1 said that there was no greeting and the interrogator began directly to ask questions, after he spoke about the blindfold.

Mohammed asked P1 if the interrogator used to say something at the end of the interrogation (e.g. to indicate interrogation ended). P1 said that there was no greeting at the beginning, nor was there a goodbye at the end.

Counsel Mohammed asked P1 who accompanied him to the cell. P1 said the guard, but he did not know if it was the same guard or someone else.

Counsel Mohammed asked P1 if there were instructions or orders given to the interrogator [if the person in the back gave orders to the interrogator] and P1 denied.

Counsel Mohammed asked P1 if there were severe insults during the interrogation. P1 said that the interrogator used to begin the interrogation "kindly" and then it escalated. However, P1 said that "kind" did not mean that the interrogator was showing human kindness, but rather, it was a type of the kindness that was not expected from guards. P1 said he considered it kindness as the interrogator was speaking without hitting P1. P1 stated that he received insults about himself and his family. Counsel Mohammed asked for examples and P1 mentioned that he was called a traitor to the country, his mother was a whore, his father was a traitor, and that he was a bastard. Counsel Mohammed asked if the insults were coming from the interrogator or the guard, and P1 answered from both.

Counsel Mohammed referred to P1's statement that he saw females and children in prison, and asked if P1 saw them being tortured or saw that they had signs of torture. P1 stated that he used to see torture when he was passing by [accompanied by the guards], but did not personally see



children being tortured. However, he said he saw the signs of torture on the child, who was in the same shared cell as him. P1 said that he used to hear screams of females begging and pleading, and could conceive that someone was trying to do something with them. P1 was asked what they were screaming and he answered that he heard "No, No, I beg you sir/my master. May God preserve your children." P1 stated that these screams and sounds were present throughout his detention period in Al-Khatib.

Counsel Mohammed asked if P1's family was threatened. P1 testified that they told him that they would bring his father, mother and siblings. Mohammed asked why would they say such a statement and P1 answered that they said it so he would reveal information. Mohammed asked P1 if the guards or the interrogator said these threats. P1 answered that both put pressure on him. He added that the guards used to threaten him during the torturing or used to come to his cell and ask him "don't you want to speak?"

Counsel Mohammed asked P1 if he heard conversations between the guard and the interrogator. P1 said that he did not recall at that moment. He explained that there was huge amount of information that he was trying to remember and needed time to recall all of that. Counsel Mohammed asked P1 about his joints pain, and injuries on his hands and legs. P1 stated that he was constantly suffering from his nerves, hands and legs. He said he visited a doctor in Berlin due to an increase in pain as a result of him struggling to recall events, and the psychological impact that has exacerbated his pain.

Counsel Mohammed asked P1 if he was exercising. P1 answered that he used to be engaged in sports, but his doctor advised him otherwise.

Counsel Mohammed asked P1 if he was depressed. P1 affirmed, and said that it was a constant part of his life that he had to cope with. Judge Kerber asked P1 if a psychiatrist diagnosed him or he diagnosed himself. P1 denied being diagnosed by a psychiatrist and said that he used to go to a therapist. He added that he visited a neurologist. Judge Kerber asked P1 if the psychiatrist told him that he was diagnosed as having depression, and P1 said no.

Counsel Mohammed asked P1 about his sleep. P1 said that his sleep was poor and that he had constant nightmares about being chased and caught by the police, especially Syrian security.

Counsel Mohammed asked P1 if he thought about committing suicide. P1 answered that he thought about it several times, but he could not find a method to do it.

Counsel Mohammed asked P1 if he would release [name redacted] [P2] from his obligation of breach of secrecy as his former lawyer, and P1 affirmed.

Counsel Mohammed asked P1 about his doctor, and P1 mentioned that he was a neurologist in Berlin.

Counsel Mohammed mentioned that P1 stated that he was afflicted by an injury and underwent surgery due to the sexual abuse he suffered in the prison. Mohammed asked where was the surgery performed, and P1 said Turkey.

#### ***Questioning by other Plaintiff representatives***



Counsel Sebastian Scharmer recalled that P1 described the interrogator's clothing in Al-Khatib Branch, and he asked P1 if he saw other persons there with similar clothing. P1 said no and stated the guards used to wear comfortable clothes, such as clothes worn in the house.

Counsel Scharmer referred to P1's statement on the previous day that he needs time to recall. Counsel Scharmer asked P1 if he would say that his ability to remember decrease with time. P1 said yes and especially in the current situation [the trial]. P1 then gave an example that he could not sleep the previous day. Scharmer asked if that worsened his mind's ability to recall. P1 affirmed, and said that was because he needed to remember things. P1 mentioned that he had a dream the previous day that his daughter's hand was cut off, and that he could not sleep as he was thinking about his family.

*The Court took a ten-minute break.*

Counsel Dr. Patrick Kroker asked P1 if his family knew what happened to him. P1 said that when he was abducted from the airport, he disappeared completely and his family had no information about him. He added that his family was shocked that he was still alive.

Counsel Dr. Kroker asked P1 if he could recognize his interrogator's voice if he heard it again. P1 said that he believed so.

Counsel Dr. Kroker mentioned that P1 was asked about other locations of torture in the prison, and asked him to elaborate on that. P1 stated that the guards used to occasionally enter the solitary cells and beat prisoners with cables. He stated that he could hear the cables and prisoners' screams before the sounds stopped when the prisoner fell unconscious. P1 added that he was not able to describe the sounds of beating and screams with mere words, but he would try to one day depict it by the films he would make.

Counsel Dr. Kroker asked Judge Kerber if a voice test was possible. Judge Kerber asked Accused Raslan. Before Accused Raslan replied, Counsel Michael Böcker (Accused Raslan's representative) stated that Accused Raslan was not ready for the voice test, and mentioned that P1 was only 60 – 70 % certain about recognizing the voice.

Counsel Andreas Schulz asked about communications in the cell. P1 stated that in the shared cell, voices were faint and whisper. He said that if someone wanted to communicate with another, he had to be close to him and whisper in his ear. According to P1, conversations were about who would interrogate the newcomers, or who interrogated the old ones. He added that old prisoners told about torture methods and sometimes family topics were addressed.

Counsel Schulz asked if the old prisoners used to provide advice to others. P1 said that old prisoners used to tell newcomers not to talk or raise their voices, not to look at the interrogator if he orders that, how to protect oneself from fatal injuries to avoid death under torture, and not to resist the guards or the interrogator because it would result in him being killed.

Counsel Schulz asked if there were talks about escaping from prison. P1 said that it was advised among the prisoners not to resist or try to act smart, or else one would be executed.

Counsel Schulz asked P1 if he saw non-Syrian personnel in the prison. P1 answered that he could not completely differentiate between people's faces, but people who worked there had Syrian features,



according to what he observed from insults and words said by different sects and dialects. He said that he heard Dara'a, Homs and Alawite coastal dialects.

Counsel Schulz asked P1 if he knew whether Accused Raslan did some video interviews in the media (for instance Al-Jazeera). P1 said he did not know, but he heard information that Raslan was uncooperative in helping people after he left Syria. He said that Accused Raslan did not issue an apology statement about his service at the intelligence services. P1 said that it was the least thing that Accused Raslan could have done and it was expected that a man of Raslan's position, who worked in a place with a bad reputation, would issue such statement. P1 stated that he did not hear Raslan's voice after detention [i.e., did not hear Accused Raslan's voice in the media].

Counsel Dr. Anna Oehmichen told P1 that she can imagine how difficult the trial process must be for him. She mentioned that Accused Raslan stated that he did not hit or torture anybody, and he did not order that. Then, she asked P1 whether he believed that such thing as "Raslan did not know about torture" would be possible. P1 answered that his interrogator did not hit him and he did not hear any verbal command of torture from him. However, P1 stated that he was tortured only seconds after the end of the interrogation.

Counsel Dr. Oehmichen asked if the interrogator could be connected to the torture. P1 said that he did not rule out the idea that any person who works at Al-Khatib would be aware of the torture and sexual abuse happening there. Judge Kerber asked P1 if he was stating that the person must have been aware of that. P1 rephrased his answer and stated that he believed that anyone who works in that place is aware of what is happening inside. P1 added that the information was known even outside the branch through released prisoners and those who talked about it.

Counsel Dr. Oehmichen referred to P1's statement that Accused Raslan told him that he had all power to extract answers from him. Dr. Oehmichen asked if Accused Raslan stated that clearly. Counsel Michael Böcker, one of Accused Raslan's attorneys, interjected and stated that P1 said "the interrogator" and not "Raslan." Counsel Dr. Oehmichen rephrased the question and said that P1 stated that the interrogator—whom P1 identified later as Raslan—stated that and asked if his interrogator said that clearly. P1 answered that the person's statement was totally clear. P1 said that it meant using all the possible means in Al-Khatib towards prisoners, from torture to killing.

Counsel Manuel Reiger referred to P1's statement that he was tortured after the interrogations in Al-Khatib. Counsel Reiger asked P1 if there were signs of torture or injuries between interrogations that remained visible. P1 stated that when he used to go to the interrogations, it was clear that there were blood, wounds and signs of torture.

Counsel Reiger asked P1 if he was able to differentiate the interrogator's dialect. P1 said that he was not 100% sure, but it was clear that it was a Damascene dialect. Counsel Reiger asked P1 if he would be able to confirm the dialect if the interrogator spoke again. P1 said that he could not affirm that, but noted that it was not an Alawite nor "heavy" dialect. There was discussion between the translator, P1 and the Judges on what a "heavy" dialect is. P1 explained that the interrogator's dialect was not a Bedouin one and gave an example of a Dara'a dialect.

Counsel Michael Böcker, one of Accused Raslan's defence lawyers, stated that he wanted to address P1's questioning on July 20, 2019, and wanted to know if P1 stated whether the interrogator said that "he was specialized for artists," or if the person in the back said that "this interrogator is



specialized in artists.” P1 replied that he did not remember exactly what he said during the questioning, as he was speaking in general and not giving accurate details like he is now. He added that he noticed problematic issues in translating what he had said during his questioning; P1 stated that he did not say that he was tortured in the shared cell, but rather in the open area inside the branch.

Judge Kerber asked P1 if he experienced difficulties with the translation in the courtroom. P1 said that today it was fine, but stated there were mistranslations on the previous day, such as the difference between “guards” and “prisoners.” Judge Kerber asked P1 if he had more examples. P1 said that he said “brutal torture” was mistranslated [the translation was along the lines of “intense”, but our court monitor wrote “brutal” as he heard the Arabic word directly]. P1 said that the translation should describe the brutal expression.

Counsel Böcker mentioned that P1 stated during a prior questioning that he was not tortured on the day of his detention, contrary to what he stated later in the court. P1 said that during the questioning, only one question was asked about this matter and no details were asked about them. However, P1 said that the details he is sharing now are letting him remember and elaborate.

Counsel Böcker asked P1 if he remembered that he gave these answers [in the questioning transcript] and P1 affirmed.

Judge Kerber stated that the questioning was over. When no one had any more questions, P1 was dismissed. P1 said that he wanted to utter a brief statement, but Judge Kerber told him that his questioning was over and he could be dismissed.

The prosecution read out a statement responding to the defence’s objection regarding the application of Accused Al-Gharib's testimony [this was raised on Trial Day #7, May 27]. The prosecution refuted the objection and listed their reasons. The prosecution mentioned that one can incriminate himself during the questioning when one applies for asylum.

#### Testimony of [name redacted] [P2]

The 2<sup>nd</sup> witness was [name redacted] [P2], a Syrian human rights lawyer.

#### ***Questioning by Judge Kerber***

P2 sat in the witnesses’ seats with his attorney Stephan Kuhn. He was introduced as an expert witness.

P2 said he cannot practice his [legal] profession in Germany. P2 said he is the head and founder of a human rights centre in Berlin.

P2 testified that he has been a human rights lawyer since 1986, and decided to become one to defend human rights. P2 said he remained in his profession until he was detained in 2006 and continued until he left Syria in 2014. P2 said he was detained in state security Branch 285 and spent five years in Adra عذرا prison. P2 stated he then returned to Branch 285 for five days, before he was released.

P2 was asked if he had issues with the regime. He answered that it was not an issue, but more about human rights violations. P2 mentioned that the regime has detained his family members since 1977—specifically his three brothers, sister, brother-in-law and sister-in-law. P2 said he was



detained in Branch 251 in 1978. He said that in addition to the torture he personally experienced, he became more informed about torture after he was released. Therefore, P2 said he decided to become a lawyer to defend his family members and others whose human rights were violated. P2 stated he became a lawyer in 1986 and his two brothers and his sister were detained again during that same year. He stated that his family spent a total time of 73 years in prison, and for most of that period, his family members were victims of enforced disappearances and nobody knew anything about them. P2 mentioned that his brother was tortured and his hands were paralyzed due to imposition of *Shab* شبح for periods up to two consecutive weeks.

Judge Kerber asked P2 when his first detention occurred. P2 answered that it was in 1978 in Branch 251. Judge Kerber asked how long it lasted and P2 said one week. P2 explained that he was living in an apartment in Damascus together with his sister. P2 said that “they” raided the apartment at 02:00 a.m. to detain his sister, but she was not home. He said they detained him instead and tortured him to know her location.

Judge Kerber asked P2 about his second detention. He said that it was sometime in 1989 – 1990, and lasted for one or two days in the political security branch. He added he was detained in 1986 in the military security branch for one or two days. Additionally, P2 stated his last detention was in 2006. He said that in the periods between these detentions, he received threats, and would be summoned for daily or weekly visits to the Branch.

Judge Kerber asked about his last detention, and P2 answered that it was in state security management [General Intelligence Directorate] in Branch 285 in Kafar Souseh كفر سوسة.

Judge Kerber asked P2 to speak about his experience. P2 said that he was abducted from the street on May 17, 2006. He said he did not know who abducted him and the “responsible” [i.e. the official] was sitting in the front of the car. P2 said he asked them why they took him; he said they accused him of criminal charges (theft and murder) and put him in cell number 10 or 11 in the branch. P2 said that no one hit him except when he was detained, but they used to get other prisoners out of their cells and torture them there or when they were being interrogated. P2 said they interrogated him at night, while he was blindfolded. He stated that they asked him “Why are you speaking about human rights? What is wrong with human rights?” and P2 answered “Nothing is wrong, they are excellent. The proof is me standing here in front of you.” P2 said he was slapped two times after his answer and was taken back to the cell. He said he declared a hunger (food and drink) strike and spent the whole night with constant torture sounds next to him. He stated that the following morning, he was blindfolded and taken to court by car.

Judge Kerber asked him to elaborate on how he was abducted. P2 stated that he used to drive to his office at 5 – 6 pm. He said his car was in front of the house and he crossed the street for about 20m and reached the car. P2 stated that before he opened his door, a car drove in fast, and two people came out and threw him between the front and back seats. P2 said they sat above him, took his belongings and blindfolded him, before the car drove away fast.

Judge Kerber asked if there was someone in front passenger’s seat. P2 said yes and that person was speaking with him and accusing him. P2 also stated that it was the same person who took him to the interrogation. P2 said that from underneath his blindfold, he saw the legs of one of the persons who hit him and said it was the same person who accompanied him to the court and handed him in to the police there. This same person had to remove P2’s blindfold to give him the ID card and the





wedding ring in court. P2 said he was delivered to the same court he used to work in, so he knew all the police officers there. P2 stated that he asked them about the man who handed him in (the person who delivers someone has to sign the release document), and he was told that the person is “Anwar Raslan.” P2 said that he did not remember if Accused Raslan was a major or a Lieutenant colonel then. Afterwards, P2 stated he was transferred to Adra عدرا Prison. He stated that five years after the end of his sentence, he was transferred back to Branch 285 [where he stayed an additional 5 days], but did not see Raslan there.

Judge Kerber asked if the person who was sitting in the front passenger’s seat was the same person who delivered him to court. P2 said that it was the same voice that accused him that he was a criminal. P2 said the voice stayed in his head because he [that voice] accused him with unbelievable accusations.

Judge Kerber asked if the same person was present when he was slapped two times. P2 affirmed and said that it was the same voice that was telling him to go upstairs.

Judge Kerber asked if he could identify the person who hit him, since he was blindfolded. P2 said no.

Judge Kerber acknowledged that P2 stated he was a human rights lawyer and was detained in Branch 285. She asked about his general experience. P2 asked if Judge Kerber meant before or after 2011. She asked P2 to give a brief summary about his experience before 2011, and then elaborate more after that. P2 said that he wanted to explain that detention, torture and enforced disappearances are fundamental to the Assad regime; had it not been for that, the regime would have not endured one year. According to P2, Assad used those practices as a weapon to exhaust the whole nation since the 1970s. P2 said that he knew peaceful people who died under torture or who were detained in 1978 and following the Hama incident. P2 stated that there are still more than 3000 victims of enforced disappearances, and no one knows what happened to them. P2 stated that the regime was intentionally spreading methods of torture to terrorize the whole nation. He also stated that his brothers were members of a communist party in the 1980s and some of them died under torture. P2 said that they [the regime] allege that they were fighting extremists, but they [the regime] were the ones creating them, fighting and killing the society under the pretext of fighting extremists. P2 said that the torture methods and suffering he heard from his siblings, relatives and others whom he defended (including individuals from Iraqi Al-Ba'th party, communists and the [Muslim] brotherhood), he could not imagine that someone here [in court] could imagine what they went through. P2 stated that everyone, who worked in the Syrian security apparatuses, were aware of what was happening, practiced it and benefited from it.

Counsel Michael Böcker, one of Accused Raslan’s attorneys, interrupted and stated that they were moving off topic. Counsel Böcker asked for a break to talk with other defence attorneys. Judge Kerber rejected the request and asked P2 to provide short statements starting from 2011. Senior prosecutor Jasper Klinge requested that P2 continue speaking about the 1970s.

P2 stated that his statements were meant to prove that there was systematic torture in Syria. He said that he also wanted to mention that members of the security forces are protected from any crime they commit. Judge Kerber asked him if there is a law that protects them. P2 said that state security law prevents the prosecution from filing a case against any member, contracting party or dealer with state security. Therefore, P2 said that everyone was committing crimes with a clear conscience and was reassured that no one would be prosecuted. P2 added that one would be



protected from punishment as long as they carried out orders. P2 said the systematic policy continued until 2011, but before 2011 torture was committed against the opposition to acquire information, whereas after 2011, it was used for revenge. He said they did not care about gathering information anymore as much as they cared for taking vengeance on people who asked for freedom. Judge Kerber asked P2 how he came to that conclusion. P2 said from the testimonies of the individuals he defended. He said that his clients were always asked “do you want freedom?” and their torture continued until death and only for vengeance.

Judge Kerber asked him if there was a difference in the numbers of the detainees. P2 said that he was released from Branch 285 on May 23, 2011, though his sentence ended on May 17, 2011. He said he stayed [an additional] 5 days in Branch 285 and noted that most of the detainees in Branch 285 were transferred from Branch 251. Branch 285 used to detain occasionally, but Branch 251 was the “top” branch that detained. He said that Branch 251 detains, tortures, interrogates, and then transfers. P2 stated that the first three days he was in a shared cell, before “they” noticed that they should relocate him to the solitary cell so he would not talk with anyone. P2 said he saw the detainees’ physical and psychological conditions, in addition to their torture in Branch 285 [P2 meant that individuals used to be detained, interrogated, and tortured in Branch 251 before they were transferred to 285. At Branch 285, he saw their poor condition and saw them being tortured again].

Judge Kerber asked P2 if he talked with the detainees. P2 said that Branch 285 is the central interrogation branch for the state security. He said that Branch 251 belongs to the internal state security and there are 10 branches and 8 additional subunits and divisions in Damascus and rural Damascus that are connected to the Branch. He said that they detained across all provinces, and all of them are under the administration of Branch 251. He said that detainees are transferred to Branch 251 for interrogation. P2 stated that occasionally, 500 detainees were being transferred from all over the country. P2 said that after he was released, he continued his work in defending detainees, which reached the hundreds. P2 said the difference is that there was a chance for the detainees to be transferred to the normal courts and charged for demonstrating in 2011 – 2012, before the court of terrorism was founded in late 2012.

Judge Kerber asked [again] if there was difference in numbers of detainees before and after 2011. P2 said that there was a terrifying difference since there were 3000 – 4000 detainees in Sidnaya صيدنايا and other [prisons] before 2011, and most of them were referred to the state security high court and were sentenced. He stated that after 2011, detentions became daily and the difference in amount is incomparable.

Judge Kerber asked about the torture. P2 said everyone who entered the security apparatuses were tortured. There were “welcome parties.” P2 said the detainee was tortured from the beginning of his detention and on the way to the branch in the car. He stated that when the car arrived [at the branch] they were “welcomed” by a group who beat them brutally, until they reached the cells. P2 testified that “welcome parties” differed from one branch to another. He said that Branch 251 included two residential buildings and because it could be seen from other buildings, the welcome party was swift. He stated that the detainees were beaten while they were running [inside]. P2 stated that they were isolated by walls in Branch 285, and the “parties” could last for a longer period of time and reach one hour.



Judge Kerber asked if one could not be beaten while detained. P2 said never. But P2 noted that mild beating could occur in cases of some old political opposition or well-known activists, whose detention could cause a scene. Additionally, P2 stated that if they were part of the opposition, they could be treated well to get them to join “their” side. He stated that after their release, they would say that they were detained and not tortured.

Judge Kerber asked P2 about the cell and the clothes. P2 explained that in the first five days of the revolution in 2011, he was put in the shared cell for three days. He said the cell measured 5 – 6 x 3 m and there were around 50 – 60 detainees inside. He said that when they slept, one had to lie on his side and not on his back. He said they were adhered to each other during the 3 days and that the detainees knew his name, so they made some space for him in order to lie on his back. However, P2 stated that conditions became inhuman, especially at the end of 2011 and 2012, and he could not describe it as animalistic, because they [the conditions] were even worse.

Judge Kerber asked P2 to describe the conditions. P2 said that there were places where one could not squat. He said that some people used to stand for days and weeks, and some collapsed. P2 testified that the lucky ones were the ones who could support their back on the wall. He said that some people snapped, stopped thinking and acted crazy; some suffocated from the [poor] ventilation; some died and their corpses remained in their places for four days and decomposed. He said there was no health care or treatment; if one sustained a wound, they would contract gangrene after a while. He said that bread used to be served in plastic bags, and prisoners would take these bags to cover wounds. P2 testified that his friend was detained for 27 days in Branch 251 and he saw his friend immediately after his friend was released. P2 stated that his friend’s skin, ulcers and pustules were indescribable. P2 said that his friend told him that 17 people died in his own arms during his 27 days in prison.

Judge Kerber asked P2 about when that occurred, and P2 said that it was in 2011 – 2012, but he could not recall the exact month. P2 said he was certain that it was shortly after he was released.

Counsel Michael Böcker, counsel for Accused Raslan, interrupted saying that he could not understand where P2 was getting his information from and he was confused about the chronology of the plastic bags and P2’s friend’s stories. Judge Kerber explained it to him.

P2 stated that he used to defend accused persons in court. P2 said he used to meet his clients on the way to the court. He said that at the court, they used to wait for their referral from the security branches. P2 further explained that later, they used to visit them [the detainees] in jail, and he did not know many of them. He said that the detainees used to arrive barefooted and wearing underwear. He stated they did not have money did not know how to reach their families if their families were living near Damascus nor did have the possibility to travel to other provinces [if they were from outside Damascus].

Judge Wiedner asked P2 how many persons he took care of [represented]. P2 said hundreds and they reached thousands up to now.

Judge Kerber asked P2 about the food experience in prison. P2 mentioned that the food consisted of bread and potato, and sometimes jam or cream cheese. Judge Kerber asked if the food was sufficient. P2 stated that sometimes the room was full of 50 people and the guards used to come and toss around 20 loaves of bread and 10 pieces of potato.



Counsel Michael Böcker, one of Accused Raslan's attorneys, interrupted and stated that P2 was not giving accurate information in his testimony and it should be disregarded. Counsel Sebastian Scharmer, plaintiff representative objected and told Böcker was acting "cheeky."

P2 stated that his information came from a reality that he witnessed. He said that when a detainee was released, he weighed 40 kg, when he used to be 75 – 80 kg.

Judge Kerber asked P2 if he experienced the story about tossing bread himself. P2 answered that he was given bread and potato. He said he heard the rest from others.

Judge Kerber asked P2 what he knew about Caesar and from where. P2 responded by stating that if an incident occurs involving a military person, then the military police conducts the investigation and documents the corpse. He stated that after the revolution began, many victims died in all branches especially the military ones. P2 said that if he [perhaps the injured party] had a military or a civilian status, the corpses were sent to the military police in Al-Kaboun القابون or to Tishreen military hospital مشفى تشرين العسكري in Harasta. حرستا. P2 stated that the military police's investigation department did not receive an order to stop documenting corpses, as the protocol stated. Therefore, P2 said they took photos of the corpses and archive them, in case the judiciary requested them.

Judge Kerber asked P2 how he knew that. P2 stated that lawyers call the police when an assault is committed by or on a military person. Judge Kerber asked P2 whether he saw photos of the corpses. P2 said that when a case reached the military court, the accused's or the victim's attorney was present there, and these photos were in the case file.

Judge Kerber asked P2 if he himself saw them and whether the victim had identification. P2 said that a friend of him told him that they were occasionally forced to carry the corpses to the toilets. According to P2, in each branch, when the corpses were carried to the toilets, old corpses had numbers on them. Judge Kerber asked if the numbers were written by a pen. P2 affirmed that sometimes it was written with a pen, if the corpse was not worn-out; otherwise it was written on a paper on the abdomen or the forehead.

Judge Kerber asked P2 what was written on the corpses. P2 said numbers and explained that the security branch had a sequence of numbers for each of the corpses. He said that the corpse went to the military police or to Tishreen, where they added a number. He stated that on the corpse, one could find the number of the branch, the number of the corpse and the number of the place where the corpses were collected.

Judge Wiedner asked if a corpse had the number "251," if that meant that the person died in branch 251. P2 affirmed and said that the sequence of numbers, the branch number and other numbers indicate that the victims [corpses] left from that branch, because no branch can add a number of another branch [if person dies in a branch and the corpse was transferred to another place, the number of the first branch cannot be removed].

Judge Kerber asked if there was a law that permitted torture. P2 said no and said that there is an article that punishes torture, but the person who commits it is protected from accountability.

Judge Kerber asked P2 if he met Accused Raslan. P2 listed three times he saw Accused Raslan. He said that he arrived in Berlin on August 28, 2014 and relocated to a refugee camp in Marienfelde, where he stayed until the end of February 2015. He said that he and his wife went to the



supermarket and came across another person and his wife. P2 said that he immediately felt as if he knew that [person's] face, but he did not remember much. P2 said that he felt that the other person looked at him and recognized him, but P2 did not have the audacity to go and ask him where he knew him from. P2 said that days after that incident, P2 visited friends who knew that Accused Raslan detained him before and they told him that Raslan was in Berlin. P2 then mentioned that he encountered Raslan again, not far from the refugee camp. Lastly, P2 said that he later found an apartment, and once again came across Accused Raslan in a building supplies shop. P2 said that he told his wife "This is not possible! He is after me, even here." P2 said he did not see Raslan after that.

Judge Kerber asked if the shop was called "*Poco*" (furniture shop) or "*Baumarkt*" (a buildings supplies shop). P2 laughed and replied that there is no "*Poco*" shop in Hermannplatz in Berlin.

P2 said that he knew that Accused Raslan came to Germany the same way he did (with a visa from the German authorities). He said he heard this from [name redacted] and [name redacted]'s wife, who are his friends. Judge Kerber asked P2 if he found it strange that [name redacted] got involved with Raslan. P2 replied that he found this behaviour strange. P2 stated that he did not carry a personal grudge against anybody. Additionally, P2 said he was new in Germany and was not familiar with the laws there. Also, even after P2 knew, Accused Raslan was not his obsession, but rather the victims who were being tortured in Syria.

Judge Wiedner asked P2 why he was detained in 2006. P2 stated he was detained for two reasons; first, he was always denouncing the poor human rights situation in Syria and he wrote an article about a case of someone dying under torture in Sidnaya صيدنايا one week before his detention; and second, the EU financed and founded a centre to train human rights activists in Syria, and he was named the head of the centre. He said that one week after that, the centre was closed and sealed with red wax in March 2006. P2 said he was detained less than two months later and was accused with disseminating fake-news for his report on the torture in Sidnaya and was charged for finding an organization in an unauthorized way and dealing with foreign parties.

P2 said that they did not want information from him in Branch 285, because he used to publish everything in the media [and thus they knew everything about him]. He stated that his charges were issued by the court and the judge, and was in line with the emergency state declared in Syria.

Judge Wiedner asked P2 if he recognized Accused Raslan by his voice and P2 said exactly. P2 said the voice was repeated when he wanted to hand him into the court police. He said that they [Syrian security officers] needed to remove the blindfold because he was a criminal felon, and Accused Raslan had his [P2's] mobile phone and his ID card. He said that Accused Raslan also handed the certificate of delivery to the police, and in those two minutes while Accused Raslan was giving P2 his belongings, P2 saw him.

Judge Kerber asked P2 if he was certain and P2 said that he had no doubt. He said that Accused Raslan changed a bit and lost some weight but P2 said that he was certain.

Judge Kerber asked P2 how he knew he was in Branch 285. P2 said that when he was blindfolded [in the car] he kept silent and began to locate where the car was heading to. P2 said he figured out that they were security forces, but did not know which Branch they belonged to. P2 said he had a car and he used to drive that way daily and knew the locations of all branches as he visited all of them either by summons or by imprisonment. P2 said he estimated that they were in Al-Adawi highway أوتستراد





العسكري where at its end was political security branch. P2 stated that the car did not stop and it turned to the left and drove down in a tunnel (Al-Thawra tunnel). نفق الثورة. He said that after the tunnel there is the military security branch on the right and if they drove straight ahead, the criminal [police] would be located there, because the justice palace is there and P2 used to drive to it daily.

Judge Kerber asked P2 if he was exposed to mistreatment. P2 said that he was placed between the seats and they sat above him, but they did not hit him and they took his belongings. Judge Kerber interrupted and asked whether he was beaten in the car. P2 stated that he was not beaten by fists, but the mere fact that he was placed[...]. Judge Kerber interrupted again, stating that in his 2018 questioning, P2 said he was beaten in the car. P2 stated that he said that it is standard for one to be beaten. He stated that if there would be no beating, then it would be due to orders not to beat him from the one who ordered the detention. He said that he was not tortured when he was in the cell like others.

Judge Wiedner asked what he saw or heard that night in Branch 285. P2 said that the sounds of torture and screaming did not stop the whole night, and the sounds of beating were audible. He said that when he was brought out of the cell the following morning without a blindfold, he was taken to the interrogation room to sign his referral. He said he signed it, was blindfolded and the person who was in the car came to him. P2 stated that in that room, there were torturing tools, cables and a tire at the corner.

Judge Wiedner asked P2 if he saw someone being tortured in the room. P2 said no and that the room was empty, but the sounds he referred to occurred during the night.

Judge Wiedner asked P2 how long the interrogation lasted in Branch 285. P2 answered five minutes and stated that they did not want information. He stated that they anticipated that P2 would negotiate his release and cooperate with them. However, P2 said that when the interrogator heard his answer [P2's sarcastic answer of the good human rights situation in Syria], the interrogator lost hope [that P2 would cooperate with them]. P2 said he later heard that American and EU leaders, and Amnesty International provided statements demanding his release.

Judge Wiedner asked who interrogated him. P2 answered that he did not know; it was either the head or deputy of the branch, but that person [referring to Accused Raslan] was the one who accompanied him to the room.

Judge Wiedner asked P2 if that person stayed in the room during the interrogation. P2 confirmed this and claimed that there was another person present. He said there was only one question, which was: "how are you P2?"

Judge Wiedner asked if there were insults. P2 said that after the slap, the interrogator insulted him and told others to "take him." Judge Wiedner asked who were the others. P2 answered that he did not know, and it was either the head of the interrogation unit, or the head or deputy of the branch.

Judge Wiedner asked P2 if the person who accompanied him insulted him. P2 answered that the mere fact that the person accused him of murder and theft, as a lawyer, not to mention a human rights lawyer, was the biggest insult. However, P2 said he did not receive insults from that person in the branch due to orders. P2 stated that even the individual who was torturing others used to open the vision panel, see that P2 had not eaten, and would ask him "why don't you eat?"





Judge Wiedner mentioned that P2 stated that he was transferred again to Branch 285, before he was released from Branch 285 in May 2011, and asked if conditions changed since his first detention there. P2 stated that the conditions became worse. He said that there are a western and a northern building within Branch 285. P2 stated that his first detention was in the western one, but when he was brought back, he was in the northern building. However, P2 stated that nothing changed and the torturing sounds were always audible.

Judge Wiedner asked if there were differences in going after people before and after 2011, and if any specific incidents happened. P2 said that after the beginning of 2011, there were demands in Syria similar to Egypt and Tunisia. He said the first demonstration occurred in Al-Marjeh المرحجة in February 2011. P2 added that the families of the detainees called to assemble to release the detainees, activists and journalists organized a sit-in and the security forces attacked it. He said there were females and children who were beaten with batons and a female activist was pulled across the road from her hair. P2 stated there were well-known people, journalists, females and elderly people who were assaulted. He stated that for instance, five from the [name redacted] family were assaulted and 15 people were detained and later brought to Adra. ادرا According to P2, the regime began to be more ferocious starting from that period. P2 said the regime did not care about certain individuals any more, but was rather expecting a public [broad] movement like Egypt and Tunisia. P2 said there were more ferocity in their detention and torture methods.

Judge Wiedner asked if there were changes in laws. P2 said that the police and the customs were protected by a republican decree from Bashar Al-Assad (either decree 50 or 51, but he said he was not sure because he was in prison). He said they [the regime] were preparing to give the police additionally protection, in case they would commit anything.

P2 said that most of the detainees were either peaceful demonstrators or media individuals, who were treated more ferociously.

Judge Wiedner asked P2 how his clients had been detained. P2 said that all branches used to detain, but state security was the most active in this. He said that Branch 251 was the only branch that had a division in Duma, دوما and there was also Division 40 (under the administration of Hafez Makhoulوف), السيدات As-Sayyeda Zeynab أبو الشامات Abu Ash-Shamat الزبداني, and the Az-Zabadani divisions. He said that all the military branches were in Damascus, but Branch 251 was distributed in all areas, and thus it conducted the widest campaigns.

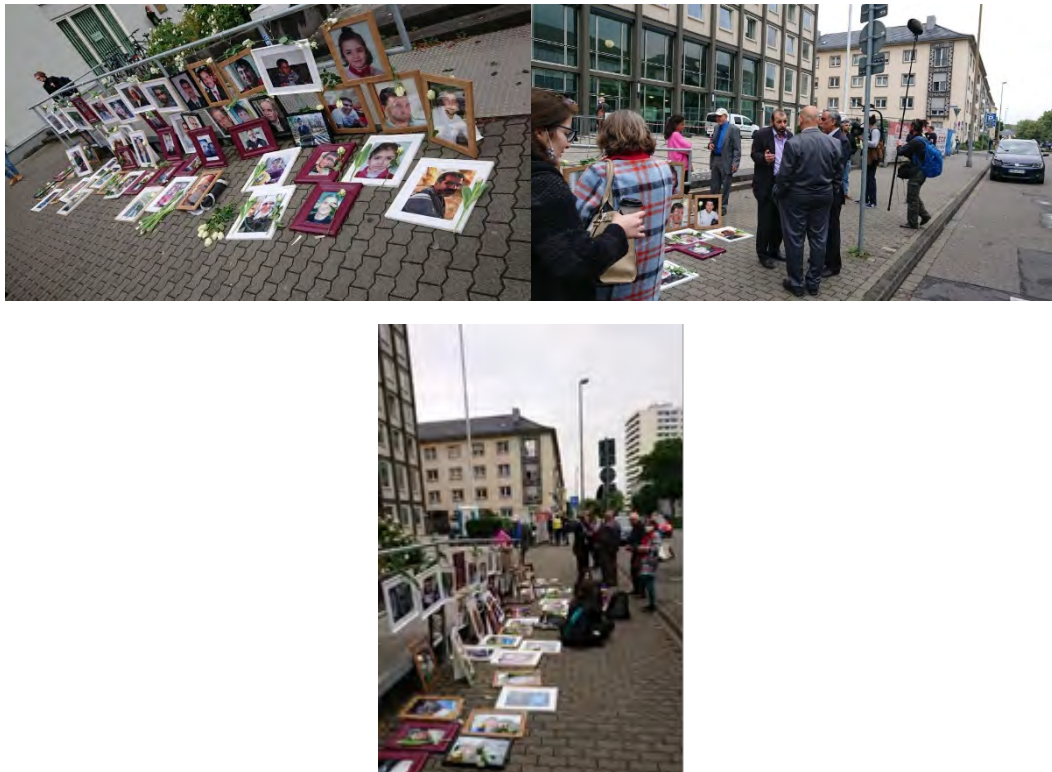
Judge Wiedner mentioned that P2 talked about Division 40, and asked him to elaborate on that division. P2 said that Division 40 was under the Branch 251, is located in Ar-Rawda الروضة and it was responsible for the Damascus area. He said that Division 40 is a residential building in the most important commercial area in Damascus, and therefore, it was responsible for the security of Damascus. However, P2 said that after 2011, it became responsible for overseeing social media. But he said that division 40 used to detain people without keeping them since it had no places to hold them. He said that division 40 used to detain, interrogate and then send individuals to Branch 251. P2 said that if they needed to re-interrogate someone, then they would summon him again. P2 said division 40 detained his brother in March 2014, because they thought that his brother was him. P2 stated that his brother was interrogated in Division 40, then sent to Branch 251, then summoned again by Division 40 for interrogation, and then sent back to branch 251.

Judge Wiedner asked P2 if he had a grudge against Accused Raslan. P2 said it was known that defectors would come out to declare and explain that the regime used them. He said it had been always like that: all defectors would make visual or written proclamations, especially those of high rank. However, P2 said that Accused Raslan did not do that and he did not hear that Accused Raslan defected nor that Accused Raslan was against [what happened to] detainees or protestors.

Judge Wiedner mentioned that P2 stated in his 2018 questioning that Accused Raslan had defected because of the Houla massacre. مجزرة الحولة. P2 replied that he said that he anticipated that Accused Raslan had defected due to such reason, however, Accused Raslan did not say anything.

The proceedings were adjourned at 04:00 p.m.

***Below are photos from outside the courthouse. The framed photos are part of a demonstration by Families for Freedom:***





### Trial Day 12 – June 05, 2020

There were about 14 spectators and 11 individuals from the media present. The proceedings began at 9:30 am.

#### Testimony of [name redacted] [P2], Questioning by Judge Kerber Continued

Judge Wiedner referred to P2's statement in his prior questioning where P2 stated that he was beaten on the way [to the branch] when he was detained in 2006, whereas in court, P2 stated he was not beaten. P2 said that what he told the police in his prior questioning was correct. P2 stated that he was expecting to be detained. He added that a few days before [he was detained], other opposition individuals like [name redacted] and [name redacted] were detained. Judge Wiedner asked if P2 was beaten. P2 stated that there was beating and physical violence when they threw him in the car. However, P2 stated that when he was placed between the two seats, he was not beaten. He said that they only beat him when they took him. He said he was beaten as he was being placed in the car and they sat on top of him when he was in the car. P2 said that the car ride between his home and the branch was 15 minutes. He said that what he said to the police was more accurate, because his memory was more recent and fresher then.

Judge Wiedner referred to P2's statement during his questioning on July 20, 2017 that he met a person who was a director during his detention who was not beaten because he was well known and Judge Wiedner asked if that person was P1. P2 said that he was not talking about P1. He said he met P1 after the latter was released and P1 was in a bad state, especially psychologically. P2 stated he meant another detainee, as they [the regime] detained many directors and media activists.

Judge Wiedner asked P2 about his general knowledge of Hafez Makhlof. P2 said that Makhlof was the head of Division 40, which is under the administration of Branch 251. He said that Makhlof's orders came from Branch 251. P2 stated that in Division 40, there were no detention places, and thus, they used to detain and transfer detainees to Branch 251, where the interrogation department was located.

Judge Wiedner asked if Makhlof had connections with higher ranks. P2 said that Makhlof is the cousin of Bashar Al-Assad so Makhlof had a direct connection with Assad.

Judge Wiedner asked if Makhlof could issue orders in Branch 251. P2 said that in the hierarchy, Makhlof was under Branch 251's administration, so Makhlof could communicate with some high ranks in Branch 251 on a personal level, but could communicate not on a functional/work level [Makhlof could call any friends in Branch 251 but he did not have control over work orders in Branch 251]. P2 said that 11 branches in the provinces and eight divisions in Damascus and rural Damascus (including Division 40) are all under the administration of Branch 251. P2 said that it was impossible for a division to have authority over a branch. He added that Makhlof had dreadful aura as a person [but Makhlof did not have authority over Branch 251].

Judge Wiedner asked about how they conducted investigations in Division 40. P2 said that Division 40 had no detention places. According to P2, after detention they used to interrogate and transfer detainees to Branch 251. He said that some of Branch 251's interrogation officers conducted the interrogation in Division 40.



Judge Wiedner asked whether an officer (not from Branch 251) would be able to interrogate detainees, and more broadly, who has authority to conduct an interrogation in that Branch. P2 said that all interrogators were from Branch 251 and it was impossible for someone who is not part of Branch 251 to go and interrogate there.

Judge Wiedner asked P2 how he knew that. P2 said from the administrative hierarchy, and from his and other's reports about it. He said that when detainees used to describe the interrogators, the same descriptions were repeated. P2 stated that detainees always remembered the voices and people who used to torture them like Abu Ghadab أبو غضب and the detainees mentioned that in their testimonies. He said that no one who was detained in Division 40 and then transferred to Branch 251 described another experience.

Judge Wiedner asked P2 if he could imagine that a non-Alawite could be in the high ranks. P2 said that there were many Sunnis in the intelligence apparatuses, but there is a difference in regards to heads of branches. He said that a non-Alawite could be of high rank and added that the Sunni in the security apparatuses were more brutal than the Alawite, because Sunnis believed they needed to prove their loyalty. P2 stated that he got this information from the detainees, who said that Sunnis were more brutal with them.

Judge Wiedner asked P2 if he knows other Sunni interrogators. P2 said that there were locations that had well-known Sunnis, including Branch 251 and the military and air force branches. He said that generally, non-Alawite (like [name redacted] who was a Christian), were more violent with him. P2 added there was also [name redacted] who was an Ismaili. He said that both of them worked in the military interrogation branch.

Judge Wiedner asked if P2 experienced the above [if non-Alawites were more violent with detainees]. P2 said that he experienced some of that himself, but he said the majority of this information came from more than 15 – 20 detainees who were released daily.

#### ***Questioning by Senior Prosecutor Jasper Klinge***

Prosecutor Klinge asked P2 how he could tell if someone is an Alawite. P2 said that high ranked officials are well known and lower ranks were identified mostly from their dialect and their way of speaking. He said that Alawites, Christians and Sunnis could share a dialect, but the way of speaking hints that this person is an Alawite (and thus, has an authority).

Prosecutor Klinge asked if some regions had specific dialects. P2 said that there were Alawite-specific dialects, but other people who live among them could also speak the same dialect.

Prosecutor Klinge asked P2 if he knows the number of officials in Division 40 and Branch 251. P2 answered that there was a large number of officials within the branch because there were many divisions under that Branch. He said that the area As-Sayyeda Zeynab, the Abo Ash-Shamat division, Damascus and rural Damascus were all under Branch 251. P2 stated that "Division" 40 had no considerable weight like 251, which is a "Branch." P2 added as an example, the patrol division was located within Branch 251, and they used to detain people.

Prosecutor Klinge asked P2 to elaborate on Branch 251's role. P2 stated that the security apparatus was ruling Syria and Branch 251 is the cornerstone in Assad's regime. He said that ministries are formed there, members of the Syrian people's council [parliament] are named there, and the



economy is operated there. P2 testified that military and air-force branches are oppressive branches, whereas Branch 251 is the internal state security management and controlled everything. Therefore, P2 said the head of the Branch is a person close to Al-Assad, like Mohammad Nasif محمد ناصيف, Bahjat Suleiman بهجت سليمان and Tawfiq Younes توفيق يونس [current and previous heads of the Branch]. He said that the country's administration was passed only to persons who were 100% loyal and that no one from other branches is allowed to enter Branch 251.

Prosecutor Klinge asked if there was a difference between the branches' power before and after 2011. P2 said that they [their powers] expanded. He said that the oppression that occurred [before 2011] was done to help the management, but after 2011 the oppression was dominant and the other branches' authorities increased. P2 stated that before 2011, military security was not allowed to interfere without orders from the president, and the branches were assigned cases. He said that while Branch 251 had the ability to openly detain and investigate, after 2011, all branches could openly do the same.

Prosecutor Klinge asked if P2 knew other names for the state security. P2 said he could not be sure of the names, because naming depended on internal correspondence.

Prosecutor Klinge asked P2 if he knew different names for Division 40. P2 said Ar-Rawda division قسم الروضة, which is an important area in Damascus. Klinge asked about Al-Jisr Al-Abyad, الجسر الأبيض, and P2 explained that Al-Jisr Al-Abyad is a large neighborhood and Ar-Rawda is within it.

A google earth photo was shown via the projector, and P2 was asked to tell the court where division 40 was located. P2 went to the judges' panel and pointed to a building. Then, another photo was shown and P2 pointed to the buildings of Branch 251. P2 returned to his seat.

Prosecutor Klinge asked P2 if he could describe Branch 251's two buildings. P2 said that the first time he was at Branch 251 was when he was detained in 1978. He stated that after that, he was there only when he was summoned there, without being detained for long periods, and these were in 2005 and 2006. P2 said the branch consists of two residential buildings and normal flats. He said the primary building is the one on the left (P2 said he went there). P2 said there is an underground floor, which serves as the prison. He said that (when he was there in 1978) there were stairs and an iron door on the left. He added there were rooms on the right and left, and the cells were located in the garden in the north-eastern side. The interrogation room was downstairs [underground]. P2 testified that he was imprisoned in the solitary cell, not in a shared one. P2 stated [the office of] the interrogator was in the ground floor and the head of the branch was on the first floor. P2 added that the floor had residential flats that were 200 – 250 m<sup>2</sup>, but he was not certain. He stated that he has not been in the right building, but he remembered that it was a smaller building and both buildings had the same number of floors. According to P2, former detainees stated the garden was expanded and more cells were constructed on the southern and eastern sides.

There was some confusion regarding the garden and the cells. Prosecutor Klinge asked if there were cells both above and underground. P2 explained that the cells were under the street level.

Prosecutor Klinge asked P2 about CCMC [Central Crisis Management Cell; خلية إدارة الأزمة]. P2 took a while to understand the translation and then said that it was established in March or April 2011 after the revolution began to deal with the demonstrations. P2 said it consisted of several people like the Minister of Defense, Head of National Security, Head of the Military Intelligence Directorate





Abdulfattah Qudsiyya, عبد الفتاح قدسية, the head of the Air Force Intelligence Jameel Hasan, جميل حسن, and the Head of State Security Management, Ali Mamlouk, علي مملوك.

Prosecutor Klinge asked what were the CCMC's tasks. According to P2, the CCMC was responsible for the oppression and for attacking the people's movement that asked for freedom and reform. He said the CCMC used to issue orders to all security and military apparatuses, police and media, but the details of the orders were discussed within each branch on its own.

Prosecutor Klinge asked P2 how he knew about CCMC. P2 replied that he was informed by leaked documents in the media, and it contained orders for dealing with demonstrators, including detaining demonstrators and killing them under torture.

Prosecutor Klinge asked P2 what orders the cell issued. P2 said that the orders responded to demonstrators with violence, focused on media activists and enforced all the possible means to stop leaked photos from leaving Syria, but P2 said he did not know a specific order.

Prosecutor Klinge asked P2 when the CCMC was founded, and P2 said after March 2011, maybe in April.

Prosecutor Klinge referred to Caesar's statement that the corpses were transported to Al-Kaboun hospital. He asked P2 if he knew if there were corpses that were transported to hospitals. P2 said that military investigation branch was near Mazzeh [military] hospital, مستشفى المزعة, and therefore, they could transport corpses there. P2 also stated that according to survivors of detention, patients were transported to Mazzeh hospital and were killed by doctors and nurses there. P2 stated that Branches 235, 227 and the state security branch were near Tishreen, تشرين or Al-Kaboun, القابون [hospitals].

Prosecutor Klinge asked P2 about sexual assaults in prison to differentiate between his experience and what he heard of. P2 said that he took information directly from detainees after their release. P2 said that sexual assaults were very common for females and males. He said that Al-P1 testimony is something that many detainees have experienced but only few are able to tell what happened with them. P2 said that it was more common with females, starting with stripping them naked in front of the interrogators as well as rape. P2 said he personally helped some of the released female detainees obtain abortions. He said that only few female detainees declared what happened with them and they could have problems with their families. He said that some female victims would come to the courtroom and share their stories.

Prosecutor Klinge asked P2 if it is taboo to talk about female sexual mistreatment in Syria. P2 said that females usually do not speak about it, but they used to tell the lawyers so lawyers could help them with abortions.

Prosecutor Klinge mentioned that Accused Raslan stated he was trained by Russia to fight terrorism like Islamists, Al-Qa'eda and Al-Nusra. Klinge also stated that Accused Raslan mentioned that he was protecting the foreign embassies and diplomats, and he hoped that Syria would be empty from extremists and terrorists. Prosecutor Klinge asked P2 about his thoughts. P2 said that as "his" president admitted [P2 emphasized on translating the word to "his" and not "our" president] that the 2011 demonstrations were peaceful. P2 said there were no such organizations in Syria, and then wondered "which terrorist organizations, was he speaking of?!" P2 then added that Accused Raslan was saying that to gain the western sympathy against the Islamic organization and ISIS, as if he was





saying: "I was allowed to do so in order to defend you." Prosecutor Klinge asked P2 if he himself was related to such organizations and P2 answered that he is a Christian.

### **Questioning by Counsels**

Counsel Michael Böcker, Accused Raslan's representative, asked about Abdulmon'em An-Na'san عبد المنعم النعسان. P2 said that he was an interrogating officer in Branch 251 and he was a Sunni without much power.

Counsel Böcker asked P2 if he knew about other ranks in the branch. P2 said that he did not have information about the administrative hierarchy in Branch 251. Counsel Böcker asked P2 if he knew Mohammad Abdallah محمد عبد الله, Khaled Al-Khateeb خالد الخطيب, Yousef Ibrahim يوسف إبراهيم, and Abdulmajeed Nabbuda عبد المجيد نبودة, and P2 said he did not know any of them. Counsel Böcker asked P2 if he knew Mohammad Deib Zaytoun محمد ديب زيتون, and P2 said of course. P2 said he is the head of the political security and after Ali Mamlouk علي مملوك left the position, the former [Zaytoun] became the head of the national security directorate.

Counsel Böcker asked P2 about the roles of Mohammad Deib Zaytoun محمد ديب زيتون, Tawfiq Younes توفيق يونس. P2 said that Mohammad Deib Zaytoun was the head of state security directorate, Tawfiq Younes was the head of Branch 251 and Hafez Makhlof was the head of Division 40, which is one of many divisions of Branch 251.

Counsel Böcker asked P2 about the sequence of orders. P2 said that the primary administration was CCMC (Ali Mamlouk and Mohammad Deib Zaytoun), which gave plans to Tawfiq Younes for execution, who gave orders to departments. P2 said Makhlof could communicate with Zaytoun on a personal basis, but for work-related matters, he [Makhlof] communicated with Younes.

Counsel Böcker asked P2 if something [orders, plans etc...] had changed in CCMC. P2 said that the orders were coming and the apparatuses were executing, detaining, torturing and killing.

Counsel Böcker said that P2 stated that he was last detained in Branch 251 and was transported by a bus. P2 corrected Böcker and said that he said that he was detained in Branch 285 and not in 251, and was transported by a car not a bus.

Counsel Böcker asked P2 if Dr. Kroker was present in the 2018 questioning and P2 affirmed. Counsel Böcker asked P2 if there was a photo array, and P2 said yes. Counsel Böcker asked P2 if he recognized someone. P2 affirmed and said that he remembered saying that one or two of the photos belonged to Accused Raslan. Counsel Böcker asked P2 if there was a possibility that he recognized Raslan wrongly. P2 replied that he recognized Accused Raslan.

Counsel Böcker said that P2 mentioned in the questioning that he recognized three photos of Accused Raslan wearing glasses. P2 said that multiple photos were shown with and without Raslan wearing glasses. P2 said that he saw Accused Raslan for two minutes in 2006. He said he glanced at Accused Raslan for seconds 3 times without examining, because he did not want to see Accused Raslan. However, P2 said that Accused Raslan's image was generally imprinted in his memory and thus P2 recognized that it could be Raslan.

*A 20 minute break was issued for the translators.*



*After the break, P2 was not there on time, so Judge Kerber mentioned another witness called [name redacted] and his petition on an appointment of witness assistance. The defence said that it was no problem for them. Plaintiff attorney Dr. Oehmichen mentioned that the witness should testify veiled for victim protection. The prosecution quoted a law saying that as a witness he needs to give his testimony openly and show his face. The prosecution and six plaintiff attorneys did not vote against the petition of witness assistance. Mohammed, plaintiff counsel, suggested that the witness not publicly read out his address.*

Counsel Böcker asked P2 about the photo array. P2 said that he was shown six – eight photos. P2 said that three of the photos had close resemblance to Accused Raslan and one of the three photos had the most resemblance. P2 said that the photos were shown one after another. He said he examined the photo, and would tell them to go next. Counsel Böcker asked P2 if he recalled if the photos were being shown until he said to go next, or without him saying to go next, or if he could not recall how it was. P2 said that the photo remained until he told them to go next.

Counsel Arne Bodenstein, one of Accused Al-Gharib's representatives, mentioned that P2 said that he knew [name redacted] was a Christian. Counsel Bodenstein asked P2 how he knew that. P2 said that he knew [name redacted] prior to his detention and that as a human rights activist, he knows the heads of the branches.

Counsel Bodenstein asked P2 if he used to know him [name redacted] before or after his release. P2 said that he knew him before he summoned him. Moreover, P2 said his name was on the plate [i.e. plate on a desk or door]([name redacted], head of Branch 248, military security).

Counsel Bodenstein asked P2 how he identified someone to be an Alawite or a Sunni. P2 answered that he did that through their dialects and from what others have said.

Counsel Bodenstein asked P2 if he heard names of officials that he did not know prior to the detention. P2 denied.

Counsel Bodenstein asked P2 how would he identify someone to be an Alawite or a Sunni using previous knowledge about those individuals. P2 said that some people had relatives/acquaintances who worked in a branch (sometimes as interrogators). He said these people leaked information about their relatives/acquaintances (including names/nicknames and which branch they worked). P2 said that when the detainees were released, they used to mention some names or nicknames e.g. Abu Ja'far. أبو جعفر. He stated that all this data was corroborated to build information.

Counsel Sebastian Scharmer, plaintiff representative, mentioned that P2 talked about sexual assault, and asked about the differences before and after 2011. P2 said that sexual assault had been used against females in Syria since the 1970s and before 2011, it was used more as to get information, as a threat of the physical and verbal violence. He added that after 2011, it was used to humiliate the female detainee and her family, and sometimes they would rape her in front of them. P2 said that there are facts that a female detainee was raped in front of her husband or brother. He said that they had a witness who was in Branch 251 and saw seven-eight female detainees in a small cell naked without an iron door, and anyone who was passing by could see them. P2 said that the witness stated they were taken [used] for service (deliver food and drinks) and that witness saw them naked sitting and covered with menstrual blood due to the lack of sanitary napkins.



Counsel Scharmer enumerated some torture methods like *Shabh* شبح, *Falaqa* فلفة and the German chair الكرسي الألماني and asked P2 if these methods were used before 2011, and if their use increased after that. P2 said that all methods were known before 2011 and more brutal methods were added afterwards. P2 gave an example of tying a person to something like a chair with a hole at the base of the chair, and a source of fire like a candle is placed underneath him [the hole], before he was left to die. P2 stated that one used to suffer for a day or two days, and it was impossible to imagine what he went through, before he accepted and surrendered. P2 said that this method was not used before 2011, but after 2011, new methods were used on everyone with no exceptions.

Counsel Scharmer said that he knew that P2 received a prize in 2014 from Germany, and he asked P2 what it was. P2 said that he received two prizes from Germany: the German Judges Prize in 2009, and the German-French prize for human rights in 2014.

Counsel Dr. Patrick Kroker, plaintiff representative, asked about female detainees who were victims of sexual assault and their experience after their release. P2 said that unfortunately, female detainees in Syria suffer torture twice: in prison and when she is released from the people around her. P2 added that when released female detainees speak about their experiences, we know what happened with the others [get a general idea of what others go through].

Counsel Dr. Kroker asked about the charges the female received in the intelligence services. P2 said that the females used to be forced to confess that they seduced officers with sex to kill them and they were participating in demonstrations to have sex with the demonstrators.

Counsel Dr. Kroker asked P2 why he was visiting the intelligence branches, and P2 said that he was forced to visit the branches since he was summoned by them.

Counsel Dr. Kroker said that some people allege that they worked with the regime but did not torture anyone. P2 said that they [he and others] documented people who have information about names and officials. Judge Kerber rephrased the question asking whether it would be possible for someone who worked in the intelligence services to not be involved with torture. P2 said no and that anyone affiliated with the intelligence services either tortured or knew about the torture that occurred there.

Counsel Dr. Kroker asked about the Syrian political situation in 2012 and whether the regime was under pressure. P2 said that the situation evolved and there were many people [pro-government] who wanted to free themselves from the regime. P2 said that in 2011 and 2012, many reacted to authorities' practices and moved away but those who loyal stayed. He said the usage chemical weapons against Al-Ghouta الغوطة was an issue in 2013.

Counsel Dr. Kroker asked P2 about the motivation of defectors. P2 said that ones who were dissatisfied with the regime at that time, defected and declared in statements (and in videos) that that they defected and disclosed that the regime committed crimes, and that they did not agree to that as part of the nation. P2 said that some people lost and left Syria fearing the regime's downfall and others left Syria were delegated by the regime to go and sabotage other parties. P2 testified that there were facts that some defectors in 2011 and 2012 founded armed organizations and returned to the regime to work with them.

Counsel Dr. Anna Oehmichen asked P2 if he was able to identify someone as a Sunni if he was blindfolded. P2 said that he could do that by the person's dialect.



Counsel Andreas Schulz, plaintiff representative, referred to P2's statement that some pro-government people left the regime and returned to work with it. He then asked P2 if he believed that Accused Raslan did the same thing. P2 stated he was not certain based on his information and thus he cannot talk about that topic.

Counsel Schulz asked P2 if he could disclose such information about those defectors. P2 said that he had information and clues, قرائن, but he did not know if it would be considered as evidence.

Counsel Schulz said that P2 [posted](#) online that Accused Raslan changed his location, but not the nature of his work, and he asked P2 to elaborate on that. P2 said that Raslan's defence statement was denying the systematic torture in Syria, which complied with what Bashar Al-Assad said in an interview. P2 said that afterwards, P2 wrote that Accused Raslan did not change the nature of his work because that statement was embracing the regime's perspective.

Counsel Schulz asked if the German words "Ermittlungsabteilung" (investigation division) and "Untersuchungsabteilung" (investigation/examination division) mean the same in Arabic. P2 said that the security services did not conduct investigation/examinations "التحري" (investigate people from afar) but perhaps the normal police did. He said that security services directly/physically investigated a person "تحقيق" [includes torture] while "التحري" was done remotely and refers to gathering information "استراق المعلومات" [ex: obtaining and monitoring information without others knowing].

Counsel Schulz asked P2 if there was an attempt to kill him in prison. P2 affirmed and said that he was subjected to two attempted murders in prison by the cousin of Bashar Al-Assad [their fathers are brothers i.e. عم] Numayr Al-Assad. نمير الأسد. P2 stated that Numayr and his group committed huge crimes that shook the country in 2004 – 2005, so Bashar was forced to detain them in order to appease public outrage. P2 said Numayr and his group were from Al-Qirdaha. القرداحة. P2 said that he was put in the same cell and alleged that they attempted to murder him two times, but other prisoners rescued him.

Counsel Schulz asked P2 if he believed that the regime would assassinate opposition members outside Syria. P2 answered that intelligence services did that previously. P2 gave an example and said that they tried to assassinate [name redacted] in Germany in the 1980s, but when they did not find him home, they killed his wife [Banan At-Tantawi بنان الطنطاوي] instead. P2 stated that the regime was a terrorist gang that committed so much inside and outside Syria, and they could do anything.

Counsel Schulz asked P2 how he came to Germany and why he left Syria late. P2 answered that after he was released from prison in 2011, a German official came to Syria. He said that the German official visited P2 in his home and asked P2 if he wanted to travel [outside]. P2 told him that he was banned from travel and his wife had no travel document. He said the official took photos from them and told them that they can come to Germany, but through the German embassy in Jordan. P2 said that he was not planning to leave Syria at that time, but the situation was escalating and the condition of detainees in 2014 was not like before, as it now meant death. P2 gave an example of his friend [name redacted] who was detained in 2012, and until today, no one knows any information about him. P2 stated that there are more than 150,000 detainees, some of them detained in 2011, whom no one knows anything about. P2 said that due to such reasons, he escaped with his wife to Beirut illegally, and the German embassy gave them travel documents there.



Counsel Khubaib Ali Mohammed, plaintiff representative, asked P2 if there were specialized interrogators. P2 said that there were no specialized interrogators, but rather well known people. P2 said that if a well-known person was to be interrogated, there would be orders to either torture him severely, not torture him or decrease the intensity of torture with him. Therefore, P2 said the guard did not dare to hit anyone whom he was ordered not to hit.

Counsel Mohammed, plaintiff representative, asked how P2 communicated with his defendants as a practicing lawyer. P2 said that in Syria, the attorney was not allowed to speak to or accompany his defendant. P2 added that per law, even in the normal criminal cases, he cannot be present during the investigation [it seems he meant interrogation].

Counsel Mohammed asked P2 if he saw P1 after the latter was released. P2 said that P1 was detained twice, and that he saw P1 after P1 was released from his first detention. He said that P1's release from the second detention was in Idleb, not in Damascus.

Counsel Mohammed asked P2 why P1 was detained. P2 said P1 filmed the brutal regime's crimes and that was the most hideous accusation and charge for the regime, and [the regime] used to detain people only because they were watching Al-Jazeera in their houses. P2 said that reporting what was happening in Syria was the most dangerous accusation.

P2 stated that after he used to leave the justice palace, he would accompany the defendant in front of the judge (the civilian judge at that time). P2 stated that he represented hundreds and thousands of people, and issued many requests to the general prosecutor to determine the fate of some people or to settle some unresolved issues after release (for instance, if one's laptop was not handed in back, if there was a travel ban). P2 said that he could not remember everything.

Counsel Mohammed asked P2 to describe P1's condition when he was released. P2 said that P1 was incomparable to how he looked now. P2 said that P1's clothes showed that he stayed with the same clothes without taking a shower, but the psychological state was the worst. P2 said he could see that P1 was just trying to contend with the situation.

Counsel Mohammed asked P2 where he saw P1. P2 said that he visited him in jail in court. P2 said that anyone could know from the person's state of being how much the person suffered and withstood.

Counsel Mohammed asked P2 if he saw clear injuries or blood on P1. P2 said that he used to meet released detainees daily. All of them had wounds, bruises and mostly fractures. That was the standard condition and not something exceptional.

Counsel Manuel Reiger, plaintiff representative, mentioned that P2 stated in his 2017 questioning that he was tortured with the tire *دولاب* and asked him if that was the case. P2 denied this and said that he said that there were torturing tools in the interrogation room, including tire. P2 stated that he was not tortured with the tire.

Counsel Reiger mentioned that P2 stated that he was able to identify whether a person was a Sunni by his dialect. Counsel Reiger continued to ask P2 if he knew non-Sunnis from the regime who tried to change their dialects [into a Sunni one]. P2 said that at that time it was the other way around as there were Sunnis who were speaking Alawite dialect to intimidate the people. P2 stated that when people feared the consequences of the chemical weapons attacks in 2013, and threats that America

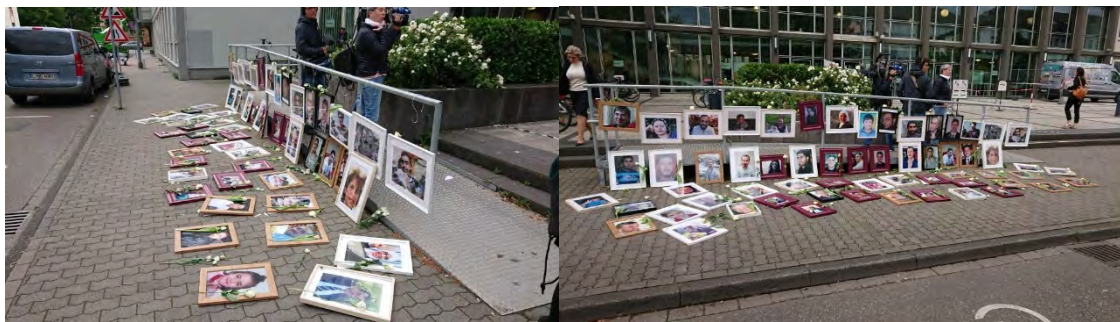


would attack Syria, some people began to hide their dialects [in fear that the regime would be eradicated. He stated that after they were reassured that nothing would happen, everyone went back to their original dialect.

Counsel Michael Böcker said that P2 posted online something on May 18, 2020 [the post that Counsel Schulz referred to earlier], and asked P2 where he got his information. P2 said that he read about the statement [Accused Raslan's statement in court] on the same or the following day of the statement. Counsel Böcker said that it was not direct information. P2 said he got the information not through social media, but rather from people whom he knew personally. Counsel Böcker asked P2 if he spoke with these people directly or on phone. P2 said that it was not a direct contact.

The proceedings were adjourned at 01:45 p.m. The next trial will be June 24, 2020 at 9:30 a.m.

***Below are photos from outside the courthouse. The framed photos are part of a demonstration by Families for Freedom:***







**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 5

Hearing dates of June 24 & 25, 2020

*[Information located in brackets are notes from our court monitor].*

*(Information located in parenthesis is information stated by the witness, judges or counsel).*

**Summary / Highlights**

**Trial Day 13**

- A witness, known as P3, testified about his experiences working in Branches 295, 255 and the Sayyeda Zaynab division. P3 worked in Branch 295's mail department, where he saw documents that listed numbers of corpses and witnessed events related to the transfer of corpses to burial sites. During his court testimony, P3 stated that he saw Accused Al-Gharib once. The Judges and prosecutor Klinge noted that P3 provided contradictory information in a prior statement to the German police. P3 appeared visibly nervous and issues of possible witness intimidation were explored in questioning.

**Trial Day 14**

- Two officials from the Meckenheim Federal Criminal Police Office (BKA) testified about their questionings of P3. One official testified that P3 became reserved during his questioning after being informed of his right to refuse to answer questions if the answers might incriminate him and it became difficult for P3 to answer questions. Both officials stated that P3 said he knew Accused Al-Gharib because they come from the same region in Syria. Prosecutor Klinge stated that the transcript of the prior statement indicates that P3 said he knew Accused Al-Gharib from the intelligence branch, not because they were from the same region.
- P3 continued his testimony in court and explained more about Branch 295's activities and his work in the mail/correspondence department. P3 provided a sketch [a redrawing is provided in this report] of the lists he saw which described the corpses, their hospital number and their branch number. The original lists were not introduced as evidence. He also indicated the location of two mass graves.

**Notes from the Court Monitor:**

- P3 appeared nervous from the outset of his testimony.
- The witness mixed up "informatics" and "information" many times (He worked in the information department, but he said Informatics department ... etc).
- There were many contradictions in the witness' testimony. But some could be attributed to nerves. He told a journalist (afterwards) that he was shocked because he was not allowed to cover his face during his testimony and his lawyer did not inform him of this limitation.



- P3 tried to avoid looking at Accused Al-Gharib. When Judge Kerber asked if he could recognize the accused, P3 needed to be asked again in a relatively louder tone. Only then did P3 take a swift glance at Accused Al-Gharib.
- P3 changed his statements that he gave at the police and then changed them again after the warning from the prosecution.
- Judges Kerber and Wiedner seemed very frustrated asking questions at some point. Sometimes they used a louder tone in asking questions. Prosecutor Klinge appeared upset at the end of his questioning.
- P3 did not communicate with his attorney (in the courtroom). His attorney was sitting putting his hands behind his head.
- P3 seemed relatively calmer on the second day of his testimony.

### **Trial Day 13 - June 24, 2020**

There were about 7 spectators and 4 media individuals present. The proceedings began at 9:30 am.

The prosecution mentioned the defense's objection to use of Accused Anwar Raslan's statements from prior questioning in Berlin on October 26, 2017 with Martin Holtzky. The prosecution said that the objection was without merit and that Accused Raslan was communicative and not nervous. [See SJAC's separate article on the admissibility of witness statements].

### **Testimony of P3**

#### ***Questioning by Judges: P3's background and work***

The first witness today was P3, a 30-year-old from Kiel, Germany.

There was some confusion about P3's age, but the issue was settled on 30 years.

P3 came with his lawyer Mario Tebel. Judge Kerber told P3 that he can communicate with his lawyer anytime and his lawyer can help him if he requires it.

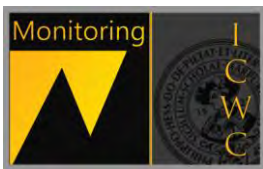
Judge Kerber asked P3 about his job, and he said that he was a sous-chef.

Judge Kerber asked P3 if he knew why he was summoned, and P3 said that he was summoned to be asked if he knew certain individuals.

Judge Kerber asked P3 to tell the court about himself. P3 said that he graduated on November 15, 2010. He worked in the informatics [information] department, then Branch 295, and then Sayyeda Zeynab سيدة زينب, and then he defected from the regime.

Judge Kerber asked P3 where he was from. There was confusion as to where P3 originated from and there were several questions to clarify whether it was a regional city or from Damascus.

Judge Kerber asked what he studied. P3 said that he studied electricity and informatics. P3 said he joined the state security on November 15, 2010. Judge Kerber asked him if he finished his studies, and P3 said no.



Judge Kerber asked P3 where he worked and P3 restated that he worked in the informatics department, then Branch 295's mail department and then was transferred to the Sayyeda Zeynab division.

Judge Wiedner asked P3 about his studies, and P3 said that he studied informatics. Judge Wiedner asked him if he studied in a university or a military facility, and P3 said he finished high school and then studied in a university. Judge Wiedner asked P3 if he studied in a military academy, and P3 said no and stated that he studied in Branch 295. Judge Wiedner asked P3 why he did not continue his studies, and P3 said he applied to continue but was not accepted.

Judge Kerber asked P3 again which branches he worked in, and P3 said Branch 295, then Branch 255's informatics department, and then Sayyeda Zeynab. P3 stated that his whole service lasted about a year and a few months. Judge Kerber asked him when he joined Branch 295, and P3 said that joined 295 on November 15, 2010, did a training course in 255 at the beginning of 2011, worked in 295 until the end of 2012, and then was transferred to Sayyeda Zeynab division, before he left in Ramadan 2012.

Judge Kerber asked him where he left to. P3 said that he went to [redacted], where he was injured by an airstrike, then went to Turkey for treatment, then he went back [to Syria]. P3 said that he was moving between Syria and Turkey.

Judge Kerber asked him about his family. P3 said that he brought them to Turkey in 2015, specifically to [redacted]. Judge Kerber asked P3 if there was a recent incident with his family. P3 said they were under pressure, specifically their health situation was not good.

Judge Kerber asked him about his work in Branch 295. P3 said that 295 is a training branch, located along Dar'a new highway أوتستراد درعا الجديد after the Martyrs Cemetery مقبرة الشهداء, and the head of the Branch is Tha'er Al-Omari. ثائر العمري. Judge Kerber asked him which city the cemetery is. P3 said in Damascus, at the end of Al-Husseiniyyah and Ath-Thayyabiyya. P3 said it was a public cemetery [open to the public], but during the incidents [uprising], the government used the cemetery [took control of it] to bury individuals. P3 said there is another cemetery at Najha housing مساكن نجها.

Judge Kerber asked P3 how he knew that the government used to bury individuals and how he was connected to it. P3 said that out of curiosity he used to read any mail [correspondence] that came to the Branch. P3 said that there were no complete names addressed in the mail, only numbers.

Hannes Linke, counsel for Accused Al-Gharib, raised §55 StPO [which addresses the right of witnesses to refuse to answer questions if it risks incriminating themselves or a relative] and said that asking about what P3 did at the Branch might incriminate the witness.

Prosecutor Klinge said that they wanted to know the witness's activity in the intelligence services. Klinge stated that the witness would be giving information about the transportation of corpses and therefore, there would be no personal culpability. Klinge added that this was hypothetical, because mentioning the Branch's mail is not a crime that is punishable by the law.

Sebastian Scharmer, plaintiff's counsel, agreed with the Prosecutor's statement and requested to continue a deeper conversation about this without the witness being present, as this conversation could influence the witness.



Matthias Schuster, counsel for Accused Al-Gharib, asked to use §55 StPO. Judge Kerber asked whether that was an official petition or a suggestion, and Schuster said it was a suggestion. Judge Kerber said that she agreed with the prosecution.

Judge Kerber asked what else was written in the mail. P3 said that the mail that used to come from hospitals dealt with the dead, and the numbers of the dead on certain dates were addressed to the Branch's management. P3 said that he was curious to read it, but they were officially not allowed to read it.

Judge Kerber asked if the mail used to be delivered open or sealed. P3 said that the mail used to be delivered as a whole file and the Branch's head used to take the mail. Judge Kerber asked if the content in the mail was numbers and what numbers were there. P3 affirmed and said that a number, branches' numbers and registry record were listed.

Judge Kerber asked P3 how he knew that the numbers mentioned in the mail were referring to corpses. P3 said that there were numbers of hospitals like 601 [Mazzeah military hospital مشفى المزة العسكري] or Harasta hospital. مشفى حرستا. The numbers of the hospitals were written, not their names. Therefore, P3 said they used to know if the mail came from a hospital or from somewhere else. Kerber asked if there were other hospitals, and P3 mentioned Hamish hospital مشفى حاميش.

Judge Kerber further asked P3 about the numbers mentioned in the mail. In response to the judges' questions, P3 said the mail [correspondence] had numbers in a table, which included the hospital's number, the branch's number and the corpse's number. Kerber asked if the number was referring to the dead person, and P3 affirmed and restated that there were no names. Judge Kerber asked P3 how he knew that the numbers were referring to corpses and P3 said that the mail that had these numbers was sent before the corpses' burial.

Judge Kerber asked P3 about his task in the mail department, and P3 said that he used to receive the mail, but did not know what was inside it. In response to an additional question, P3 said that he used to receive the mail, deliver it to the Branch's head and told him that this mail came from branch X/hospital X/school X.

Judge Kerber asked P3 if he was in mail department in November 2010. P3 said that he stayed in the mail department until the beginning of 2012 and then went to the Sayyeda Zeynab branch. [P3 seemed to indicate that he stayed in the mail department until the end of 2012, but took a training course in Branch 255 at the beginning of 2011].

Judge Kerber asked if the numbers of dead people changed at the beginning of 2011. P3 said that the numbers increased at the end of 2011, especially in December.

Judge Kerber asked P3 if he himself saw corpses or witnessed the transportation of corpses. P3 said no and restated he was an employee in the mail department, an administrative unit.

*Accused Al-Gharib told the court via his translator, that he was not hearing well. Judge Kerber told him to hear the witness directly without headphones. His translator said that the voice of the witness was not clear. Kerber asked the witness to speak clearly using the mic.*

Judge Kerber asked P3 if he saw excavator or dump trucks, and P3 said that he saw neither.



Judge Kerber referred to P3's prior statement that there were two cemeteries, and asked him how P3 knew that these were cemeteries. He said that burials had to go through the burial office and there were people specifically responsible for digging, but he did not know who they were. P3 said he also saw the refrigerator trucks.

Judge Kerber asked if the number of corpses was high. P3 said that the highest numbers were in December 2011, but he did not know the total number, only what was reported.

Judge Kerber asked about the daily number of corpses and P3 said that numbers were recorded in intervals and not on a daily basis, and said that once there were 60 – 70 corpses, but it was years ago and he cannot remember. Judge Kerber asked if the numbers reached 300, and P3 said sometimes.

Judge Kerber asked if P3 saw refrigerator trucks. He said that he once saw a truck that came to the branch, but it was empty.

Judge Kerber asked if P3 remembered if corpses were transported to the burial location. P3 said that once he read the mail [which included information on delivery, numbers and when/where/who would do the delivery] and knew that corpses were on the way.

Judge Kerber said that P3 spoke about corpses in his prior questioning, and asked P3 if he saw mass graves. P3 said that he saw cemeteries and people there (at the cemeteries).

Judge Kerber asked if the graves number was normal or high, and if there was more than one person in each grave. P3 said that the cemetery was a "normal" [public] one before the "incidents" [uprising], but he did not see how they buried [during the uprising].

Judge Kerber asked P3 if he saw mass graves or locations of mass graves. P3 denied this.

Judge Kerber asked P3 about the size of the excavators that he saw and P3 said they were small. Judge Kerber asked him to describe its size and he said they were "normal." She asked P3 if they were the size of the table [in front of him in the courtroom]. He said that he could not tell. Judge Kerber reminded him that he should provide correct information, and asked him to try to estimate their sizes. He said that the excavators were not like the ones used in gardens. She asked him how many meters they were, and P3 said that he did not know.

In response to a question by Judge Kerber, P3 affirmed that corpses were transported from Harasta and Tishreen hospitals مشفى تشرين.

Judge Kerber asked if the corpses were transported with dump trucks. P3 denied this, but Judge Kerber said that P3 mentioned this in a prior questioning. P3 said that he saw dump trucks from far away. Judge Kerber said that in a prior questioning, P3 said that he saw a garbage truck unloading corpses. P3 said that he did not mention garbage trucks, only refrigerator trucks. Judge Kerber asked him if he saw how the corpses were transported, but P3 said no.

Judge Wiedner asked if Branch 295's task was to collect information. P3 said that this was 255's speciality, and that 295 was only a training branch.

Judge Wiedner asked which department received the list [of corpses]. P3 said that he was in Branch 295's mail department.



Judge Wiedner further asked about Branch 295's tasks. P3 said that 295 was responsible for training newly enrolled members for one and a half years, and was responsible for the Najha نجها area, specifically the protection and security of the area.

Judge Wiedner asked what relation the Branch had to the corpses. P3 said that the corpses used to come from the branch[s] to be buried in Najha.

Judge Wiedner asked P3 multiple questions about the lists [mail]. P3 said that the mail used to come from hospitals, and then he used to deliver it to the head of the Branch—sometimes by phone, sometimes by mail and sometimes by fax. Wiedner asked what the Branch's head used to do with them, and P3 said that he did not know, because he was supposed to deliver them and go [away]. Wiedner asked P3 if he knew the purpose of the lists. P3 said that he used to read them [peek inside], because there were 15 of his family members who were detained, and so he used to search the lists to know where they [P3's family members] went. Wiedner asked if there were names in the lists, and P3 again said no, only numbers.

Judge Wiedner asked if there were numbers of specific branches. P3 gave examples of 251, 293 and 285. P3 said that he was told that the numbers represented the branches where the corpses came out from. Wiedner asked P3 who told him that, and P3 said his colleagues.

Judge Wiedner asked if hospitals names were in the lists. P3 said that [generally] every hospital had a name and a number. When further asked, P3 said that every hospital and military facility has a number like the branches.

Judge Wiedner asked P3 about the numbers of the corpses. P3 said that the numbers used to come in a table and include numbers of the branches. Judge Wiedner said that was not his question and that he was asking about the numbers of the corpses. P3 said he did not know, because the numbers were mixed up.

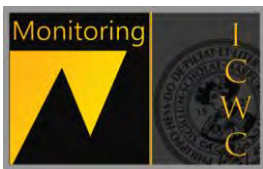
Judge Wiedner asked how many were dead and P3 said there were between 50 – 100 corpses listed in two – three mails [correspondence].

Judge Kerber said that P3 stated in a previous questioning that the numbers in the lists were less than the actual numbers of the corpses. She added that P3 said that 100 was written in the list once but there were 300 corpses. Kerber then asked P3 if he said 300 corpses were brought once. P3 affirmed and explained that in his prior questioning, he said the numbers in the lists were not correct. P3 gave an example in his prior questioning and said the lists could say 100, but they could actually bring 300 corpses.

Judge Kerber asked P3 if he remembered what he said about the mass graves during his prior questioning. P3 said that he had stated that he did not know if the corpses belonged to civilians as "they" used to bring all kinds of corpses, and perhaps some were military individuals. He mentioned that those buried in mass graves could include both detainees and military individuals. However, P3 said he was not in the burial location, but nearby.

Judge Kerber asked if there was a secret cemetery. P3 said that there was one for the Iranians and only security forces could enter that.





Judge Kerber asked if there were secret and mass grave cemeteries. P3 affirmed and said that the secret cemetery was above the school [when shown on a map] and he located it during the questioning.

Judge Kerber asked him how he knew that it was a mass grave cemetery and if he remembered what he said during the questioning. P3 said that he could not remember. Judge Kerber read P3's previous statement that there were excavators and burial of corpses from different intelligence branches. P3 affirmed and said that it was the cemetery above the Najha school.

Judge Wiedner asked P3 how often he used to receive mails regarding corpses and P3 said two to three times. Wiedner asked if that means per day or generally. P3 said only these two – three times. Wiedner said that P3 stated in his prior questioning that it was two – three times per week, sometimes less and sometimes more. P3 said that he himself received reports two – three times, but he used to tell his colleagues to tell him if they found names [if they received mails].

Judge Wiedner asked P3 how many colleagues used to work with him. P3 said 12.

Judge Wiedner asked P3 if he used to write down the numbers of the corpses and P3 said no and that it was prohibited to open the mail.

Judge Wiedner said that P3 previously stated that he received reports about corpses in April 2011. P3 replied that he did not remember that it happened in April 2011, but rather in January 2012. P3 said that he did not remember the number of corpses.

Judge Wiedner said that P3 previously stated that he received "reports" in the mail. P3 said that the mail consisted of numbers and pictures.

Judge Wiedner asked P3 if he himself made tables of corpses/hospital numbers. P3 said no and that it was prohibited.

#### ***Questioning by Judges: Threats to P3's family***

There were a series of questions about possible witness intimidation, specifically about an individual who allegedly threatened P3 and his family if P3 revealed anything. When P3 was asked about the individual's name who threatened P3's family, P3 mentioned a different name of this individual in comparison to what he stated in his police questioning, where P3 also stated that this individual threatened other families too. Judge Kerber asked if this individual was related to [one of the accused] and P3 said no. Judge Kerber told P3 that his memory was bad

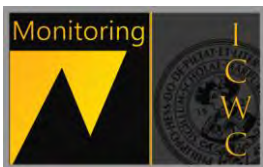
[Additional details redacted].

Counsel Manuel Reiger asked for a break. Judge Kerber agreed.

*Before the break, Prosecutor Klinge said that if the witness will continue to change his statements that were given during his police questioning, the prosecution will file a case against him.*

Judge Kerber asked P3 if his memory got better, and P3 responded by welcoming questions from the Judge.

Further questions on witness intimidation were asked. P3 rectified his answers to correspond to his statements in the police questioning. [Additional details redacted].



***Questioning by Judges: P3's work and his familiarity with Accused Al-Gharib***

Judge Wiedner asked P3 if he said that he wrote reports. P3 said no and there was a general report and the last count in it was 8000 [probably meaning the count of corpses]. Judge Wiedner said that P3 previously stated during the questioning "I made reports ...," and asked P3 if that was correct. P3 said that he stated that there were 8000 in the report and reports were delivered to the branch.

Judge Wiedner asked P3 if he was involved with the burial of corpses, and P3 denied this and said that he only dealt with mail delivery.

Judge Wiedner asked P3 if he was close to the mass graves. P3 said that he used to be in the training field, which is close to them and they could be seen from the training field.

Judge Wiedner said that P3 previously stated that there was an entry-permit to the cemeteries, and asked P3 if he was given one. P3 said no and said that "they" [those who delivered the bodies] did not come to them.

Judge Wiedner asked P3 if he was present/directly saw the corpses being transported. P3 said no.

Judge Wiedner asked P3 if he knew Accused Al-Gharib. P3 said that he saw him once when the mail came and "they" were escorting the refrigerator trucks. When asked if P3 saw Al-Gharib before this moment, P3 said no and said that Al-Gharib was coming from Duma the time that he saw him.

Judge Wiedner asked P3 where he was when he saw Accused Al-Gharib with the refrigerator trucks. P3 said that when they [P3 and his branch] received the mail, they met at Najha crossroad مفرق نجها when Al-Gharib and the convoy were entering. P3 saw Al-Gharib, the escort of the refrigerator trucks and the cars. P3 said the cars count, license numbers and number of people who were supposed to arrive was written in the mail. Under prior police questioning P3 said that he only knew the convey was coming from Duma (as opposed to a specific branch).

Judge Wiedner asked how many escorts there were. P3 said that they were about 10.

Judge Wiedner asked what vehicles were there. P3 said that there were 2 pick-up trucks in addition to the refrigerator truck.

Judge Wiedner asked if the people were armed and what they were wearing. P3 said they were armed with rifles and military vests.

Judge Wiedner said that P3 previously mentioned during his questioning that they were armed with machine guns. P3 said that he did not remember and it was 8 years ago, but most of the military/security vehicles had mounted machine guns. P3 said that sometimes he memorizes a German word one day, and forgets it the next one [indicating that his memory was bad].

In response to a question, P3 said that he was not at the burial location, but rather opposite to Martyrs cemetery مقبرة الشهداء.

Judge Wiedner asked P3 if he spoke with Al-Gharib when the latter came. P3 denied this and said that it was not possible for someone to speak with another.



Judge Wiedner asked P3 if he spoke with his lawyer and whether he was afraid to give statements. P3 said that it was not about fear, but rather about memory. He said that he saw Al-Gharib on that occasion and he mentioned the name "Eyad," and so did his [P3's] colleagues.

Judge Wiedner asked P3 if he saw Al-Gharib at the cemetery. P3 said that he saw Al-Gharib at Najha bridge. P3 said it was prohibited to go to the cemetery and that P3 and his colleagues went there in the morning only to receive [check] the mail.

Judge Wiedner said this was different to what P3 stated during his prior police questioning. Wiedner asked if the meeting location was at the cemetery, and P3 said no and that it was prohibited to enter it in the first place.

Judge Wiedner asked about the mail and P3 said that it contained the number of vehicles, their license number and the number of persons who will come.

Judge Wiedner asked P3 if he had contact with Al-Gharib or if he greeted him. P3 said no and restated that he saw Al-Gharib only once. When asked when, P3 referred to that time in Najha. Wiedner asked how he knew that it was Al-Gharib. P3 said that the names of the incoming people were written down [in the mail]. P3 said he did not remember meeting Al-Gharib at Branch 295.

Judge Wiedner asked P3 if he knew about Al-Gharib's work. P3 said that Al-Gharib worked in Duma and was from Deir ez-Zor.

Judge Wiedner asked P3 how he knew about Al-Gharib. P3 said that Al-Gharib's family name was mentioned and he knew a few members. P3 said that he knew that Al-Gharib was maybe a captain نقيب.

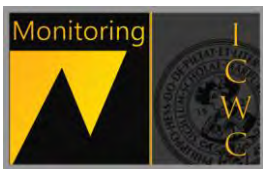
Judge Wiedner asked P3 in which branch Al-Gharib used to work. P3 said that Al-Gharib was in the state security in Duma, and he was asked [during the questioning] whether Al-Gharib worked in Branch 215, and he replied that he did not know if 215 was responsible for Duma.

Judge Wiedner said that P3 previously stated in his 2019 questioning that Jamil Ad-Dabbous جميل الدبوس was the head of Duma detachment and used to come every now and then. P3 said that they used to come for training but did not know if Jamil's unit was Al-Gharib's unit. P3 told the police that they used to put them in the state security's armory.

Judge Wiedner stated that P3 previously mentioned that there were rumours that Al-Gharib joined ISIS, that he knew a lot about Al-Gharib during the police questioning, and asked P3 about the source of his information. P3 said that he asked about Al-Gharib in the Branch, but he did not know Al-Gharib's [military/group] affiliation.

Judge Wiedner said that P3 identified Al-Gharib during the police questioning as he recognized a person who resembles Al-Gharib and signed that photo. Wiedner then asked P3 how he was able to recognize Al-Gharib after seeing him once. P3 said that he said that the person in the photo resembles Al-Gharib about 90%, but he did not remember. Wiedner asked P3 how he was able to recognize Al-Gharib, and P3 said from his face (from the Najha occasion).

Judge Wiedner asked P3 if he said that Al-Gharib was a warrant officer. P3 said that he did not remember.



Judge Wiedner said that P3 previously said that Al-Gharib's work was related to demonstrations. P3 said that he did not remember and that Jamil Ad-Dabbous was responsible for Duma.

Judge Wiedner stated that P3 previously said that they [Al Gharib's group] used to forcefully stop the demonstrators and perhaps shoot at them. P3 said that he recalled that it was a general question, and said that there were demonstrations and the administration used to issue orders of quelling. P3 said he was asked [during the questioning] whether he saw Al-Gharib and he said no.

Judge Wiedner said that P3 previously stated that Al-Gharib was responsible for shooting at the demonstrations. Wiedner asked if there was specific information about Al-Gharib and P3 said no.

Judge Wiedner said that P3 mentioned that the Duma detachment, headed by Jamil Ad-Dabbous (relative of Al-Gharib), was responsible for beating demonstrators, and because Al-Gharib was working there, P3 assumed Al-Gharib was doing the same. P3 affirmed and added that he also said that he recognized Al-Gharib through his last name, since one can do that in the eastern areas.

Judge Kerber asked if P3 had difficulties and problems during the questioning. P3 denied this and said that he was treated well and he offered them help whenever they needed him. Kerber asked if there was a reverse translation and if he signed the copy of the script. P3 said that he revised the script and signed it, but the problem was his memory.

#### *Lunch break*

Judge Wiedner asked P3 what he meant when he used the term "after incidents" and P3 said that it meant "after March 14, 2011," when the uprising began. Wiedner asked what happened that day and P3 said that the first demonstration in Dar'a درعا began.

Judge Wiedner asked if P3 was detained himself. P3 said yes and it was in Branch 285, four to five days after the beginning of the uprising. Wiedner asked why and P3 said that his brother was detained so he left the branch to ask what happened with his brother. During P3's absence from work, he was summoned but was not there, and thus, he was detained for 3 days.

Judge Wiedner asked what exactly happened and P3 said that he was interrogated. Wiedner asked if he was mistreated and P3 said that he was put to Falaqa and Doulab (tyre). Wiedner asked if he considered that he was tortured and P3 [reluctantly] affirmed [it seemed like P3 did not consider his experiences as torture; he treated it as if it was normal and disciplinary punishment].

Judge Wiedner asked where he went after his release. P3 said that he was brought back to Branch 295.

Judge Wiedner asked P3 about Branch 255. P3 said he was assigned at 255, the information branch.

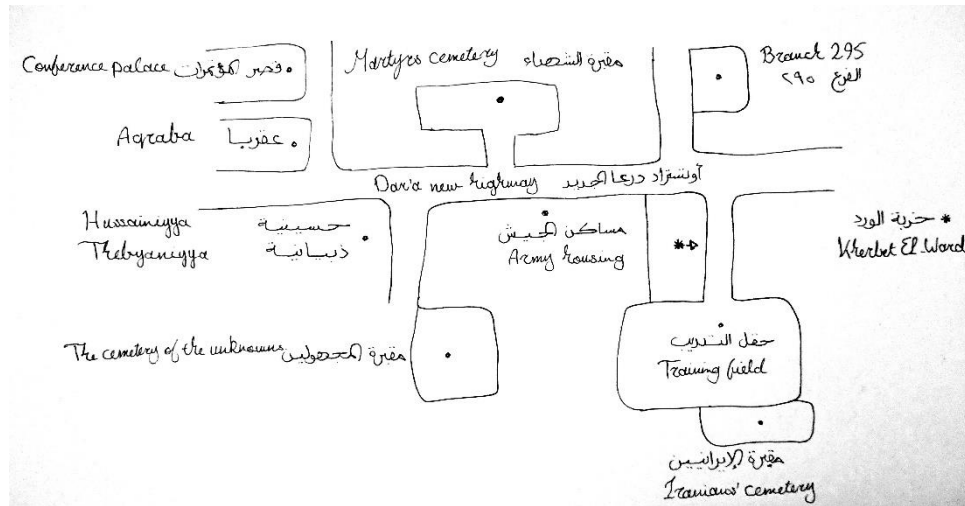
Judge Wiedner asked if P3 was in Branch 251, but P3 said no. Judge Wiedner said that P3 previously said he was in 251 in Kafar Souseh. كفرسوسة P3 said that he does not remember. P3 said that he said during the questioning that he had forgotten many things, and that he said 251, but then corrected it to 255. P3 said that Al-Khatib Branch is Branch 251 and is under the administration of Kafar Souseh.

A photo array that was shown during P3's questioning was shown in the courtroom. Judge Wiedner asked P3 if he recognized Al-Gharib during the questioning. P3 said that he recognized photo number two as Al-Gharib. Judge Kerber asked P3 if he recognized the person in the courtroom as Al-



Gharib [P3 did not look at the accused]. Kerber told P3 that she was asking him to look to his right and tell whether the person in the courtroom to the right is Al-Gharib [P3 turned briefly to the right then quickly to the front] and said that he recognized the person in the photo as Al-Gharib and the person in the courtroom resembles the one in the photo.

**Sketch that P3 drew of the area around 295 during his questioning was shown in the courtroom (this is a redrawing):**



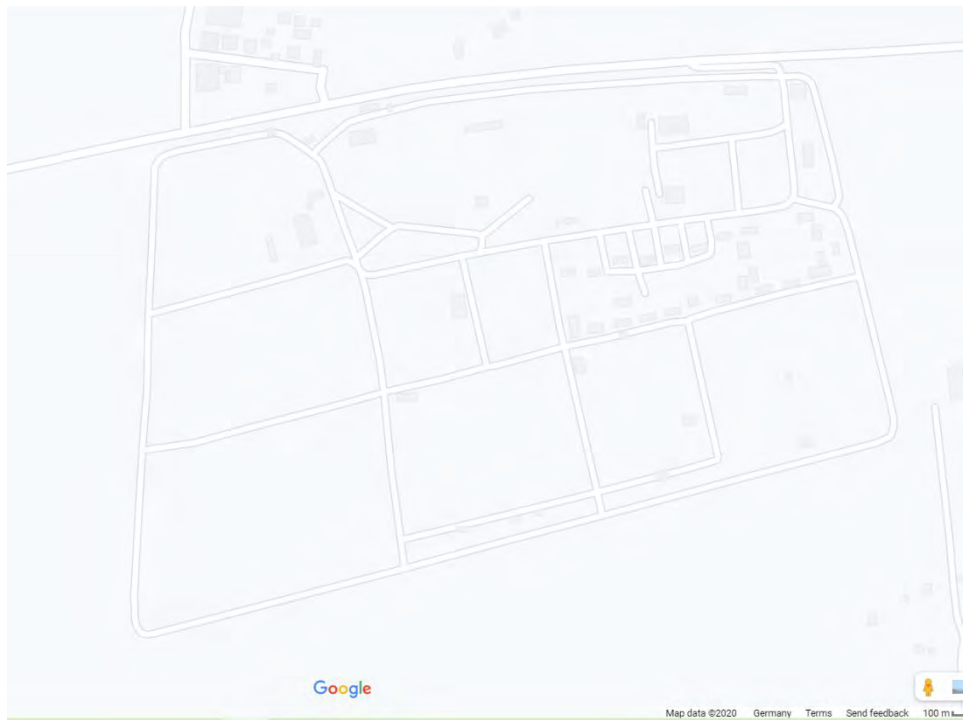
A satellite photo from google map was shown (see below). Judge Kerber asked if P3 can recognize the location. P3 started to describe locations on the photo: Martyrs cemetery, مقبرة الشهداء, Branch 295, highway to Sayyeda Zeynab, سيدة زينب, Najha crossroad, مفرق نهجا, housing, training field, Kherbet Al-Ward, خربة الورد, Najha officers' housing, مسكن الضباط في نهجا, Iranian cemetery, and the civilian cemetery.



[Coordinates 33.410751, 36.368014]

Judge Wiedner asked where the meeting location for the refrigerator truck was. P3 said at Najha crossroad. Judge Kerber asked where did the truck drive after the meeting. P3 said in the direction of the Iranian cemetery.

A satellite photo of the Kafar Souseh administration branch and a photo from google maps were shown. P3 said that the map shows Branch 295 and started to describe the areas in the Branch.



[Coordinates: 33.407949, 36.383577]

Two photos of corpses from Caesar file were shown. Kerber asked P3 if he can explain the numbers on the bodies and he explained them as the following:

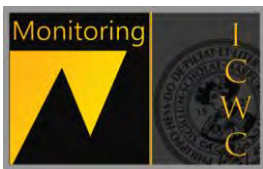
- Photo 1:
  - 1003: Maybe the prison and cell number
  - 227: Branch number
  - 3248: Serial number (could be a number that substitutes the name)
- Photo 2
  - 1099: Maybe the prison and cell number
  - 251: Branch number
  - 4558: Serial number (could be a number that substitutes the name)

*Break*

### ***Questioning by Prosecutor Klinge***

Prosecutor Klinge told P3 that it was nice to have his memory back [in a sarcastic manner] and asked him if corpses were transported before the uprising. P3 said that he does not know, because he began to work at the branch on November 15, 2010 and does not know what happened before then.





Klinge asked if corpses were transported between 2010 and 2011. P3 said he does not know.

Klinge asked P3 when the first transportation he knew of occurred. P3 said that his colleagues told him that at the beginning of Dar'a incidents, there were people who were "martyred" and brought to hospitals. However, he did not know who nor how many there were, because the regime was discreetly working during the Dar'a incidents.

Klinge asked P3 if his colleagues told him about their experience with the corpses. P3 said that they did not speak about the corpses, but only about where they were transported. P3 said that the people who had the best knowledge about this were doctors and military personnel.

Klinge asked if P3 followed up with what happened with the corpses in the refrigerator truck. P3 said that he began to follow up after the last incidents [uprisings].

P3 said that just like his own missing family members, others have missing family members whom they are searching for. P3 said that he would answer any court summon to testify, like he did in this [Koblenz] court, so that people who are searching for their relatives also know the truth.

Klinge asked P3 what he thinks happened to his family members. P3 said that during his work, he used to think that they were in the refrigerator trucks. Klinge asked P3 how he was searching for them, and P3 said that he asked everywhere and anyone who was released from prison about them, but got no information about them.

Klinge asked P3 if his family was pro-opposition. P3 said that some of his family members were previously members of the communist party and participated in demonstrations against the regime in the beginning. They [the 15 people] were detained in April 2011. P3 and his family were pursuing their whereabouts, until they were transferred to Damascus and disappeared.

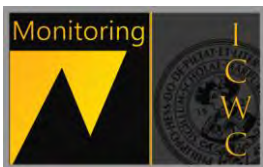
Klinge asked if there were people who disappeared in 2011. P3 said that three of his family members disappeared, even though there was "nothing at that time" [meaning there were not wide-spread demonstrations or large-scale detentions]. P3 said that he was searching for them in the Caesar photos.

Klinge asked if there was an increase in the number of the corpses or the vehicles. P3 said that earlier during the "incidents," it was not a big number. The record was 100 people [corpses], but he did not know exactly how many were brought.

Klinge told P3 that he said that the number in the report was 8000. P3 said that in other branches the numbers could be high. P3 said that only a few of those detained in 2011 and 2012 were released, and the rest disappeared.

Klinge asked P3 if the numbers of corpses between April 2011 and January 2012 increased. P3 said it increased at the end of 2011 and the beginning of 2012. Klinge asked P3 why he said April 2011 and January 2012, and P3 said because it was the beginning of the uprising and the number of detentions was high.

Klinge continued to ask when the numbers of the detainees and the graves became high. P3 said that his brother and two cousins were detained in 2011 in [redacted], where the numbers were high and the numbers increased in other provinces. P3 said that they used to know the numbers of the detainees, but they did not know whether they were alive.



Klinge asked P3 when he saw corpses being transported. P3 said that he was not 100% sure, but it was between the end of 2011 - beginning of 2012.

Klinge asked P3 which cemetery Al-Gharib and the refrigerator truck headed towards. P3 said that the meeting point was at Najha crossroad. P3 said the number of people and vehicles was in the mail, and there were two cemeteries, one behind Najha housing and the other one was in the training field. Klinge asked P3 which cemetery Al-Gharib and the refrigerator truck went to. P3 said they headed to the interior one in the direction of the Iranian cemetery, but he was not 100% sure.

Klinge said that P3 saw Al-Gharib's name in the mail and asked him about the number of the people (corpses) in it. P3 said about 50 – 60 [stating that Al Gharib escorted about 50-60 corpses in his refrigerator truck].

Klinge said that P3 previously stated that he saw Al-Gharib twice and asked P3 if he remembers the details of the first meeting. P3 said that he mentioned it to the police, but does not remember. P3 apologized because he forgot the one before.

Klinge asked P3 if the name Mohammad Mo'alla محمد معلا rang a bell. P3 said that an escort for the Branch's head was from Mo'alla family.

Klinge said that P3 previously said [in his police questioning] that Mohammad Mo'alla introduced him to Al-Gharib and Klinge asked P3 where this person is. P3 said in Syria. Klinge asked if this person is an Alawite, and P3 said that he is either a Muslim or a Christian as Alawite is not written on the Syrian ID card [they are considered Muslims]. However, P3 said the family name is from Lattakia - Ein El Koroum عين الكروم - اللاذقية and they are Alawites [the village is under Hama's administration not Lattakia, but it is located on the borders of Hama-Lattakia].

Klinge asked P3 if that person introduced him to Al-Gharib. P3 said that he does not remember, but it could be true if he mentioned that in 2019 questioning.

Klinge asked P3 [sarcastically] if he was injured or hit on his head. P3 said that he was injured in 2012 and still has shrapnel in his body.

Klinge said that P3 has [just] said that whatever he said in his 2019 questioning is true. Klinge asked P3 if he agrees with that statement. P3 affirmed and said that at that time [in the 2019 questioning], he said everything he knows.

Kerber said that the session ended, but the witness is not yet dismissed. The questioning will be continued the next day.

The proceedings were adjourned at 03:40 p.m.

#### **Trial Day 14 - June 25, 2020**

There were about 8 spectators and 4 media individuals present. The proceedings began at 9:30 am.

#### **Testimony of Witness Alexander F. [full name redacted]**

The first witness was Alexander F., a 32-year-old high commissioner at the Meckenheim Federal Criminal Police Office (BKA).

#### ***Questioning by Judges***



Judge Kerber asked Alexander how he met P3. Alexander said that P3 came for questioning on July 24, 2019, during which P3 said that he does not know Accused Al-Gharib or Accused Raslan.

Judge Wiedner asked if the questioning included reverse translation, and Alexander affirmed.

Judge Wiedner further asked about the questioning, and Alexander said that P3 was very forthcoming. Alexander stated that he then got a phone call, after which he then informed P3 of \$55 StPO. Alexander said that after he shared this, P3 became reserved and it was difficult for P3 to answer questions. Alexander said that he mentioned this as P3 mentioned trying to keep peace in the demonstrations and torture.

Judge Wiedner asked Alexander about his impression of P3, and Alexander said that P3 was well-informed, but P3 jumbled up many pieces of information.

Judge Wiedner asked how P3 knew Accused Al-Gharib. Alexander said that P3 said that they were from the same region (The prosecution later mentioned the questioning transcript states that P3 said that they knew each other from the intelligence branch, not via the same region).

Judge Wiedner asked if there was a photo array. Alexander affirmed and said that P3 searched through the photos and examined photo number 2. Alexander stated that when P3 finished, he told Alexander that person was Al-Gharib, whom he knew.

Judge Wiedner asked if P3 talked openly about Al-Gharib. Alexander said that P3 talked relatively open about him before Alexander informed him of his \$55 StPO right, but after that, P3 was not open anymore and P3 talked more about Branch 295 [the "storming/raid" branch]. Alexander said that P3 was not 100% sure, but he gave an impression that he saw Al-Gharib more than once.

Judge Wiedner asked about the call Alexander received during the questioning, and Alexander said that it was from his superior who told him to keep it short as P3 confused many things.

Judge Wiedner asked if P3 drew the sketch of Branch 295 and surrounding buildings [shown on Day 13], and Alexander affirmed. Wiedner asked if P3 seemed certain, and Alexander said that P3 was relatively good and explained the streets and the cemeteries.

Judge Wiedner asked why P3 and Al-Gharib met [referring to their meeting addressed in Day 13 by P3] and Alexander said that P3 told him that lists needed to be delivered.

Judge Wiedner asked about the branch where Al-Gharib worked. Alexander said that Al-Gharib worked in Jamil Ad-Dabbous's جميل الدبوس branch in Duma's unit, under the responsibility of Jamil Al-Hasan جميل الحسن.

Judge Wiedner asked if codes were used. Alexander affirmed saying that there were codes in messages from both sides [probably meaning between administration (where orders come from) and executive forces (Accused Al-Gharib's unit)] to identify each other. Alexander said that according to P3's testimony, Al-Gharib would have been a first sergeant.

Judge Wiedner asked what P3 said about Al-Gharib's tasks. Alexander stated that P3 said that Al-Gharib was responsible for maintaining peace in the demonstrations, and said that plain-clothed people used to shoot on demonstrations and detain demonstrators. Wiedner asked if Al-Gharib personally participated personally in that, and Alexander said that he did not ask P3 that question.



Judge Wiedner asked if P3 knew about Al-Khatib Branch. Alexander stated that P3 said he heard of it and it is under the general intelligence, and P3 also mentioned Palestine Branch, which is under the military intelligence.

#### ***Questioning by Defence and Plaintiff Counsel***

Al-Gharib's defense counsel, Schuster, asked if P3's answers were concrete. Alexander said that P3 was sensible, but was beating around the bush.

Schuster asked how P3 got his information, and Alexander said that P3 said he got his information from Branch 251. Schuster asked Alexander if the answer satisfied him, and Alexander said no and that P3 mixed up Branches 255 and 251.

Schuster asked if Alexander reviewed the names provided by P3 during the questioning, e.g. Jamil Ad-Dabbous, and Alexander said no.

Schuster asked if P3 showed Alexander photos of people, and Alexander said that P3 showed him a photo of a person who lives in Berlin, but Alexander had no information about him.

Scharmer, plaintiff's counsel, asked Alexander about his own impression of P3, and Alexander said that P3 was confident but intensely reserved after being told of §55 StPO.

Scharmer said that P3 mentioned that Al-Gharib was 37-years-old at that time and asked how did P3 know that. Alexander said that he did not ask about it.

Andreas Schulz, plaintiff counsel, asked if it was possible for a witness to give an anonymous testimony and Alexander said no. Alexander mentioned that French investigators wanted to question P3 in February, but P3 did not want to testify anymore.

#### ***Questioning by others***

Judge Kerber asked Alexander about the French authorities' investigation. Alexander said that after P3 did not want to testify anymore, Alexander contacted Prosecutor Klinge to ask how to proceed.

P3 was questioned as to possible witness intimidation and alleged threats he received.

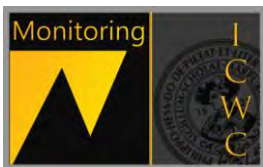
[Information redacted].

Patrick Kroker, plaintiff counsel, asked if P3 changed the information he provided during the questionings, and Alexander said that he could not answer that question. Kroker asked if P3 was uncertain during the second questioning, and Alexander said no. Alexander said that P3 was certain and had no anxiety.

#### **Testimony of Witness Christian K. [full name redacted]**

The 2<sup>nd</sup> witness was Christian K., a 36-year-old police officer at the Meckenheim Federal Criminal Police Office (BKA). Christian testified about a hearing on August 14, 2019. Christian was also the second interrogator (together with Alexander F. ) on July 24, 2019.

Christian affirmed that he informed P3 of §55 and §57 [criminal consequences of an incorrect statement] of the StPO.



Judge Kerber asked if there were difficulties with the translator, and Christian said no. Christian affirmed the use of reverse translation in the questioning.

Judge Wiedner asked why P3 was questioned a second time. Christian explained that this was not an unusual procedure as new questions came up while evaluating P3's first questioning. Christian said the focus during the second questioning was on what matched with the first hearing and if there were similarities with Al-Gharib's hearing. Christian noted that information on the structure of Syria's intelligence services have been contradictory, although the information on P3's own branch was quite plausible.

Christian stated that P3 said he knew Al-Gharib because they come from the same region and added that P3 also talked about the intelligence apparatus' structure, but Christian does not believe that P3's information was concrete.

Judge Wiedner asked if P3 changed his information between both questionings. Christian said that he believes that P3 gave wrong information in the first questioning (e.g. that Division 40 belongs to the military intelligence during the first questioning but stated it belongs to the inner intelligence during the second one).

Judge Wiedner asked if P3 located Branch 251 in Kafar Souseh, كفر سوسة, and Christian said that P3 did that, but P3 said he could be wrong as Kafar Souseh is way before Al-Khatib.

Judge Wiedner asked if P3 was certain when he was shown photos of the maps, and Christian said that P3 was very certain and drew a sketch in the first questioning.

Judge Wiedner asked what P3 said about corpses' transportation. Christian stated that P3 said corpses were transported with excavators in the first questioning, and that P3 mentioned they were digging mass graves in the second questioning.

Judge Wiedner asked about the first time P3 saw Al-Gharib. Christian stated that P3 said that he saw Al-Gharib in 2012, but he was not sure. Christian added that P3 said that Al-Gharib came to Branch 295 for training, and then Mohammad Mo'alla, محمد معلا, who worked in Branch 295, introduced P3 to Al-Gharib.

Judge Wiedner asked about the forces/convoy present at the meeting point in Najha. Christian stated that P3 said that the forces were armed and came with pick-up vehicles.

Judge Wiedner asked Christian about his impression of P3, and Christian said that P3 was talking smoothly and was certain.

Judge Wiedner wanted to know more about the situation with the convoy. Christian stated that P3 said that he [P3] and Al-Gharib met at the Martyr's graveyard for a file handover. Christian added that P3 said it has not always been about corpses and sometimes they would transport ammunition as well.

Schuster, counsel for Al-Gharib, asked if they met more than once outside of Branch 295

Schuster asked if P3 gave fluent, direct answers when talking about the intelligence service's structure or if he needed to think about it, and Christian said the answers were fluent.





Schuster asked if Christian asked P3 about the source of his information and Christian replied that P3 told them his information came from his work in Branch 251 – which seemed to be a typo [he actually worked in 255].

Schuster also asked about a crime security service that P3 has mentioned in the previous questioning. Christian explained that they asked P3 if the crime security service belongs to the police, and P3 said no as it is part of the intelligence. Schuster asked if they could verify this information and Christian said no.

Schuster asked if P3 differentiated between the graves, and Christian stated that P3 said that mass grave 1 was publicly known as all corpses (soldiers and detainees) have been buried there, but mass grave 2 was only for corpses of detainees of branches of the intelligence services.

Schuster asked if P3 knew the direction where the convoy of Al-Gharib headed and Christian said towards mass grave 1.

Judge Wiedner asked if the corpse delivery was a normal procedure or if there have been transports to Branch 295 as well, and Christian stated that P3 said it was not allowed to bring corpses to the Branch.

Schulz asked about P3's work across the different branches, but Christian said he could not answer this as he only knew that P3 said he worked for 255, but forwarded information to other branches.

In response to a question, Christian said that there are further insights concerning the mass graves in Najha. There have been two witnesses: a guard in al-Khatib and a victim/witness of al-Khatib who testified that he received the dead body of his brother from Najha through a bribe.

Scharmer asked if Christian asked P3 about his rank, and Christian said no, but Alexander probably asked.

*10 Minute Break*

#### Questioning of P3, continued

#### ***Questioning by Al-Gharib's counsel***

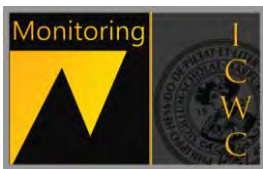
Schuster asked if P3 studied informatics in a military college, and P3 denied going to a military college.

Schuster asked P3 if he worked in Branch 205 and asked him to explain the course of his study. P3 said that he did not enter 205, but rather 295 on November 15, 2010. P3 said he first did a training course in Branch 255 (information branch), continued in Branch 295 until 2012, and then went to Sayyeda Zeynab, before he defected from the regime and went to his family.

Schuster asked P3 about his work in Branch 295. P3 said that the regime nominates 5 names to apply to be a part of the state security directorate and his name was nominated. P3 applied and took some exams, and then he was accepted and joined 295. He said he later joined 255.

Schuster asked P3 if he was actively working in Branch 295 before he went to 255, and P3 affirmed.

Schuster asked P3 where he studied, and P3 said that he mentioned to the police that he studied 3 years in Homs, then went to Branch 255. P3 said he joined state security for the first time on



November 15, 2010. Schuster asked if his studies was related to the intelligence services. P3 said that it was like a military college, an academic college.

Schuster asked P3 if he did a military training in the state security, and P3 said that state security's speciality was training on the use of pistols and machine-guns.

Schuster asked if there were physical trainings, and P3 said that they used to do morning sport exercises with academic lessons. Schuster asked P3 where they used to do sport exercises, and P3 said that it was at the school of the military college, information department.

Schuster asked P3 when he was in Branch 295 and what his work there was like. P3 said that he had full working hours and he used to travel [assuming to his family] on Friday. P3 said they had shifts at work.

Schuster asked about the shift schedules and what P3 used to do in the morning. P3 said that they used to gather at 08:30 am and say the slogan. Schuster asked what was the slogan, and P3 answered [as if it was obvious] "One Arab nation, that has an eternal message" [i.e. Ba'th party slogan]. P3 said they had morning assembly like schools and there was a corporal who used to check the presence/absence of the units. P3 said that Branch 295's head used to join and sometimes his deputies would join as well.

Schuster asked what P3 did after he went to his office. P3 said that the 295 school had about 3,200 students, volunteers, conscripts, officers and non-commissioned officers. Schuster asked what P3 himself used to do and P3 said that he used to join the morning assembly, then go to his office, deliver the mail to the Branch's head, and then distribute the mail to the branch's cafeteria or to any other entity.

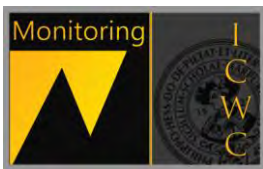
Schuster asked P3 if he was a postman and P3 said that the mail is not like regular mail but rather, it was files. P3 gave an example of mail for the kitchen, which would list when items such as meat would arrive. P3 said he used to deliver these mails and if there were any audits, he used to deliver them to the Branch's head to sign them. P3 added that the head used to check who would be standing as guards that day, how many goods would be delivered (Schuster asked if he meant the head of Branch 295 and P3 affirmed). P3 added that a first-class warrant officer was responsible for managing the restaurant, another person was responsible for the repair workshop, another one for the cars that come and go, and the guards had a chief.

In response to a question by Schuster, P3 said that they were around 10 and each one used to go to a certain place (e.g., to the management, to the external mail, internal mail) on a daily basis and then return to the branch.

Schuster asked what time P3 used to finish work, and P3 said that he used to go home after work. Judge Kerber intervened and said that this question was precise and needed to be answered with a time. P3 replied that there were no fixed working times and it depended on when someone was told they could go home.

Schuster asked if P3 used to show up every day at 08:30 am, and P3 affirmed.

Schuster asked if there was a place where the mail was gathered before the distribution. P3 stated that there was a specific place for external mail from management and another specific place for



mail for the ammunition stores (armory), and all this was within Branch 295 [each department had its own mail].

Schuster told P3 not to answer in a general way and not to avoid his questions. Schuster then asked P3 if he underwent fitness and shooting training. P3 said that he used to do fitness exercises with his colleagues when he had spare time. P3 said he told the police that he used to exercise with his colleagues and used to teach them lessons (P3 said that he often went outside with others, trained them and gave them lessons in informatics).

Schuster asked P3 to stay in the fitness subject and asked him if there was a special place for training. P3 said that there were two fields for fitness training in the branch, as he showed the previous day. P3 said that there was a specific place for shooting training.

Dr. Anna Oehmichen, plaintiff counsel, demanded that Schuster address the witness directly. Judge Kerber interrupted her and said that she leads the session and that plaintiff counsel should restrain themselves.

Schuster asked if P3 himself used to shoot, and P3 said that he trained for shooting.

Schuster said that he was asking because P3 previously said that he did not do a training and said that the building [building for Iranians only] was built on June 04, 2010. P3 said that as he mentioned previously, it was prohibited to enter that location. P3 added that people from outside [foreigners] used to come to train there, and it provided accommodation for the Iranians.

Schuster asked P3 if he underwent exercise and shooting trainings there. P3 said that he trained in locations within the administration [buildings], but not in the building for Iranians.

Schuster asked how P3 knew that it was built on June 04, 2010, and P3 said that he asked about the building when he came and he was wondering why they were prohibited from entering. P3 said he was told that it was only for the "people from outside." Schuster asked P3 if he asked when it was precisely built. P3 said that he asked and was told that it was recently founded. Schuster commented saying that it was "recent," and P3 affirmed and said that it was a recent building.

Schuster asked P3 to focus and asked P3 to describe what he did at the Sayyeda Zeynab unit. P3 said the Sayyeda Zeynab detachment was responsible for the protection of the shrine. P3 said there were 2 detachments: one under administration of state security and another one under the administration of the military intelligence.

Schuster asked him to answer in general what he did at Sayyeda Zeynab. P3 said he transferred there because he wanted to stay away from trouble and tried to get transferred through a "wasta" [a connection] because the nature of the work [in Sayyeda Zeynab] was more administrative. P3 added that the detachment was located opposite to the shrine.

Schuster asked about P3's tasks. P3 said that the detachment was responsible for the protection of the shrine, its visitors and the security of the area.

Schuster asked P3 which branch he belonged to. P3 said that he still belonged to Branch 295, as his documents were still there.

Schuster stated that P3 said that he was transferred to Branch 300. P3 said that he was transferred at the end of 2012, and Sayyeda Zeynab was under administration of Branch 300, but he did not stay

there for a long time. He said he came at the beginning of February 2012 and defected in Ramadan 2012.

Schuster asked what was the specific month he defected, and P3 said he did not exactly know. He added that he was sure that it was on the 28th of the month, because he still remembers that salaries were given at the 30th of the month, and he defected two days before taking his salary [Ramadan 2012 began on July 20 and ended on August 18. So P3 could have meant July 28, 2012].

Schuster asked P3 to view the google maps photos and asked if he remembered the locations of mass graves 1 and 2. P3 affirmed and said that he mentioned both to the police. Schuster said that he was not able to see the numbers and asked P3 to point to them using the laser pointer. P3 said that he was not asked about mass grave number 2 at the police and therefore, did not add it to the photo. P3 then pointed to Kherbet El-Ward and said that number 2 was behind it.

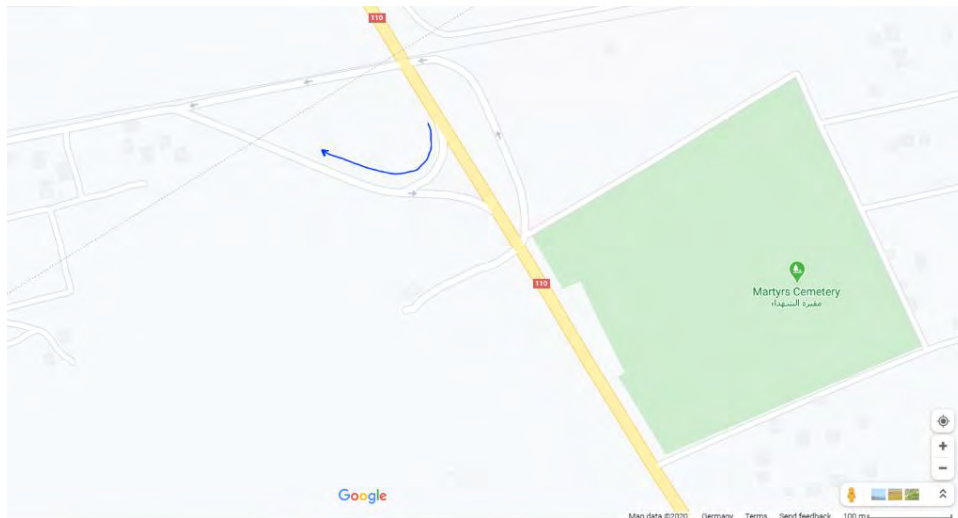
Schuster asked P3 if he remembered what he told the police about the direction Al-Gharib's group took after the meeting. P3 said that the meeting was under the bridge and he said at the police, as well as yesterday [the previous day], that the group went to this direction [see the black arrow below].

***Map of the two mass graves P3 identified and the direction of where Al-Gharib's group went after P3's meeting with him:***



Schuster told P3 that the direction he was pointing to was different and asked him if the group headed in the direction of number 1. P3 affirmed.

Judge Kerber interrupted and said that P3 pointed the previous day to that direction [see above, red arrow], and then asked if the group headed south towards 2 or west towards 1. P3 said that they headed towards 1, but at the crossroad there is a possibility to turn and head to the west [see below, blue arrow].



Schuster told P3 that he pointed to the south the previous day. P3 said that he said that they were heading to that “direction,” but did not mean that it was the “driving course” [route]. P3 added that he added the numbers only to explain the photo not the directions.

Schuster asked P3 what was his last rank. P3 said that he was a second lieutenant ملازم when he defected.

#### ***Questioning by Plaintiff Counsel***

Schulz said that P3 mentioned that he was mistreated, and asked P3 if he shared that with the Federal Office for Migration and Refugees (BAMF). P3 said that during his asylum procedure, he shared that he was confined/detained in Syria. Schulz interrupted and said that was not his question, and asked if he said that he was tortured. P3 stated that he said he was hit.

Schulz read a story from P3’s prior questioning, where P3 mentioned an individual, [name redacted] who was detained, tortured and executed because he defected. P3 asked to repeat the name and Schulz said that he did not finish. Judge Kerber repeated the name and continued reading methods of torture that were listed as used in Branch 295: Shabh, water with electricity, hot iron bars, and all kinds of methods.

Judge Kerber asked if it was correct that P3's interrogator in Syria told him that they wanted to show him what happens when someone tries to defect. P3 said that some of his colleagues and the head of the interrogation unit, Isma'il Shadid, إسماعيل شديد, told him that, and then told him that it was not evident that he [P3] intended to defect. P3 said he was beaten and water was poured over him.

Schulz said that P3 mentioned two methods of torture the previous day, but he mentioned more to the BAMF. P3 said that after the first beating, one forgets the other methods of torture.

Schulz asked P3 if he knew Ali Makhlof علي مخلوف. P3 said that the police asked about him and he answered that he is a relative to Al-Assad family. Schulz asked if P3 had something to do with him, and P3 said no. Schulz asked if P3 received reports from him.

Kerber interrupted and asked Schulz if he meant Ali Mamlouk, علي مملوك, and Schulz said yes. P3 said that Mamlouk is the head of state security directorate in Damascus and P3 used to deliver mail to Mamlouk’s assistants.



Scharmer said that P3 told the defence that he was a second lieutenant when he defected. P3 said yes and that he had that rank when he came to Branch 295.

Scharmer said that P3 mentioned that he saw lists with numbers of corpses and hospitals and asked him if he still had visual memory of them and was able to redraw them.

P3 asked for a paper and drew a sketch [below is a redrawing]:

**Redraw of P3's sketch of the lists he used to see:**

	رقم (٦٠١) number (601)	رقم المستشفى Hospital number
رقم الفرع Branch number	رقم الشهيد Martyr's number	تاريخ Date
٢٥١ 251	٣٤١٥ 3415	٢٠١٢ / ١ / ١ 1/1/2012
٢٢٧ 227	٣٤١٦ 3416	٢٠١٢ / ١ / ١ 1/1/2012

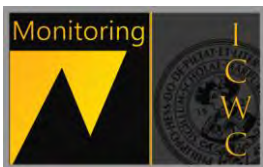
P3 said that there was a stamp of the forensic physician and the date of the death was most probably the delivery date [of the corpse].

Scharmer asked if the stamp came from a forensic physician [a person]. P3 said the stamp stated "forensic medicine," but he did not examine if there was a name of a physician or department in which the physician worked (he did not pay attention to the details when he used to receive the mail).

Judge Kerber asked if the word "forensic medicine" was written. P3 said that it should be there [on the document].

Scharmer asked if the forensic physician also signed other lists regarding weapons and goods. P3 said no and that the forensic physician is a governmental employee—like in Germany—who documents the cause and date of the death.

Scharmer told the translator that he read "Martyr's number" and asked him if "Martyr" could have a different meaning but the translator said no.



Scharmer told P3 that he earlier saw him quivering during some questions and asked him about the reason. P3 said that he wanted to apologize to the judges and the general prosecution, because he arrived at night to Koblenz and did not sleep well.

***Questioning by Judge Wiedner***

Judge Wiedner asked if the cause of death was written down in the lists. P3 said that they did not include that in the lists. P3 gave an example that he had an uncle who was detained in 2012 and he and his family kept on following up on him through every branch until they were finally told that his uncle was in Harasta hospital. P3 said his uncle was a diabetic patient and his family went to see how the corpse and the file would be handed. He stated that the family was told to sign a document that stated he died a "normal death." P3 said that only his uncle's belongings were handed, but not his corpse. P3 stated that sometimes in the first 2 lines, "they" write the name of the hospital and followed by the cause of the death on the second line. Sometimes they write "normal death" and sometimes they write nothing.

P3 asked if he can state something, and he was given permission. P3 thanked the court and said that he would come in anytime he would be summoned.

The proceedings were adjourned at 12:30 p.m. The next trial will be July 01, 2020 at 9:30 a.m.



**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 6

Hearing dates of July 1, 2, 3, & 6, 2020

*CAUTION: Some testimony includes descriptions of torture.*

*[Information located in brackets are notes from our court monitor].*

*(Information located in parentheses is information stated by the witness, judges or counsel).*

**Summary / Highlights**

**Trial Day 15**

- P4 testified about his experience as a detainee in Al-Khatib Branch. P4 said he was taken by armed militia members, and was falsely accused of leading operations and possessing weapons. P4 testified about the harsh and cruel living situation in Al-Khatib, including the overpacked cells and inhumane food and water access. He described torture that he endured and witnessed in the prison, including *Shabbh*. P4 was eventually able to escape his detention by paying a bribe to Adeeb Zaytoun, someone who worked in Branch 251 and who P4 knew before being detained.

**Trial Day 16**

- P5, the second insider witness in this trial, testified about his experiences as a guard in Branch 251, naming the hierarchy of the branch. P5 identified Accused Raslan in a photo array during police questioning and in court. He testified that Raslan was the head of the interrogation unit at Branch 251. P5 provided a sketch of a map of Branch 251 and provided insight on Division 40, stating that the division had unique features and authority to do what it wants to do, even though it was technically under the command of Branch 251. He testified that he saw certain detainees being beaten, but said he did not see Raslan beat detainees. P5 stated he defected from the government, in part due to the injustice he witnessed.
- Two German government officials testified about P5's police questioning. One of them stated that P5 defected due to the torture he saw.
- Plaintiff Counsel Khubaib Ali Mohammed read a statement by a previous detainee who claimed that Accused Raslan had power and authority within Branch 251. Specifically, this individual stated that Ali Mamlouk scolded and slapped Accused Raslan for detaining him. Counsel Mohammed argued this could counter the defense's narrative that Accused Raslan lacked authoritative powers.

**Trial Day 17**

- The questioning of P5 continued. P5 identified Branch 251 via satellite photos and provided further details on Division 40. He said that individuals who were chosen to work at Division 40 were selected through a special process. P5 said that Accused Raslan's face



was familiar to him, and testified about an instance where Accused Raslan told personnel to stop beating detainees. P5 also stated he heard screams of pain while he was working at the Branch.

#### **Trial Day 18**

- P6, Accused Al-Gharib's cousin, who was formerly detained, testified about his experiences and relationship with Al-Gharib who was a warrant officer. P6 stated that he did not interact much with Al-Gharib as a child, but began to interact more with him as an adult. P6 stated that he became politically engaged with former opposition figures and the uprising. He was detained for ten hours once for attempting to partake in a demonstration and write about it on Facebook which an interrogator referred to as posting "fake news". P6 said that Accused Al-Gharib declared his support for the uprising in front of P6 and others, and provided an example where Al-Gharib warned an individual that they are going to be detained, which allowed that individual to flee and avoid arrest.

#### **Notes from the trial monitor:**

- There was a feeling (among the public) that the numbers given by P4 were exaggerated (for example, he said he saw 500,000 corpses in Syria), but P4 stated multiple times that they were not. Additionally, there was a lot of confusion about Abu Ja'far who was identified as a guard at Branch 251. At some point, the judges stopped asking about this.
- P5 denied seeing a corpse, though the judges told him that he said he did in his police questioning. The public was surprised that he saw only one "incapacitated" person and no female detainees during his ca. two years of service. But, P5's statements were concrete in general and he explained matters that arose from previous sessions, such as the definition of "volunteers."
- Judge Wiedner repeatedly expressed that he could not understand how P6 did not find a problem with his cousin serving in the state security, even though P6 repeatedly described branches were "human slaughter houses."

#### **Trial Day 15 – July 01, 2020**

There were about 10 spectators and 4 individuals from the media present. The proceedings began at 9:45 am and were slightly delayed as the witness was late.

#### **Testimony of P4,**

The witness was P4 [name redacted] a 30-year-old roof tiler who testified about his experiences as a detainee in Syria.

#### ***P4's detention***

P4 began by explaining his view and experiences in Syria. He stated that there is "no country" in Syria as one merely deals with military militias and mafias.

P4 said he was detained, his sister was abducted, and his brother was detained and killed.



P4 stated that he had a hotel in Zayyeda Zeynab سيدة زينب and around 15 – 16 houses, but all his and his family's properties were destroyed.

P4 said he was detained on the first day of Ramadan 2012 [July 20]. He stated that armed individuals, without military ranks, came (most of them were Shiite and the majority were Iranian, Afghanis and Iraqis). P4 said that he used to live in an area that was mostly inhabited by Iraqi Shiites. He said that when he was detained, he knew half of the people who detained him as they used to live in the same area. He said they were members of the following sectarian groups: Hezbollah حزب الله, Asa'eb Al-Haq, عصائب الحق, Abu Al-Fadl Al-Abbas, أبو الفضل العباس, and Zaynabiyyoun. زينبيون. P4 said that the Syrian army was like a "mop" [derogatory term] that used to bring these military groups food [serve them].

A day prior to his detention, P4 said he was in his hotel. He said that three buses arrived from Homs, filled with Sunni women and children who fled from the war. P4 said they stopped at the hotel and asked him for a place to stay and he helped them. He said that an hour after the buses' arrived, problems began and his sister disappeared.

P4 stated "they" stormed the area the following day, which was the first day of Ramadan. He said that "they" came to the hotel's entrance and took water and food [from him]. P4 stated that these people were the same people who detained him afterwards. There were more than 1000 armed individuals (P4 said they did not have the Free Syrian Army there) who were standing on the highway, opposite the hotel.

P4 said that after "they" took water, bread and food, P4 told them that he wanted to get his father, and asked them whether he should go with them or take another route. He said he was on his way to his father and was passing Al-Khomeini hospital مشفى الخميني, orchids and a tree that measured two meters in diameter. P4 said "they" started striking it using three tank shells, causing the tree to evaporate after 30 minutes. P4 stated that they came to him and took him. P4 said they made him stand in front of a wall and shot around the outer shape of his body [to essentially draw this body on the wall via bullets]. P4 said at that point, the torturing "movie" [series of events] went from 9:30 pm to 5:30 am, in which he was beaten. P4 said he was then put him in an armoury, which he thought was a cell, and was taken down to the basement a half-hour later. P4 said that this was at Sayyeda Zeynab crossroad. P4 said that they started to bring in more detained people from the streets, who ranged from 17 to 40 years old, and were neither related to FSA nor were armed.

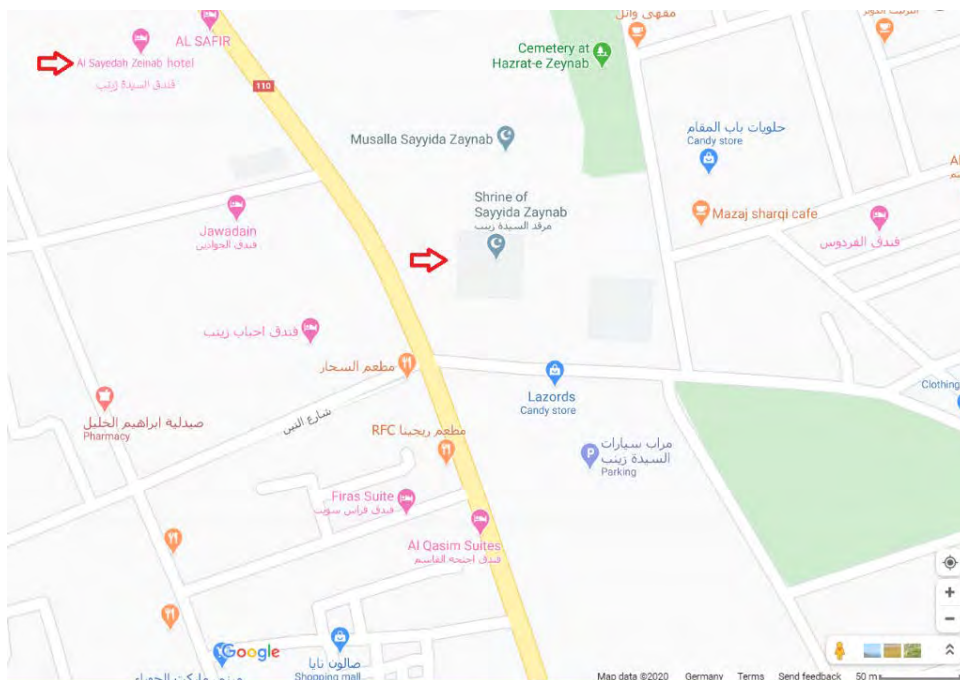
Chief Judge Dr. Kerber asked P4 to show locations on the map. P4 said that he walked an hour as he was beaten with stones, iron and glass. He pointed to a location on the map and said that it contained weapons that could erase Syria [from the map].





[Coordinates 33.434592, 36.347077]

Judge Kerber asked him where his hotel was, and P4 pointed to the Al- Khomeini hospital, the Iranian ambassador's home, and the location of his hotel, called As-Sayyeda Zeynab hotel فندق السيدة زينب. P4 also showed the shrine of Sayyeda Zeynab.



[Coordinates 33.445571, 36.338548]

In response to questions by Judge Wiedner, P4 said this was in the southern area of Damascus and the tree was opposite to Al-Khomeini hospital. P4 pointed to the location of his home.

*[The below image was not shown in the courtroom, but P4 probably meant this tree (in front of the hospital on page 2). It is a screenshot from google earth].*



[Coordinates 33.434164, 36.346773]

Judge Kerber asked if more people came when he was detained. P4 said that multiple “movies” [The witness constantly referend to incidents of arbitrary detention and torture as أفلام in Arabic] happened aside from his detention. P4 said there were Shiite with weapons and knives who killed anyone [passing]; a few days before Ramadan, these people killed around 450 with knives and swords. P4 also said a helicopter conducted an airstrike with three missiles that killed 580 people. He said that this occurred for three months.

Judge Kerber asked if he was tortured when he was detained. P4 said that he was taken to a state security detachment where he was unconscious for a few days. P4 said that he and the other detainees were in a closed room, and military forces used to return after failed operations and release their anger on detainees [physically]. P4 said he stayed in the detachment for five days, where they used to beat the detainee but did not let him die.

#### **P4's transfer to Al-Khatib Branch**

P4 said they were then transferred to Al-Khatib, where he felt that he was in a whole different place underground, unable to tell the difference between day or night. P4 stated that the numbers [of the detainees] were tremendous and unimaginable inside Al-Khatib. He said that upon his arrival, they were “welcomed” for one hour by whipping, electricity, tyres, cables or *Shabh*. P4 said that detainees then were stripped and frisked, before they were sent to their cells. P4 said “they” used to do whatever they want. P4 said that he did not feel anything and due to the excessive beating, he only wanted to sleep.



Judge Kerber asked why they were not allowed to sleep and P4 said that they detained people to torture them, not to let them sleep. P4 continued that after being frisked, they asked detainees if they wanted to go to the internal, the external or the “24” cells [P4 did not explain what “24” cells were]. Each type of cell has its own atmosphere and a different number of detainees. P4 said that the external one was the biggest cell in the branch and its ceiling was from iron. Thus, P4 said, one gets tortured even when he sleeps as the heat from the sun hits the cell’s ceiling.

P4 remarked that more detainees were constantly put inside the cell, and the guards did not consider that the cell was at capacity. P4 said that when a detainee was told that he had to go for a “tyre” round, he became happy as they could at least go to have some air outside the cell.

In response to a question, P4 explained that they could not see the sun in the cell, but because the ceiling was made from iron, the sun made the cell conditions extremely hot.

P4 added that on the first day, there were 520 people inside the cell; the guards counted them three to four times per day and 15 – 20 people were brought in every now and then. He added that one cannot imagine the numbers inside and that there was no place for sitting down. P4 gave an example of the truck that one sees on the highway filled with pigs over each other, then said that that is what was done to them. P4 said that if one is a Syrian, then his dignity, honour and money belong to the country.

P4 remarked there were huge numbers of people inside the cell and they once reached 800. (The witness said that he was shaking [inside the courtroom]). He stated that there was no air, and people used to sleep above each other, among them were corpses. P4 told the judges that all this was reality and told them not to think that it was imagination.

Judge Kerber asked how big was the cell. P4 said that it was 10 – 12 by 5 meters.

P4 spoke about the food and water conditions. He said that the food was a piece of potato dipped in diesel or cooked in diesel (he was not sure). P4 said the external cell had no water and they drank from the toilet, but the amount was scant. P4 said that there were six people in charge who used to open or close the toilets according to their mood, or maybe they had orders, but P4 did not know.

Judge Kerber asked how he knew this was in Al-Khatib Branch. P4 said someone [apparently a prisoner] told him this after 15 days. He said he became certain later on as he went once to the interrogation and found someone upstairs whom he knew was working in Al-Khatib.

Judge Kerber asked if he had a chance to look outside the window. P4 said that there was no window.

Judge Kerber asked about the interrogation. P4 said that he was taken once to the desk in the corridor where the interrogator made the detainee confess something that one did not do. P4 said it was upstairs and that they were left standing in the corridor for around five minutes. He said there were corpses on the ground, women, three children with him in the external cell, and a 70-year-old man with a missing eye whose left hand and right leg were amputated.

Judge Kerber asked how old the children were. P4 said that one was seven or eight, one was ten and the other was thirteen or fourteen. P4 said that one or two of them died, because one of them was young and he had problems before coming to prison. P4 added that the older people were hardly breathing.



Judge Kerber asked about his stay in the external cell. P4 said that he stayed there for nine days before he was taken to the internal cell, which was more difficult. P4 said that the walls of the internal cells were all made from cement, and the door was only opened when they wanted to put prisoners inside. P4 said that they made a hole in the ceiling above the door with a motor [motorized fan] to let air in, but it did nothing. He described the sweat as being 70 cm high. P4 said he stayed there for around 20 days and the number [of prisoners] was no less than 480.

Judge Kerber asked about the cell's size and P4 said that it was five by five meters. Kerber asked how could that number of people fit inside. P4 described it similar to macaroni being cooked as people were all above each other.

In response to Judge Kerber, P4 said that everything about the internal cell was awful, except that there was a toilet. He added every two weeks there were two soaps for the whole cell and the guard used to swipe the soap over the head [of the prisoner] and asked for the next one [prisoner].

In response to Judge Kerber, P4 said that there was almost no food. Most of the days, it was a piece of diesel-flavoured potato and they were offered jam every 10 days. That was served on a plate with two spoons for 50 people. Kerber asked if they used to share food and P4 said that they used to fight and beat each other.

Judge Kerber asked about P4's health condition in prison. P4 said that he was not able to see for a while due to the beating. He was offered to go to the hospital, but he refused and was scared. He added that it was not "they" who offered that, but prisoners told him that they were going to the hospital and asked whether he wanted to come along. He said that they went and never came back.

P4 stated that when he was detained, he had 3,660 Syrian pounds that were taken and held by officers [money and belongings that should be given back to prisoners upon their release]. P4 asked a military officer in the prison to take money that he had as part of his belongings and bring him an eye ointment. P4 said the military person went away for an hour and came back with a black ointment that could have been automotive grease, which he used.

Judge Kerber asked if he had money in prison. P4 said that prisoners used to ask the torturers for something during the beating. Kerber asked where the money was and said that she could not understand that he had money in prison. P4 said he had money when he was detained that the prison confiscated. He added that as he mentioned before, he was not living in a country but rather among mafias, and "they" [the prison authority] used to take the prisoners' belongings [for themselves]. P4 knew people who entered the prison with items such as cars but after they were released, they had nothing.

P4 said he handed over three mobile phones when he was detained, but was given back only one when he was released. Judge Wiedner asked if they returned the money to him after he was released, and P4 said no and that he was given a mobile phone, his keys and his ID card.

Judge Kerber asked about health conditions related to the skin. P4 said that the cell was closed "like a tuna can," and no air or sun entered. He stated that a rash used to appear on the body and then started to eat the meat [of the skin]. He remarked that there was a Tunisian in the prison with him who had that in his leg and his toe disappeared.





Judge Kerber asked if he was interrogated when he was in the internal or external cell. P4 said when he was in the internal cell, he was taken to the third floor. P4 said that he was put in the kitchen and peeked for five minutes under the blindfold right and left, and saw many corpses and the color red when he looked at the cell area.

Judge Kerber asked what happened in the kitchen. P4 said that he stayed around for half-hour or an hour on the floor in a prone position and was not allowed to look around. He said that was the only time he felt the sun above him, but did not see it. P4 said he did not know what was happening, but he was hearing shelling sounds. When asked if the windows were open, P4 said that it was sunny.

Judge Kerber said that P4 previously stated in police questioning that he looked through the window, saw trees and a street, and concluded that it was Al-Khatib Branch. P4 said that he remembered that question and stated that he answered that he was on the floor, the window was there and he saw the top of buildings outside, but he was not able to stand up. He confirmed that he was in Al-Khatib, because it is located on Baghdad street in Downtown.

There was some further confusion about P4 looking from/through the windows, but P4 clarified that he did not stand next to the window, but rather looked through the window. P4 described that he was on the floor, two meters away from window with his hands tied up, but he could still see through the window. He added that in Syria, people know the neighbourhoods from the shape of the buildings.

Judge Kerber asked what happened afterwards. P4 said that he stayed there for about a half-hour or an hour. P4 said that there seemed to be a high-ranked officer outside and because of him, the interrogation was delayed. After that, P4 said he was taken to an interrogator, called Abu Ja'far أبو جعفر, who could be a lieutenant colonel and told P4 to confess everything. P4 told him that he did not do anything, but it is not allowed to say that one did not do anything.

Judge Kerber asked whether the officer working in the branch whom he knew was his relative. P4 said that the person was not a close relative, rather a "far/indirect" cousin from the same tribe.

Judge Kerber asked about his name, and P4 said that he did not know. Kerber asked if the name was Abdallah As-Salam عبد الله السلام and P4 said yes, but that was not Abu Ja'far أبو جعفر [note that it seems Abdallah As-Salam is also nicknamed Abu Ja'far, so there are two individuals that go by Abu Ja'far]. P4 added that no one calls the other one by his name in the branch, but rather by the nickname.

Judge Kerber asked if that aforementioned person interrogated him as well. P4 said no and that six months after he was released, that person quit, and is now selling falafel in Istanbul.

Judge Kerber asked if he was able to take off the blindfold and see from underneath it. P4 said no and that he would have been beaten. He was able to only move it a bit.

In response to Judge Kerber's questions, P4 said it [the office] was approximately 20 m<sup>2</sup> and there was a desk, a couch and cables on the ground. He said that he did not see anything on the wall, and there was no laptop but he saw a monitor.

Judge Kerber asked P4 whether Abdallah As-Salam or Abu Ja'far interrogated and beat him. P4 said that he knew that Abu Ja'far interrogated him, because a person came during the interrogation and addressed the interrogator by "Abu Ja'far" and asked him to come for breakfast.





*15 minute break*

Judge Kerber asked what happened after the interrogation. P4 said that when he entered the office, the interrogator told him to confess three things. P4 told him that he did not do anything and they know everything about him already. P4 said he was then beaten for two minutes and his interrogator forced him to sign a paper and stamp his fingerprint on another blank paper. Then, P4 said the interrogator stamped it, called somebody who took P4 downstairs, beat him with the cable and finally took him to the cell.

Judge Kerber asked if the accusation was that he participated in three military operations, and P4 affirmed.

Judge Kerber asked about the interrogation. P4 said that he mentioned names of people he knew from the Assad forces, but not names from the Free Syrian Army. He said he was shown a video of a demonstration with people from his neighbourhood. P4 told them that he did not know the people in the video and that he did not have contact with his neighbours, because he was only concerned with his work. P4 kept avoiding the questions until the interrogator called a person [like a guard] to come, and then P4 knew that the interrogator was done with him.

Judge Kerber asked if he was accused of possessing weapons. P4 affirmed and said that he was interrogated twice. He [the interrogator] wrote on the paper that P4 had PKS, RPG and a tank for weapons, and was even accused of having explosives in his shoes. P4 found it strange and told him that he was a civilian.

Judge Kerber asked if there was an accusation of possessing weapon in that interrogation [where he was shown a video of the demonstration] and P4 said no.

Judge Kerber asked what the three things were, that he was asked to confess. P4 said that he was told to confess three things [he was told to make up and confess crimes/charges].

P4 said the interrogation lasted less than an hour. Judge Kerber said that P4 said in a prior questioning it was approximately two hours, but P4 denied this.

Judge Kerber asked if he said Abdallah As-Salam interrogated him and P4 said he did not know if it was that person or someone else. P4 added that after he was released, he spent 6 months looking for the person and used to wait outside [the branch] for any person to get out, so that P4 could talk to him in private and get answers, but he could not, because they used to be released in groups.

Judge Kerber asked if he knew his relative was working in the branch before his detention. P4 said no and that he knew only after he was released. P4 added that he said in the police questioning that he knew that his relative was in Al-Khatib and that he was called Abu Ja'far, but did not know if he was the same Abu Ja'far, the interrogator.

P4 said that Abdallah As-Salam was not in Syria, but in Istanbul. Judge Kerber told P4 that this answer was different from what he said in the questioning. P4 said that in the questioning, they brought a German lady who spoke broken Arabic and they spent two hours editing the transcript after the questioning.

Judge Kerber asked if he signed the transcript and P4 affirmed. P4 said that all numbers and reports he mentioned were true and not exaggerated.



Judge Kerber said that P4 said that a cousin of Abdallah As-Salam was in prison. P4 said that when he was in the interrogation, he recalled that Abdallah As-Salam was in the branch. And when a person came in and said "Abu Ja'far, come for breakfast," Abdallah As-Salam came to P4's mind. Therefore, P4 told "him" [the interrogator] that his cousin was downstairs. The person asked P4 about the name of the person downstairs and P4 told him [redacted]. Then he [interrogator] brought papers for P4 to sign and called the guard to take him outside. P4 said that he and [redacted] entered the prison together and got out together, but Diyaa' was not interrogated.

Judge Kerber asked if P4 remembered the name of the head of Al-Khatib. P4 said no, but when he was taken outside the room, he met a person whom he knew in the corridor "Adeeb Zaytoun أديب زيتون". P4 said that he knew that person before the detention. P4 used to work in [redacted] and that person used to secure licences for construction for them [probably meaning his family]. When P4 heard Zaytoun's voice, he left the guard and ran towards the person and told him who he was. The person recognized him, because they had a lot of business between each other. P4 said he took P4 to his office and brought him food. Then, they began to bargain how much money he wanted from P4. They agreed on 10 million Syrian pounds (approx. 100,000 USD).

When asked to describe the office, P4 said that it was like a villa and there were photos of Bashar "the dog" and his father "the pig." Judge Kerber told him to avoid such comments.

P4 said that he got out after 12 days and went to another branch. P4 said they were taken to Najha نجه. Perhaps it was a villa, not a branch, and there were two floors full of rooms underground. P4 said there was no air or light, and described it as a new horror movie with new terrifying people. P4 added that it was a big cell with people inside whose hair and beards were all-white. All of the detainees were there for a long time. No one was allowed to get close to their cell.

Judge Kerber asked if P4 was beaten or tortured in Branch 251. P4 said that everybody was beaten and no one slept without getting beaten. He said that when there were no people for the interrogation, two - three [guards] used to open the door, get in the cell and beat [prisoners] inside [the cell].

Judge Kerber said that P4 said that a child died inside the prison, and P4 clarified that he said children, not a child.

In response to Judge Kerber's questions on deaths in Al-Khatib, P4 said that many died, every day. He added that there were corpses inside his cell and outside in the corridor. Among them were 13 dead people in the cell to which P4 fingerprinted/signed that they died a normal death.

Judge Kerber asked why he had fingerprinted the bodies. P4 said that he was forced to. He said he and other prisoners were carrying the corpses outside the cell to be taken away, and he was carrying the last corpse when he was called. P4 fingerprinted 13 blank papers, the same number of the corpses.

Judge Kerber asked how he knew that they would be registered as "normal death" and if something was written on the papers. P4 said that the papers were white and nothing was written. P4 said that they did not die by themselves [i.e. they did not die a normal death]. They used to come dead from Madaya مضايا and Ghouta غوطة who had a "special" treatment of torture [in the branch]. P4 said his friend in the cell was hit by an iron cable on his Adam's apple and died after 10 minutes. P4 said that this person was not part of the 13 corpses.



Judge Kerber asked how many corpses were on the floor. P4 said that he did not count them, but more than 10.

Kerber asked again how many died. P4 said many died and they used to sit terrified from the sound of torture. He added that someone could have a heart attack while sitting, and that they [he and the prisoners] did not count.

***Questioning by Judge Wiedner***

Judge Wiedner said that P4 stated in a prior questioning that a child died and asked follow-up questions. P4 said that he was the youngest, around seven years and that he died while they were sitting when the child was in his father's lap. P4 said "they" took the child to be interrogated and he was gone for around an hour or more. P4 stated they brought him back [to the cell] and took the father, who was beaten and returned to the cell as a different human. The child sat in his father's lap. P4 said he forgot exactly what happened, maybe he slept or left the cell, but he woke up and asked about the child, and was told that he was "finished" and died. P4 said he did not see the dead child, but he saw the father crying and was told he died. He did not know what caused the child's death. He said this occurred in the external cell.

Judge Wiedner asked if P4 witnessed others who died. P4 said that many died and that when someone died, they did not realize that, because when they used to sleep, they did not know who did not wake up [and who died]. P4 said that prisoners used to tell the guards when someone died and the guards used to tell them it is "normal".

Judge Wiedner asked if they used to bring the corpses outside. P4 said that they were told to put the corpses in the corridor.

Judge Wiedner said that he was not asking for concrete numbers and asked if P4 saw dead females. P4 said that during his whole detention period, he saw one dead pregnant woman. P4 said this woman was not part of the 13 corpses mentioned earlier.

He added that there was a service hatch طاقة [or gap] at the bottom of the door, through which they used to watch the corridor and see people. P4 said they were not allowed to see through this. P4 said that there were two prisoners placed at the door who used to take anyone who used to look outside to be beaten.

Judge Wiedner said that P4 stated in his questioning that his friend was tortured and died. P4 told the judge that he could be meaning [redacted name] an imam of a mosque. P4 said that this person's uncle was a minister. P4 said that he told the police that [redacted] was detained with him and tortured. P4 said that this person was not a friend, but rather his cell mate.

P4 said though they could not see, they could hear sounds - specifically sounds of torture.

Judge Wiedner asked how big the window was. P4 said that it was big and inside the cell.

Judge Kerber asked if P4 saw or heard the torture. P4 added that due to the large number [of detainees], there was not enough space and the external cells used to be a garden previously that was closed with iron. Therefore, the windows remained on the doors and the place was used for torturing. P4 said they were called external cells, because they were outside the prison.



Judge Wiedner said that P4 said that he *saw* a person who was being tortured. P4 said that he saw with his eyes and detainees used to be hanged like sheep and were tortured together.

Judge Wiedner said that there is a problem with what was said to the police. P4 said that one cannot enumerate everything that occurred within his 45 days of detention.

Judge Wiedner asked if P4 could estimate the dead people during the period of his detention (P4 said that he wanted to show something on the maps, but he was asked to answer the question). P4 said that the numbers were big and he could not estimate, because detainees were constantly brought. He said he was sure that half of the people who were released, were killed.

Judge Wiedner said that P4 said that around 100 died. P4 affirmed. He said that because he himself saw this and others told him. P4 said that he saw 500,000 corpses in Syria. He said his house was next to [redacted] cemetery which was a desert before that. Everyday a bulldozer and a truck were used to bury bodies.

In response to questions on torture, P4 said every method was used, from beating, swearing and insults. P4 said they did not use their hands/fists as that that would not have hurt, and they used cables instead.

Judge Wiedner said that the name Abdallah As-Salam came up during the police questioning and asked P4 how this name is relevant. P4 said that he was an interrogator.

Judge Wiedner asked if two persons interrogated P4. P4 said only one. He added that he told the police that if Abdallah As-Salam interrogated him, he would not have paid 10 million Syrian pounds to get out of prison, because Abdallah As-Salam would have gotten him out for free [he would have been P4's "*wasta*"].

Judge Wiedner asked if P4 saw the interrogator. P4 said no and that he would have been beaten if he had tried. P4 said that the interrogator stood behind him. P4 added that if detainees knew who worked in the branches, they [detainees] would have killed them [interrogators] after being released.

In response to questions, P4 said he stayed in Branch 251 for approximately 34 days. P4 said he then went to Najha, where a new series of torturing and killing had started. He said water was available but there was no food. P4 said he was there for around six to seven days before being released and transferred to Al-Khatib where he fingerprinted a paper. He was given a mobile phone and his keys back, even though he originally had three mobile phones and 3600 Syrian pounds when he was detained.

Judge Wiedner asked how he looked like when he was released. P4 said like the microphone [thin].

Judge Wiedner asked how P4 handed over money. P4 said that 3 days after his release, he went personally and handed it over to that brigadier general; he went to the person's house in [redacted].

*One hour break.*

Judge Wiedner asked questions related to *Shabh*. P4 said the first time he endured *Shabh* was in Sayyeda Zeynab and it lasted for five to six hours. P4 said he was only beaten and whipped in Al-Khatib. P4 said that many others endured *Shabh*; some of them from the hands, others from the feet



and some with tyres. A person from Madaya was beaten on his feet until they became extremely swollen [P4 described it with his hands].

Judge Wiedner asked how did P4 knew that there was *Shabih* in Al-Khatib branch. P4 said that Syrians know the mafia branches and the torturing methods that exist there. More specifically, P4 said that he saw it, and there were prisoners with him who were tortured with *Shabih*. P4 said that when he used to go outside to get tortured, he used to see people on the floor and a few were hung up. Due to the huge numbers, five to six were [hung] together [in the same area]. Judge Wiedner asked from which body part they were hung, and P4 said from their hands with handcuffs or cables and the hands were up for 13 – 14 hours. P4 said they were hung on the wall like “laundry.” P4 added that the one who was hung from his feet was recognized [by the prisoners], because his legs used to be blue and as big as the screen [the projector].

Judge Wiedner said that P4 said that every day people died and P4 affirmed.

#### ***Questioning by Plaintiff Counsel and Judge Wiedner***

Andreas Schulz, plaintiff’s counsel, said that P4 stated “ Menschen-Spülen / Human sink” during his police questioning and asked P4 to clarify. P4 said that he did not understand. He said he was asked what he knew about Al-Khatib, and he answered that it was a human massacre, as it is known that anyone who enters the prison will most probably not get out.

Patrick Kroker, plaintiff counsel, asked P4 how he was frisked. P4 said they took off everything, even his underwear and they made him sit on the ground. He said “they” put their hands between the buttocks to search if one was hiding something like a razor.

Counsel Kroker asked about P4’s psychological experience and if he spoke with a psychiatrist. P4 said that nothing happened to his psychological condition, but he cannot sleep at night. P4 paused a bit then said that he did know about alcohol in Syria, but currently he drinks on a daily basis.

Counsel Kroker asked if that behaviour was related to what he experienced in detention. P4 said certainly, and added that he was not able to deal with his family for 14 days after he was released. P4 asked [Kroker/the court] to imagine that he only went to toilet twice during a 45-day detention. He said he weighed 100 kg before his detention, but was 46 kg when he was released. P4 said that he has changed entirely and became a different person.

Counsel Kroker asked about P4’s prior statement that he was shaking, and asked if that happens often. P4 said that it happens when he feels dizzy. He added that when he is among 50 people, as he is in the courtroom, he cannot sit down [stay]. He said he was not able to participate in a language course, because he cannot sit among many people and despite the many Arabs living in his area, he could not make friends. He added that at work, which consists of three people, he always stays alone. P4 said that if he gets angry and wants to hit someone, he does not stop until he sees red (blood).

Judge Wiedner referred to P4’s statement that he delivered money to Zaytoun, and asked him if he knew Zaytoun’s position in Branch 251. P4 said that he only knew his rank. P4 stated that he did not previously know where Zaytoun used to work and only saw him by coincidence.

Judge Weidner asked if P4 heard from other detainees that Zaytoun was there. P4 said that he did not ask, and added that anyone who is not an Alawite or a Shiite has no value.





Judge Wiedner said that P4 previously said that Zaytoun used to give orders from time to time, and that Zaytoun was addressed as “معلم” [boss]. P4 said that in the questioning he did not know if he was working in Al-Khatib or in Division 40, and added that all branches are connected to each other.

Judge Wiedner asked how P4 knew that Zaytoun was always there on Tuesdays and Thursdays, when P4 saw him only once. P4 said that on Tuesdays and Thursdays, there were “tornadoes and earthquakes” [torture increased, big incidents happen in the branch and everybody is on alert]. When further asked by Wiedner, P4 said that when a detainee was taken to be beaten and then returned, that detainee shared with the prisoners what he saw and heard. From what these detainees said, P4 stated they insinuated that a high-ranking official was present on those days.

Judge Wiedner asked how P4 knew that it was Tuesdays and Thursdays specifically. P4 said that on those two days, they experienced higher levels of torture. Additionally, there were nine guards who tortured on those days (in comparison to the usual two or three). P4 said this was from his experience, and added that if he wanted to share what happened in these days exactly the same way as he lived through them, he would fall unconscious [probably meaning that he could not relive it].

Dr. Anna Oehmichen, plaintiff’s counsel, asked if there was an increase in the number of corpses between 2011 and 2012. P4 said that every day, there was digging and trucks that could have been coming from the branches. Before his detention, P4 said he used to see it because it was on the way to his home and in front of his house. After his release, he said he was not able to see it anymore as they built a wall. However, P4 said he could see the bulldozer in action and trucks (sometimes civilian and sometimes military ones), because they used to bury the people who died in war. P4 said that before March 2011, civilians were allowed inside but this changed following September 2012.

In response to Dr. Oehmichen, P4 affirmed that the translator in his police questioning spoke broken Arabic and that he did not lack sleep or had a tiresome journey to the police prior to his questioning as it was near his home.

In response to a question by Dr. Oehmichen, P4 affirmed that he has a sleeping disorder, and said that he slept at 03:30 a.m. and woke up at 05:00 a.m. before testifying today.

Dr. Oehmichen asked if he was able to concentrate during the police questioning, and P4 said yes but the questioning started at 8:00 a.m. and ended at 6:00 p.m.

P4 testified that in the external cell, there were three persons in the toilets and three at the door. He said these persons were like security as the torturer used to come every hour asking for people for whipping. P4 said that the prisoners feared these six persons, because these six used to deal with the torturer. Their food was different and they used to get cigarettes. P4 said three of the six were commanders in the Free Syrian Army.

Plaintiff Counsel Schulz asked about the old and the new detainees. P4 said that new prisoners were fearful as they did not know what would happen with them. He said that when a newcomer used to enter the cell, they would see prisoners who did not resemble the humans as their bodies were like “mosaics,” burned with cigarettes and stabbed with pens [full of “colors” and injuries]. P4 said that no detainee had the energy to fight one another; a detainee used to enter the cell broken and only wanting to sleep.

Khubaib Ali Mohammad, plaintiff counsel, asked if there was female sexual mistreatment. P4 said that he used to hear women's voices in the corridor, but did not know what was happening with them. Mohammad asked if someone reported about rape, and P4 said that such a thing was not done in front of them and the females were not imprisoned with the males.

Plaintiff Counsel Mohammad asked if there was male sexual mistreatment. P4 said that there was, though he did not see it.

P4 said that his sister was also detained in state security in Kafar Souseh. كفرسوسة. He said she was released after three months and returned home as a cocaine addict.

Plaintiff Counsel Mohammad asked if he witnessed that or if he was presuming that there was sexual mistreatment against males. P4 said that it was not a presumption and all testimonies are documented and the videos are on YouTube. P4 added that he was told when he was released.

Judge Wiedner asked if P4 himself saw the pregnant woman in the corridor. P4 affirmed and said that he saw her dead on the floor, when he was going to the interrogation.

*The defence asked for a break and a 15 minute break was issued.*

The defence had no questions.

*Activist Khaled Baraka خالد بركة in cooperation with Adopt a Revolution Initiative, The Syria Campaign, Families for Freedom and ECCHR, hosted an event outside the courtroom. Below are some photos (the windows of the building shown in some photos are the windows of the courtroom where the trial is taking place):*





**Trial Day 16 – July 02, 2020**

There were about 12 spectators and three individuals from the media present. The proceedings began at 9:30 am.

**Testimony of P5 [name redacted]**

The first witness was P5 a 37-year-old engineering graduate who is currently unemployed.

***Questioning about P5's background and Branch 251***

P5 testified about his background and his military service in Syria. He said he studied engineering in [redacted], worked as a teacher and then began his military service in May 2010. He said he completed training from June to November, and then was transferred to the "Inner Branch" [this is the more accurate and official name of Al-Khatib/251. It was the first time someone in court referred to the Branch by this name] where he stayed until he defected on August 5, 2012. He said that he defected for many reasons, including the existing injustice which he witnessed that he could not do anything about. He said it was better that one stay away from trouble.

Judge Kerber asked what P5 did. P5 said that he personally had not gotten in trouble, but the detainees were treated cruelly and beaten. P5 said that he and his colleagues could not do anything about it, so they decided to flee.

Judge Kerber asked what he was doing in the branch. P5 said that he wanted to mention some incidents. He said that when demonstrations occurred, people were beaten and taken to prison. P5 said he used to witness detainees who got out from the vehicles being continuously beaten until they enter the prison. He said that the Branch's yard is close to the prison.

Hannes Linke, counsel for Accused Al-Gharib, raised §55 StPO [which addresses a witness' right to refuse to answer questions if it risks incriminating them]. Prosecutor Klinge agreed to this and Judge Kerber informed the witness about the admonition.

P5 addressed Judge Kerber saying that he wanted to say that he was worried about his family in Syria, and not about himself, as a few of his family members in Syria go to regime-controlled areas, which could cause them trouble. Judge Kerber said that he still needs to provide information.

Judge Kerber asked how long the beatings lasted and which tools were used. P5 said that the beating occasionally lasted half or quarter of an hour. He said it depended on when the responsible officer used to come to let the detainees in, and that the beating was done by the prison personnel members. عناصر When asked if beating lasted for four hours, P5 said that it could have, but generally it was less than that. P5 said the duration depended on the officer. P5 testified that normal and electric [stun] batons were used more than once. P5 said he knew that batons were electric as a detainee would immediately fall on the ground after merely placing it on the body.

Judge Kerber asked about detainees who got out from the buses. P5 said that the detainees got out with their t-shirts on their faces, so they would not see anything until they arrived in the branch. He added they were beaten continuously from the moment they were detained until they arrived to the Branch's yard. P5 said that they were beaten on every possible location on the body.

Judge Kerber asked if he saw what happened inside the prison and if he heard something. P5 said they used to hear prisoners' voices as there was a basement and small windows opposite the yard.



P5 said he heard loud screams and the sounds of people being tortured. Judge Kerber asked if he recognized some words, and P5 said the screaming was mostly sounds of pain and suffering.

Judge Kerber asked about the hierarchy of Branch 251. P5 said Tawfiq Younes توفيق يونس was the head of the branch, and there were divisions under the branch. When asked about other names, P5 mentioned the following: Lieutenant Colonel Kamal كمال, Head of Religions Division; Lieutenant Colonel Ahmad أحمد, Head of Economy Division; Brigadier General Mohammad محمد, Head of Parties' Division [political parties]; Lieutenant Colonel Basel باسل, Head of Media and Universities Division (whom P5 had forgotten during his questioning, but recalled it later), and Colonel Ahmad أحمد, Head of the Communications Division.

Judge Kerber asked who P5 recognized on the photo-array during his 2018 questioning, and P5 said Colonel Anwar Raslan. P5 said he knew Accused Raslan from his time at the Branch. Kerber asked what Raslan's rank was, and P5 said he was a Colonel عقيد, then a Brigadier General. P5 testified that Raslan was always there during P5's service.

Judge Wiedner asked what Accused Raslan's position was, and P5 said Raslan was the head of the interrogation unit. Wiedner asked if there was an officer with Raslan and P5 said the deputy of the division was Major Abdulmon'em رائد عبد المنعم.

Judge Wiedner asked about Division 40. P5 said that it was under the administration of the Inner Branch [Branch 251] and Colonel Hafez Makhoul حافظ مخلوف was the head of that division.

Judge Wiedner asked more about Accused Raslan. P5 said everybody who served at the Branch knew Raslan, and P5 confirmed that the person sitting on his right in the courtroom was Raslan. P5 said that Raslan was a colonel. P5 said that anyone knows that the head of the interrogation division had responsibilities in the prison. When asked if Raslan used to interrogate, P5 affirmed.

Judge Wiedner asked what P5's tasks were. P5 said that he was a non-commissioned officer who was responsible and part of the [security] guards. He said their task was watching over the branch. He added that they knew the officers in the branch, and would see detainees when they would come. P5 said that he did not enter the prison, but his colleague did and he told P5 how badly detainees were treated.

Judge Wiedner asked if the beating done in the external yard was executed by orders, or if the prison personnel did it on their own will. P5 said that regarding the branch's personnel, "volunteers" [explained by P5 later in his testimony] were the ones who used to beat the detainees and there was no officer there. P5 said that when the officer arrived, he ordered to bring the detainees into the prison. P5 added that officers used to be home at night or the early morning, so detainees who arrived then used to be beaten until the officers arrived at the prison.

Judge Wiedner asked about the officers' names. P5 said the officers who were responsible for the prison were the head of the interrogation division and his deputy. Wiedner asked if P5 meant Raslan and Abdelmon'em (respectively), and P5 said yes. P5 said he did not see other officers.

Judge Wiedner said that P5 mentioned Kamal كمال during the questioning. P5 said that was correct, but he was not related to the detainees. P5 stated that in the police questioning, he said that Lieutenant Colonel Kamal used to communicate with security personnel by radio transceiver when people went to demonstrations, but P5 did not say that Kamal was related to the prison.



***Questioning about Accused Raslan***

Judge Wiedner asked if P5 saw an officer beating detainees himself. P5 said that he only saw Lieutenant Colonel Basel doing that. Judge Wiedner asked if he said that Accused Raslan beat detainees. P5 said (in fact) no.

Judge Wiedner asked what Accused Raslan did when he arrived. P5 stated people from Duma دوما and Harasta حرستا were brought in and were being beaten. He said that when Colonel Raslan came, he prevented them from being beaten and told them to get the detainees inside to begin the interrogation. P5 said that he does not know what happened with the detainees later.

Judge Wiedner asked what P5 was told about what happened with the detainees. P5 said that he has honestly forgotten many things since he came to Germany, but he would try to remember. Weidner repeated, and P5 said he did not know.

Judge Wiedner asked how Accused Raslan was as a leader (if he was brutal, for instance). P5 said that when they were standing outside [of the branch], Raslan was the only person who used to greet them as lower ranking guards. P5 said that this was how Raslan used to treat him, but he did not know how Raslan used to treat the detainees.

Judge Wiedner said that P5 previously stated that Accused Raslan was pretending to be good in front of P5 and his colleagues. P5 said that he has just said the same thing, that he did not know how Raslan used to treat the detainees.

Judge Wiedner asked if it was possible that Accused Raslan would not have known what was happening in the branch. P5 said that he stated this before and would repeat it: The head of the division [meaning Raslan] was certainly acquainted with everything, but the head of the branch [meaning Tawfiq Younes] was responsible for everything.

Judge Wiedner asked what he [Raslan] should have known what was happening in the prison. P5 said Raslan should have known [تعذيب أو شو بصير], but he was not 100% sure, because the head of his branch (Tawfiq Younes) was cruel. P5 said that the interrogation was conducted by officers, which was secret information no one could be aware of. P5 said that even if he did not see it with his own eyes, it was known between colleagues that officers conducted the interrogation, not lower ranks.

Judge Wiedner asked if the Inner Branch has other names, and asked for details about the branch. P5 said Al-Khatib, 251 and perhaps previously Al-Maysat الميسات were known names for the branch. P5 said that it is a security branch under the general intelligence. He said that during the uprising, every branch was responsible for an area from Damascus, and the Inner Branch was generally responsible for Duma دوما, Harasta حرستا and Eastern Ghouta الغوطة الشرقية.

Judge Wiedner asked if the branch's activity increased after the uprising. P5 affirmed and said that the number of the personnel عناصر was between 80 – 100 persons before the incidents [uprising] and the number doubled after, as the reserve was called.

Judge Wiedner asked when he witnessed the beatings. P5 said after the uprising, but he doesn't remember. He said that he thinks it was in late 2011.

Judge Wiedner asked if there was change in the number of detainees and what changed in the branch. P5 said that not all the detainees were at Branch 251, as there are other divisions such as





Division 40 in Duma [either meaning Division 40 regulated Duma or there is a division of Division 40 in Duma], in Sayyeda Zeynab, سيدة زينب in Zabadani, زيداني all of which are under the administration of the Inner Branch. P5 said that he does not know if Division 40 has a prison, but they most probably do as it is a security branch.

Judge Wiedner asked when these prisoners were detained, and P5 said the prisoners in the antiterrorism division were detained before the uprising.

Judge Wiedner asked for details about the prisoners of Branch 251. P5 said they were from Duma, Harasta, Al-Midan, Saqba, سقبا and Hamouriyeh, حمورية. He stated that all of that is called Eastern Ghouta. P5 testified that they were detained because of the demonstrations in the beginning of the uprising.

Judge Wiedner asked if Branch 251 was responsible for detaining. P5 said it depended on where detainees were taken (If detainees were brought to Branch 251, then its personnel [عناصر] detained them. If detainees went to Division 40, then its respective personnel members were responsible).

Judge Wiedner asked about Division 40. P5 said that when he and others were in the training, a person came to choose people to work in Division 40. He said that these chosen people had specific physical characteristics and their background (and family background) should be clean. He said that if everything was ok, then the person would be selected. P5 said that he does not know what the tasks of these selected people were, because it was not his division. Judge Wiedner said that P5 previously stated in the questioning that individuals from Division 40 used to come and work with them in Branch 251, and that people were not allowed to gather in mosques and in Al-Midan, الميدان. P5 acknowledged this.

Judge Wiedner asked P5 to elaborate on "volunteers." P5 said "volunteers" were not selected. P5 said in Syria there are two groups: the first is the compulsory military service and the second one is the "volunteers", who are people with high school certificates, who complete a training. P5 said that these "volunteers" would be sorted into police, army and intelligence services, and stay in the service for long periods (30 – 35 years). P5 said "volunteers" existed even before the uprising.

Judge Wiedner asked if P5 saw corpses. P5 said that he saw a vehicle once at the prison's door at night, and a person was put inside it, but he did not see corpses. P5 said he did not know if this person was alive or dead; he wanted to enter the branch to go to the personnel [عناصر] housing, but one of the volunteers kept P5 back.

Judge Wiedner asked about this specific individual brought to the prison. P5 said that he previously mentioned this person was elderly as this person was overweight and was wearing *Gallabiyya*, جلابية. When asked, P5 said he does not know if this person was dead or alive. He added that when people were cruelly beaten, a vehicle from the nearby red-crescent hospital used to come and take these people. P5 said that person was taken by vehicle with no ambulance siren, so he told the police that he could have been dead, because it was not an ambulance. Judge Wiedner said that P5 previously stated that the person was 60-years-old and was dead. P5 said that he has not changed his statements; he knew that person was elderly through his clothes and he did not know whether he was dead, but said that he could be as it was not an ambulance.

Judge Wiedner said that P5 previously stated that corpses were transported at night, and asked P5 if he saw or heard about that. P5 said that he did not see anything else other than the person



mentioned above. He said they used to “hear” torture and not “see” it, and if these [transport] operations happened, the volunteers would not tell P5 and his colleagues.

Judge Wiedner asked how the injured were transported. P5 said that the Red Crescent was close to the Inner Branch, and it used to come and transport the injured.

Judge Wiedner asked about prisoners’ condition at their release. P5 said that there is lack of hygiene inside the prison so prisoners were in a dire condition and dirty when they are released.

Judge Wiedner referred to P5’s previous statement that many detainees were once brought. P5 said that an occasion occurred an early morning (around 5 – 6 am), presumably from Ar-Rifa'i mosque جامع الرفاعي in Kafar Souseh, كفرسوسة where many who were demonstrating inside the mosque were brought. P5 stated that this Ar-Rifa'i incident occurred during Ramadan 2011. P5 also remembered and mentioned a second incident that occurred in Al-Hasan mosque جامع الحسن in Al-Midan. P5 said that demonstrators were brought daily from Duma.

Judge Wiedner said that P5 previously said that 20 – 40 demonstrators were brought from Duma once, and P5 said that was correct and apologized if he forgot.

*Break*

#### ***Questioning about Division 40***

Judge Wiedner asked about Division 40 and Hafez Makhoul. P5 said that Division 40 is a well-known division under the command of Makhoul, and under the administration of Branch 251. P5 thought that everyone knows that Makhoul is Bashar Al-Assad's cousin [their mothers are sisters ابن خالة], and Division 40 has its weight in Damascus. P5 said that Division 40 is located in Al-Jisr Al-Abyad الجسر الأبيض in Damascus and is close to Bashar Al-Assad's palace. He said its personnel [عناصر] are chosen selectively and they have a higher number of personnel compared to other divisions. P5 affirmed his previous statement that the division has the freedom to do whatever it wants and has great authority; although it is lower ranking than a branch, the division has its own unique features.

Judge Wiedner asked if Division 40 personnel can conduct interrogations in Branch 251. P5 said no, and he had no knowledge of that.

Judge Wiedner asked if Hafez Makhoul has authority on Branch 251. P5 said that the head of Division 40 has a powerful security control and is harsh. P5 stated that when Makhoul is assigned a mission, he does not take orders (unlike other officers). P5 gave an example that when Division 40 wants to suppress demonstrations, its personnel [عناصر] go without referring back to the Branch. However, when they bring demonstrators [detainees], they bring them to the Inner Branch.

Judge Wiedner asked if they [Division 40 personnel] used to only bring detainees, or if they also had tasks within Branch 251. P5 said he saw that they used to only bring detainees, in addition to patrolling and manning checkpoints. P5 said that when Division 40 personnel used to bring the demonstrators, they beat them, but they did not interrogate them.

#### ***Questioning about Branch 251 continues***

Judge Wiedner asked about the position of Sunnis and Alawites. P5 said that unfortunately, any Syrian knows that Alawites occupy the large majority of sensitive positions in the security branches

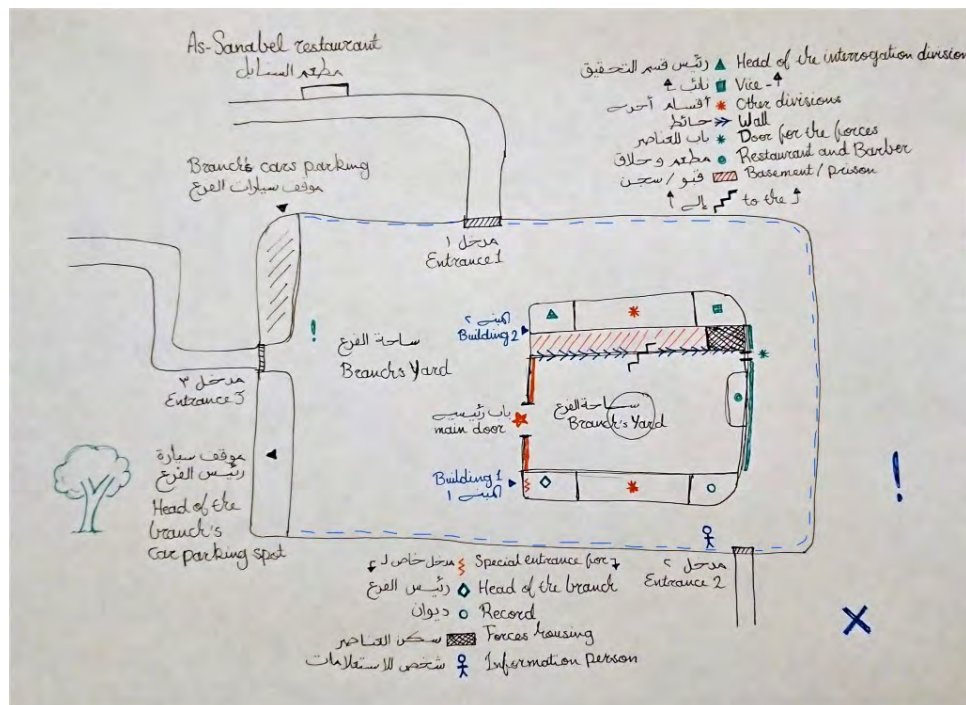
and in the army. He added that the oppressive regime began to discriminate between Sunnis, Shiites and Alawites.

Judge Wiedner asked about Accused Raslan. P5 said that he assumes and is 80% sure, based on Accused Raslan's name, that Raslan is Sunni. Wiedner asked if Raslan could have authority being a Sunni. P5 said that he does not know, but he told the police in his questioning that the majority of the information that used to come to the officers was from the head of the branch [Younes].

Judge Wiedner questioned P5 about which officers used to conduct interrogations. P5 said that the person who was responsible for the interrogation was the head of the division [Raslan] or his deputy [Abdelmon'em]. P5 said Abdelmon'em would conduct the interrogation if Raslan was not here. He added that the head of the branch [Younes] would conduct the interrogation perhaps if the person was important [in his questioning, Judge Wiedner assumed Younes was the main interrogator, followed by Raslan and then Abdelmon'em. Thus, there was some confusion here. When Wiedner addressed this confusion, P5 clarified that Younes only interrogated "special" individuals].

Judge Wiedner asked how P5 knew that. P5 said that he previously told the police about the branch's entrance and exit. He said that if he wanted to go to the cafeteria or the accommodation area, he needed to pass by the yard. He said that P5 and his colleagues used to see the head of the branch going out and heading right to the left many times (because the prison was in the basement). He said that because of that, they knew that he was going to the prison. P5 confirmed that he was speaking about Younes, and that he did not see other officers.

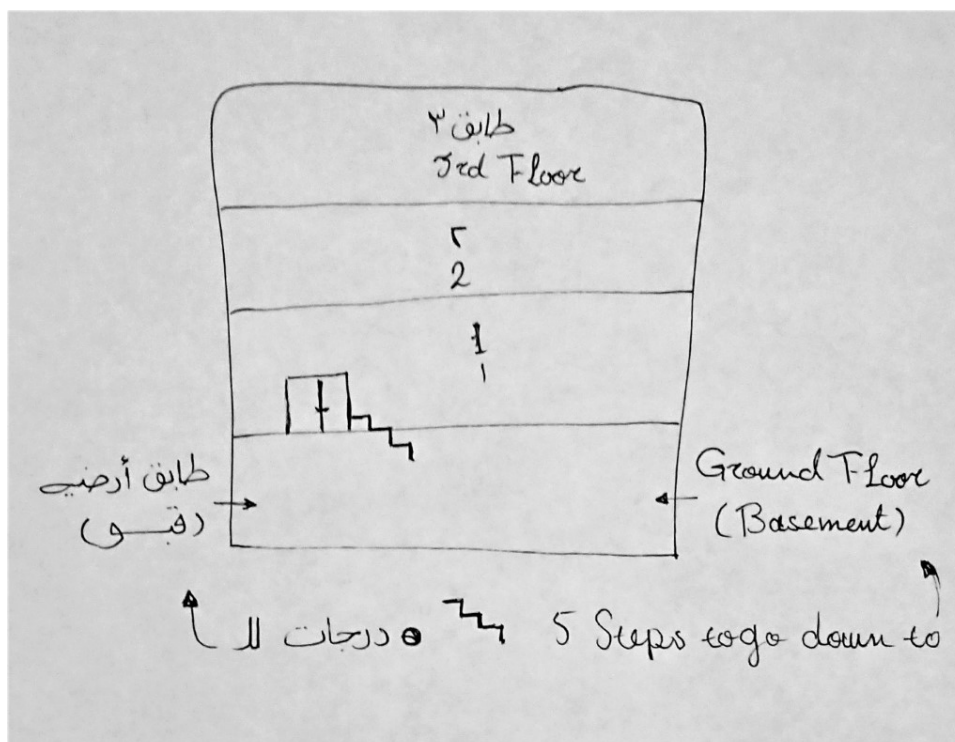
*A sketch of a map of Branch 251 was shown with the projector (below is a redrawing):*



Judge Wiedner asked where detainees were beaten. P5 said that most of the time, it was at entrances one and three. He said the vehicle that used to bring detainees used to stay at the main door [indicated by red star]. P5 said that building 1 had a basement with an armament division, a maintenance division and the branch's communication/operator division of the branch.

P5 stated that the first floor contained the head of the branch's office, and opposite to it was the record office; the second floor contained the head of the economy division's office and opposite to it was the media division; the third floor to the right contained the parties division and another division under administration of an officer that P5 forgot about [there was a lot of confusion regarding the naming of the floors i.e. basement, ground floor and 1<sup>st</sup> floor].

*P5 drew a sketch of the prison floors was shown (below is a redrawing):*



P5 said that the head of the interrogation division was in the ground floor above the prison, and five steps down is the prison [it seems P5 meant that the detainee would take five steps from the street level to enter the first level, where Accused Raslan's office was, and then 5 steps to go to the ground floor/basement/prison].

Prosecutor Klinge said that P5 said that there was a window. P5 said that the wall [blue >> symbol] was two meters high which contained the building's entrance, and windows were at the bottom of the wall. P5 said they were small holes with iron ["grate/شبكة"].

Prosecutor Klinge asked how many floors there are above the prison. P5 said that one needs to take 5 steps to go to the head of the branch and his deputy/vice-head. There is another floor for the head of the communication division and the financial office (on the third floor). The second floor was a flat for the branch's head.

Prosecutor Klinge asked about the second building. P5 said that he thinks that the building with the head of the branch is higher, but perhaps both buildings have the same height.

P5 said that there is a cafeteria with two residential buildings above it. Prosecutor Klinge asked if one could jump over the wall [red line]. P5 questioned how one could get there in the first place. P5



knew that there was a two meters high black door along the wall, but did not remember if it was continuous.

Prosecutor Klinge asked about the external wall's height and if it was secured [blue dashed line]. P5 said that the buildings around the branch were residential and high. The branch was in between them and there was a garden [green tree symbol] behind the parking space.

P5 said that there were about 200 to 300 meters from checkpoint [blue X] to the entrance. Regarding the top entrance, P5 said it resembles the checkpoint of the railway in Germany. After the incidents [uprising], the checkpoint was moved to the left of As-Sanabel restaurant. *مطعم السنابل*. If someone was coming from Al-Qosour, *القصور*, he was not allowed to enter. At the third entrance, there were forces [عناصر] with a device to inspect the entering cars.

Prosecutor Klinge asked if Raslan had a private parking space. P5 said he remembers that his car was navy blue or black and was parked directly opposite of the door [green !]. Wiedner asked where Baghdad street was, and P5 pointed to a point on the map [blue !].

Michael Böcker, counsel for Accused Raslan, asked if P5 himself was inside the right or left building. P5 said that he went to specific divisions if colleagues invited him [ex: if colleague was working in the records department, then they used to invite him to go to his office].

Counsel Böcker asked if P5 entered the interrogation division. P5 said that he did not enter the building, but they used to pass by that place when they used to receive their salaries. Thus, he knew these divisions and everyone who received money entered it.

Counsel Böcker asked if P5 was in the other building, where the head of the branch's office is. P5 said no, and it is impossible for anyone to enter it unless they worked there.

P5 provided the structure of the general intelligence directorate in Kafar Souseh [P5 added an \* when listing the External and Internal Branches]:

- Interrogation Branch *فرع التحقيق*
- Communication Branch *فرع الاتصالات*
- Storming Branch *فرع المداهمة*
- Remote Sensing Branch *فرع الاستشعار عن بعد*
- Information Branch *فرع المعلومات*

\*External Branch [279]: the former head was major general Bahjat Soleiman *اللواء بهجت سليمان*

\*Internal Branch :

- Tawfiq Younes *توفيق يونس*, the current head of the branch (from Hama and resides in Damascus)
- The Office manager, General Secretary Joseph *جوزيف*
- Division 40, headed by Hafez Makhoul *حافظ مخلوف* (in Al-Jisr Al-Abyad *الجسر الأبيض*)
- Religions division, headed by Lieutenant Colonel Kamal *مقدم كمال*
- Interrogation division, headed by Colonel Anwar Raslan *عقيد أنور رسلان* and Abdelmon'em *عبد المنعم*
- Parties division, headed by brigadier general Adnan or Mohammad *العميد عدنان أو محمد*
- Economy division, head lieutenant colonel Ahmad *مقدم أحمد*





- Media division, headed by Mohammad محمد عقيد [This part was not heard clearly]
- Media and universities division, headed by lieutenant colonel Basel المقدم باسل

P5 was dismissed, and his questioning resumed the next day.

*One hour break*

#### Testimony of Brücken

The second witness was named Mr. Brücken, an inspector at the criminal police.

Brücken described the questioning conducted by French police one day in 2019, from 10am to 4pm. He said the police notified P5 of his rights. There was a translator and P5 was shown a photo array and satellite images.

Judge Wiedner asked what happened. Brücken said that P5 recognized a face and said that it reminded him of a person, but P5 could not recall the name. Only when the police mentioned the name of the person in the photo, P5 remembered.

Judge Wiedner asked if Brücken was involved in the procedure of the questioning and he said no.

Judge Wiedner asked Brücken to speak about the French questioning. Brücken said that it went according to French protocol. Wiedner asked about the translation. He said that except for P5's testimony, everything was in French. Brücken said he knew a little bit of French and there was a German translation after the questioning.

Judge Wiedner asked about Brücken's impression of P5. He said that P5 was intelligent, learned and was able to read a little French.

Defense counsel Böcker asked if Brücken knew about the branches. Brücken said no.

Judge Wiedner asked if there was a reverse translation to Arabic. Brücken said yes and P5 signed it, but Brücken did not know if edits were made later.

The witness was dismissed.

#### Testimony of Kathrin Mittendorf

The third witness was Kathrin Kathrin Mittendorf, a decision maker at the Federal Office for Migration and Asylum (BAMF).

Kathrin M. testified that P5 left Syria with his family. She said P5 joined the military service and witnessed torture, which was why he defected. Kathrin M. stated that P5 worked as a security guard in Branch 251 and his wife witnessed torture by ISIS. She said that P5 did not give specific information on his guard duties, and it seems that he was a lower rank.

Judge Wiedner asked Kathrin M. more specific questions about what P5 said. Kathrin M. said that P5 mentioned two names, but she could not remember them. She said that P5 stated that there was torture and mentioned other information, but she could not remember it. Kathrin M. said that P5 defected by smuggling his ID card in a medication package, and taking it with him when he left work in the evening. She said he was not inspected as he was working for a long time. She stated that he then went to his hometown to leave Syria, where he waited for 5 days until he received his salary.



Judge Wiedner asked about P5's hometown. Kathrin M. said that it was under the control of FSA and that ISIS was there as well.

Judge Wiedner asked if she remembered the interview and Kathrin M. said no. Kathrin M. said that the translator was Mr Yousef يوسف and the sketches were also translated.

Plaintiff Counsel Sebastian Scharmer asked if P5 used to wear a uniform at the military service. Kathrin M. said no, he used to wear civilian clothes [plain clothes].

The witness was dismissed.

Statement from S1 [redacted], read by Counsel Khubaib Ali Mohammed

Plaintiff Counsel Mohammad read a statement of S1, a resident in [redacted] and requested that he be summoned as a witness.

Counsel Mohammad outlined that S1 was the Imam of a great mosque in Syria. On April 25, 2011 there was a demonstration and S1 was detained and tortured in Branch 251. As a result, a mass demonstration with more than 10,000 demonstrators took place in Duma. To stop the demonstrations, Ali Mamlouk released S1 after one week. S1 wrote that Accused Raslan was present, and that Mamlouk scolded and asked why he [Raslan] arrested "this good man [S1]." Mamlouk slapped Raslan on his face and stated that Raslan needed to apologize to S1 Two years later, Raslan called S1 from Jordan and wanted to apologize for everything, because "now we [they] are on the same side." S1 replied that "only God forgives," and hung up.

Counsel Mohammad said this could prove Raslan's involvement in the chain of command, and disprove Raslan's testimony that he did not torture, and did not give orders to torture and arrest. S1 could testify that Raslan could indeed arrest people, otherwise Mamlouk would have asked Tawfiq Younes [note: Raslan was smiling in court].

Counsel Mohammad outlined that Accused Raslan was mainly and independently responsible, which is indicated in the 2013 phone call where Raslan said that they would "now be on the same side." Counsel Mohammad said that this indicates that before 2013, he was on the regime's side and knew what he was doing at that time.

S1 has been in since 2019 and told Counsel Mohammad that he is personally available to testify. Currently he is in [redacted] and has a [redacted] status which allows him to stay in and obtain a one-time exit only. This is why the ability to return needs to be approved, and it could be allowed in an individual case (this was the case in a French trial).

The testimony of S1 could essentially disprove the statement of the defendant.

Accused Raslan wanted to say something about this, but his Counsel (Böcker) stopped him and stated that this evidence would not prove anything and would not be acceptable – contrary to the Mohammed's petition.

The proceedings ended at 2:45 pm.



### Trial Day 17 – July 03, 2020

There were about 11 spectators and 2 individuals from the media present. The proceedings began at 9:30 am.

Counsel Mohammad read out his statement again and it was added to the protocol.

### Question of P5, continued

Prosecutor Klinge showed satellite images (shown below) and asked P5 if he could recognize anything. P5 said it could be an image of the branch, but it was not clear and he was not able to identify the streets.





P5 wondered if the square at the top was Al-Qosour square ساحة القصور or Al-Abbasiyyeen square ساحة العباسيين, and said that it was probably Al-Qosour square.

The image was zoomed-in (see below) and the street's name appeared:





P5 said that “now” he can identify it. He said that if that is Baghdad street, then the Branch should be in the street behind it. P5 pointed to the building below the trees (on the top of the image) as the Branch. Another image was shown:



Prosecutor Klinge asked if P5 recognized anything, and P5 recognized Al-Abbasiyyeen square [top-right] and located the Branch precisely using that square.

Prosecutor Klinge asked how many vehicles used to deliver detainees to Branch 251. P5 said that sometimes it was one to three vehicles, and mainly on Fridays as the demonstrations took place





then. P5 said that before the uprising, they seldom saw detainees but after that, delivery of detainees was every two days. If P5 had a shift, he would see the delivery, otherwise he could not. Klinge asked if there was an escalation from April 2011 to 2012. P5 said yes, the number increased certainly, but how much precisely he did not know. P5 said in March 2011, demonstrations in Damascus and rural Damascus began, but the number [of demonstrators] was not big at the beginning. However, P5 said that the numbers increased as days passed.

Prosecutor Klinge asked if the detainees used to be beaten when they were delivered and if there were “welcome parties.” P5 stated that he would speak on what he witnessed. He said that detainees were brought once on a Friday, part of them came from Duma. P5 said they were taken out of the vehicles and stood in front of the wall in the branch’s yard. He stated they were beaten by the personnel [عناصر] and were taken downstairs to the prison.

Prosecutor Klinge, recognizing it is not pleasant to describe, asked P5 if he could describe the beating. P5 said they came with a white vehicle that was not big (it could fit 15 – 20 people inside, but the number was bigger than that). He said the personnel [عناصر] got off and one person [from the forces] stood by the vehicle’s door. The detainees’ heads were covered with their t-shirts and there were signs of beating on them (it seems they were beat in the vehicle) and blood from their noses. The person standing by the door was beating everyone getting off the vehicle and telling them to queue facing the wall. They beat these detainees, indiscriminately, including using electric [stun] batons which made them fall immediately to the ground. This was accompanied by swearing and insults. Then, Accused Raslan came while the detainees were standing before the wall. P5 said that Accused Raslan told them to stop the beating and asked why they were beating them. P5 stated that Accused Raslan told the forces to bring the detainees downstairs to the prison to be interrogated and then they would know if someone was guilty.

Prosecutor Klinge asked more questions regarding the treatment of detainees. P5 said the beating was harsh. He stated that the person who was standing by the vehicle’s door was using his hands to hit. He said there were the forces who were getting the detainees off the vehicle and the one by the wall. P5 said that he previously stated that these were “volunteers” [explained by P5 on Trial Day 16; not a “volunteer” in the traditional meaning] and added that they receive salary. P5 said that an officer could not start off as a volunteer. He said the non-commissioned officers’ (NCO) ranks are known, the officer needs a university certificate, and the NCO reaches a rank, after which he cannot get promoted.

Prosecutor Klinge asked if there were windows in the head of the branch’s office that overlooked the inner yard. P5 said that he thinks that there was [a window], but that was eight years ago [he could not remember precisely].

Michael Böcker, counsel for Accused Raslan, pointed out that his client was not the branch’s head.

Prosecutor Klinge then asked specifically about Accused Raslan’s office, the head of the division. P5 said that the head of the branch is different from the head of the division, and Raslan was the latter. P5 said that there may be a window, not overlooking the yard but he was not sure.

Prosecutor Klinge asked how often P5 used to see Raslan. P5 said very often as he served the military compulsory service for about two years in Branch 251. P5 said that Raslan was still there when P5 left.



Prosecutor Klinge asked if Accused Raslan's authority was cut back or diminished [after the uprising]. P5 said that these matters concerned the high-ranked officers and he does not know.

P5 stated that he wants to explain something. P5 testified about something that he did not mention the previous day as he was not asked about it. P5 said that during the time he was in the branch (maybe in 2012, but P5 did not remember), an officer (who was a second lieutenant or a lieutenant) came [to the branch] and became the deputy of the interrogation division, or interrogator. He might have become a vice-head and Abdelmon'm became the head. P5 would recall the name of this officer, if someone mentioned it.

Prosecutor Klinge asked about the difference between the general intelligence directorate and the state security. P5 said that what they learned in training was that the general intelligence directorate "is" the state security branch and it includes all the branches that were mentioned on the screen [referring to the previous day]. Klinge asked if Branch 251 belongs to the general intelligence or the state security. P5 said that what they learned is that the Inner Branch [251] is responsible for the country's internal affairs. P5 said that the branch pursues anyone who interferes with the country or who undermines the region.

Prosecutor Klinge asked what the major intelligence services are. P5 said that in Syria, there is the air force, military and general (state security) intelligence; each branch has its speciality.

#### ***Questioning about Division 40***

Prosecutor Klinge asked about the characteristics of personnel specifically chosen for Division 40. P5 said that about a month and a half before his six-month training ended, around 40-45 people were chosen by the third class warrant officer المساعد (before an individual came) and P5 was among those 45. P5 said the selection was not specific (e.g. if someone was tall or something). Then, the 45 people went to the headquarters [مركز القيادة] in the training centre. Then an individual/person came and the third class warrant officer and told him that these are the people we chose "Sidi." سيدي It appeared that the person was of a military rank, and the person started to choose from the group. P5 was not chosen, as there were taller people. They [P5 and the unchosen people] got upset and wondered about why they were not selected, as they just wanted to finish the course. P5 said 20 – 25 persons were selected in the first phase and then, 11 – 12 persons were selected from that group. P5 said they asked those who were not chosen in the second phase why they were not selected; those not chosen said that they were asked about their fathers' work and whether they were members of the party [Ba'th] or not. P5 said if any trainee's relatives had problems with the country, he was rejected.

Prosecutor Klinge asked if then one should be pro-regime. P5 said that he does not know if one should be pro-regime, but rather one should have a clean background.

Prosecutor Klinge asked if after the uprising began, people were transferred from 251 to Division 40. P5 said that no officers were transferred and thinks that no personnel were transferred because Division 40 personnel were [vetted and] chosen in advance.

Prosecutor Klinge asked if Division 40 personnel used to transport corpses. P5 said that he did not see corpses and he does not know about division 40, because it is in Al-Jisr Al-Abyad, a different location.



***Questioning about Accused Raslan, other officers and Branch 251***

Prosecutor Klinge said that P5 recognized Accused Raslan and asked whether he recognized Accused Al-Gharib. P5 said that the face is familiar and perhaps he saw him, but the facial features have changed.

Prosecutor Klinge said that P5 mentioned Abdelmon'em previously and asked if P5 meant Abdelmon'em An-Na'san. عبد المنعم النعسان. P5 said yes, probably.

Prosecutor Klinge asked if P5 knew Omar Shannan. عمر شنان. P5 asked if he is an officer and said that he is probably a second lieutenant from Aleppo due to his dialect.

Prosecutor Klinge said that P5 stated in the questioning that "there is nothing that was not allowed to do. Heads were hit against walls and blood splashed. He heard that many died in prison." Klinge asked if P5 knew what happened with the detainees. P5 told Klinge that he did not say that many died, but he suspected only one person to have died. He said that they were massively beaten and he heard sounds and screams but the only person he saw was the one wearing the Gallabiyya. P5 said that was the only non-moving [incapacitated] person he saw.

Prosecutor Klinge said that P5 said in the questioning that he heard that many died in prison. P5 affirmed this, as personnel [عناصر] used to talk to each other and say that because of the torturing, many may die. But, P5 said this was an assumption. He reiterated that they were not allowed to enter the prison in the first place.

***10 minute break***

Plaintiff Counsel Scharmer asked about Abdelmon'em's rank and his relation to Accused Raslan's. P5 said that Abdelmon'em is a lieutenant-colonel, مقدم, and he was the deputy of the division. Counsel Scharmer asked if lieutenant-colonel was subordinate to colonel and several ranks below brigadier general. P5 said that lieutenant-colonel is higher than major.

P5 enumerated the ranks in the following (ascending) order: Second Lieutenant ملازم [one star]; First Lieutenant ملازم أول (two stars); Captain نقيب (three stars); Major رائد (an eagle); Lieutenant-colonel مقدم (an eagle and a star); Colonel عقيد (an eagle and two stars); Brigadier general عميد (an eagle and three stars). He said the following ranks do not exist in the security branches/general intelligence services: Major general لواء, Lieutenant general, Colonel general عماد أول and Field Marshal فريق.

Plaintiff Counsel Scharmer referred to P5's prior statement of how Accused Raslan came and told personnel to stop beating detainees, and asked him if he could estimate when that happened. P5 said this was during the demonstrations in 2011 and he could not tell exactly when, but perhaps after six or seven months. Scharmer asked if it was seven months after the beginning of the uprising in March 2011, and P5 said yes.

Plaintiff Counsel Scharmer asked if the "volunteers" he mentioned were from Branch 251, Division 40 or both. P5 said Branch 251 has many divisions and other divisions delivered to Branch 251, as it is the main branch. P5 said that occasionally, volunteers from the branch, division 40 and other divisions would go to demonstrations. P5 said that frankly he does not know which branch was involved in the specific demonstration mentioned above.



Plaintiff Counsel Scharmer asked P5 if the volunteers stopped the beating when Accused Raslan told them to do so. P5 said yes certainly as they were “volunteers” and he was an officer.

Plaintiff Counsel Scharmer said that P5 said that there were “iron spider-web” windows overlooking the inner yard and asked if they overlooked the outer side. P5 said that the windows overlooked the inner side, only within the branch and not the residential buildings.

Plaintiff Counsel Scharmer said P5 to verify this statement from this prior questioning: “there were small windows for air at the bottom, but he did not know how it looked inside. When people arrived at the prison, Raslan and his deputy were in their offices. Sometimes, Raslan and his deputy went downstairs to the prison, probably because there were rooms for the interrogations. Otherwise, P5 heard that interrogations were upstairs. P5 heard screams of pain and begging as well as insults.” P5 said this statement was correct.

Plaintiff Counsel Scharmer asked P5 to verify this statement: “P5 was never in prison and always heard screams.” P5 said that he used to hear screams when he used to cross the branch’s yard and head to the restaurant or housing, but not “always.” P5 said he meant in the time he was in the branch, and “often/غالباً” but not “always.”

Plaintiff Counsel Mohammad said that P5 previously stated “there is nothing they were not allowed to do” and asked if that includes sexual mistreatment. P5 said no, he did not witness that; rather, he meant that all methods of beating were exercised on detainees.

Plaintiff Counsel Kroker mentioned that P5’s previous statement “that it would not be exaggerated to say that it was their daily business and the branch was proud about the delivery of many detainees, they would have boasted about it” and added that “P5 did not see corpses, because there was a warning.” P5 said that this warning was in regards to an incident with his colleague, who took a photo. P5 said that colleague was scolded and went down to prison, as photos were not allowed to get outside. P5 added that it is known that all security branches are secret; one was not even allowed to tell his family about his service and the names of the officers.

Plaintiff Counsel Kroker asked if there were females among the delivered detainees. P5 said that he only once saw females who were delivered. He said there was a demonstration in Arnous square ساحة عرنوس in Damascus and he heard from his friends that the female detainees were released, but he does not know for sure.

Michael Böcker, counsel for Accused Raslan, asked if P5 heard or was told that people were interrogated in Raslan’s office or the deputy’s office. P5 said he was a normal staff member [عنصر] and questioned who would tell him that. P5 explained that when he and others used to pass by the Branch’s yard, the prison was on their left side. He said the blindfolded prisoner and the guard used to take the five steps upstairs, then five steps to the interrogation division. He said that anyone who was passing by the yard and looked left would see that the prisoner was heading to the interrogation. In response to a further question, P5 added that he saw them heading to the interrogation, but the interrogation itself was not conducted in front of him.

Judge Wiedner asked if Accused Al-Gharib’s face was familiar from the time of P5’s service and if P5 could estimate the time period. P5 said that it was eight years ago and the face is familiar, but he was not 100% sure. In response to a further question, P5 said that there was a photo array in his questioning, and he said that face was familiar, but not that he knew the person [Al-Gharib].



Judge Kerber asked what were the condition of detainees taken to be interrogated. P5 said that they were exposed to beating [it appeared that they have been beaten].

Counsel Mohammad read out his statement again. Judge Kerber asked if that was a suggestion or a petition, and Mohammad said that it was a petition.

Proceedings were adjourned at 11:30 a.m.

### **Trial Day 18 – July 06, 2020**

There were about 6 spectators and 3 individuals from the media present. The proceedings began at 9:30 am.

### **Testimony of P6 [redacted]**

The witness was P6 a 45-year-old dentist and writer who resides in Berlin.

Judge Kerber asked P6 if he is a relative of one of the accused, and P6 said that Accused Al-Gharib was his cousin.

P6 began to speak about his experience in Syria, but was interrupted when one spectator from the press took photos inside the courtroom. Chief Judge Kerber saw him and summoned him to the judges' panel. She was upset and demanded that he delete all photos immediately. Kerber then handed the phone to an IT personnel. Kerber reiterated that taking photos and recording of any kind are prohibited in the courtroom, and individuals can be fined. She did not fine this individual as she did not know if he was present when she first gave the warning, but this person may not be allowed to bring his phone inside again. Kerber apologized for the disruption.

### ***P6'S background and detention***

P6 resumed and said that he said he took an interest in Syrian political affairs at an early stage. He stated that after Hafez Al-Assad died, he attended political discussions during what was known as the "Damascus Spring" (2000 – 2001), especially with [redacted]. P6 said that he and colleagues established a small forum that addressed various cultural and political topics, and he began to build relationships with ex-opposition figures (some personal friends and other acquaintances). P6 said he began to write about Syrian affairs in 2007, including secularism. When the uprisings in Egypt and Tunisia began, P6 said that he, like many others, was excited about the possibility of it reaching Syria. He said he participated in the first demonstration from the beginning on March 25, 2011 in Duma, and participated in other demonstrations as well.

P6 said he was detained on April 8, 2011 for about 10 hours. He said there was an unsuccessful attempt for a demonstration at Ar-Rifa'i mosque جامع الرفاعي in Kafar Souseh, كفر سوسة and the security and *shabiha* forces dispersed the demonstrators. P6 and his friend headed to Al-Baramkeh البرامكة and entered an internet café. P6 said he attempted to write a small report online about the demonstration, but security forces came to the café and detained them. He added that two taxis and other vehicles were waiting for them.

P6 stated that one month after the incident, the café manager told P6 that a security personnel [عنصر أمن] was following them, went inside the café, spoke to the manager and asked him if it was possible to monitor what they were doing. The security personnel was able to monitor the activity and when P6 posted the article on Facebook, the security personnel came and they were taken (via cars) to Palestine branch, where the interrogation lasted from 02:00 pm to 12:00 am. P6 said that he preferred to begin the questions; he could share more details, but did not know if it was important.

Judge Kerber asked if he was handcuffed. P6 said that he was handcuffed in the café and was taken to the car. A security personnel [عنصر أمن] came and told the officer that P6 closed his Facebook account before leaving. Therefore, P6 was taken from the car and inside the café to open his account. P6 said that in the car, they were asked about their names and professions. P6 said that he





was a dentist and a journalist and his friend was a philosophy teacher and a journalist. He stated that security forces got surprised and felt that they got a valuable “catch.” P6 testified that they were told not to be afraid and that it was a routine investigation. They were transferred three to four times between the Branch’s floors and asked simple questions to get information, before being taken to the main interrogation.

P6 said that the interrogator described himself as a “young man,” said he was a college graduate, and it would be a friendly talk. The interrogator began to ask P6 about his political affiliations, why P6 was interested in the demonstrations and why P6 was publishing fake-news on Facebook. P6 told the interrogator that he was not a member of any party; he was merely interested and the uprising was necessary. P6 said they took his Facebook’s account information, but fortunately P6 abided by the known safety instructions: each Thursday, he deleted anything that would cause harm if leaked.

P6 was transferred to another captain’s office. He said he was asked if he was from [redacted]. The new interrogator added that many of them from there are educated and are officers in the army, and asked why P6 was involved and interested in vandalising actions. P6 said he did not get beaten then; he was only sworn and insulted at. P6 testified that when they were transferred between the rooms, there were two to three detainees next to the wall with their hands behind them, and personnel [عناصر] used to swear at them or beat them when they passed by. P6 said they were told by personnel [عناصر] that these detainees were informants, and that P6 is different and should not be afraid.

P6 testified that around midnight, perhaps the Branch’s head on the seventh floor spoke with them for about 10 minutes and gave them a lecture about patriotism and democracy. P6 said that they were monitoring their page [could be Facebook page] and that their friends were publishing about their detention. Therefore, the official asked them to tell the truth and that they would be treated respectfully. P6 stated that the official said if they faced any problem to come to him. Then, they were released.

Judge Kerber asked how P6 knew that it was Palestine Branch. P6 said that he lived for two years in the area and thus, knew that it was a security area. He said he also heard that the Patrols [Branch 215] and Palestine [Branch 235] branches were there.

### ***Questioning about Accused Al-Gharib***

Judge Kerber asked various questions about P6’s relationship with Accused Al-Gharib. P6 said they did not grow up together as P6 and his family were living in a different province and he used to meet relatives only in summer. P6 testified that he does not have information as to how Al-Gharib was as a child. He said that he and his family used to go to [redacted], and Al-Gharib and his family were in [redacted]. P6 said that they used to go for around one week to the village [redacted] in the two month-long summer vacation.

Judge Kerber asked about Accused Al-Gharib’s education and work background. P6 said he does not know if Al-Gharib passed baccalaureate/high school , بكوريا but knows that Al-Gharib did not continue his studies. P6 said that after high school, Al-Gharib volunteered in the security forces and the Ministry of Interior, but he was not sure.

P6 said that his actual relationship with Accused Al-Gharib started in 2001 after P6 finished college and flag [military] service. P6 opened a dental clinic in the area where Al-Gharib was living (in [redacted]). Al-Gharib was there, along with many relatives from [redacted]; that is why P6 opened his store there. P6 said that he occasionally met with Al-Gharib as Al-Gharib used to sometimes come with a relative or with his wife to P6’s clinic.

Judge Kerber asked if Accused Al-Gharib shared details with P6 on his work. P6 said that Al-Gharib said that he was a sports trainer in Najha and then worked in the religions division. P6 said that Al-Gharib mentioned an incident. P6 said there was a new movement [group] in the society called “emo,” and Al-Gharib gave P6 a report about that movement [group]. P6 recalled that it included an

interview with a mosque sheikh, a Christian cleric and a university professor in psychology. P6 said that is what he knew about Al-Gharib's work in the religions division.

Judge Kerber referred to P6's 2019 questioning, where he was asked about Al-Gharib's political position. P6 testified that he previously stated that Al-Gharib clearly declared his support for the uprising in front of P6 and others from the beginning. P6 did not mention the following in the questioning of September 2019: Al-Gharib came once to P6's clinic (perhaps to bring his son to treatment) in February or March 2011, two – three weeks prior to the uprising. P6 asked Al-Gharib about the security forces, and Al-Gharib said that they were put on alert completely. P6 stated that Al-Gharib said that they knew that an uprising would happen, and "God willing," it will happen.

Judge Kerber asked about Accused Al-Gharib's actions in the security forces and in the religions division. P6 said that he has no idea and Al-Gharib did not tell him. Kerber said that P6 stated in a prior questioning that Al-Gharib said his work was not routine since the beginning of 2011 as his work changed and he started to work overtime from March 2011 onwards. Kerber noted that P6 just said that Al-Gharib did not tell him, and reminded P6 that his duty was to speak the truth.

Judge Kerber asked again, what Al-Gharib was doing. P6 said that Al-Gharib's duties were clear, and added that he does not know his daily routine or details. P6 said they [religions division] used to go out on Fridays to monitor where demonstrations were anticipated to emerge from. P6 said that is what he knew and that is what he witnessed in other demonstrations from the *shabiha* and security forces.

Judge Kerber asked how Accused Al-Gharib was feeling inside the branch, and if there was tension between Sunnis and Alawites. P6 said that Al-Gharib mentioned an incident, but does not know if it occurred frequently. P6 said that Al-Gharib was with two of his colleagues, and one of these two heard that the detainees' vehicle [arrived]. P6 said that when this person heard the bus, he took the baton and went to participate in the "welcoming party" to beat the detainees. P6 stated that Al-Gharib was very angry, because it was not [the person's] task and was not required from him. P6 said this happened maybe in Al-Khatib, but he only knew about that by following the ongoing trial.

#### ***Questioning about Division 40***

Judge Kerber asked about Division 40. P6 said that he does not know the Division's work, but Al-Gharib mentioned Hafez Makhlof حافظ مخلوف more than once, talked about his cruelty and tyranny, and mentioned the shooting incident in Duma. As far as P6 remembered, he said that Makhlof got out of his 4x4 car and put his foot on the car's door step and started shooting. P6 said that he heard that from Al-Gharib. P6 said that he does not know how Al-Gharib knows this and he did not ask him.

Judge Kerber asked if P6 knew if Accused Al-Gharib worked in Division 40. P6 said that he does not know. Kerber asked him to remember, but P6 said that he does not know at all. Kerber asked one more time and P6 said he does not remember; Al-Gharib only talked about Makhlof and mentioned that he threatened the forces [العناصر] and asked loyalty for the regime. P6 said that was what he recalled, but he had no information if Al-Gharib was in Division 40. P6 said that he read and heard that Makhlof is the head of the Division.

Judge Kerber asked about Division 40's reputation in Syria. P6 said that he does not know, but said that generally, all branches and divisions are human slaughterhouses that kill and torture people. P6 said that therefore, a division controlled by Makhlof, is a true hell.

Judge Kerber said that P6 stated in his September 2019 questioning that "the regime had no trust in Al-Gharib anymore. He had office work, which was a sign that the regime did not trust Sunnis. Al-Gharib told P6 that he was transferred to Division 40 in July 2011." P6 said that he does not remember these details, nor does he remember the relation between Division 40 and Branch 251.

#### ***Questioning about Accused Al-Gharib, continued***

Judge Kerber asked about the service weapons. P6 said that Al-Gharib told him that the weapons were withdrawn from them [after the uprisings], and that they did not have weapons as before.

Judge Kerber asked about the time-frame. P6 said that it is difficult but recalls that it was in summer. He said that Al-Gharib mentioned that he felt aligned on the basis of religion and sectarian groups. Judge Kerber asked if that was related to the withdrawal of weapons. P6 said maybe and that Al-Gharib told him that there was doubts and mistrust, and the atmosphere was tense. P6 said that the weapons were withdrawn and only given when there were demonstrations, but he did not remember.

P6 testified that Accused Al-Gharib told him once that there was a decree to detain an activist involved in the demonstrations, maybe in [redacted] P6 said that Al-Gharib told him that Al-Gharib sent a warning through a relative of that person, who told that individual he had to flee or hide. P6 said this occurred around May - August 2011, but it was difficult to remember.

P6 also testified about his friend who was warned. He said that his memory regarding the details of the event was not clear (especially about where he heard the information; whether it was directly from Al-Gharib or from another relative), but it did occur. P6 said that he was told that there was a decree to detain that individual, and they knew that P6 knows that individual. P6 said he was asked to warn her, but told them that the individual was basically hiding and was not going to her house regularly. P6 said her name was [redacted].

P6 said that he wanted to mention a small detail that he knew from Accused Al-Gharib's brother. He said that no one from P6's family or from Al-Gharib's family knew that P6 was going to testify. However, Al-Gharib's brother [redacted] called P6 when they were searching for P6's two cousins in the Caesar photos. P6 told him that there was a witness who was going to testify anonymously in Al-Gharib's case. He said that Al-Gharib's brother got surprised and said that this witness could testify in favour of Al-Gharib. P6 knew this information about this witness through media. Al-Gharib's brother called P6 and told him that there was a piece of information and was wondering if they could prove it, that Al-Gharib knew that there was an ambush for [redacted] and that she was going to be detained from a commemoration of someone's death [عزاء] and that she was going to visit in the "camp" in Al-Qadam, القدم in Al-Yarmouk camp مخيم اليرموك. P6 said that Al-Gharib tried to reach her through the area's mayor to warn her [مختار المنطقة]. P6 said that information was from Al-Gharib's brother a week ago.

Judge Kerber asked how they ended up at [redacted] story during their conversation. P6 asked if he could bring his phone inside the courtroom in order to show the WhatsApp [conversation] history and how they ended up mentioning [redacted]. Kerber allowed it and asked the security guard to bring the phone. P6 said that it was in box number 6.

Judge Kerber said that until the phone arrives, she wanted to ask what Al-Gharib's rank was. P6 said third or first class warrant officer [مساعد أو مساعد أول].

The phone was delivered and Judge Kerber asked the witness to approach the judge's panel and show how they ended up speaking about [redacted]. P6 said that there was a voice call that happened with Al-Gharib's brother which addressed how they could prove that Al-Gharib tried to reach out for [redacted] and if that could be in favour of Al-Gharib.

The phone's screen was shown through the projector. A WhatsApp conversation dating back to June 24 was shown. P6 started to read out the conversation.

*"Hallo, how are you? Are you busy/free?"*

*"Do you remember appearance of [redacted] my cousin, son of my uncle [redacted]?"*

*"Yes, I know the image"*

*"Is this the image?" [a corpse image was shown in the conversation]*



*"I saw the photos yesterday and was suspicious, but no one was really him"*

*"I search for [using] the ear and the nasal bone"*

*"It is close, but not his photo"*

*"[redacted] is brown and this one is lighter"*

P6 said that they continued discussing the photo. Then, he scrolled down the conversation. P6 said: "Today there is a witness testifying anonymously concerning Eyad" [اليوم فيه شاهد مخفي بخصوص إياد]. Al-Gharib's brother answered that he was surprised. P6 asked him if he got an idea who the witness would be and Al-Gharib's brother said no. P6 told him that he read on Facebook or somewhere else that there would be an anonymous witness and maybe he would testify in favour of Al-Gharib. (there was a journalist from Levant who was covering the subject). He told P6 that he remembered an important thing and they talked about the [redacted] incident and then he asked P6 if they could reach [redacted] and ask her if that story happened.

Judge Kerber told P6 to take his phone back and go back to his seat. Kerber asked P6 if he was already planning to show that conversation prior to testifying, and P6 said no.

P6 asked if he could read out a testimony about a detainee in Al-Khatib branch who was detained in August 2012 for six months. The testimony was written in September 2016 and P6 shared it on his page [could be Facebook] in December 2016. P6 thought that the testimony could be of benefit, because it was about Al-Khatib and the conditions inside it.

P6 said that he wanted to clarify a point and stated that he completely supports the victims and justice. He said he is standing with Al-Gharib, but that does not change his position [of supporting the victims]. P6 wanted to read out the testimony before the court to describe to the horrible circumstances inside Al-Khatib.

Judge Kerber said that P6 stated that Al-Gharib was a sergeant major in his police questioning. P6 said that it could be a mistake in the translation.

Judge Kerber asked about Al-Gharib's defection. P6 said that Al-Gharib defected at the end of 2011, after P6 was released. P6 said that he personally knew that Al-Gharib was talking about defection since August or September, and they were advising him to take his time and arrange his family situation first, because defecting is not easy. After Al-Gharib defected, P6 did not see him. One or two months later, P6 said he heard that Al-Gharib travelled and he has not seen Al-Gharib until today [the day of the testimony]. He said they spoke twice: once on the phone in July 2018 when P6's mother died and then when Al-Gharib was released the previous year, as P6 called him to congratulate him.

*15 minute break*

Judge Kerber asked P6 about his background and education. P6 spoke about Al-Gharib's education and said he does not know if Al-Gharib graduated in [redacted] or [redacted]. He said the school was in [redacted], but he does not know where the final high school graduation exam بكوريا was held.

Judge Kerber asked if P6 knew whether Al-Gharib did a training or a military service. P6 said that he knew general information – that someone does a six-month training course when they volunteer in the security or military [field]. P6 gave an example that he did his military service between 2001 and 2003 as a doctor. He used to learn military science/knowledge and do sport exercises.

Judge Kerber asked if Al-Gharib joined the army or the security forces. P6 said that he does not remember Al-Gharib volunteering in the army. He knew that Al-Gharib was in the state security and does not know if state security was under administration of ministry of interior. P6 does not know the functional attribution/description, whether they were soldiers or have different names.





P6 said that he has no idea if state security is part of the intelligence services. Judge Kerber asked about state security. P6 said that the Syrian state security has two roles: (1) theoretically, it is supposed to protect the state and keep the people safe, but (2) in reality it monitors its own people and helps keep the regime in power.

Judge Wiedner said that P6 stated he was with the opposition, then asked if P6 did not have a problem with his cousin working for the state security. P6 said all he knew was that Al-Gharib was a sports trainer in Najha. P6 said he knew that Al-Gharib's intention was not to harm or damage anybody. Additionally, P6 said that during his work in his clinic, many people from the security forces and the army used to come, and many people from his village, relatives or acquaintance were in the army or the security forces. He said they used to know who was embroiled in certain obscenities [سفالات] and who was not (he meant before the uprising). He said there were many or some people whom they knew were corrupt or were harming people and therefore, they did not deal with them. Therefore, if P6 knew that Al-Gharib was a bad person at that period during his work, P6 would have not dealt with him.

Judge Wiedner said that he did not understand. He stated that P6 was detained after the uprising, and that Accused Al-Gharib's work was not routine anymore as Al-Gharib was monitoring mosques and witnessed detentions. Judge Wiedner asked if P6 did not have a problem with this [i.e. was it not contradictory].

P6 asked if the question could be repeated, because he wanted to comment on the routine issue.

Judge Wiedner repeated the question. P6 said that he talked in February with Al-Gharib about the status of the security forces and Al-Gharib said that they were put on a complete alert. Regarding this issue, security forces used to bring junior employees from the country departments in March and April. These employees were [used] to prevent demonstrations or to do pro-regime marches. P6 said the whole regime was on alert, not only the security forces. Everybody who knew P6, knew that P6 was participating in demonstrations. However, P6 said he (and also many other relatives of Al-Gharib) were not afraid that Al-Gharib would report them.

Judge Wiedner asked how security forces dealt with demonstrations. P6 said that the first demonstration he joined was on March 25, 2011 in Duma. A pro-regime march of 100 – 200 people carrying the president's photos came from the other side. He said they knew that these people [marching] were employees and simple workers.

P6 said there was certainly violence from security forces against the demonstrations in May or late April after his detention, and he stayed home around four weeks out of fear. Then, he said he went to Kafar Souseh to participate in a demonstration. They were waiting at the square opposite to the mosque for the demonstration to get out [of the mosque] so that they could join it. At that time, the security forces closed the grand mosque's door, scattered demonstrators and forbade recording. Fifteen minutes later, a 24 passenger bus came. A group of military forces or soldiers wearing uniforms and carrying batons got off [the bus] and assaulted the demonstrators. P6 said they beat and detained people, but P6 does not know how many.

Judge Wiedner said that P6 experienced that situation and yet had a cousin who worked in the security forces and then in division 40 that has a bad reputation. Wiedner then asked if he did not find that a problem. P6 said that Al-Gharib declared to P6 clearly that he supported the uprising.

Judge Wiedner further asked P6 about this contradiction. P6 said that Al-Gharib did not mention participating [in such actions] or detaining demonstrators. Wiedner asked if P6 asked Al-Gharib about that. P6 said no, he does not remember. P6 did not look at Al-Gharib that way and therefore, P6 was considering Al-Gharib as part of the uprising, not against demonstrators. P6 said that Al-Gharib declared that he was with the uprising.

Judge Wiedner again asked about this contradiction [of how Al-Gharib was with state security and the uprising at the same time]. P6 said that he did not see a contradiction provided that Al-Gharib was helping demonstrators and detainees. He said that even if Al-Gharib did not help demonstrators





and detainees, it is enough for one to declare [his support for the uprising] or to be known that one is anti-regime [that would get someone in big trouble].

Judge Wiedner said that he was understanding this less and less. Wiedner stated that P6 remarked that branches are slaughter-houses, but P6 was still satisfied because Al-Gharib was ideologically on the other side. P6 said that he apologized and said that he thinks that the question format was not correct. P6 assumed that Al-Gharib was on the side of the uprising and was not looking at Al-Gharib as an accused.

Judge Wiedner said that P6's cousin is a defendant in the case and is accused of detaining demonstrators and delivering them to Al-Khatib. He asked P6 if knowing this would be surprising for P6. P6 said that he did not know that, nor did Al-Gharib tell him that he was personally participating in this charge. P6 said that he wanted to clarify a point: in spite of him knowing Al-Gharib, they did not used to meet daily or weekly. P6 said he was speaking based on the limited meetings.

Judge Wiedner said that P6 was treated well during his detention in Palestine Branch, which was not the usual case and asked about the reason. P6 said that he was detained on April 8, 2011, which means in an early time of the uprising. In P6's opinion, the plan of the regime in that time period was to limit violence. They were using a certain level of violence, which one could see in the numbers of martyrs who fell [died] on Fridays. Every two weeks, a certain number fell [died]. After that, the number rose. Therefore, more and more violence was used. P6 was lucky that he was not beaten but only sworn at.

Judge Wiedner asked P6 if he had advocates [in the security branches] and if he mentioned that his cousin worked for the state security. P6 said no; he did not mention that, but when he was detained and they took his Facebook account, many friends asked a lot about P6 and his friend who was detained, and wrote that they were missing and maybe detained. He said that is what the branch's head told them.

Judge Wiedner asked if there was a translator and a reverse translation during the police questioning. P6 said yes. P6 said there was a misunderstanding with the translator but they worked on it and there were no technical problems.

Prosecutor Klinge asked if a person called [redacted] was in their family. P6 said no.

Matthias Schuster, Counsel for Al-Gharib, said that P6 said in the police questioning that people from his region were increasingly joining the state security. P6 said no; he said that around 500 people from [redacted] were officers in the army - some in security forces or other departments, but not "all" or even "most" of them in security forces.

Counsel Schuster said that P6 said that other family members reported about Al-Gharib's desertion. P6 said that on the first or second day [after he deserted], [redacted], Al-Gharib's older brother, visited P6 in the clinic and told him that he submitted a notice that Al-Gharib was missing. That was the common excuse used to cover the desertion to avoid being pursued (either missing or abduction). P6 said that Al-Gharib's brother came to P6 to the clinic and told P6 that he submitted a notice [بلاغ] was translated as "Vermisstenanzeige" i.e. "missing person report", but not in the newspaper or media. P6 said Al-Gharib's brother also said that dozens submitted such reports.

Counsel Schuster said that P6 said that it was not in a newspaper nor in media and asked if Al-Gharib's brother went to the branch. P6 said that he does not know.

Plaintiff counsel Sebastian Scharmer said that P6 said that they had a conversation with the brigadier general and the latter told them to come whenever they have a problem. Scharmer said that it sounds like a job offer. P6 said that the security forces [عناصر الأمن] who took them were speaking with each other that they would take them to the brigadier's general's office and then they would be released. P6 said that of course it was a job offer; it was obvious. At that moment, P6 and his friend only wanted to go home. This may not help the case, but it was funny: at that moment, the brigadier general (after his offer) asked them if they lost something from their belongings at the detention.



P6's friend said that he bought a new USB/flash drive and lost it. The brigadier general asked how much did it cost and put his hand in his pocket, as if he was looking for money. P6 said that the situation was funny, because that branch (and other branches) are human slaughter-houses and that behaviour was caricature-ish in that field [it was "funny" as who would ever think that a head of a branch would have some conscience to tell him that "if they lost something because of us, then we must compensate them"]].

Counsel Scharmer asked if P6 accepted the "job offer." P6 said of course not.

Judge Wiedner asked P6 questions about Accused Al-Gharib's background. P6 again remarked that his relationship with Al-Gharib started later in life, when he opened his clinic.

The proceedings were adjourned at 12:10 p.m. The next trial will be July 29, 2020 at 9:30 a.m.



**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 7

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

*CAUTION: Some testimony includes descriptions of torture.*

**Summaries/Highlights:<sup>1</sup>**

**Trial Day 19 – July 29, 2020**

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

**Trial Day 20 – July 30, 2020**

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

**Trial Day 21 – July 31, 2020**

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

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

**Day 19 of Trial – July 29, 2020**

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

**Testimony of P7**

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

***P7's Detention***

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

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

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

The vehicle arrived at Al-Khatib Branch<sup>4</sup> and the detainees were escorted downstairs, strip-searched, then escorted to their cells.<sup>5</sup> P7 recalled seeing many people when he entered his cell; there was no place for him to sit on the floor, and people lost their spot if they stood up. He stayed there for two weeks.

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

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

<sup>4</sup> Al-Khatib is also known as State Security Branch 251.

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

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

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

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

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

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

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

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

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

<sup>8</sup> Detainees often suspected that the recipients of their calls would be tracked.



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

### **Judge Kerber’s Questioning**

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

[10-minute break in proceedings.]

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

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



[Coordinates 33.519945, 36.311260]

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

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



[Coordinates 33.521858, 36.310198]

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

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

### **Judge Wiedner's Questioning**

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

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

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

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

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

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





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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

### **Prosecutor Questioning**

Prosecutor Klinge restated P7's claim that he was beaten twice, then asked P7 to describe the first time he was beaten. P7 described how the first time was when the detainees arrived to the branch and entered the prison. They were stripped naked, instructed to bow, frisked, then put their clothes back on. The detainees were then handed over to the warden<sup>13</sup> who slapped them indiscriminately "as if he was telling them to fear him."

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Defense Counsel Böcker Questioning**

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

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

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

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

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

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

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

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

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



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

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

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

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

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

#### **Defense Counsel Fratzki Questioning**

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

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

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

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

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

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

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

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

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

#### **Witness Counsel and Plaintiffs' Counsel Questioning**

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

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

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

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

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

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

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

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

### **Follow-up Questioning**

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

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

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

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

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

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

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

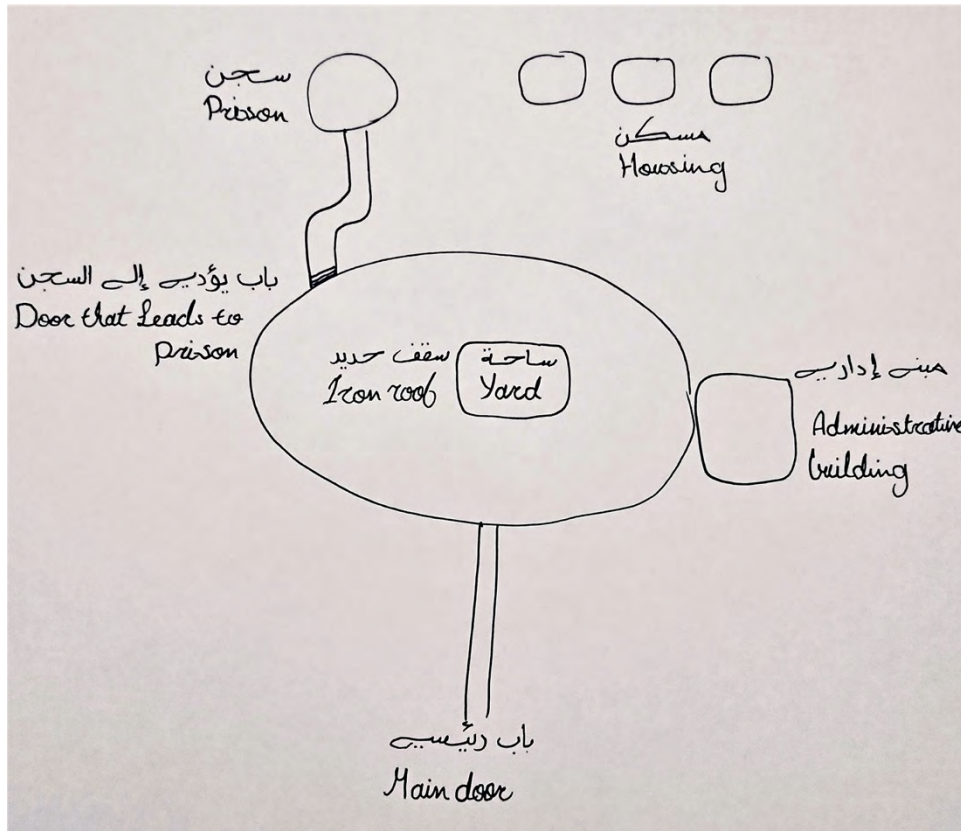


prison only had one upper floor and a basement. The administrative building had four floors. There was a yard outside with a metal roof, so the surrounding buildings could not see anything.

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

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[The witness was dismissed.]

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

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



The proceedings were adjourned at 12:30 PM.

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

### **Day 20 of Trial – July 30, 2020**

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

#### **Testimony of P8**

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

#### ***P8's Detention***

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Judge Kerber Questioning**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

**[Judge Wiedner intervened to ask two questions]**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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[One-hour break]

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### **Judge Wiedner Questioning**

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

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

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

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

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

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

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<sup>16</sup> Al-Qaboun Branch (القابون) is a military police prison.

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



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

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

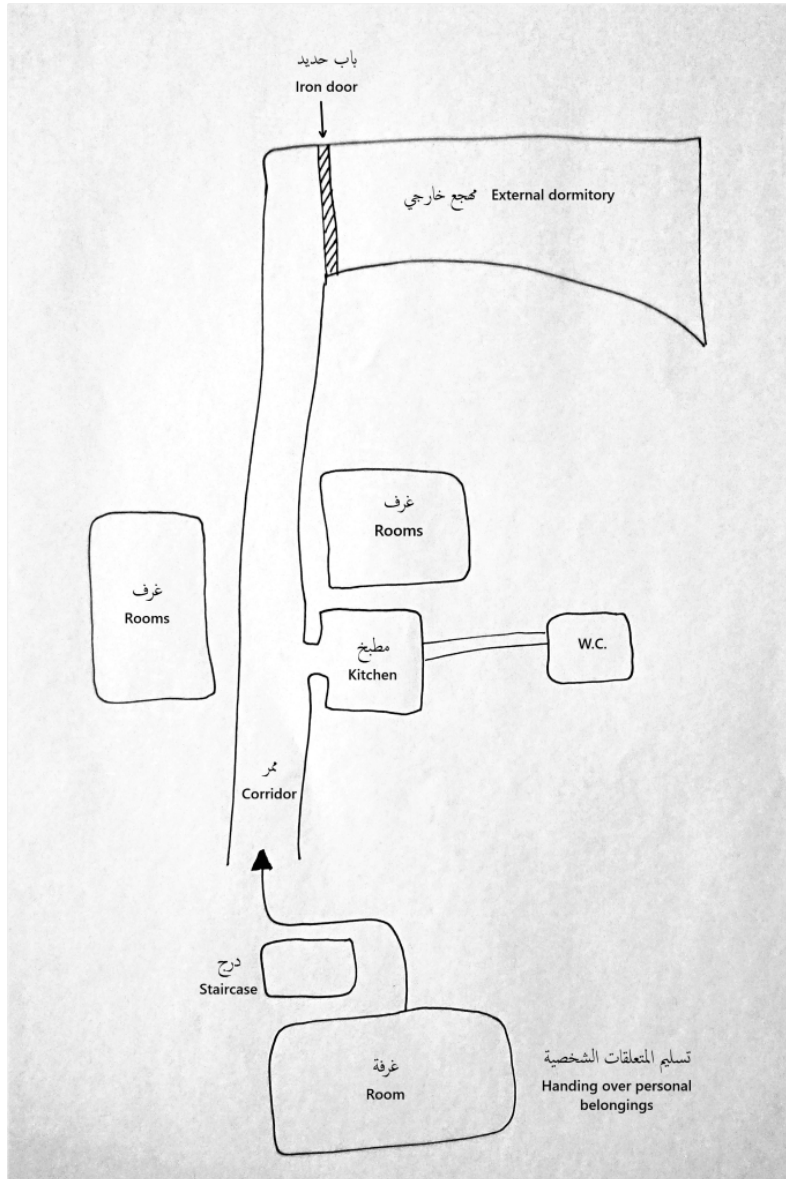
Judge Wiedner asked what was behind the bars. P8 said that it was difficult to see. The glass was thick and opaque. There were iron bars and dirt.

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

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

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

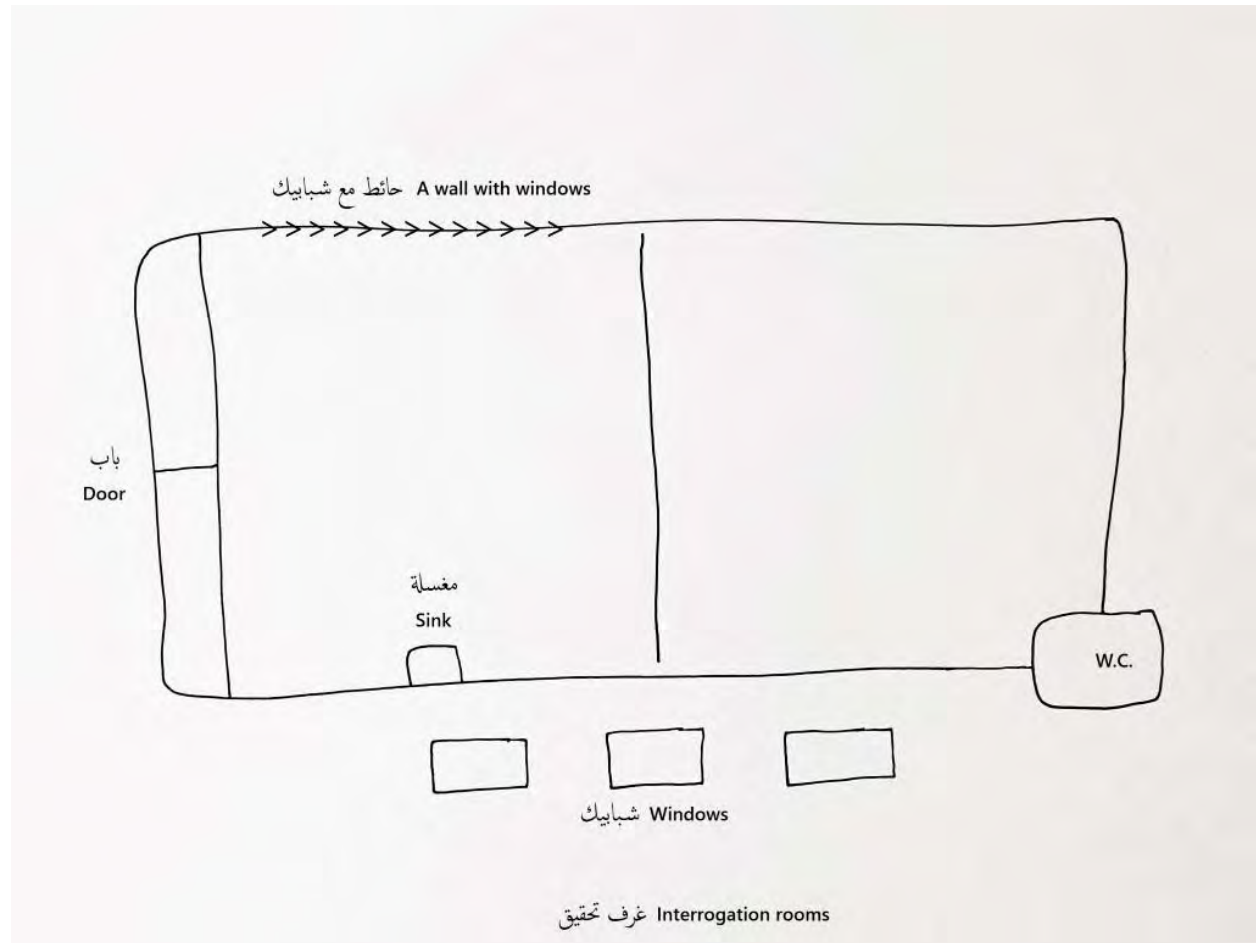
Judge Wiedner asked P8 if he remembered the sketch which P8 drew during questioning. He said that he remembered the sketch.



Sketch #1 by P8.

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





Sketch #2 by P8.

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

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

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

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

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

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

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

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

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

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

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

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

### **Prosecutor's Questioning**

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

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

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

### **Defense Counsel Böcker Questioning**



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Defense Counsel Fratzki Questioning**

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

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

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

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

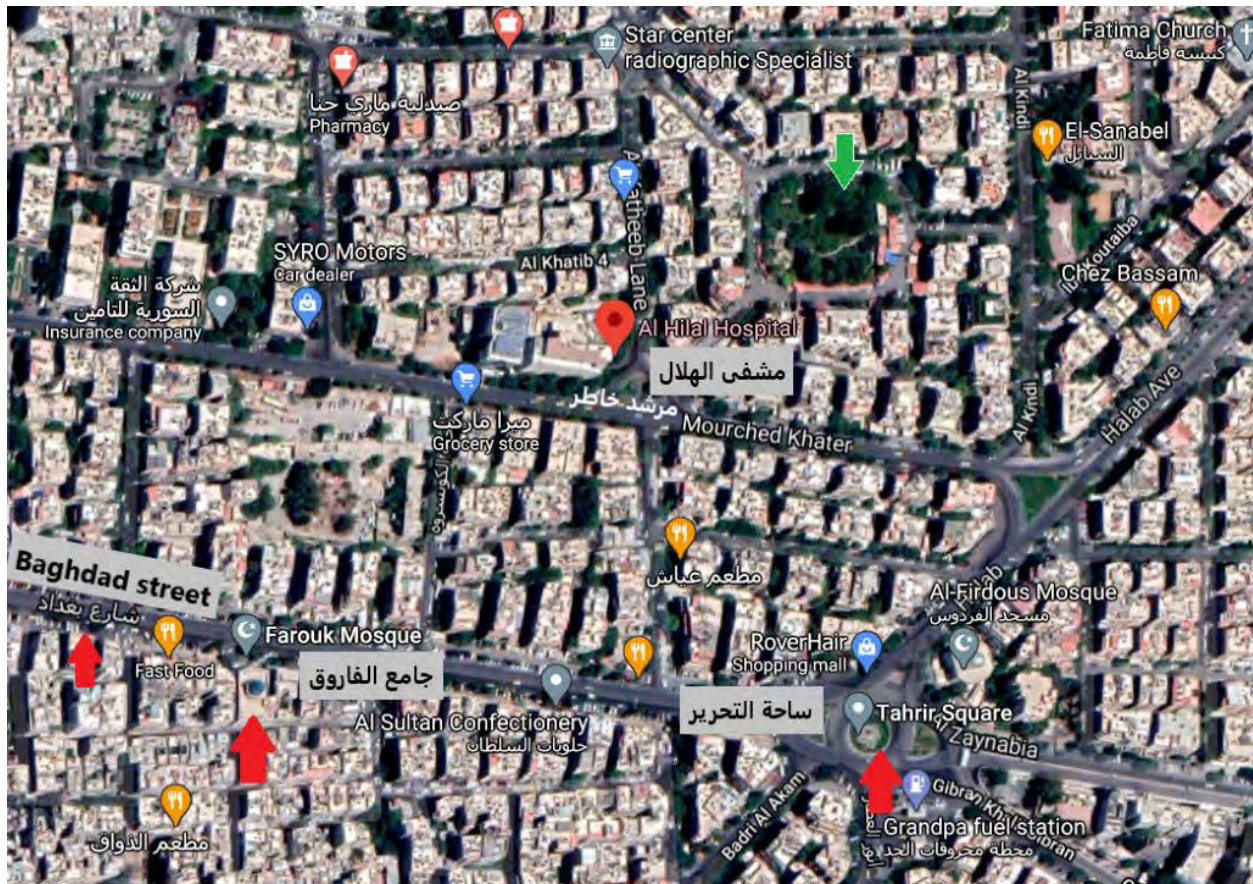
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<sup>18</sup> It was unclear to the Trial Monitor whether P8 meant that an air-force branch was in both neighborhoods or just in Al-Abbasiyyeen.



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

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



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

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

The image was further zoomed-in.

<sup>19</sup> The Court Monitor was unable to see where P8 pointed.





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

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

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

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

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

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

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

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

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

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

The proceedings adjourned at 3:30 PM.

### **Day 21 of Trial – July 31, 2020**

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

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

#### **Testimony of P9**

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

#### ***P9's Detention***

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

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

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



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

### **Judge Kerber Questioning**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A photo-array was shown.

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

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<sup>20</sup> It was unclear to the Court Monitor where "colonel" was written.



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

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

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

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

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

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

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

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

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



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

### **Judge Wiedner Questioning**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

Scharmer did not have further questions.

The witness was dismissed.

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

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

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



**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 8

Hearing Dates: August 12 &amp; 13, 2020

*CAUTION: Some testimony includes descriptions of torture.***Summaries/Highlights:<sup>1</sup>****Trial Day 22 – August 12, 2020**

P10, whose identity and personal information were kept confidential, testified on the hierarchical and administrative structures and methods of interrogation in branches 251 and 285. He was working in the Syrian intelligence service for over 20 years and testified that branches 251 and 285 have the worst reputation regarding the treatment of detainees. Torture was a matter of course, but sometimes guards who received orders were “creative” in their techniques. P10 describes the severe conditions in these detention facilities such as insufficient health care, inadequate meals, overcrowded cells, poor sanitation and torture during interrogations. The General Intelligence Directorate had 30,000-50,000 employees in Syria and reported directly to the President; 2,500-3,000 worked in Branch 251. He said that Raslan had less power than an Alawi because he was Sunni and that if he failed to follow orders he would have been prosecuted or killed. Several documents from Branch 285, signed by Raslan, were identified by P10. Corpses of those who died in the Branches were transferred to the hospitals where they were thrown in the hospitals’ garden, since the cooled mortuary was already full. Vegetable refrigerator trucks stored the corpses and when their numbers increased, the corpses were thrown on the ground in the sun to decompose. The public prosecution and the military police prepared false death certificates, indicating death of natural causes. The numbers of corpses and their origins were recorded. Then, the corpses were brought to mass graves. It was very rare that the corpses were handed over to their families. Since P10’s family in Syria was already threatened and the judges found that there are reasonable grounds to believe that he and his family’s lives and safety are at risk, P10 did not need to provide any specific personal information, such as his name, precise occupation in the intelligence services or his date of arrival in Germany, during the hearing. This led to several interruptions of the hearing, during which the judges had to decide on the admissibility of certain questions.

**Trial Day 23 – August 13, 2020**

P10 questioning was continued, mainly focussing on specific codes for and instances of torture at Branches 251 and 285. P10 also testified that military staff in the intelligence service would not dare to disobey orders or even quit out of fear of being tortured or killed. Contrary to his previous testimonies, P10 stayed rather vague regarding Raslan’s position and career.

**Day 22 of Trial – August 12, 2020**

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<sup>1</sup> 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.

Before the witness entered the courtroom, Judge Kerber explained that due to concerns about the witness's safety, he would not reveal any personal information and would appear partially disguised to obscure his identity. The witness then entered the courtroom from another entry than other witnesses before him. He was wearing a wig and a fake beard and was accompanied by his counsel, Mr. Obst (O.). There were also two additional bodyguards in the court room. One was sitting in front of P10 and one was sitting at the back of the room, near the spectators. Mr. Kägebein appeared as replacement for Al Gharib's Defence Counsel Linke. Plaintiff counsel Reiger was not present while plaintiff counsel Mohammed was replaced by Attorney Demirkan.

#### Testimony of P10 "Z 280716"

P10, for the above-mentioned concerns about his safety and in accordance with §68 (3) StPO,<sup>2</sup> did not reveal his name, age or any other personal information. For identification purposes he received the number "Z 280716". When Judge Kerber asked whether P10 is related to one of the defendants, Obst said he will not provide any information on this.<sup>3</sup> Admonitions were read out and P10 was informed about his rights as a witness.

#### Judge Kerber's Questioning

Judge Kerber asked if P10 held a position in the administration of the Syrian government. P10 said he worked in the government's intelligence administration for 21 years.

Judge Kerber said that P10 stated in his previous questioning that he worked in the administration. O: N/S.

Judge Kerber asked P10 about his knowledge of Branch 251. P10 said Branch 251 is one of the central branches in Damascus governorate. According to P10 it has multiple names: "Branch 251", "Al-Khatib" and "inner branch". P10 said this security branch is in charge of Damascus and its rural suburbs. P10 stated that this branch has many specialised divisions: e.g. interrogation division, student division, workers division, studies division, economical division, patrols division (anti-terrorism), external division, and detachments located outside the facilities of the branch in more rural areas.

Judge Kerber asked whether the branch and its divisions have prisons. P10 affirmed. Judge Kerber asked where these prisons are located. P10 said they are located within Branch 251 in the interrogation division. There are also temporary detention facilities outside the branch's building.

Judge Kerber asked where these prisons outside the branch were. P10 did not understand the question.

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<sup>2</sup> If there are reasonable grounds to believe that revealing the identity, place of residence or whereabouts of the witness would endanger the witness's or another person's life, limb or liberty, the witness may be permitted to not provide personal information or to provide such information only in respect to a previous identity. However, if this is the case, the witness shall be required to state at the main hearing, in what capacity the facts he/she is came to his/her knowledge.

<sup>3</sup> "N/S" (no statement) will be used throughout this report for every instance Obst declared on behalf of P10 that he will not provide information in accordance with the relevant provisions in the German Code of Criminal Procedure.

Judge Kerber said that P10 mentioned the prisons and the temporary detention facilities and asked P10 where they are located (e.g. on which street). P10 said the central prison of Branch 251 is the big one inside the branch. The temporary detention facilities are located in the external divisions.

Judge Kerber asked P10 where the central prison is. P10 said it is on Al-Khatib street in Damascus, close to the Red Crescent hospital.

Judge Kerber asked P10 if he visited and saw the prison of Branch 251. P10 denied.

Judge Kerber asked P10 about his knowledge regarding the conditions in Branch 251. P10 said he could explain in general terms, because the interrogation system is the same in all prisons of the Syrian government. However, the methods of torture<sup>4</sup> differ according to the branch. P10 added that Branch 251 has one of the worst reputations in Syria.

Judge Kerber asked since when Branch 251 has this reputation. P10 said it is an old reputation, which continued to exist during the incidents [uprising] until “now” [these days].

Kerber asked P10 to talk about the conditions in Branch 251 in general. P10 said it is commonly known that since Mohammad Nasif محمد ناصيف took charge of Branch 251 and was the head of the branch, it was considered to be an independent administration, although it was formally under administration of the central administration – unit 1411. Administratively, it [Branch 251] is subordinate to it [central administration], but it is effectively independent because of the mere power of its head.<sup>5</sup> P10 added that he thinks that the branch is continuing with the same power, because high-ranking officers take command of it. After the former major general لواء [Nasif] retired, he became the vice-president for the legal issues<sup>6</sup> and died later. Several officers succeeded him [as head of Branch 251]: Major General لواء Bahjat Soleiman بهجت سليمان, who was later transferred to Jordan as an ambassador. He was directly followed by Tawfiq Younes توفيق يونس, who is still [in command] until “now” [these days]. P10 added that Younes is one of the worst criminal officers in Syria.

Judge Kerber said the judges are concerned with the conditions in the prison of Branch 251. P10 said, as he mentioned previously, all interrogation methods are similar for all prisons.

Judge Kerber asked P10 to briefly describe these methods. P10 said in all countries, it is always the case that the accused is innocent until proven guilty. However, in Syria, the accused’s guilt is rarely actually proven. In Branch 251, there are several methods. First of all, the detainee is usually referred from another area to interrogation at Branch 251 (one does not need to be from the same the area [under administration of the branch]). This is also how Branch 285 works, which usually gets referrals from other provinces. Regarding Branch 285, it is a central branch for interrogation and is centred in Damascus (the administration), but also Branch 251 gets referrals from other provinces like Branch 285. The reason for that (referrals from outside) is because the branch has topics that are also dealt with at other branches e.g. Al-Qamishli القامشلي Branch and the topics of information in Al-Qamishli [at] which [the interrogation] stopped, are similar in Branch 251. Therefore, the interrogation is continued in Branch 251, because it is the “owner” of the information [صاحب المعلومات] and has absolute authority

<sup>4</sup> P10 explicitly used the word torture.

<sup>5</sup> P10 later testified that the same is the case for Division 40. It is formally a division within Branch 251 but because of the mere power of its head, it has a special position among the divisions of Branch 251 and in some cases exceeds its formal powers by skipping Branch 251.

<sup>6</sup> Note from the Trial Monitor: His formal position was Deputy Vice-President for Security Affairs, however P10 said “legal” not “security”.

[صلاحيات مطلقة] and multiple methods.<sup>7</sup> Usually and before the Syrian revolution, there were interrogation divisions in the branches of the provinces and many detainees were referred from there to the branch [251], even during the revolution, because it [Branch 251] is known for its bad reputation that no one is interested/concerned if somebody died there.

Judge Kerber asked what methods of torture were applied and if there were orders to torture. Böcker interrupted, saying that he does not understand if P10 was talking in general or specifically about Branch 251.<sup>8</sup> Judge Kerber repeated her question. P10 said there certainly were orders.

Judge Kerber asked P10 who gave the orders. P10 said *عنصر العسكري* military staff and *العسكري* prison guards receive their orders from the head of the interrogation division, who in turn receives his orders from the head of his branch. The head of the interrogation division is also the one requesting the detention or referral [of a detainee] to a court or a different detention facility. That request usually comes in the form of a formal printed paper and is made to the head of the branch, who takes the final decision, usually following the request. P10 asked if [the court] would like him to speak about torture methods [Judge Kerber asked him to elaborate on this before Böcker interrupted].

Judge Kerber asked P10 about the interrogation in Branch 285. P10 said he could not hear the question [The technical problem was fixed].

Judge Kerber asked how interrogations were carried out in Branch 285. P10 said Branch 285 is a central interrogation centre in Damascus within the big administration building and has many interrogation offices and interrogators. It has two big prisons: the northern one and the southern one. Many high-ranking officers took command of it. P10 asked whether [the court] would like him to mention names.

Judge Kerber repeated her previous question, asking how interrogations were carried out. P10 said that when prisoners are detained, they are blindfolded. During the interrogation sessions, their hands are cuffed and sometimes the feet as well. In some cases, prisoners are suspended from the ceiling in chains, so that their toes barely touch the floor. There are several methods of interrogation<sup>9</sup> like *دولاب* [tyre] and *فلقة* Falqa [beatings on the sole of the feet]. Occasionally, electricity was used during interrogations. Interrogators become passionate and creative [يتفنن] when they received orders: using boiling water or putting out cigarettes on the detainee's body. Occasionally, detainees have to wear shoes with nails on the inside and are forced to stand in them. P10 said there are other disgraceful methods, which he was embarrassed to talk about but he would mention them out of necessity: a detainee's penis is tied with a string and the other end [of the string] is tied to a metal bed or a nail. The detainee is then fixed (either cuffed or hung) and forced to drink a lot of water in order to urinate. P10 said the methods are sometimes worse. He says he knows about a person, whose name he does not want to mention, who was raped with a wooden stick.

Judge Kerber asked if this person was a male or a female. P10 said it was a man.

<sup>7</sup> Note from the Trial Monitor: although P10's example was very vague, he most likely meant that if someone was detained at Al-Qamishli city for threatening the national security, this information is being shared with Branch 251, since it is within their responsibility and the interrogation will be continued at Branch 251.

<sup>8</sup> The Trial Monitor was not able to note the answer to this question.

<sup>9</sup> P10 said interrogation, not torture and did not further elaborate on the details of these methods.

Judge Kerber asked if there were attempts to drown people, something like waterboarding which is known from America. P10 said he already mentioned the use of boiling water, in other instances a detainee's head was put in a water barrel.

Judge Kerber asked who was giving orders. P10 said he has to provide some explanation. He explained that when the revolution began, intelligence apparatuses were "released in an absolute manner" and every division's commander and the ranks below began to act on their own consideration, since, following the orders to shoot at demonstrators, it no longer mattered whether somebody died in prison. Regarding the orders, P10 said they were given from the higher to the lower ranks. The head of the regime reinforced martial law in Syria after 2 – 3 months [of the beginning of the uprising]. This law was still in place previously but before that [uprising] claimed to be suspended. When it was reactivated, security and military forces were given an absolute free hand to do whatever they wanted to do to [people] opposing the regime and consequently treated traitors according to martial law.

Judge Kerber asked whether P10 remembers a particular decree on that. P10 said that 3 months or less after the uprising, orders to quell demonstrations by any means were issued, allowing the use of bullets. P10 said that at a certain point (P10 cannot remember when exactly this happened), brigadier general Maher Al-Assad العميد ماهر الأسد gave orders to shoot at anyone who was there [demonstrators]. P10 said the situation worsened, as the whole world knows.

Judge Wiedner intervened asking P10 when the revolution began. P10 said March 2011.

Judge Wiedner asked when the orders were approximately issued. P10 said the orders did not reach him, rather the leaderships and their forces. According to P10 the orders were issued around the end of May 2011.

Judge Kerber asked whether detainees were handcuffed and brought to the interrogation by a guard. P10 affirmed.

Judge Kerber asked if interrogations were conducted by someone other than a guard. P10 said they were conducted by an interrogator.

Böcker asked if P10 himself attended an interrogation. P10 affirmed.

Judge Kerber asked who gave orders to use torture during interrogations. P10 said the head of the interrogation division, according to the established hierarchy.

Judge Kerber asked if the orders were given verbally or by using signs. P10 said verbally.

Judge Kerber recalled P10 saying that the guards received orders from the head of the interrogation either directly [verbally] or using signs. P10 affirmed.

Judge Kerber said that P10 previously stated that "the interrogating officer had a free hand to use any possible means to achieve the goal, which was coded as 'do whatever is necessary'. For the patrol's division and Branch 285, it meant that every means was allowed and the goal was to detain the person". P10 affirmed.

Judge Kerber continued recalling that the orders were either given verbally in person or by phone. P10 affirmed.

Judge Kerber asked whether the same was the case for Branch 251. P10 affirmed again.



Judge Kerber recalled P10 saying that Branch 251 had one of the worst reputations and that there were prisons and interrogations in Branches 251 and 285. Judge Kerber further said the judges heard that detainees were transferred from Branch 251 to 285 and asked why this happened. P10 referred to his previous statement saying that Branch 285 is a central interrogation branch in Damascus at the national Syrian level. P10 stated that for most of the detainees, a summary (of their interrogation) was issued to the director of the general intelligence directorate e.g. Ali Mamlouk علي مملوك previously. If he was not satisfied with the result of the interrogation, he would issue a written order to refer them [detainees] to the central branch [285] in order to proceed with the interrogation.

Böcker asked who this person was. P10 said it was the director of the general intelligence services in Damascus.

Judge Kerber asked about the composition of personnel regarding Sunnis and Alawites. P10 said that usually within the security services and armed forces, 80 – 90% of the personnel are Alawites. This percentage differs from one branch to another. P10 said that he was talking about the officers and employees (volunteers), not the decision makers.

Judge Kerber asked the same question now referring to the high-ranks. P10 said they are Alawites.

Judge Kerber asked if there are only Alawites, or if there are Sunnis too. P10 said there are certainly Sunnis and Christians, however the majority are Alawites.

Judge Kerber asked whether there was tension between the high ranks. P10 said maybe.

Judge Kerber asked whether P10 knew the name Anwar Raslan and his rank. P10 did not want to talk about it, however he said that through his [P10's] service, Raslan's name, rank and duty station are known to him [P10].

Judge Kerber asked what Raslan's last rank was that P10 remembers. P10 said colonel عقيد.

Judge Kerber asked whether it is correct that Raslan worked in Branch 285. P10 did not understand the question.

Judge Kerber asked in which branch Raslan worked. P10 said that to his knowledge, Mr. Raslan<sup>10</sup> worked in branches 285 and 251 for a long time.

Judge Kerber asked P10 to provide a time-frame for that. P10 said he would talk in an approximate manner, not specifying. Raslan began in Branch 251 (he was originally a police officer). After that, he was transferred to the general intelligence directorate [285]. In the beginning, he worked in Branch 251 (P10 remembers one instance in 2006 where Raslan was present at this branch). However, in 2008, as P10 thinks, Mr. Raslan worked in Branch 285 and was later transferred to Branch 251 in 2009 – 2010.

Judge Kerber asked what position Raslan held in Branch 251. P10 said he was the head of the interrogation division.

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[15-minute-break]

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<sup>10</sup> P10 explicitly said „Mr.“

### Judge Weidner's Questioning

Judge Wiedner asked which intelligence services there are in Syria. P10 said there are four: the general intelligence directorate , [إدارة المخابرات العامة] the military intelligence directorate , [شعبة المخابرات العسكرية] the political security directorate [شعبة الأمن السياسي] and the air-force intelligence. P10 said that two of them are official [self-administered]: the general intelligence directorate and military intelligence directorate; actually, three are official [self-administered], including the air-force intelligence. As for the political security directorate, it is under administration of the ministry of interior.

Judge Wiedner wanted to know more about the General Intelligence Directorate. P10 said that it is independent (not administered by any ministry, rather by the republic presidency directly). However, it is called a military unit, although it is independent. It has the number 1411.

Judge Wiedner asked how many employees it contains. P10 asked whether Judge Wiedner meant the directorate as a whole. Judge Wiedner affirmed. P10 said there are approximately 30,000-50,000 employees.

Judge Wiedner asked if this number includes all of Syria. P10 said yes.

Judge Wiedner recalled P10 saying that Ali Mamlouk was the director of the General Intelligence Directorate. P10 affirmed.

Judge Wiedner asked until when this was the case. P10 said that after the bombing of the Central Crisis Management Cell (CCMC) in 2012, the former head of the national security office, major general Hisham Bakhtyar [اللواء هشام بختيا] was killed and Ali Mamlouk was assigned in his position.

Judge Wiedner asked when this happened. P10 said approximately 2012.

Judge Wiedner asked who came after him [Ali Mamlouk]. P10 said someone from Zaytoun زيتون family.<sup>11</sup>

Judge Wiedner asked if it was Deeb Zaytoun. [ديب زيتون]. P10 affirmed and said he [Deeb Zaytoun ديب زيتون] was the first assistant to Ali Mamlouk.

Judge Wiedner asked if P10 knew about a committee which was founded after the beginning of the uprising. P10 asked whether Judge Wiedner was referring to the administration, or to the country [national] level.

Judge Wiedner said to the Syrian level. P10 said that it was called crisis cell management. [إدارة خلية الأزمة]. [The translator said CCMC].

Judge Wiedner wanted to know if P10 actually said that [CCMC], or if he meant that. Judge Wiedner repeated the question and P10 answered he said crisis cell management.<sup>12</sup>

Judge Wiedner asked who its [the CCMC's] members were. P10 said the head of the national security office, major general Hisham Bakhtyar who was killed, was the head [of the CCMC]. Other members were the heads of the 4 security apparatuses: Ali Mamlouk, Asef Shawkat [أصف شوكت] of the military

<sup>11</sup> Note from the Trial Monitor: P10 said "from beyt/bait Zaytoun بيت زيتون", which means "family of Zaytoun" in Syrian dialect. "Beyt" means "house" in standard Arabic. It was translated as "Beyt" and the judges probably thought that the first name was "Beyt". Hence, the following question

<sup>12</sup> Note from the Trial Monitor: P10 said "crisis cell management" but from the context it is clear that he meant the Central Crisis Management Cell (CCMC).

[intelligence], the minister of defence and Jamil Hasan جميل حسن, head of the air-force [intelligence]. P10 added that there are multiple names which he forgot.

Judge Wiedner asked when and why the CCMC was founded. P10 said that it was founded by a presidential decree, in order to manage the crisis. The revolution was considered a crisis and [the cell] was supposed to come up with suggestions on how to eliminate the movement [uprising]. Security committees in other provinces derived from the cell.

Judge Wiedner asked whether the cell gave concrete orders to the intelligence services. P10 said of course.

Judge Wiedner asked P10 to provide further explanation. P10 said that one of the circulated announcements [تعاميم] was issued and publicized through the security apparatuses. The orders were sensitive when they were first issued, ordering to detain all people, [deal with] committees and social media and silence them by any possible means. There was another order in form of a request from the central management. It was directed to the security branches in the provinces, ordering them to summon all dignitaries and merchants (civilians), in order to put them under pressure and therefore, putting pressure on the people around them.

Judge Wiedner asked P10 what he meant by “summon”. P10 said that they [dignitaries and merchants, including religious personalities] were summoned to the security branches. Some of them were personally summoned by Bashar Al-Asad.

Judge Wiedner asked if the cell issued orders to use violence against demonstrations. P10 affirmed.

Judge Wiedner asked P10 to elaborate further. P10 said that he previously mentioned journalists, civilian committees and doctors, who used to help people in field hospitals. [The orders] were to detain and eliminate them (take necessary actions اجراء اللازم) [meaning to do anything].

Judge Wiedner asked how the duties in Branches 251 and 285 changed after March 2011. P10 said there was a big change. These two [branches] had absolute free hand before the incidents [uprising]. After the people’s movement, their powers increased. Within the branch, the number of detainees significantly increased. Everybody on the street (at the time of demonstrations) was detained.

Judge Wiedner asked whether the methods of interrogation changed. P10 affirmed saying that the interrogation “became crazy with these people” [detainees]. Sometimes, a cell measuring 4x4m had more than 200 people inside, who stayed there for several days undergoing torture, but not being questioned.

Judge Wiedner asked in which branch this happened. P10 said that this happened in general.

Judge Wiedner said that P10 however, described a specific cell. P10 did not understand the question. Judge Wiedner asked if the cell P10 described was in Branch 251 or 285. P10 said that prisons in general are similar. There are also solitary detention cells measuring 1x1.5m, which is the general image of overcrowding in all branches in Syria.

Judge Wiedner said that P10 mentioned the conditions in Branch 285 and asked if that counts for Branch 251 as well. P10 said they were roughly the same but Branch 285 was worse to the degree that, in case an interrogator kills someone, it would be considered normal.

Judge Wiedner asked if P10 meant Branch 285 or 251. P10 said that Branch 251 is bad, 285 is worse.

Judge Wiedner recalled P10 saying with regard to interrogations in Branch 251 that “Branch 251 has the most brutal torture methods, the procedure is similar to Branch 285”. P10 affirmed.

Judge Wiedner asked about the differences in torture between branches 251 and 285. P10 said that the methods are nearly the same, but the torture would be more intense in Branch 285.

Judge Wiedner said that P10 previously mentioned that Branch 251 had more freedom to act. P10 said that he mentioned that major general Mohammad Nasif took command [of Branch 251] since he was a first lieutenant ملازم أول or a نقيب captain (a low rank).

Judge Wiedner asked P10 to repeat the name. P10 said Mohammad Keir Beik Nasif محمد خير بيك ناصيف or Mohammad Nasif Keir Beik (either way is fine). Regarding his importance to the regime’s head, it derived from his Alawite sect. He, his father and grandfather are Alawi religious people and his religious stand is more powerful than the president of the republic [Syria].

Judge Wiedner mentioned that P10 said earlier that people close to the president took command of Branch 251. P10 affirmed. He added that the head of the branch was the major general [Nasif]. The high-ranking officers were Alawites and from Alawi villages. Previously, Hamad Zayd حمد زيد, an Alawite, was Nasif’s deputy or [Nasif’s] office manager.

Judge Wiedner asked whether Raslan is an Alawite or a Sunni. P10 said he [Raslan] is a Sunni from a village where a massacre happened. Alawites and the regime slaughtered many people there.

Judge Wiedner asked where this happened. P10 said around 2011 – 2012 in Al-Houla الحولة village.

Judge Wiedner asked if being a Sunni affected Raslan’s occupation. P10 said it did. He swore by god that he is convinced that Raslan was not from the absolute important people, because he is a Sunni. P10 does not know what exactly Raslan did, but he was the head of the interrogation division. However, if an Alawite colonel were in his position, he would be more powerful.

Judge Wiedner asked about a hierarchy among guards, interrogators and officers in Branches 251 and 285. P10 asked whether the question was relating to the interrogation division. Judge Wiedner repeated the question. P10 said there is possibly a hierarchy. He said that there is a hierarchy between the head of the branch and his deputy/vice head (who may be the head of a division). According to P10, some divisions are more important than others. Since he is talking about the branch and the interrogation division, P10 concluded: the head of the branch is at the top, superior to the head of the interrogation branch, who is superior to military and civilian interrogators, who are in turn superior to the guards.

Judge Wiedner asked if the head of the branch and his deputy knew what was happening in the branch. P10 said they certainly knew however, there were some secret topics, which only the head of the branch knew. Nonetheless, in general, they knew.

Judge Wiedner asked if they gave orders. P10 said the orders are, of course, from the head of the Branch.

Judge Wiedner mentioned P10 previously said “the head and his vice were informed. They gave green light through known phrases/codes. After the beginning of the riots, officers had more freedom and could partially torture without orders, because the situation was chaotic”. P10 affirmed his statement, adding that this was particularly the case after the outbreak of the Syrian revolution.

Judge Wiedner asked about Division 40. P10 said it is under the administration of the inner branch, 251. It is called the patrol's or anti-terrorism division, previously headed by Hafez Makhoulوف حافظ مخلوف. According to P10, it is one of the very bad divisions, especially under Makhoul's command. It [Division 40] conducted detentions even outside Damascus, in other provinces and had absolute powers, since Makhoul is the cousin of the president.

Judge Wiedner asked how Branch 251 and Division 40 cooperated in terms of tasks. P10 said that the speciality and duty of this division is patrols within Damascus city. Sometimes, when there is a wanted person for Branch 251, Division 40 detained and delivered him to Branch 251. P10 said he knows that Division 40 went beyond its responsibilities and authority and opened an interrogation division by itself.

Judge Wiedner said that he did not understand. P10 said that Makhoul is the head of Division 40 and because of his rank and closeness to Bashar, he [Makhoul] considered himself more important and higher than Tawfiq Younes. Therefore, any wanted person for Branch 251, Division 40 used to detain and torture him, then refer him [to Branch 251]. Occasionally, it exceeded Branch 251 (which Division 40 belongs to) and referred [detainees] to Branch 285.

Judge Wiedner asked how many employees Division 40 has. P10 said that he does not know. However, there were similar divisions (to Division 40) where P10 used to work. Possibly around 150 – 200 persons. The number increased after Makhoul took its command.

Judge Wiedner asked if Division 40 has offices in Branch 251. P10 said the head of Division 40 has an office at Branch 251.

Judge Wiedner asked if there were dead bodies in branches 251 and 285. P10 said there were many dead bodies. However, P10 did not see [dead bodies] with his own eyes, but rather saw them in the news, after the Caesar Files were revealed. P10 heard from many friends around his place of residence, whose relatives died there [Branches 251 and 285].

Judge Wiedner asked whether Division 40 transferred corpses to Branch 251. P10 assumes this was the case.

Judge Kerber intervened to ask whether corpses were brought to Branch 251. P10 said that this is correct, even though he did not see it. However, the German Federal Criminal Police Office (BKA) showed him photos demanding explanation for the numbers [of corpses], and there were many corpses from that division (P10 affirmed that he meant division 40).

Judge Kerber said it seems strange to transfer corpses to Branch 251 to store them there. P10 said that, as he previously mentioned, Makhoul considers himself to be more important than Younes. He was not afraid of people dying at his division. However, he considered the corpses as garbage and a responsibility that he rather throws on someone else (He was not afraid, but why take responsibility?).

Judge Wiedner asked what the goal of interrogations in Branch 251 was. P10 said, to be precise, at the time of the beginning of the movement [uprising], the number of the detainees was high. Therefore, the goal was to lock people up like sheep in the farms. The accusations were already prepared before he [a detainee] arrived. When one was detained, his accusation was ready, he just had to sign it: affiliation with foreign parties like Saudi Arabia and Qatar. One was also forced to confess his participation in demonstrations for money. They did not need interrogations, but mere retribution and detention.



Judge Wiedner reiterated P10's answer from a previous questioning where P10 stated that e.g. a Christian was forced to confess that he was the leader of an Islamist terrorist army. P10 affirmed, again mentioning that the accusations were already prepared and only had to be signed.

Judge Wiedner asked if there were "real" interrogations, where one actually wanted to get information. P10 said that this was the case, explaining that in some instances people were interrogated in order to obtain information about locations, field doctors or medicine (donor of medicine or of the money used to buy medicine).

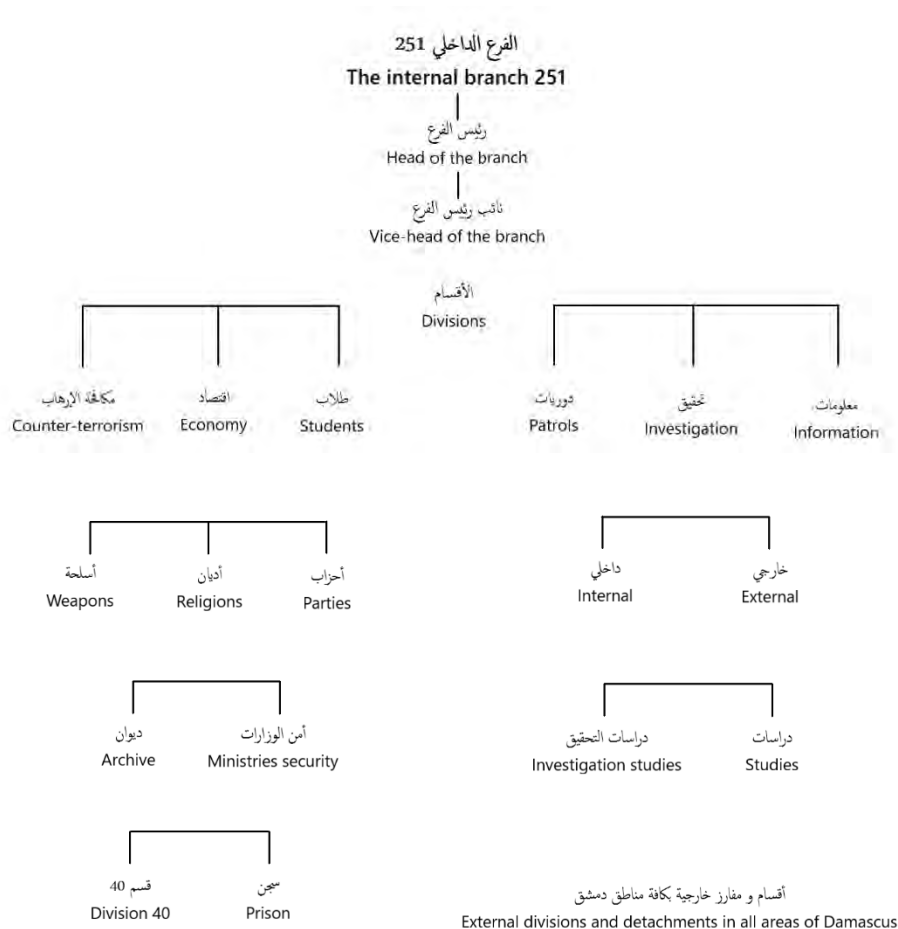
Judge Wiedner asked whether this information also included opposition members on social media. P10 said that this was of course the case, explaining that he referred to them [opposition] as "committees" at the beginning.

Judge Wiedner asked whether corruption was involved in the release [of detainees]. P10 said yes, in some cases.

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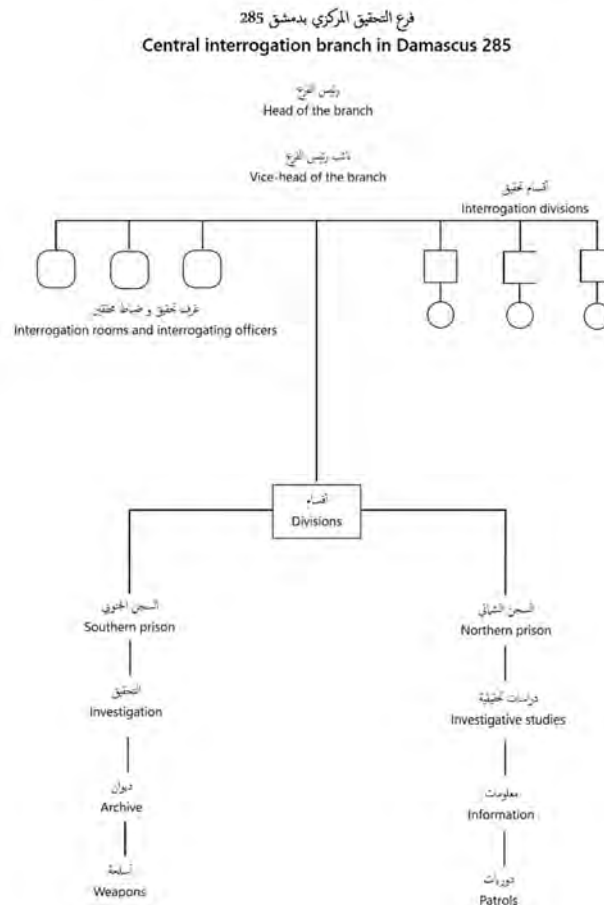
[Below are recreations of sketches made by the witness and shown in the courtroom.]

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P10 said that the “studies” division is different from the “investigation studies” division, as the latter studies persons who are to be detained and those already in detention.

Böcker asked if P10’s workplace is not on the organigram. O: N/S.



P10 said that the number of rooms is actually higher than what he drew, since this is only an estimation. He also added that there could be other divisions which he cannot remember.

Böcker asked again if P10’s workplace is not on the organigram. O: N/S.

Böcker wanted to know why Obst replied that an answer to this question could draw conclusions about P10’s identity. Böcker said that in his opinion, the question is admissible. Judge Kerber rejected the question as inadmissible. Böcker demanded a court decision.

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[75 minute break in proceedings – lunch/decision on admissibility of Böcker’s question]

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Judge Kerber said that the judges did not reach a decision, since it was not clear whether Böcker was referring to his question on Branch 285 or 251. Judge Kerber explained that the witness is not obliged to provide personal information on his occupation in the Syrian government. Böcker depicted the conversation again.

Prosecutor Klinge stated that in accordance with §68(3) StPO, P10 is not obliged to answer questions due to concerns about his and his family's safety. Böcker said that this paragraph would not be applicable.

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[20 minute break in proceedings for court decision]

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Court decision:

Judge Kerber's decision was upheld by the Bench. P10 does not have to provide personal information and information about his occupation within the Syrian government and his workplace, since this information would permit conclusions on his identity. The requirements of §68 (3) StPO are given. The Syrian intelligence service already threatened P10's family in Syria with detention, should he not return and searched his flat. P10 and the German Federal Criminal Police Office (BKA) take this threat seriously. Should P10 be detained by the Syrian intelligence service, he would be in danger of being abused until death. Böcker's question was clearly enhancing this danger and is consequently inadmissible.

Böcker asked for a transcript of the decision and asked whether it is correct that the information P10 provided today derives from the fact that his workplace is located in the structure of 285. O: N/S. Böcker restated his question, Judge Kerber rejected it. Prosecutor Klinge said that according to the previous court decision, this question does not need to be answered.

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[20 minute break in proceedings]

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Court decision:

Kerber's decision was upheld by the Bench. Following the previous decision, it is sufficient that P10 described that he got his information from the fact that: he was present in at least one interrogation, saw the prison, worked within the intelligence administration for approximately 20 years. Böcker's question was rejected.

**Prosecutor Questioning**

Prosecutor Klinge asked how many employees there are in Branch 251. P10 estimates around 3,000-5,000 including external divisions.<sup>13</sup>

Klinge asked about the number of employees in the interrogation division. P10 said that it is a big branch. There are around 50- 100 people who work there in different shifts. The interrogation division has special patrols which are different from the patrol's division. Occasionally, the interrogation division conducts detentions or seeks the assistance of other divisions.

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<sup>13</sup> P10 corrected this number the following day, as you can see from the report below.

Klinge asked whether the interrogations were round-the-clock, due to shifts or if there were fixed interrogation times. P10 said round-the-clock.

Klinge recalled that during his questioning by the police in November 2017, P10 mentioned documents which were signed by Raslan. Klinge asked about the content and date of these documents. P10 said, as far as he remembers, it happened in 2008 – 2009, since he cannot remember very well. Raslan was the deputy of the interrogation division at that time and Mohammad Barakat محمد بركات was the head of the division. When Barakat was transferred to another branch, Raslan might have been the interim head and signed the documents.

Klinge asked what the content of the document was. P10 said they were summoning warrants for investigation/interrogation that were addressed to another branch, ordering the other branch to detain certain people. Maybe they were detainees in Branch 285 and “they” confessed on “them”.<sup>14</sup>

An Arabic document was shown (recreated below).<sup>15</sup>

يرجى الاطلاع وإقرار ما ترونه مناسباً  
Please examine and endorse what you deem appropriate

عميد ركن* رئيس الفرع 285 Brigadier general* Head of branch 285	عقيد أنور رسلان Colonel Anwar Raslan	رائد حسن إسماعيل Major Hasan Isma'il	رائد خلدون الكصيري Major Khalidoun Al-Kusairi	ملازم أول عباس تلم First lieutenant Abbas Tammam
	[توقيع] [Signature]	[توقيع] [Signature]	[توقيع] [Signature]	[توقيع] [Signature]

قرار السيد اللواء مدير إدارة المخابرات العامة  
The decision of mister major-general director of general intelligence administration

Klinge asked P10 whether this is the same signature as Raslan's. P10 said he cannot say anything for sure, since he does not remember very well.

A second document was shown (recreated below).

<sup>14</sup> P10 meant that detainees at Branch 251 mentioned detainees from another branch during their interrogation, as to why Branch 251 sent for them.

<sup>15</sup> Note from the Trial Monitor: the German translation was: “Stabsbrigadegeneral”, however there is no accurate translation”, i.e. staff brigadier general, which is not accurate, because “Rukn ركن” has no accurate translation (even in English).

يرجى الاطلاع وإقرار ما ترونه مناسباً  
Please examine and endorse what you deem appropriate

عبيد ركن* رئيس الفرع 285 Brigadier general* Head of branch 285	عقيد أنور رسلان Colonel Anwar Raslan	رائد حسن إسماعيل Major Hasan Isma'il	رائد خلدون الكصيري Major Khalidoun Al-Kusairi	ملازم أول عباس تمام First lieutenant Abbas Tamam
	[توقيع] [Signature]	[توقيع] [Signature]	[توقيع] [Signature]	[توقيع] [Signature]

قرار السيد اللواء مدير إدارة المخابرات العامة  
The decision of mister major-general director of general intelligence administration

موافق على الفترة رقم 2، 3، 5، 6  
و عدم الموافقة على 1، 4  
I approve paragraph number 2, 3, 5, 6  
with disapproval of 1, 4

Klinge asked whether P10 can decode the signatures. P10 said that he could only read the names but not the signatures.

A third document, a transcript of a witness interview, was shown.<sup>16</sup>

Klinge asked if P10 could assign the initials. P10 said that they are bit different, but the handwriting is the same.

A fourth [handwritten] document was shown signed as “The Syrian, colonel Anwar Raslan السويي العقيد أنور رسلان”.

Klinge asked how a Sunni with the rank of a colonel should behave in the intelligence service dominated by Shiites, in order to get promoted. P10 said that he should basically never say “no” and has to execute all orders, otherwise, he would get in trouble.

Klinge asked how a Sunni can get into such a special branch. P10 said that one should be “منبطح [obsequious] and accept all orders. He should never say “no”. If he does, they would not let him in in the first place.

Klinge asked about the general conditions in prisons, such as medical care and food. P10 said that before the revolution, the numbers [of detainees] were not as high. Additionally, detainees in the intelligence services were deprived of all civilian rights and treated like animals. If one got injured and tortured, he was not taken to hospital until his soul was about to come out [almost died]. However, after the revolution, he would be left until his soul comes out [actually died]. There is no personal hygiene. One cannot go to toilet unless the prison guard gives permission. Sometimes, one urinates on himself. Therefore, due to overcrowding, lack of hygiene and oxygen, they [detainees] suffocated.

<sup>16</sup> Note from the Trial Monitor: it was probably the transcript of Raslan’s interview by German authorities.



Klinge asked what happened to the corpses. P10 said that he told the police about locations of mass graves, where they were buried. Of course, the corpses were transferred from the security branches to the hospitals. They [corpses] were thrown in the hospitals' garden, since the cooled mortuary was already full. Most of the hospitals used vegetable refrigerator trucks to store the corpses and when their numbers increased, the corpses were thrown on the ground in the sun to decompose. Then the public prosecution and the military police got involved by preparing false death certificates, saying that it was a natural death, and writing the number [of the corpses] in tables along with numbers indicating where they came from. They [also] wrote these numbers on stickers and put them on the corpses. Then, the corpses are brought to the mass graves. It was very rare that the corpses were handed over to their families.

Klinge asked if P10 knows the locations of the mass graves. P10 said that he knows, but unfortunately, if he discloses this, it would draw conclusions on the location of his work place.

#### **Defence Counsel Böcker's questioning**

Böcker recalled P10 saying that one can have problems if not following orders and asked what trouble a Sunni would get in. P10 said that if a Sunni officer or a non-commissioned officer would reject orders from Alawite commanders, even illegal ones or personal favours, or if he was asked to do something (e.g. if he is a head of a security intelligence apparatus and his boss asked him to release a detainee), he could be referred to the army, a decree to transfer him to the army could be issued, or a decree to transfer him to another unwanted remote location, or if the person [the Sunni] was weak [in regard to his rank], he would be fired.

Böcker asked whether that would put this person or his family in danger. P10 said that before the revolution and because this procedure was routine, there was no danger on the family. However, after the revolution, if one does not abide by the instructions, one and his family would be accused of treason.

Böcker gave an example: if one was told to sign a document and refused, what would happen? P10 said that it depends on the severity [خطورة] of the situation and the subject [topic]. For example, if one is a goods smuggler... Böcker interrupted saying that he did not meant a smuggler but a member of the Free Syrian Army or a terrorist organization. Obst said that it should be the witness's wording. P10 said that certainly, if the accused belongs to a terrorist organization or Al-Qaeda, he would certainly not dare and could not reject signing. Or regarding our case (the Syrian revolution), the whole nation was accused of being terrorists. A regime accused its people of being Al-Qaeda.

Böcker asked if an individual case would be of high relevance. P10 said of course.

Böcker asked whether the document had to be signed, otherwise, the person would be accused of treason. P10 affirmed.

Böcker recalled P10 saying that he was present during an interrogation in Branch 285 and asked if it was only once or several times. O: N/S.

Böcker asked on what right P10 is relying on in not answering. O: N/S.

Böcker asked whether it was to §55 StPO.<sup>17</sup> O: N/S.

Klinge said that P10 does not need to answer the question.

Böcker asked for what reasons it was possible for P10 to be present during an interrogation. O: N/S.

Böcker asked how P10 knew that the head of Division 40 had an office in Branch 251. Obst asked for a break to counsel his client.

Böcker said he had a general question: Where did P10 get his information which he illustrated today from? O: N/S

Kerber said that the witness could leave, but was not yet dismissed. The questioning would continue the following day.

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[5 minute break in proceedings]

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Klinge's assistant, Mrs. Holz/Holtz read out [for about 40 minutes] a statement responding to Raslan's testimony in which he suggested certain people to testify as witnesses in his case. It was said that these were not formal requests to present evidence, but rather suggestions. Raslan named people who supported him or whom he had supported and "could be" summoned as witnesses. His request was not obvious and specific, therefore the judicial procedural requirements of a formal request to present evidence are not met. The testimonies of those people from previous hearings also confirm systematic torture. The proposed witnesses should not be summoned to testify in this case. Every one of them was mentioned with an explanation on why they are not required to testify in this case [names redacted].

Böcker confirmed that Raslan did not formally request to present evidence, they will give a statement on that in the future.

The proceedings were adjourned at 4:15 p.m.

The next hearing will be on 13 August 2020 at 9:30 a.m.

### **Day 23 of Trial – August 13, 2020**

Hearing began at 9:30 am with about 6 spectators and 2 individuals from the media present. Witness Deußing [German police inspector heard on day 7, 27 May] was summoned for 1pm but did not need to appear since there were no questions. Mr. Kägebein appeared as replacement for Defence Counsel Linke. There were again two additional bodyguards, one sitting in front of P10, one at the back of the room, close to the spectators.

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<sup>17</sup> Right to withhold information in cases where it would lead to criminal investigations against witness himself or one of his relatives.

P10 wanted to make a statement: He made a mistake regarding the number of the employees in Branch 251 the previous day. There are 2,500-3,000, not 3,000 – 5,000 as he said the day before.

### **Defence Counsel Böcker's Questioning**

Böcker asked about P10's request for counselling that was mentioned the previous day. O: N/S. Böcker asked why P10 would not answer. O: N/S.

Böcker recalled P10 saying that "Tawfiq Younes is one of the worst criminal officers in Syria" and asked how he arrived at that conclusion. P10 said he can give an example of this brigadier general's practices without specifying the location. To prevent further questions, P10 said he did not work in that place [where Younes was working]. P10 recalled that there was a joint mission between Younes's duty station and the place P10 was working. P10 witnessed how Younes conducted the interrogation with a detainee during the mission, which [the interrogation] took place in the woods. When Younes did not get an answer from that person, he shot him in the leg to force him to speak.

Böcker asked if blindfolds and handcuffs were used regularly. P10 said in most cases.

Böcker asked if there were orders to do that and if so, who issued these orders. P10 said the use of blindfolds and handcuffs was the regular system. The interrogated person should not see the face of the interrogator.

Böcker asked where these orders came from. P10 said he does not know. P10 served there for 21 years and that [use of blindfolds and handcuffs] was always the usual way of interrogation.

Böcker summarised that it is consequently a rule "cast in stone" and nobody knows why. P10 affirmed.

Böcker recalled P10 saying that after the revolution, every officer could do what he wanted. Böcker then asked how P10 knew this. P10 apologised and clarified that he did not say that any "small" employee could do what he wanted, but rather that after the revolution, there were some employees who committed transgressions during the martial law period.

Böcker asked how P10 knew that. P10 said he was there and saw it.

Böcker summarised that martial law was mandated, deactivated and then reactivated. He then asked what the juristic starting point was. P10 referred to his previous answer and said that during Hafez Al-Assad's time, the country was governed by martial law. After that, in a way or another and to give the impression that Bashar's regime was democratic and new [حديث العهد], there was a decree to suspend<sup>18</sup> martial law in the country. However, it was only on paper and the practices from the previous regime continued.

Böcker asked when and by whom the decree of the repeal was issued. P10 said the ones issuing such decrees are the president and the national security office. P10 did not know when exactly the decree was issued.

Böcker asked for an approximate time. P10 said at the end of the reign of Hafez Al-Assad.

Böcker summarised that the decree was only on paper, however not implemented and then activated. P10 affirmed.

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<sup>18</sup> Note from the Trial Monitor: P10 said رفع but most likely meant "repeal".

Böcker asked when and how martial law was reactivated. P10 said on the 1<sup>st</sup> day a person went to a demonstration [started demonstrating].

Böcker asked whether P10 is talking about mid-March 2011 and how the intelligence services knew that martial law was reactivated. P10 said it was reactivated by circulars and orders from the administration and the directorates of the intelligence services, the national security office and the presidential palace. Sometimes, they came as individual orders from the brigadier general Maher Al-Assad to quell the demonstrations by any means, even using gun-fire.

Böcker asked about P10's education/training. O: N/S.

Böcker asked when P10 came to Germany. O: N/S.

[Böcker then started to mention random words like "asylum" and "Federal Criminal Police Office" (BKA) without formulating a question. Witness counsel Obst always said: N/S.]

Fratzki said that P10 mentioned that Younes shot someone in the leg and whether P10 heard that and was nearby. O: N/S.

Fratzki said he understood that P10 was standing next to Younes and asked if that was correct. O: N/S.

Fratzki said the question is admissible in his opinion. Obst replied that it could cause problems for his client.

Fratzki asked if Obst meant §55 StPO<sup>19</sup>. O: N/S.

Fratzki said that he would count it as §55 StPO. Obst said that everything has been said.

[Böcker mentioned technical tools which might be necessary to hear the shot, however the exact question remained unclear to the Trial Monitor] O: N/S.

Böcker said that probably to a much later time, he would like Deußing [German police inspector heard on day 7, 27 May] to testify on it if he is allowed to testify on this subject.

### **Plaintiff Counsels' Questioning**

Scharmer cited Raslan saying that "one cannot stay polite during the interrogations. Some went peacefully and some with violence. Armed groups were interrogated strictly". Scharmer referred to "codes" that P10 mentioned the previous day and asked whether it is a code when the colonel said "strict". P10 wanted to ask a question himself. Scharmer said usually he cannot, but if P10 did not understand the question, he can ask to clarify. P10 then asked whether the accused referred to a specific instance where certain methods were used, because they [the interrogated persons] were armed groups. Scharmer said that it was complicated. Böcker intervened, saying the witness should know that "No" was the correct answer. Scharmer said that this was his question and he himself wanted to communicate with the witness.

Scharmer said Raslan mentioned "strict interrogations" in his previous questioning by the German police and wanted to know if this term would be considered a code by a colonel. Scharmer asked P10 whether the question was clear. P10 said that "rough methods" [صارمة و حادة] means to use any

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<sup>19</sup> Right to withhold information in cases where it would lead to criminal investigations against the witness himself or one of his relatives.

available means to cause death [of the interrogated person]. P10 had a comment on the previous question on “armed groups”: During that period, there were no armed groups until 2012, according to P10, even “the criminal president Bashar Al-Assad” admitted that.

Kroker asked about the treatment of detainees in Branches 251 and 285, if “welcoming party” was a household term. P10 affirmed, explaining that it meant that from the time someone gets arrested on the streets or from his house, he gets hit by hand or a rifle’s butt and kicked until he arrives at the branch. When he gets off the car, going to the interrogation division, he gets beaten and receives insults from the lowest to the highest employee. The person is forced to take off everything [clothes] and gets beaten until reaching the cell. By doing this, they [employees at the branch] have not even started yet. That was only their “Hello”.

Kroker asked how the detainees were frisked and if that was done while being naked. P10 said usually, the detainee is ordered to take off his clothes. If he has a belt, it would be taken away. Rings and personal belongings were stolen (and the shoes). This was the practice before the revolution (during the revolution, it was worse). The shoelaces are also taken away. The detainee gets dressed after the body inspection. Any sharp objects, money or gold are confiscated. The detainee is then put in the cell by different means, depending on the case.

Kroker asked if body openings were searched for hidden objects. P10 said it would depend on the case of the detainee. P10 gave an example: If someone was detained because of drugs or if someone is known to be aggressive and is suspected of hiding sharp objects like a razor blade in his anus, then it is possible [that body openings are searched]. At his [P10’s] duty station [عنا] they used to “play” with the anus using a broomstick. This method was used later during the revolution to humiliate detainees without inspection.

Kroker recalled P10 saying that there are methods which he is ashamed to mention, like tying up the penises of two detainees and force them to drink water. Kroker then asked whether P10 knows other methods. Obst objected saying that his client did not say “two penises” and the translation was wrong.

Kroker asked whether there were other violent abuses of the detainee’s genitals. Böcker intervened, saying that this question has already been asked. Kroker said he wants to know if there were different cases in that regard. P10 said he can give an example of his relative who was detained in Branch 285, without mentioning names [P10 sighed]. They used the same previous method that P10 already mentioned and cut a piece of his [relative’s] penis using pliers.

Schulz mentioned a report about infiltrated members of the intelligence services in 251 and asked whether they were in the cells to watch detainees. P10 affirmed.

Schulz asked P10 to provide more detail. P10 said that when it was concerning a political figure, a big opposition figure, or a person related to external organizations for example, then, officers and non-commissioned officers could enter the cell [disguised] to build a relationship with these people in order to get information.

Schulz asked whether some detainees were turned over [changed sides] by that. P10 said this was certainly the case.

Böcker asked whether P10 made assumptions or knows this for a fact. P10 said he wants to answer this question against his counsel’s advice, in order to show the filth of the intelligence services: When the regime wants to recruit a person, especially when he has a clean background [sheet] e.g. a political oppositionist, they would make up random accusations to find an opportunity to get him in prison. There, they pressure him with obscene photos, accusations of foreign affiliations, or threaten him with



his family [threaten to injure/kill the family]. They could inveigle a detainee's children to prison (using drugs [frame them with drugs]) to pressure him. These are the methods of the regime, yet one finds many people who love to deal with the regime [work for them] in exchange for services or material goods.

Böcker wanted to clarify whether "turned over" and "certainly detainees too" means that detainees spied on each other. P10 said that he already explained how [detainees were spied on]. It did not happen to all detainees, but rather to specific people, in whom they [the regime] are interested.

Böcker then asked what was used to pressure people. P10 said they pressure a detainee with something like a printed paper which is called a "link-up letter (a contract) (كتاب ارتباط عقد) which is a declaration made by this person (as a threat) that he is linked to them [the Syrian government]. The person gets a number and becomes an agent مندوب to that apparatus, with a personal photo, signature, monthly salary and rewards. This paper was like a sword on the person's neck and they would expose him [if he does not abide].

Böcker asked if they [people being blackmailed] were detainees. P10 said some of them were detainees, others were put under pressure with "temporary accusations" (like affiliation with a specific political or terrorist organization).

Böcker asked if this happened to already detained people, meaning that they signed the paper in detention. P10 affirmed

Böcker asked how P10 knew. O: N/S.

Böcker referred to P10's previous statements on "strict interrogations" and people being tortured to death, because they belonged to armed groups, but that there were no armed groups at that time. Scharmer interrupted Böcker and said these were false allegations. Judge Kerber clarified that P10 saying that "there were no armed groups" referred to something that Al-Assad said.

Böcker asked for P10's opinion on this statement. P10 said regarding Raslan's statement about strict interrogation methods with armed groups, there were no armed groups (he said he means back then until 2012). However, until 2012 and according to the statements of "the criminal regime", there was none. Of course, Bashar Al-Assad said in interviews with foreign media, that "There is nothing happening in Syria, we only have evil striplings" صبيان صايعين. On the other hand, he was shelling people with tanks and throwing barrels on them.

Böcker said that he was asking about P10's knowledge, not what Al-Assad said. Böcker asked whether P10 was saying that there were no armed groups in 2012. P10 affirmed, there were no armed groups in 2012.

Böcker asked what was after that [2012]. P10 said "Dear Sir, people wanted to get rid of the regime, after how much they bear."

Böcker asked P10 to explain that statement. P10 said his answer would be sufficient.

Böcker asked what that means. Obst said that Böcker can ask questions if he has some.

Fratzki asked whether there were no armed groups in 2011. P10 said that in 2011, there were no armed groups.

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[10 minute break in proceedings]

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Judge Kerber told that a video hearing from Berlin was announced, which will be streamed in Koblenz. Böcker [information redacted] asked if the defence lawyers were not allowed to be present in Berlin, Judge Kerber affirmed.

Judge Wiedner asked P10 whether it was possible that an officer who did not agree with his work, is able to quit or be transferred. P10 said when officers ignore or refuse to follow orders, they would be transferred to remote places.

Judge Wiedner said that he was referring to someone's own wish. P10 said that if one was an intelligence officer, he would definitely not dare to say so [ask to be transferred]. If one wants to submit a resignation due to health problems or in exchange for a civilian work, one could apply for that and his request could be accepted or not.

### **Defence Counsel Questioning**

During the break, Fratzki did some research on armed groups and described an armed storming of a government-held checkpoint in June 2011 in Jisr Ash-Shoghour with 80 (or 120) deaths. Fratzki asked if that is correct and known. (On P10 request, Fratzki specified the location, saying it happened in Jisr Ash-Shoghour) P10 said that it is a smuggling area, where one could pass through Aleppo or Lattakia. They [the attacking group] could be *shabiha* [smugglers] from the regime (from Al-Assad family). That was an old term, not a recent one. The news might have mentioned that they were such smugglers [i.e. armed], so that the regime claims them to be terrorists and people attacked it [the place].

Fratzki asked P10 whether he knew armed groups in 2011. P10 said that he has no knowledge of the existence of armed groups in June 2011.

Fratzki summarised that P10 worked in the intelligence services for 21 years and yet does not know about 120 deaths. P10 replied that Fratzki understood him correctly and that there were no armed groups in June 2011.

Fratzki asked when the first battalion was formed. P10 said he does neither remember nor know.

Fratzki asked if it was on 9 September 2011. P10 said he does not remember.

Fratzki asked when the incident regarding cutting off someone's genitalia happened. P10 said he could give an estimate time. It happened to one of his relatives, a peaceful demonstrator with a wife and 2 daughters, in September 2011.

Böcker referred to Judge Wiedner's question and asked P10 to explain what he meant by "does not dare to submit his resignation". P10 said that if someone was in the official army, all changes are possible. One could submit a normal resignation, or request a transfer to a place close to his family.

Böcker said he was referring to an intelligence services officer, not an army officer. P10 referred to his previous statement, saying that one does not dare and he is sure that no one in the intelligence submits such a request, since all of them are beneficiaries and want to work [there], due the privileges that one gets working in the intelligence services, privileges that even a prime minister in Europe does not get.

Böcker asked P10 to explain what he means by “does not dare”. P10 said it means someone, in one way or another not disagreeing with the ruling system of the regime.

Böcker asked: then what? P10 asked Böcker to clarify. Böcker asked, in case someone no longer want to work with the regime, would it have negative consequences and put this person in danger. P10 said that one would be endangered. If one was either a military person in the army or in the intelligence, he would be interrogated and asked why he wants to quit and so on, except if one is “supported” [is backed by important people مدعوم], then positive reasons would be noted. P10 wanted to emphasize that due to the benefits, no intelligence officer requests to resign, unless one has the attributes of prophets.

Böcker said: “or he is suicidal”. P10 said during his long-standing service, he did not see a single official resignation, but only cases of transfers to army or police. Usually it happens if “his smell emerged” [طلعت ريحتو] and he couldn’t be covered, then he would be relegated.

Böcker asked whether it would be worse if a Sunni wanted to resign. P10 said that if one was a Sunni, they dispense with him [they don’t care about him]; it is a minus one. However, he would be subject to prosecution [يتعرض للمساءلة] and be accused of treason. P10 provided another example: any member of Al-Ba’ath party in Syria (a civilian, not an officer or a military person) who deactivates his membership, would be subject to prosecution [يتعرض للمساءلة] by the security and intelligence services and his documents [file] would be referred to them.

Böcker asked if that was a comparison between Al-Ba’ath party and the Sunni, who would be subject to prosecution [يتعرض للمساءلة]. P10 affirmed, saying that if one is a Sunni, they would prefer to dispense with him, but he would still be subject to prosecution [يتعرض للمساءلة].

### **Follow-up Questioning**

Scharmer asked P10 whether he knows about cases where an officer was promoted although he was not loyal to the regime, *e.g.* a colonel. Böcker said that the question is not fair, but he will not complain. Scharmer replied that if he does not want to complain, he should let him move on with the question. Böcker complained and said that in “our” case [Raslan’s case], there was no promotion. Judge Kerber allowed the question. Scharmer recalled P5 [day 16, 2 July] saying that Raslan was promoted to the rank of a brigadier general and repeated his question. P10 apologised and mentioned that the question was incorrect: How would a colonel in the regime not be loyal? P10 said even he himself had to show loyalty when he was working, otherwise, P10’s “neck would fly” [would be killed].

Oehmichen asked whether it is realistic, when a colonel describes that he already disagreed with the regime in June 2011 and was therefore reported. (Oehmichen had to repeat the question on P10’s request) Oehmichen explained: Given the case someone was not loyal to the regime, releasing detainees, being from Al-Houla is it realistic to say that there would be complaints to the head of the branch (Younes) about the release of detainees. P10 said if he [the person releasing detainees] was suicidal and valiant, he would release them. P10 is convinced that Younes would refer him [person releasing detainees] to Branch 285, because he would be suspended from work immediately due to rejecting orders. P10 said to be precise, after he [the person] would be suspended, humiliated and accused, he could be referred to interrogation and could be let off unpunished [forgiven], but they would ask something in return for that (more work). There were two options, we could consider the 2<sup>nd</sup> one [give the person the benefit of a doubt], although it would be dangerous [to release detainees/ignore orders].

Klinge quoted Raslan saying that in June 2011 he fell from favor because he was not on the regime’s line, he was deprived of his responsibilities, but stayed in the same position. Klinge asked whether this

would be possible. P10 said, assuming they forgave him for his behaviour and left him as a head of the interrogation division, they would probably assign him as an officer subordinate to the head of the branch, that is to say a minion [position with no importance].<sup>20</sup> لا شغلة ولا عملة. Because how would the head of the interrogation division have statements of the interrogation passing him, without signing them.

Scharmer asked if it was officially known that Raslan was promoted to a brigadier general at the end. P10 denied.

Böcker asked how P10 would have known if that was the case or not. O: N/S.

Witness P10 was dismissed.

The proceedings were adjourned at 11:40 a.m.

The next trial will be on 19 August 2020 at 09:30 a.m.

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<sup>20</sup> Note from the Trial Monitor: P10 did not mention Raslan's name while giving this example.



**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 9

Hearing dates of August 19 and 20, 2020

*CAUTION: Some testimony includes descriptions of torture.*

**Summary / Highlights:<sup>1</sup>**

**Trial Day 24**

- **P11, a 35-year old man, testified about his detention at Al-Khatib and Kafar Souseh branches. Over 16 days, P11 was beaten repeatedly on his back, legs and feet. His testimony describes overcrowded conditions where detainees did not receive medical treatment and suffered from injuries from beating and contagious viruses. He shared that his interrogator had a calm voice that he believes he could recognize today. P11 was not told of his criminal charge, “looking for demonstrations,” until he appeared before a court. He was released after the brief court hearing.**

**Trial Day 25**

- **P12, a 41-year-old software engineer, testified about his detention in Division 40, Branch 251, and Branch 285. His testimony reveals details about the crowded conditions in the cell and the beatings and intimidation interrogators would use to extract information. He was once questioned by a high-ranking interrogator and said he would be able to identify the person’s voice. P12 provided sketches of his cell and the layout of Branch 251, including the corridor where detainees were beaten and left to kneel for several hours. P12 also documented security forces using live ammunition on demonstrators, however, that evidence was destroyed to protect him after he was arrested. P12 was active in early demonstrations and publicly advocated for human rights through blog posts.**

**Trial Day 24 – August 19, 2020**

There were about 10 spectators and 11 individuals from the media present. The proceedings began at 9:30 am. Federal Public Prosecutor Christian Ritscher from Karlsruhe appeared for Prosecutor Jasper Klinge.

The proceedings began with a discussion of an [interlocutory order](#) from the federal court regarding trial monitors’ request for access to Arabic language translation. The High State Court had denied a motion for access to Arabic translation as well as a motion for reconsideration. The issue was appealed to the German Constitutional Court along with a request for preliminary measures. The Constitutional Court

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



granted preliminary measures stating that Arabic translation should be provided to Syrian accredited media.

The decree arrived the evening before the trial day and Chief Judge Dr. Kerber noted it that morning. Judge Kerber asked if there were accredited Syrian journalists among the spectators who needed headphones for translation. The trial monitor raised his hand [even though he is not accredited, because he wanted to say that he was one of the applicants]. The court guard came with headphones and asked for media accreditation. Mrs. Michelle Trimborn from ECCHR informed the guard of the situation, who in turn conveyed the information to Judge Kerber at the judges' panel. Judge Kerber came to the spectator's area and Mrs. Trimborn explained the situation. Judge Kerber refused and said that one must be accredited to receive the headphones. Mrs. Luna Watfa, a non-accredited Syrian journalist, talked with Judge Kerber and asked for headphones, but Judge Kerber refused again for the same reason. Judge Kerber returned to the panel and said that she does not even want to start simultaneous interpretation, but it was the decision of the federal court. She said that the [trial monitor] was not accredited and therefore, would not be provided with a translation device. She said that the interlocutory order does not refer to non-accredited spectators.

The full interlocutory order was read out. The petition was filed by SJAC's trial monitor and Mr. Mansour Al-Omari.<sup>2</sup>

### Testimony of P11

The witness decided to testify in German and was counselled by Patrick Kroker. The witness is not related to the accused.

The witness was a 35-year-old apprenticed musician and medic.

Judge Kerber asked P11 to talk about his detention. P11 said that, on September 30, 2011, he was in Duma with two friends looking for demonstrations. There were none, however, because the army was in the streets. After that, P11 and his friends were seen by uniformed army, who came and blindfolded

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<sup>2</sup> The problem, and reason for this complaint, is that oral proceedings may neither be streamed live nor recorded before German criminal courts (section 169 subsection one sentence two of the *Gerichtsverfassungsgesetz*, or GVG). Therefore, it is impossible for people in Syria to watch the trial. They rely on accessing trial information in Arabic-language media. However, media representatives are only spectators and not parties to the proceedings. The translations of the court-appointed interpreter are transmitted via headphones directly to the parties in the proceedings. Under "normal" conditions representatives of the Arabic-speaking media could call in "whispering interpreters" (normally at their own expense). Due to the pandemic, and therefore necessary distance regulations, this is currently not possible in the courtroom. The media representatives therefore requested access to the judicial translation system. The presiding judge in Koblenz dismissed the application on the ground that such access requires additional technical equipment that must be maintained and, in particular, disinfected. Furthermore, it would not be possible to ensure that no unauthorized recordings are made. The only thing that, according to the judge, is possible is that a fluent German speaker records the testimonies. The media representatives could use these protocols and have it translated at their own expense. A constitutional complaint against this was filed. No final decision has been made. The issued order is merely a provisional measure preventing the constitutional complaint from becoming worthless, as the constitution-conform condition can no longer be reproduced if the trial has ended. It now obliges the presiding judge to "make appropriate arrangements within the scope of her authority to conduct the proceedings to enable accredited media representatives with special reference to the Syrian conflict to monitor the German-language proceedings with the help of their own arrangements or by making use (for a fee) of the court's translation system provided or by other means in the Arabic language."



them and flipped their t-shirts over their heads [to cover their faces]. Therefore, P11's experience was more acoustic/auditory rather than visual. They were beaten on the streets until the first bus arrived, in which they were taken to another small bus that took them to Al-Khatib, where he stayed for five days. He was interrogated three times and was beaten. Food was scarce and there were human rights crimes. He was brought to the central administration in Kafar Souseh, كفر سوسة, where he stayed until October 16, 2011. He was brought to court and was released afterwards.

Judge Kerber asked how P11 knew that it was Al-Khatib. P11 said that he heard that information from other detainees in the cell. The second time he heard it was when he arrived at Kafar Souseh. He heard a military [person] saying "Here comes the group of Al-Khatib."

Judge Kerber asked if he recognized the accused from back then in Syria. P11 said no.

#### Judge Wiedner's Questioning

Judge Wiedner asked P11 to speak about his civic involvement and to give an overview about his career. P11 said that he was relatively active in the revolution since March 2011. P11 studied medicine from 2002 – 2008 and studied music from 2006 – 2011. He worked as a volunteer army doctor in Al-Yarmouk camp, Palestine hospital.

Judge Wiedner asked if P11 graduated. P11 said no. He did not do his last exam, because he did not want to join the army [compulsory military service].

Judge Wiedner asked P11 if he would be more comfortable testifying in Arabic. P11 said that he would try in German and if he needs help, he will ask the translator.

Judge Wiedner noted from P11's testimony during police questioning that he did not complete his study on purpose, because he did not want to serve in the army. P11 confirmed.

Judge Wiedner asked if it is correct that P11 did not serve in the army. P11 confirmed.

Judge Wiedner asked P11 about his experience in the demonstrations. P11 said he participated in his first street demonstration, a sit-in, in Duma on March 25. He called his friend [name redacted], who is a doctor, an ex-communist and an ex-detainee. After that, he participated in other demonstrations in Al-Midan, ركن الدين Rukn Ed-Deen and Hama حماة at the end of June (maybe July), one week before Ramadan in 2011. He tried to help using his medical knowledge.

Judge Wiedner asked how the regime dealt with the demonstrations at the beginning. P11 said that the police reacted harshly against the demonstrators. They were even shooting and some [people] fell.

Judge Wiedner asked if it was live ammunition. P11 confirmed.

Judge Wiedner asked when the security forces began to use violence at demonstrations. P11 said that, unfortunately, there were no demonstrations without violence. He did not witness demonstrations where one could freely demonstrate against the regime.

Judge Wiedner asked if it was aimed shooting or shooting in the air. P11 said that in 2011 in Jdaydet Artouz جديدة عرطوز he treated a demonstrator who was shot in the upper leg and had removed the bullet at home.

Judge Wiedner asked if he saw demonstrators being detained. P11 confirmed. They were beaten with sticks and weapons, blindfolded, and their hands were cuffed to their front or usually behind their back.



Judge Wiedner asked if that was P11's own detention or others'. P11 confirmed he was talking about others. The demonstrators' heads were shoved down in the car.

Judge Wiedner asked which security forces were doing this. P11 said that he cannot classify them. Judge Wiedner asked if [the forces] were wearing uniforms. P11 said not always.

Judge Wiedner asked if P11 knows what happened with the demonstrators. P11 said that he heard stories that they were tortured and some of them disappeared. P11 said that all of that was conjecture, because there are no official reports. The intelligence services do that, and no one can ask them or hold them accountable.

Judge Wiedner asked if P11 was detained 4 times. P11 confirmed.

Judge Wiedner asked P11 where he was detained. On August 8, 2011, P11 was detained by the military intelligence services, Palestine branch for 23 hours. Judge Wiedner asked if P11 was abused. P11 said only lightly. He was slightly beaten. P11 said that the second detention was in Al-Khatib and Kafar Souseh from September 30, 2011 to October 16, 2011. The third detention was on September 13, 2013 for six days by Jabhat Al-Nusra in Palestine camp مخيم فلسطين. Judge Wiedner recalled that the police questioning transcript stated "September 12." P11 said that it could be, but it was for 6 days. He was kidnapped from the street, rather than detained. The fourth detention was from January 1, 2014 to February 25, 2014 by the military intelligence services, Palestine branch. Judge Wiedner asked if P11 was abused. P11 said slightly, but that was a special story.

Judge Wiedner asked when P11 left Syria. P11 replied that it was March 16, 2014.

Judge Wiedner asked P11 to further explain the security forces who detained him. P11 said that he saw people in uniforms with Kalashnikovs. At the street crossing, he saw people in "half-uniforms" (same colour but without insignias) and wearing sport shoes, whereas, armed forces wear boots. Syrians know that these people are not from the army, but rather *Shabiha* or intelligence services.

Judge Wiedner asked if they were paramilitary. P11 confirmed.

Judge Wiedner asked if they were part of a specific intelligence services. P11 said that Damascus and its suburbs were divided into districts, for which an intelligence apparatus was responsible. Duma (where P11 was) and Az-Zabadani الزبداني were under the responsibility of Al-Khatib, state security. P11 added that it was a common knowledge.

Judge Wiedner asked if P11 was abused on his way to Al-Khatib. P11 said that the transport was divided into four phases: Phase 1, on the street, in front of the bus; Phase 2, in the bus; Phase 3, in between the two bus rides; and Phase 4, in the second bus. P11 said that he was abused in all four phases, especially on the street. Their shirts were flipped over their heads, while they were insulted and kicked. P11 saw two people getting beaten before their heads were covered with their t-shirts. Seeing this, P11 did that by himself [flipping his t-shirt over his head]. When they saw him do that, they said "that son of a who\*\* knows already about the situation." P11 felt so much pain, because he was beaten in the chest, which was already broken.

Judge Wiedner asked P11 if his rib was fractured. P11 confirmed.

Judge Wiedner asked if there were consequences of his injury. P11 said that he was not able to cough during his detention. He was a smoker, so the mucus collected in his lungs and lead to pneumonitis. The doctors in prison would ask who had a problem, then say that they were not there to relieve pain. After his release, P11 sought treatment.



Judge Wiedner asked if P11 was treated during his detention. P11 said that he was not treated nor was he examined. In the bus, the seats were two next to each other. P11 remembers that someone stepped over him in the bus. P11 was on a seat with his head down. Next to him was his friend. Their hair was set on fire with a lighter (it sounded like that). The armed people started laughing and saying, "They are burning." Another person said that he would put out the flame. P11 believes that the latter urinated on them. P11 was beaten on his back with a metal object or a military helmet.

Judge Wiedner asked if that was in the first or second bus. P11 said that he was on the first one.

Judge Wiedner noted that in the police questioning, P11 said that it was in the second bus. P11 said maybe it was. He apologized saying it was nine years ago.

Judge Wiedner asked P11 to describe the second bus. P11 said that it was a 24-passenger bus, smaller and more modern. It was common knowledge that these busses belonged to the state (mainly to the intelligence services). P11 could differentiate it from the sound of its engine.

Judge Wiedner recalled that in the police questioning, P11 said that he was certain that the second bus did not belong to the army but rather to the intelligence services. P11 confirmed.

Judge Wiedner asked what happened next. P11 said that they entered a lit hall, and it was evening.

Judge Wiedner asked if they got off in an inner yard. P11 said that he does not know and lost track of time because he was blindfolded. They were then brought to the hall.

Judge Wiedner asked if they were brought directly to the hall in the building. P11 said that there were officers and tables where they had to put their belongings.

Judge Wiedner asked if they were not abused immediately at their arrival. P11 said yes [they were not].

Judge Wiedner asked whether they remained on the same floor or went downstairs. P11 said he had to put everything that was in his pockets on the first table and his belt and shoelaces on the second one. At the third table, he had to take off his pants and underwear and squat/crouch down.

Judge Wiedner asked if that was to search body orifices. P11 said yes. They wanted to search if someone was hiding something. They only inspected and he was not touched.

Judge Wiedner asked P11 if he stayed naked. P11 said no. He was permitted to put his clothes back on as well as his shoes minus the laces.

Judge Wiedner requested P11 to describe what happened next. P11 said that he was taken to a cell with others, but his friends went to another one. P11 does not remember how many detainees were in the cell, because it varied every day. It was approximately 9 – 10. P11 clearly remembers that the floor had tiles with some blankets on it. Other detainees helped him lie down. P11 felt as if there was a stone under the blanket. Other detainees helped him look for it but found nothing. P11 lay down again and still felt the stone. His fellow detainees examined his back and told him that there was a swelling from the beating.

Judge Wiedner asked if P11 had open wounds. P11 said that he does not know. Most of the beatings were on the back. Judge Wiedner noted that in P11's police questioning he said that he was worn out, had a lot of pain, and had open wounds on his back and head. P11 said that he did not know.

Judge Wiedner asked if other detainees had injuries. P11 said that he does not remember if it was in that cell or in a different one, but there was someone with injuries in Kafar Souseh.



Judge Wiedner asked P11 if he heard noises or screams from the outside. P11 said that there was something like a window with small holes in it through which some light used to get inside. P11 remembered that there was a cat.

Judge Wiedner asked if the window was at the top of the cell and the cell was in the basement. P11 said that he does not remember if he went downstairs to a basement. P11 saw a [building] corner through the window. Judge Wiedner asked again if the window was at the top. P11 confirmed.

Judge Wiedner asked if P11 saw the cat. P11 confirmed.

Judge Kerber asked whether P11 saw the whole cat or only its legs. P11 said that he does not remember, but the window was above the ground level.

Judge Wiedner asked if P11 heard noise or screams. P11 said no, he does not remember hearing that in that cell.

Judge Wiedner asked if he heard that later in Al-Khatib. P11 said that he does not remember.

Judge Wiedner asked about the general and sanitary conditions and if water was available. P11 said that he remembers that food was scarce. One time, dinner was a potato and a quarter loaf of bread. Another time, it was 7 – 8 olives. P11 said that during his time in Al-Khatib and Kafar Souseh, he lost 17 kg of weight. P11 said that he does not remember the toilet and water in Al-Khatib, however, in Kafar Souseh, there was water and a toilet in the cell.

Judge Wiedner asked if P11 was always in the same cell. P11 confirmed.

Judge Wiedner asked P11 about his interrogation. P11 said that “they” were interrogated three times in five days. P11 said that he was saying “they” [we], because he was with two of his friends. P11 did not see the other two in the first two interrogations. All three of them went to Kafar Souseh.

Judge Wiedner asked where P11 was interrogated and if there was a staircase. P11 said that he does not remember if there was one [staircase]. It was on the same floor. The prison guard was shouting and ordered them to face the wall. He called for their names and then blindfolded them. The prison guard grabbed P11 by his arm and took him to the interrogation room. P11 does not remember the three interrogations. P11 had to wait in a hallway facing the wall. The prison guard knocked on the door and said “*Sidi* [Sir], the prisoner is here”.

Judge Wiedner asked if P11 witnessed something while waiting in front of the room. P11 said that he was not allowed to ask questions. He was told that in the cell one must lie down on his abdomen and raise his feet up to receive the blows.

Judge Wiedner recalled that in P11’s testimony to police he said that while he was waiting and before his turn, another person was being interrogated in the room and P11 heard screams and the sounds of beating. P11 said that he remembers that it was at the third interrogation and does not remember that it was at that time [first interrogation].

Judge Wiedner asked if it is correct that P11 heard it once. P11 confirmed. It happened in one of the three interrogations, but he was not 100% sure that it was the third one.

Judge Wiedner requested P11 to describe how the first interrogation was conducted. P11 said that he was brought into the room and there was an officer (P11 was not sure because he was blindfolded. He was describing what happened from what he perceived acoustically) with a calm voice who told him to



lay on his abdomen, raise his feet up, and answer questions. When that person did not like the answer, he called another person Abo Ghadab أبو غضب or Abo Azab أبو عذاب. P11 does not remember if there were more people in the room. The executioner did not talk and was only beating. The interrogator asked P11 if he would talk or if Abo Ghadab should keep beating. P11 was beaten. P11 said ok and he would talk, so the beating stopped. Then he was beaten again, he talked, then it stopped, and so on. P11 used to give them burnt names, which were already known.

Judge Wiedner asked what P11 meant by burnt names. P11 said names for people like [name redacted], whom P11 knew was already detained, so that the beating stopped. The interrogator knew [name redacted]. He tried to find restatements to harm people the least possible. P11 does not remember how many times that cycle was repeated, or how long it lasted.

Judge Wiedner asked if the beating was on the soles of the feet. P11 said that yes and on the heel, on the leg, and on the same place [repeatedly]. It was on purpose and they knew they were good at what they were doing.

Judge Wiedner asked what the name of that method is. P11 said Falaqa فَلَاقَة.

Judge Wiedner asked if there were consequences. P11 said that he was not able to walk because of his swollen feet, and he had a lot of pain.

Judge Wiedner asked about the tools. P11 said that he remembers that it was neither wooden nor metal. Perhaps it was plastic, but P11 was not 100% sure. The detainees used to talk among each other about the quadruple/tetra/fourfold cable, water pipe, tank belt (which he does not exactly know) and in the branch there was “Al-Akhdar Al-Ibraheemi الأخضر الإبراهيمي” the green water pipe.

Judge Wiedner asked if others talked about what happened with them. P11 said yes, it was systematic and did not happen only with him.

Judge Wiedner asked if there were orders for beatings. P11 said that the interrogator ordered the prison guard, saying, “Beat him.” Judge Wiedner asked if P11 heard that. P11 said yes, the orders were given with a calm tone. It was not an angry tone.

\*\*\*10-minute break\*\*\*

Judge Wiedner repeated the question of if there were orders for beating. P11 confirmed.

Judge Wiedner asked if there were also beatings without orders. P11 said that he does not remember.

Judge Wiedner noted that in the police questioning in 2019, P11 said that during the first interrogation, there were not always direct verbal orders, yet there were beatings. P11 said yes, maybe.

Judge Wiedner asked P11 about the accusations against him. P11 said that he first heard it in court: “Looking for demonstrations,” which was not a crime according to the criminal law. P11 perceived that torture<sup>3</sup> was not for the purpose of getting information, but rather as a means of punishment. They tried to make it a systematic process in order to intimidate the people from the regime to not sympathize with the opposition.

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<sup>3</sup> See Text box below



Judge Wiedner asked if P11 was told about his accusation during the interrogation. P11 said that he does not remember. He was not asked real questions.

Judge Wiedner asked P11 about the special subject in the third interrogation regarding his two friends. P11 said that he was able to see from underneath the blindfold. P11 saw only bare feet, they could be [name redacted]. P11 could hear [name redacted] voice while he was being beaten. He [name redacted, P11's friend] got outside and P11 was brought inside. It was a psychological horror. They were not allowed to talk to each other.

Judge Wiedner asked if P11 saw injuries on other detainees. P11 confirmed.

Judge Wiedner asked if P11 saw corpses. P11 said no.

Judge Wiedner asked how they were transported. P11 said that a prison guard came to the cell and called a few names. P11 thought that it was for an interrogation, but the guard told him to bring his shoes with him. They were not blindfolded and all three [P11 and his two friends] met at the corridor. They were maybe 15 – 20 in total. Their hands were tied behind their backs and their heads were between their knees. Afterwards, they were taken to Kafar Souseh. There, a military person said, "This is the group of Al-Khatib."

Judge Wiedner asked if P11 then concluded that it was Al-Khatib and if he talked with others about it. P11 said yes, that was an assumption. No one was 100% sure that they were in Al-Khatib. They found out when they arrived at Kafar Souseh and heard that statement.

Judge Wiedner asked how P11 knew that it was Kafar Souseh. P11 said that when they were registered it was written on the paper: "General Intelligence Directorate – Kafar Souseh."

Judge Wiedner asked if P11 knows the status of both branches. P11 said that Al-Khatib belongs to the state security. Kafar Souseh is central and higher in hierarchy.

Judge Wiedner asked if P11 was beaten in Kafar Souseh. P11 said that he does not remember if he was beaten during the interrogation, but the problem was in the cell. P11 was taken to an office. He was able to see the floor and the tiles were better, which is why he assumed that it could be an office. P11 lay down on his abdomen immediately and raised his feet up. The people in the room laughed and said, "No, no, sit on the floor." The detention was difficult because the cell measured about 3.5m x 4m with 89 detainees. At the door, it was written 103 or 107. The method of sleeping was "*Tasyeef*" تسيف ["swording"] - sleeping on the shoulder. They were like sardines - their backs to the wall and one's head to another's feet. There was not enough space.

Judge Kerber asked for clarification on the term P11 mentioned [*Tasyeef*]. P11 said "*Tasyeef*". People say, "Sleep on your *Sayf*," meaning on the shoulder. Judge Wiedner clarified that there was not enough space for everyone. P11 confirmed. People used to stand several nights and wait for others to wake up. The lights were on the whole time.

Judge Wiedner asked P11 if his family knew where he was. P11 said no. No one knew where they were and there were no attorneys.

Judge Wiedner asked if P11 was apprehensive. P11 said yes. He did not know if he would die or what would happen to him in the future. There were no legal procedures or laws, nor rights for the detainees. There was a prisoner in Kafar Souseh who had an open wound in his leg with a fracture and they were sitting next to him the whole time. He was moaning the whole time from pain and apologized to others for the sounds.



Judge Wiedner asked if P11 still suffers from that experience. P11 confirmed. It was not a pleasant one.

Judge Wiedner asked if P11 has physical consequences. P11 said no. He only had a broken rib. P11 said that because of the COVID-19 situation, he remembered something about Kafar Souseh. They had blindfolds with “ش N” on them (it is like شمالي northern) and P11’s left eye started to get itchy. The same happened with other detainees and their left eyes were red and itching. P11 asked for a doctor and said that there was an infection. When one came, P11 showed him his eye and got very close to the doctor on purpose. The doctor was shocked and quickly backed up. P11 looked at the doctor and knew that it was bad. P11 was released after 17 days and his friends after 34 days. His friends told him that a quarantine was imposed, because the infection spread through all cells. P11 said that an outbreak of viruses and diseases would happen in such cells. P11 wondered about the current situation with COVID-19, which could be a death sentence.

Judge Wiedner asked P11 if that means that it is still the same now. P11 said yes, that it seems so.

Judge Wiedner asked P11 to describe his release. P11 said that the prison guard came to the cell, called P11’s name, and told him to bring his shoes with him. P11 was then transferred by bus to the justice palace. P11 did not know about anything. He was in the court jail waiting, when attorney [name redacted] came. In the courtroom, the [female] judge smiled and asked P11 if he was looking for demonstrations. P11 looked at Attorney [name redacted], who told P11 to say “No.” P11 said “No.” After that, P11 was simply released without a guilty verdict.

Judge Wiedner asked P11 to look to the right and see if he could recognize the accused. P11 said no, but he was glad that the accused was getting a fair trial in a fair court, not like in Syria. He said that he is hoping for a fair decision and thanked the court.

#### The Definition of "Torture" in German Law:

There is no written uniform definition in German law of what torture is. Nevertheless, the regulations in Germany cover the requirements of the United Nations Convention Against Torture (UNCAT).

It would probably be difficult to create a special specific offence of torture in German law. The German law system mainly uses general clauses instead of specific provisions for individual cases. In view of the vastness and indeterminacy of some of the terms contained in Article 1 of the UN Convention against Torture (UNCAT), it seems hardly possible to formulate an offence based on the wording of that Article that simultaneously satisfies the requirements of certainty (so called *Bestimmtheitsgrundsatz*) to be placed on a criminal norm in Germany. Moreover, such a special regulation would suggest reversal conclusions and thus favors the emergence of regulatory gaps. Ultimately, the decisive factor is whether the general criminal provisions are already capable of covering torture.

In regular German criminal law acts of torture are covered by the offences of bodily injury (sections 223, 224, 226 of the *Strafgesetzbuch*, so called StGB), and in particular bodily injury in office/as an official (section 340 StGB). Even though the torture does not necessarily need to have the goal of obtaining information, blackmailing or extortion of testimony (section 343 StGB) is also conceivable. Only the latter provision includes psychological maltreatment.

In the *Völkerstrafgesetzbuch* (Code of Crimes against International Law, VStGB) acts of torture are mentioned in section 7 para 1 No. 5 as a Crime against Humanity and in section 8 para 1 No. 3 as a War Crime. However, neither of these two provisions offers a legal definition. In section 7 the torture is explained in more detail but not conclusively. Psychological maltreatment, for example, largely matches the UNCAT, some other things are missing. The prevailing view in the literature is that torture cannot be conclusively defined, but will be "recognized" when it has occurred. This also makes it possible to capture new methods of torture later on.

When it comes to procedural rules, the Code of Criminal Procedure (StPO), in section 136a prohibits the use of evidence where information has been obtained by the authorities through so called prohibited interrogation methods. Although some torture methods such as abuse, sleep-deprivation, cruelty or the forced use of drugs are mentioned here, they are not explicitly named as torture.

Evidently, apart from 2001 (before the VStGB came into force), there was no Federal Supreme Court decision or ruling in which torture was once defined in more detail by the judges. However, this ruling explicitly refers to the UNCAT (see: Federal Supreme Court, 21.02.2001 - 3 StR 372/00 para 24). Since this decision was made before the VStGB came into force it has no binding effect for the ongoing proceedings. Therefore, it will be quite interesting to see how the OLG Koblenz will later define torture in its judgment when it has to rule on the alleged crimes.

#### Questioning by Prosecutor Ritscher

Prosecutor Ritscher asked if there were children and female detainees in the branch. P11 said that in his cell there were only men. P11 did not see any children or women.

Prosecutor Ritscher asked if there was sexual abuse. P11 said that he did not experience it himself and does not know about others, because they did not talk about it.

Prosecutor Ritscher recalled that P11 said that he was beaten with *Falaqa* and asked if there were other methods. P11 said that he heard about *Shabh*, شبح where one is hung from his hands or ankle for several hours or days. P11 also heard about electric shocks, but he did not see either [methods].

#### Questioning by Defense Counsel Michael Böcker and Plaintiff Counsel



Böcker asked if P11 had read the transcript of his police questioning on August 22, 2019. P11 said that he had only read it that day [of the questioning] and signed it.

Böcker asked if P11 was told about the content of it. P11 said that he had not been.

Kroker asked how big the cell was in Al-Khatib. P11 said that it was approximately 2x3m and they were able to lie down.

Kroker asked how many detainees there were. P11 said about 9 – 10.

Kroker asked what P11 did with his hands when he was lying down in the interrogation with his feet raised. P11 said that he did not mention that he was a musician. He used to put his hands under his chest. Hands and fingers are important to the musician. If they were damaged, it would mean the end of the music career.

Kroker recalled that P11 said that he could remember the voice of the interrogator and described it as calm. P11 said that all three interrogations were conducted by the same person and he could recognize his [the interrogator's] voice.

Kroker asked if P11 could recognize it nowadays. P11 said yes.

Kroker asked if Raslan was willing to give a voice sample. Böcker shook his head and Kroker said that they could see Böcker shaking his head [refusing the request].

Plaintiff Counsel Sebastian Scharmer pointed out that being a musician means that P11 has a good ear for sounds and [musical] instruments. He asked P11 if voice recognition counts as well. P11 confirmed that he is able to recognize voices.

The witness was dismissed.

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Böcker requested to read out a petition that he and his colleague, Defense Counsel Fratzki, wrote, but had not yet signed – an application on repeating the taking of evidence from the beginning. Accredited media representatives with special relations to the trial/ Syrian conflict would be allowed to get Arabic interpretation starting today [due to the preliminary measures ordered by the German Constitutional Court]. This was not available trial days one to 23. Only physical attendance was possible, so an understanding was withheld.

Prosecutor Ritscher said that a statement on that is reserved.

Scharmer stated that the trial takes place in public, but it is not for the public, so proceedings did not have to be repeated.

Al-Gharib's Defense Counsel Schuster said that there would be many difficult legal issues, but he agreed with Raslan's defence.

Scharmer said that tomorrow he might give an explanation on §257 (2) StPO.

The proceedings were adjourned at 12:35 p.m. The next trial will be August 20, 2020 at 09:30 a.m.

**Trial Day 25 – August 20, 2020**



There were about 12 spectators and 8 individuals from the media present. The proceedings began at 9:30 am.

Judge Kerber asked if there were accredited journalists among the spectators who needed Arabic translation. There were none. [Starting this day, this will be a routine question].

Mr. Kägebein appeared for Al-Gharib's Defense Counsel Hannes Linke. Mr. Ritscher and Mr. Polz represented the prosecution. P12 was counselled by Mr. Sebastian Scharmer and invited by Plaintiff Counsel Kroker.

#### **P12's Testimony<sup>4</sup>**

The witness was a 41-year-old software engineer who founded a small IT company in Germany and is unrelated to the accused. He was summoned as a witness.

Judge Kerber asked P12 to speak about his career in Syria and his experience with the regime. P12 said that he was born and grew up in Aleppo. He moved to Damascus to study at the university where he studied program/software engineering. P12 graduated in 2004 and worked in his speciality field. He started some political activities in university. In 2007, he founded a personal blog to write about politics. He said that it was not a platform [as it was translated], but rather a "blog". He used a pen name to write about Assad's regime. In 2008, he began other social activities. He was active in writing about the rights of women, children, and people with disabilities, using his real name. Until 2011, he was writing about politics and other subjects using a pen name. In 2010, BBC Media Action Corporation, which specializes in media development, contacted him. They had a program for journalists and bloggers in Syria. From 2010 to mid-2011, he worked as a technician and a trainer in that program.

Judge Kerber asked about his detention experience. P12 said that there were several activities in 2011. On October 24, 2011, he was detained at a restaurant behind the Syrian Parliament along with a [female] journalist who was a student in his program. They were detained in Division 40, which belongs to/is under the administration of Branch 251. He stayed in Division 40 for several hours and was transferred to Branch 251 the same night. The interrogation originally focused on his activity with BBC and the questions branched out (in the interrogation). After 10 – 15 days, he was transferred to Branch 285, where he stayed 10 – 15 days. The total duration was 25 days, but P12 does not know which branch he stayed at for 10 days and which branch he stayed at for 15. Later, he was transferred to the civilian court and Adra Prison. سجن عدرا He stayed there for about 15 days and then was released by the judge.

Judge Kerber asked how P12 knew which branch he was at. P12 asked if Judge Kerber meant when he was detained at Division 40. Judge Kerber clarified at every place: Division 40, Branches 251 and 285. P12 said that at the beginning, it was Division 40. P12 had an office close to Division 40, approximately 50m away. When he was detained, he was not blindfolded, so he knew where he was. When he was transported, he was blindfolded. He concentrated on the road as the car was moving and the distance was not that far. He was aware of his location when he arrived at Branch 251, as it is well-known in Damascus.

#### Questioning by Judge Wiedner

Judge Wiedner asked how P12 was brought to Division 40 and if Branch 251 was in a different location. P12 said that he was sitting in "[Aroma Café](#)" restaurant with a [female] journalist. He received a call on his phone from an anonymous number. When he answered, they immediately hung up. After a few

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<sup>4</sup> P11 and P12 are joint plaintiffs.



minutes, two people came to the table and asked him if he was [name redacted] and P12 said yes. They told P12 to come along without a movement [making a fuss] and they made sure that he brought his laptop with him.

Judge Wiedner asked if they were wearing uniforms. P12 said that they were plain-clothed, but it was known that security forces wore plain-clothes. After that, they [the detainees and the security forces] went downstairs (they were on the 2<sup>nd</sup> floor initially). [Downstairs] There were six to seven members of the security forces making it a total of around ten [members of the security forces]. One of them asked P12 for his car keys, without asking about the car's location. P12 considered it probable [assumed] that he was surveyed/monitored/watched and that it was an ambush. Two to three cars were waiting for P12 outside. They took P12 and the journalist [with the car]. The person in the front [seat] looked like an officer. He greeted P12 sardonically/cynically and told him that he [P12] is their neighbour. The car moved about 500m to 1km, which was the distance between the restaurant and the division. Judge Wiedner asked if P12 was blindfolded. P12 said no. He entered Division 40 with his eyes open.

Judge Wiedner asked if the location of Division 40 was different from that of Branch 251. P12 confirmed, but said Division 40 was under administration/belongs to/ was subordinate to Branch 251.

Judge Wiedner asked if P12 could describe Division 40. P12 said that it was possible to enter it from two locations: a higher location from a main street, where one could take the staircase down to reach the division, and from a side street. P12's office was on the side street [apparently, P12 was describing using gestures].

Judge Wiedner asked how P12 knew that it was Division 40. P12 said that the whole area knew that Division 40 was there. It is well-known and not something new.

Judge Wiedner asked P12 to describe his experience there. Once inside, P12 said, he was put in an empty room with a chair. They immediately took his laptop. They went outside for a few moments. P12 had a flash memory with him, which he swallowed. There was a lot of information on it. A person stayed with him [in the room] for a time period. After around half an hour, he was summoned and taken to a person who could be an officer or an official who had P12's Facebook account open. He asked if P12 was an oppositionist and P12 said yes. He saw a [business] card of a Syrian oppositionist and asked P12 if he knew that person. P12 responded that he had gotten to know him in Egypt. The interrogation did not last long with only a few questions and then he told P12 to leave. P12 was taken back to the room for approximately an hour (his whole time in Division 40 was 2 – 3 hours).

Judge Wiedner asked if P12 was abused there. P12 said no, never.

Judge Wiedner asked if he was blindfolded in Division 40. P12 said no.

Judge Wiedner recalled that P12's testimony in the police questioning said that he was blindfolded when he was brought.

Scharmer said that Judge Wiedner's above question should be retracted, because there might be confusion otherwise. P12 said that he was not blindfolded in Division 40. The first time he was blindfolded was when he was transferred from Division 40 to Branch 251.

Judge Wiedner asked if P12 knew through his activity who the head of Division 40 was. P12 said that it was unofficial knowledge from reports that Division 40's main task/duty was storming and detaining on behalf of [for the sake of/ i.e. for] Branch 251. At that time, the manager [head] of the division was Hafez Makhlof حافظ مخلوف.



Judge Wiedner asked P12 to explain who that person is. P12 said that he is the brother of Rami Makhlof, رامي مخلوف, a major Syrian businessman, and the cousin [Bashar's mother and Makhlof's father are siblings. Note for the translator: [ابن خال بشار] of Bashar Al-Assad.

Judge Wiedner asked P12 about his arrival at Branch 251 and if he was beaten. P12 said that he was blindfolded in Division 40 and put in the back seat of a car with a [security] personnel to his right, another one to his left, the driver, and a person next to him [in the front seat]. At the same time, P12's hands were tied behind his back. On the way, they were mocking P12 saying that he was a media personnel/individual, but they did not beat him. P12's concentration was on the road, because he expected that he would be taken to Branch 251. He was concentrating to know where he was heading. It was not a far distance - a few kilometres away, so he knew that it was Branch 251. He used to go back and forth on that road daily.

Judge Wiedner asked if P12 was directly in the building. P12 said that he does not know how, but he found himself inside a building.

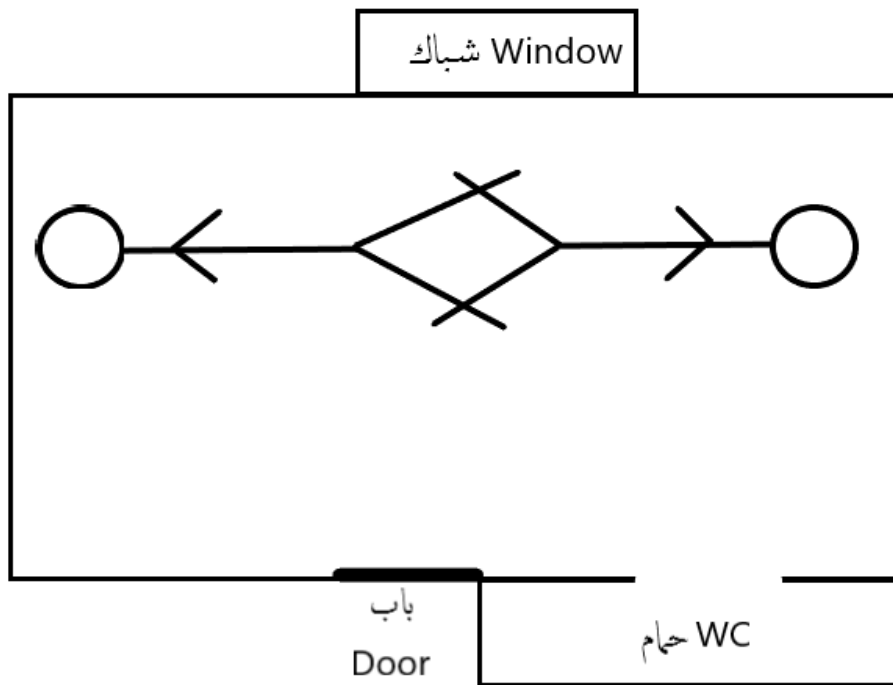
Judge Wiedner asked if P12 went upstairs or downstairs. P12 said that he was initially taken downstairs a few steps. There was a small room, where he had to take off all his clothes. They searched all P12's belongings and P12 did the "security movement" crouching down and then standing up. They took his personal belongings, even his belt and wallet. P12 put on his clothes and went downstairs a few steps to the cell.

Judge Wiedner asked P12 to describe the cell, its size, and how many detainees were there. P12 said that it was 2.5 – 3 meters in length and 2 – 2.5 meters in width. When he entered the cell, there were 12 – 15 people. After a few days, there were 25 people.

Judge Wiedner asked about the air. P12 said that the cell was underground and completely sealed/closed. There was a window, which was closed with iron plates/plaques/sheets. There was a small toilet inside the cell. The [cell] door was made of iron and had a hatch through which the prison guards used to talk with them ["us" the detainees]. The door at the bottom had small holes that they called ventilation holes.

Judge Kerber said that the following was a sketch made by P12 and asked P12 to explain it.

A sketch was shown



P12 said that he drew the room [the cell] with the iron-plated window. He also drew how two people's legs interlocked, if two people wanted to sleep. That was the best position for sleeping, because with the increase in numbers [of detainees], they began to sleep in shifts. There was a small toilet which they also used for taking showers. The door was not accurately drawn, because it was reaching the wall.

Judge Wiedner asked what P12 meant with "sleeping in shifts." P12 said that when they exceeded 15 people, they were not able to sleep all at once. Therefore, they began to rotate/shift. They used to sleep two hours and then change/alternate/substitute [with others]. There was no way to lie down on their backs, but rather they had to lay on their sides.

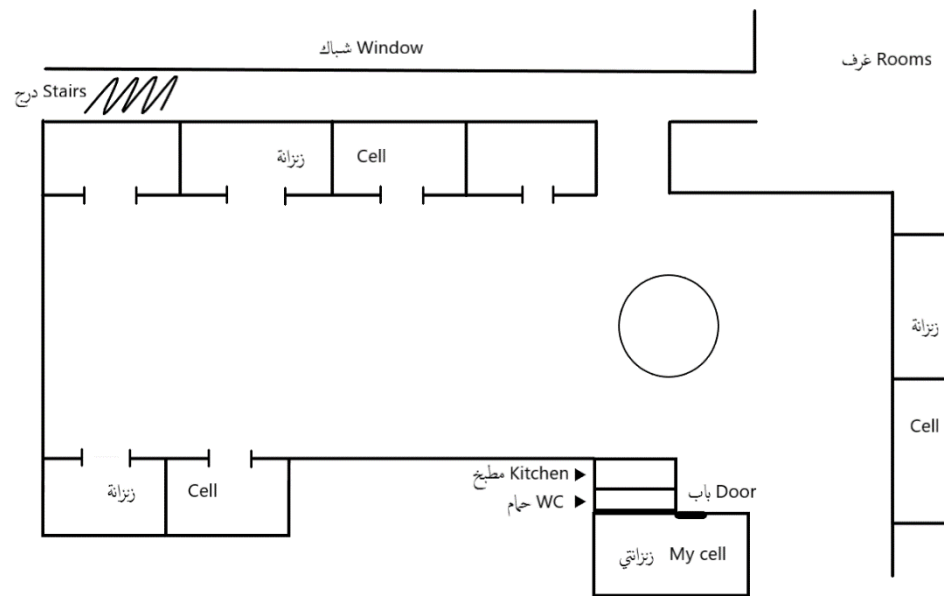
Judge Wiedner asked if there was a shower or if they used the water from the toilet. P12 said they used water from the toilet. There was a hose tied to a tap, but there was no soap.

Judge Wiedner asked if P12 stayed in the same cell the whole time. P12 confirmed.

Judge Wiedner asked P12 about food and water. P12 said that they drank water from the toilet. The food was scarce and there were two meals per day. The amount of food that was given for 15 people, barely sufficed for five people. It was mainly bulgur or boiled rice. They sometimes added another component/ingredient, such as red stock/sauce for example. Breakfast was a few olives and some jam, just a little amount for every person, and bad quality [Tahini] Halawa/Halva.

Judge Wiedner asked if P12 could describe the cell and where the interrogation was conducted.

Another sketch was shown



P12 said that he saw torture in the corridor. The circle is where the interrogations were conducted and, sometimes, in the rooms behind the circle. On the bottom left, there are cells that he used to hear female voices coming from.

Judge Wiedner asked if there was daylight in P12's cell. P12 said no, never. They did not know if it was day or night. They used to estimate the time by the food, e.g. breakfast meant that it was morning.

Judge Wiedner asked P12 to recall the question he was asked when he first entered the cell. P12 said that the moment he entered, they [the prisoners] asked him what the time was. They were accustomed to asking this to every newcomer. One of the worst experiences was to lose the perception of time. Asking the prison guards the time was one of the punishable taboos. P12 asked if the spectators could imagine 10 days or 11 months (in his second detention) without knowing what time it was. It was clear that it was systematically done. P12 visited [was detained in] several branches and it was always the same.

Judge Wiedner asked if there was light in the cell. P12 said no, never.

Judge Wiedner asked if the cell was always lit. P12 asked if Judge Wiedner meant artificial light. Judge Wiedner confirmed. P12 said that it was lit 24 hours a day.

Judge Wiedner asked P12 to describe his interrogation. P12 said that the main method used to interrogate him was to summon him outside the cell. P12 had to take off his socks and face the wall towards the kitchen. He was then blindfolded and his hands were cuffed behind his back. P12 then walked into the circle, where the interrogation took place. P12 always had to kneel, as the interrogator sat in front of him and the prison guard behind him. Then, he would begin to interrogate P12. P12 was once tortured before he was interrogated. Every time the interrogator was not pleased with his answer, P12 was tortured.

Judge Wiedner asked how P12 was abused. P12 said that during the interrogation, he had to lie down on his abdomen and raise his feet up behind him. He was beaten on the feet and sometimes on his back.





Judge Wiedner asked what tools were used. P12 said that sometimes it was a very thick military belt and sometimes a braided quadruple/tetra/fourfold electric cable.

Judge Wiedner recalled from P12's testimony during police questioning that P12 received 20 blows to the feet. P12 said yes, in each time [P12 could have meant: each interrogation or each round. It was translated as the first option].

Judge Wiedner asked when P12 was beaten. P12 said that he was once beaten before the interrogation as a kind of intimidation. The remaining times he was beaten during the interrogations.

Judge Wiedner asked about the information P12 was asked for. P12 said that at the beginning of his interrogation, he was asked about his work at BBC Media Action. Their focus was on the nature of his work there. It was obvious that they knew the details already. P12 asked Judge Wiedner what the question was and laughed (P12 forgot the question).

Judge Wiedner asked about the abuse and the subject of the interrogation. P12 said the torture was correlated to his work, although he was not hiding any information. He knew that they knew everything already, but the interrogator was very stupid and did not know what "password" and "email" meant [P12 pronounced them in English i.e. [باسورد و إيميل] and thought that P12 was concealing information. The interrogator once swore at P12, because a mark/sign/symbol appeared on P12's name.<sup>5</sup>

\*\*\*15-minute break\*\*\*

Judge Wiedner repeated that P12's interrogations were not in a room, but rather in the corridor between the cells. P12 confirmed. Most of them were there, only a few were in rooms.

Judge Wiedner asked if there was a desk. P12 said that they once took him to the office of the head of interrogators or some higher-ranking officer. The regular interrogator was next to P12.

Judge Wiedner asked if he [the interrogator] was standing or sitting. P12 said that the regular interrogator was standing next to P12, but the higher-ranking officer was sitting in front of P12.

Judge Wiedner asked if that was in the corridor. P12 said no, only in the room.

Judge Wiedner asked if there were two people, an interrogator and a person who beat detainees. P12 confirmed that that was typical.

Judge Wiedner asked whether there were orders or instructions to give beatings. P12 said that when the interrogator did not like the answer, he used to give an order to the prison guard who was behind: "This one [P12] does not want to talk. Deal with him. تصرف معه."

Judge Wiedner asked how they [the two people] talked with each other and about the conduct/attitude between them. P12 said that the prison guard was calling the interrogator "Sid" [my master/sir].

Judge Wiedner asked how many times P12 was interrogated. P12 said that he did not accurately remember, but, about five times.

Judge Wiedner asked if P12 was abused each time. P12 said no, not every time. There was at least one time when he was not tortured but only intimidated.

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<sup>5</sup> It was unclear to the Court Monitor what exactly P12 meant in this explanation. One possible translation could be "He insulted him that his name would have been published."



Judge Wiedner asked if P12 was beaten on the soles of his feet or somewhere else. P12 said that every time it was the same method.

Judge Wiedner asked how that affected/impacted his feet. P12 said that when they used to go back to the cell, it was difficult to walk and they were not able to stand. There was blue discoloration, redness, and swelling. They used to go directly to the toilet to pour some water [on the feet] and move [around] in order to let the blood flow.

Judge Wiedner asked P12 to clarify what he meant by moving. P12 said that it was common practice to do so [move], as they learned from each other what they should do to alleviate the pain. They used to stay in pain the whole night.

Judge Wiedner asked if others' situations were the same. P12 said that there were some [detainees], whose situations were similar to his, but there were many with worse situations.

Judge Wiedner recalled that P12 said during the questioning that the pain was barely bearable. Detainees did some exercises to help their blood circulate. Others' feet were bleeding, and some were beaten 100 times on their feet. The walkway to the toilet was an ordeal. P12 confirmed.

Judge Wiedner recalled from P12's testimony during police questioning that he was once taken to a room with torturing tools. P12 said that he was once taken to a room with a table inside it. He was sitting and the interrogator was sitting next to him. The main goal that day was to extract the names of P12's partners at work. In the room, there was an electric device and many beating tools – dozens, like cables, military belts, and batons. During the interrogation, a prison guard holding pliers entered. They [we] used to hear that they [pliers] were used for removing the detainees' finger and toenails. He [the prison guard] entered and was doing "this" [P12 mimicked opening and closing pliers with his hand] with it.

Judge Wiedner asked if P12 was blindfolded back then. P12 said no, he was not blindfolded and saw everything. It was intimidation, but he was not tortured.

Judge Wiedner asked P12 about rings. P12 said that perhaps he saw rings, but he was not sure about that moment.

Judge Wiedner recalled P12's testimony during police questioning that in the room there were rings on the wall to hang detainees from their hands. P12 said that he saw the ring scene in many branches, but he was not sure if he saw them at that moment as well.

Judge Wiedner asked if P12 saw signs of injuries on other detainees or if P12 heard about them. P12 said that he saw torturing procedures. In one case, there was someone who was being tortured in the corridor and then entered the cell. His two knees were bleeding and inflamed. One of them [a knee] was so damaged that they saw the bone. The main torturing method in the corridor was to have the detainees kneel (on their knees) for hours and days. The prison guards would beat them the whole time and pour water on them. When the person re-entered the cell, they remained in that position for a long time.

Judge Wiedner asked if there were specific objects for the beatings, such as cables. P12 said in some occasions, the quadruple/tetra/fourfold electric cable had open endings (the metal was apparent). Occasionally, he [the prison guard] used to beat with [these] endings on purpose.

Judge Wiedner asked what the effect was. P12 said when one was beaten with it, it pulled flesh with it.



Judge Wiedner asked if there was medical care or doctors. P12 said that, for the injuries themselves, there were none. However, there was a person who used to come routinely more than once a week. He used to open the [cell door] hatch and ask if anyone was sick. If someone said that he was sick, then the person would give him paracetamol or an antibiotic, but sometimes the person gave nothing, and sometimes, the one who answered [that he was sick] would get beaten.

Judge Wiedner asked what questions the other detainees were asked in the interrogations in front of the cell, as well as why they were beaten. P12 said that the questions were mainly about demonstrations, if they [the detainees] were armed, if they attacked security forces, and about the names of people.

Judge Wiedner asked if some detainees were tortured with electric shock or were hung from their hands. P12 said no, at least not in Al-Khatib.

Judge Wiedner asked if there was group punishment. P12 said that it was possible if they were talking with each other and the prison guard heard them and sometimes, there was group punishment without a reason. The prison guard would enter the cell and tell them to face the wall. They would stand up and face the wall, then he would beat them collectively and randomly. Sometimes, they would lie down on their abdomen and raise their feet up and he would beat them.

Judge Wiedner recalled that P12 said that he was interrogated by a high-ranking officer. P12 confirmed, saying that he remembers. One time the regular interrogator took P12 and they walked the corridor to another room. The regular interrogator was standing to the right of P12 and the higher-ranking officer was sitting in front of P12 at [behind] a table. The latter began by asking P12 about his affiliation with the "17 April" [movement] and indirectly insinuated that P12's wife was detained. P12 replied right away that yes, he was affiliated with them. He asked P12 about one of the statements/declarations on P12's laptop. P12 denied that he made that and said that his friends made it. He [the higher-ranking officer] ended his questions by telling the interrogator next to P12, "You will extract names from him [P12], or you will be in his [P12's] place".

Judge Wiedner asked how P12 knew that the person was a high-ranking officer. P12 said it was because the regular interrogator was addressing him as "*Sidi*".

Judge Wiedner asked if P12 was beaten there. P12 said no.

Judge Wiedner asked if there were children or elders among other detainees. P12 said that the ages varied. He does not remember children, but there were two detainees around 17. There were all ages, up to 70.

Judge Wiedner asked if there were children. P12 said no.

Judge Wiedner asked if there were women. P12 said that he heard female voices and saw women from the door's hole. When P12 was transferred to another branch, there was a lady with him in the car.

Judge Wiedner asked if P12 saw corpses. P12 said no.

Judge Wiedner recalled P12's testimony during the police questioning that there was a prison guard as a detainee. P12 said that that person was working at the same branch, but P12 does not remember if he was a prison guard. That person was with them in the cell and, once, was hit in the face.

Judge Wiedner asked P12 why that person was there. P12 said that he [that person, the detainee] headed to a prison guard [an actual one] to speak with him directly. The [actual] prison guard told him

[the detainee] that he was a prisoner at that time, not a colleague. Judge Wiedner clarified his question asking why the person was detained. P12 said that he does not remember.

Judge Kerber recalled P12's testimony during police questioning that it was "because of refusing/disobeying orders. His name was [name redacted]." Judge Kerber then asked why he refused orders. P12 said that he remembered that his name was [name redacted] when Judge Kerber mentioned it, but P12 did not remember the reason. He was most likely a normal employee, not a prison guard.

Judge Wiedner recalled that P12 was then transferred from Al-Khatib and asked P12 to describe what happened afterwards. P12 said that he was transferred from Al-Khatib when the subjects in the interrogation branched out. The last time he was interrogated in Al-Khatib, it was by an officer from a different branch for five minutes. Two days later, P12 was transferred to Branch 285 and was interrogated there with new accusations.

Judge Wiedner asked if P12 knew why he was transferred. P12 said that he is not sure, but Branch 285 was usually<sup>6</sup> the central interrogation branch in Syria. When the cases branched out and new files were opened, especially regarding P12's acquaintance with opposition leaders in Damascus and rural Damascus, he was transferred. Concurrently, there was an initiative by the Arab League as an attempt to find a political solution and release detainees. P12 was not sure, whether it [the reason that he was transferred] was because of the initiative, or because of the branching out of the interrogation.

Judge Wiedner asked where Branch 285 is located. P12 said in Kafar Souseh كفر سوسة.

Judge Wiedner asked if P12 was abused there. P12 said that he was abused right away, once he entered the prison.

Judge Wiedner asked about detention conditions in Branch 285. P12 said that once he entered, he had to take off all his clothes and was totally naked. They took his belongings and frisked him. At that time, P12 was not allowed to wear his clothes again, did not enter the cell, and was left in the corridor. He remained standing facing the wall for a whole day. They switched on a cooling air conditioner and every now and then, they poured water on him. They allowed him to go to the toilet once and gave him five minutes to eat. One or two times, he had to lay on the floor, and they stepped over him. The following day, they brought him to the cell. At that time, he was beaten but in the context of group punishment.

Judge Wiedner asked about the reason for P12's release. P12 said that he cannot be sure. P12 knew later that there was a brokering/intermediary by the Arab League from Nabil Al-Arabi نبيل العربي [the head of the league]. Three years later, P12 was once again taken to Branch 285, where he was interrogated by the same interrogator who told P12, "You are still alive? Haven't we killed you yet? The likes of you should not live."

Judge Wiedner asked how long P12 was imprisoned after that. P12 said that the second detention was three years and five months.

Judge Wiedner recalled that P12 said that it was from February 16, 2012 to July 17, 2015. P12 confirmed.

Judge Wiedner asked P12 when left Syria. P12 said 15 – 16 days later.

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<sup>6</sup> The Court Monitor thought that word "usually," in this context, was used as a filler word.



Judge Wiedner asked if P12 still suffers from health side effects. P12 said that “until now,” he is being treated. He has a problem in his knee and in his back because of the beating. He also has some marks on his feet, because of inflammation.

Judge Wiedner asked if there were other effects. P12 said no, these were all the effects.

Judge Wiedner asked P12 to look to his right and say if he recognized one of the accused. P12 said no, but he can recognize the voice of the person who threatened “his” interrogator [P12 meant the high-ranking interrogator who threatened P12’s regular interrogator.]

Judge Wiedner asked Böcker if Accused Raslan would give a voice test. Böcker replied that he would not give a voice test and that from now on he perceives this question as an imposition. He stated a general explanation for the whole trial that Raslan will not give a voice test.

Judge Wiedner recalled that P12 was engaged with the opposition and in demonstration in 2011. P12 confirmed.

Judge Wiedner asked when P12 participated in demonstrations. P12 said that early March 15, 2011, he was there, close to the Umayyad mosque in Damascus. Later, P12 participated [in demonstration] where he used to live, e.g. in Harasta حرستا, where he was almost killed when a bullet passed near his head. P12 participated in a demonstration in Al-Qaboun, the day a massacre happened against the demonstrators.

Judge Wiedner asked what happened. P12 said they were moving in the demonstration. There were ten thousand people holding banners and chanting against the regime. They arrived at a place where the soldiers and the security forces of the regime were on top of the buildings. They started shooting at the demonstrators with live ammunition. P12 was almost killed in that demonstration as well. Unfortunately, a 70-year-old man was killed. P12 had asked him [previously], if he was not afraid to die. He told P12, “It’s ok. I want freedom for my children and grandchildren.” P12 got emotional and asked for a break.

\*\*\*5-minute break\*\*\*

Judge Wiedner asked when the violence by the security forces against demonstrators approximately started. P12 said that from the first day, the regime used violence. However, live ammunition was used two weeks later (in the areas/places where P12 was).

Judge Wiedner asked when that was. P12 said at the beginning of April, [the use of] live ammunition [started] (in the areas/places where P12 was).

Judge Wiedner asked if P12 saw corpses, other than the ones he mentioned. P12 said that he did, especially in Al-Qaboun where the massacre took place. P12, also, saw at least two in Harasta, one [got shot] in his chest and another one in his neck. Sometimes, P12 filmed/took photos [the Arabic صور word could mean either one, but probably, P12 meant filming] of security forces shooting at the demonstration. P12’s goal was filming/taking photos from the side of the security forces, to document that they were shooting live ammunition at the demonstrators.

Judge Wiedner asked if P12 saw arrests and riot control squads. P12 said he saw them all the time and dozens of times. One time, there was a full military storming/raid of Harasta, where P12 used to live. There was a complete combing of the streets and buildings.

A satellite image was shown.





Judge Wiedner asked if P12 recognized it. P12 confirmed. It is Branch 251, the main entrance, and the Red Crescent hospital.

The image was zoomed-in.





P12 said that that is the location of Al-Khatib branch. P12 said that not all the buildings belong to the branch, as most of them are residential. The slanting/sloping street at the bottom [see the red line] is the main entrance close to the Red Crescent hospital. The buildings that P12 indicated [blue circle] with a pen [during the police questioning] are Al-Khatib branch.

The prosecution asked if the material of security forces shooting at the demonstration, filmed by P12, are still in P12's possession. P12 said no.

The prosecution asked if it was taken away from him along with his laptop. P12 said no. The filming [same note as above] was done by a secret camera that resembles a pen. When P12 was detained, his wife destroyed everything that could have harmed him.

Judge Wiedner recalled that P12 said that he was taken to the "head of the interrogation." Judge Wiedner asked P12 if he remembers his name or rank. P12 said that he does not precisely know his rank, but his rank was higher than P12's regular interrogator. P12 does not know his name.

Judge Wiedner asked if P12, himself, or other detainees were sexually abused. P12 said that he heard a lot about these matters, and he has friends who experienced it.

Judge Wiedner asked if P12 himself experienced that. P12 said no.

Judge Wiedner asked if P12 knows details about others' abuse. P12 said that one of the methods was using a glass bottle and sometimes a stick. Sometimes, they tied the penis to a weight. Sometimes, they scalded the penis with hot water.

Judge Wiedner asked if that was in Al-Khatib or in Branch 285. P12 said that he was told that after they got out of the detention in Adra <sup>عدرا</sup> [he meant after the release from Adra prison]. That was not in a specific branch. P12 did not see that [sexualized violence] during his detention period.

At 12pm, the topic of a break was brought up. Scharmer said that the witness would like to continue the session.

#### Questioning by Defense Counsel

Böcker asked if the prison staff in Al-Khatib was detained. P12 said that a detained employee was with him.

Böcker asked if P12 knew what that person did wrong. Judge Kerber said that she had already questioned the witness on that point. Böcker took back his question.

Fratzki said that the translator told him that there might have been a part missing in the translation, concerning the interrogation in Branch 251 and that the interrogator came from another branch. Fratzki asked where the interrogator was from. P12 said that two days before he was transferred, he [that interrogator] came from a different branch and interrogated P12 for a short time. Two days later, P12 was transferred.

Fratzki asked if it was correct that the interrogation was in Branch 251, but the interrogator was from a different branch. P12 confirmed.

#### Questioning by Plaintiff Counsel Kroker

Kroker asked if the sexual abuses of P12's friends happened in Adra or if P12 could not assign the abuse to a branch. P12 said that the matter was talked about in Adra Central Prison and all of them [P12 and



his friends] were detainees in different branches. Each one spoke about his experience, but P12 cannot correlate each case with a specific branch.

Kroker asked if it was, however, in the branches of the intelligence services. P12 confirmed.

Kroker asked if the detainees in Branch 251 talked about where they were detained. P12 said that they talked about how they were detained in Al-Khatib branch and all of them knew that information.

Kroker asked how P12 was addressed. P12 said that he was addressed by name.

Kroker asked if P12 recalls names or nicknames of prison guards. P12 said that the most famous prison guard who was executing collective punishments was called "Abo Ghadab أبو غضب". There was another one with an odd/strange/weird name, "Memati ميماتي". P12 only recalls these.

Kroker asked if there was Razan Zaytouneh. P12 said that he does not remember.

Kroker asked if P12 was detained by himself on February 16, 2012. P12 said no, he was detained along with 15 people from the Syrian Center for Media and Freedom of Expression (SCM).

Kroker asked about the head of SCM. P12 said it is Mr. Mazen Darweesh مازن درويش.

Kroker asked if he was detained with P12. P12 said yes, they were detained together.

The witness was dismissed.

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Plaintiff's Counsel Scharmer gave an explanation/declaration on the grounds of §257 (2) StPO: Questioning of the defendant and the right to make a statement after the taking of evidence.<sup>7</sup>

A partial summary of P11's statement yesterday, who gave clear information on Branch 251, was given:

- 1) It was the same interrogator in all 3 interrogations;
- 2) He heard his voice;
- 3) He has a good ear.

Unfortunately, Raslan does not want to give a voice test, but the accused stated in his testimony through the translator that he interrogated P11 without mentioning any circumstances. Raslan confessed that he did the interrogations, and it was the same person three times. This person gave direct and indirect orders to torture.

The proceedings were adjourned at 12:15 p.m.

The next trial will be August 19, 2020 at 09:30 a.m.

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<sup>7</sup> After each co-defendant has been examined and after evidence has been taken in each individual case, the defendant shall be asked whether he has anything to add.



**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 10

Hearing Dates: August 26-27, 2020<sup>1</sup>

*CAUTION: Some testimony includes descriptions of torture.*

**Summary / Highlights:****Trial Day 26 – August 26, 2020**

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

**Trial Day 27 – August 27, 2020**

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

**Day 26 of Trial—August 26, 2020***A note from the Trial Monitor:*

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

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

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

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

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

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

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

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

#### Testimony of Riyad Mossallam Saif (رياض مسلم سيف)

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

#### **Background**

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

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

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



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

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

### Judge Kerber's Questioning

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

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

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

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

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

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

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

Judge Kerber asked Saif to speak about his conflict with the regime and his detention. Saif said that he was cornered from all sides during the 1998 election. He anticipated getting 8,000 votes, but he actually got 184,000. There was a ballot box in Damascus that was unopened. It contained votes for him. He believed that there were other boxes with uncounted votes. Saif became a member of the opposition and demanded an end to the political monopoly of the 1998 election campaign. He had a 1000m<sup>2</sup> yard in a strategic location where he organized nine dialogue sessions on topics that were important to the Syrian people. For the first time, a large number of Syrians were having discussions. Saif told people not to be afraid to talk, which affected the number of votes he won during the Damascene Spring. About three or four weeks before Hafez Al-Assad died, Saif was in a meeting when a member of the opposition, a well-known film director, invited Saif to his house along with 10-12 other people. This meeting was the start of the Damascene Spring. Saif did not participate during the first week, but he participated during the second week. The meetings were open to public participation. After three or four weeks, they moved to Saif's office. As a member of parliament, Saif had a large office downtown. After ten meetings in his office, someone suggested that they submit an application to become a civil society organization. Saif reached out to the president [unclear if he spoke to the Syrian president or the parliamentary president] and the intelligence service, but was rejected.

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

[5-minute break]

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

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

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



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

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

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

#### Judge Wiedner's Questioning

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

[5-minute break]

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

The second page of the CV was shown.

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

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

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

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

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

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[Name redacted]

*Testimony for God and History*

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

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

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

*(...)*

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

*Fear God and do not believe everything that is said.*

*Your brother, [name redacted]*

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

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

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

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

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

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



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

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

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

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

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

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





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

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

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

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

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

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

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

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

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

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

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

[10-minute break]

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

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



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

#### Questioning by Mrs. Holtz

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

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

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

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

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

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

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

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

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



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

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

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

#### Questioning by Defense Counsel Böcker

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

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

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

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

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

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

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

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

[10-minute break to answer the question.]

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

[15-minute break.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Questioning by prosecution and plaintiffs

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

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

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

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

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

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

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

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





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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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



**TRIAL OF ANWAR RASLAN and EYAD AL-GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 11

Hearing Dates: September 2-3, 2020<sup>1</sup>

*CAUTION: Some testimony includes descriptions of torture.*

**Summary / Highlights:**

**Trial Day 28 – September 2, 2020**

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

**Trial Day 29 – September 3, 2020**

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

**Day 28 of Trial—September 2, 2020**

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

**Testimony of Manuel Deußing**

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

**Questioning by the Judges**

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

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

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

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

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

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

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

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

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

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

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

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

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

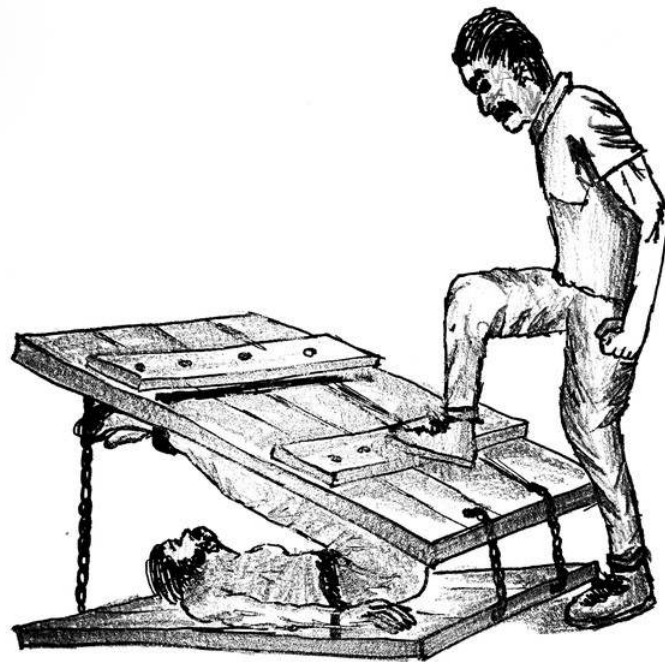


[Picture 1: Doulab]



[Picture 2: Shabh]





[Picture 3: Flying carpet]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[The witness was dismissed.]

[10-minute-break]

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

Testimony of Henning Lindemann

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

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

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

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

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

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

[Lunch break]

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

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

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

**Trial Day 29 – September 03, 2020**

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

Testimony of Alexander Frey



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

#### Questioning by the Judges

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

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

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

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

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

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

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

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

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

[The witness was dismissed.]

### Testimony of Hans-Jürgen Schneider

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

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

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

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

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

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

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

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

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

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

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

[The witness was dismissed.]

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

[Lunch break]

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

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

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





**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 12

Hearing dates of September 9 and 10, 2020

*CAUTION: Some testimony includes descriptions of torture.*

**Summary / Highlights:**<sup>1</sup>

**Trial Day 30 – September 9**

- **P14, a 55-year-old man, testified about his experience working as a civil servant, supervising burials of corpses from the state security apparatus, including from Sednaya Prison. He details the gruesome condition of the corpses with faces disfigured by acid and decomposing as well as the lack of sanitation for the team of civil servants that unloaded the bodies into the graves. His descriptions allude to torture in the prisons and hospital-directed deaths. As a supervisor to this team, P14 sheds some light on the record-keeping practices for mass graves and the secrecy surrounding the corpses and mass graves. Although the witness testified with a disguise to protect his identity, he walked outside the courtroom and spoke with his attorney without the disguise.**

**Trial Day 31 – September 10**

- **P14 continued his testimony showing a sketched example of the burial records, indicating numbers and locations. He also identified on a map the Al-Qutayfa and Najha cemeteries where he worked and described their surrounding locations. P14 clarified questions about which hospitals sent corpses to be buried in mass graves and the security codes that were assigned to the hospitals and prisons. The defense attempted to get more clarity on P14's job before the Syrian conflict, however, P14 did not answer those questions in public as he was concerned about revealing his identity.**

**Trial Day 30 – September 09, 2020**

The proceedings began at 9:30 am. There were about 9 spectators and 5 individuals from the media present.

Chief Judge Dr. Kerber asked the translator to translate what she was going to say [as she does routinely]. She asked if any accredited Syrian journalists needed headphones for Arabic translation. One of the spectators raised his hand. Judge Kerber asked him to introduce himself. He said that his name is Tarek Khello طارق خَلّو and that he works for a German media channel. Judge Kerber pointed out that he was speaking with her and understood her in German, so she asked why he needed headphones. He said that he would not understand everything in German. Judge Kerber told him that he needs to meet with her during the break because she wanted to know whether he was related to the person who filed

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



a second case regarding the Arabic translation. [Khello was given a headset after this conversation. He was the first accredited journalist to receive a headset for translation. He also received a headset the following trial day, however, he was the only person to receive the headset.]

Defense Counsel Fratzki entered an administrative objection and disagreed on the use of certificates, UN reports and the Federal Office for Migration and Refugees (BAMF) report on September 2 and 3. There would not be an immediacy through a direct witness, it was only indirectly read out and was therefore objected to by the defense lawyers.

Senior Prosecutor Jasper Klinge reserved a right to respond later.

Judge Kerber said that on August 4, the witness decided that he would not give personal information. The witness wanted to conceal his face because he was threatened.

The witness P14, code-named Z30/07/19, entered the courtroom with his attorney Bernhard Docke from Bremen.

Linke mentioned concerns because he wanted to see the witness' facial expressions.

Judge Kerber asked if Linke knew about the threat against the witness' family in Syria. Linke replied that it would not change his opinion the fact that facial expressions are not visible.

Judge Kerber allowed P14's partial disguise. Even if he would have played only a secondary role within the system, there was still a threatening situation for the witness.

Linke objected and demanded a court decision.

\*\*\*15 minutes were given for the decision. In total, there was a 30 minute break.\*\*\*

The court decided to allow the partial disguise. He was a former member of a governmental office and is worried about his family in Syria and his relatives had already been threatened.

Linke wanted the decision in writing and asked for a 30 minute break.

\*\*\*35-minute break\*\*\*

Linke objected to the decision (remonstration): the person would be sitting in the front and cannot be seen by the people behind him. There were no film recordings or photographs. A threat would not be given regarding his identification. Facial expressions are valued as recognition of evidence and a mask would prevent this. Linke mentioned §68 (3) III StPO.<sup>2</sup>

Klinge responded that §68 (3) III StPO would apply when a witness gets threatened. If plaintiff lawyers ask questions, he might reflexively turn around and show his face.

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<sup>2</sup> If there is reason to fear that revealing the identity or the place of residence or whereabouts of the witness would endanger the witness' or another person's life, limb or liberty, the witness may be permitted not to state personal particulars or to state particulars only of an earlier identity. However, if so asked at the main hearing, he shall be required to state in what capacity the facts he is indicating became known to him. Documents establishing the witness' identity shall be kept by the public prosecution office. They shall only be included in the files when the danger ceases.

Fratzki said that plaintiff lawyers could sit in the front and this argument would not count.

\*\*\*Break\*\*\*

The court did not change its decision.

Linke said that he could not see the witness and that his lawyer should move a bit backwards.

#### Testimony of P14

P14 is 55 years old. He was asked if he wanted to answer whether he is related to the accused. P14 responded no. Judge Kerber clarified whether he meant that he does not want to share the information or if he is not related to the accused. P14 said that he wanted to proceed and he is not related to the accused.

Judge Kerber said that P14 was questioned twice by the German police. He was asked about his occupation at the burials of possibly murdered people. Judge Kerber asked what could he say about this. P14 said that he used to work in the Damascus governorate [P14 probably meant the Damascus Governorate building, because it is common to say “governorate المحافظة” to refer to the building itself [مبنى المحافظة] as a civil worker [servant, but he used the word “worker”]. When the Syrian crisis began, 20 officers from the intelligence services were relocated to P14’s place of work [فرز] at them]. P14’s [original] task/work was to conduct traditional burials (the one with prayer), but after that, the officers forced them to go to Tishreen and Harasta military hospitals ( . مشففي تشرين و حرسا العسكريين ). There, they found big cargo trucks [lorries]. P14 and his coworkers were forced to take the trucks, accompanied by intelligence services forces/personnel, to bury “them” [“corpses”]. There were so many corpses, gathered/collected from all intelligence branches: military, Al-Khatib, political [security], and several other branches. They [the corpses] were taken to an unknown place, where there were already big excavations/diggings/holes [the words in Arabic are similar to each other, حفريات and حفر ] that were about six meters deep. From the lorries, they put the people [corpses] in the holes. The corpses used to come twice a week from the hospitals while the corpses from the Sednaya صيدنايا executions used to come on the same day [of the execution]. The number of corpses was big from 2011 to 2017 and the workers had no vacation. In some cases, high-ranking officers were present at the burials and they [P14 and his colleagues] were not allowed to come close to the area. This happened two or three times a month when the subject matter was classified/secret. P14 and his colleagues were not given papers/documents to know the exact number of corpses (they were given approximate numbers). They (we) used to see in civilian hospitals how the killing... [P14 did not finish his sentence].

Judge Kerber asked whether P14 saw the hospitals killing people or heard of it from others. P14 said that they were taken to Al-Mowasa المواساة and Al-Mojtahed المجتهد [hospitals] where the refrigerated trucks and the corpses were collected and they [P14 and colleagues] took them [the corpses]. A person in the hospital told P14 that they killed five people on that day, but P14 did not see that himself.

Judge Kerber repeated that P14 mentioned 2011 – 2017 and asked about the month. P14 said from October or November, he does not remember exactly.

Judge Kerber asked if P14 meant in 2011. P14 confirmed.



Judge Kerber asked P14 to describe the refrigerated trucks. P14 said that the trucks used to come and park/queue up and the corpses were collected in them.

Judge Kerber asked about the truck's size. P14 said that they were similar to cargo trucks, so about 11 meters.

Judge Kerber inquired about the number of corpses. P14 said that it was not always the same numbers, but they were huge numbers.

Judge Kerber asked for an approximate number, as P14 had given during police questioning. P14 said 500 to 700 corpses.

Judge Kerber asked if he counted them. P14 said no, he did not count them himself.

Judge Kerber asked if the numbers were always in the hundreds. P14 said that it depended on what the officers told them. They told them to write down estimates like 200 or 500.

Judge Kerber asked about P14's task. P14 said that he had a notebook with the inventory/list [عملية الجرد].

Judge Kerber asked if he registered the documents. P14 said that the corpses were gathered from all of the military hospitals and branches, such as from the military branches Palestine 120 – 150, the Air Force, the military security, the area branch [Branch 227], Company 215, etc. They used to receive corpses from all of the branches of the Syrian regime.

Judge Kerber asked what P14 registered/wrote down. P14 said that they used to register the branches and the number of corpses next to them. When the corpses came, they had stickers on their heads and chests with numbers on them. They [the corpses] came naked and they [P14 and colleagues] saw the numbers and symbols [on the stickers] from far away. The corpses from Sednaya executions were buried on the same day [as the execution] but at night. The burials were in three areas: sometimes in Al-Qutayfa القطيفة and sometimes in Najha, نجها while the Air Force [intelligence] used to bury the corpses in the same branch [as the execution].

Judge Kerber asked if they counted using the numbers on the corpses or in the documents. P14 said that the numbers were in the documents and they did not use them to count.

Judge Kerber again asked what they registered/wrote down. P14 said they just wrote the name of the branch.

Judge Kerber asked if there was anything else. P14 said the name of the branch and the number.

Judge Kerber asked if P14 meant the number of corpses or the number on the foreheads of the corpses. P14 clarified that they wrote the number of corpses.

Judge Kerber asked P14 about Division 40. P14 said it is state security like Al-Khatib branch. Corpses came from the State security administration, Division 40, Al-Khatib branch, Palestine branch, the political security branch, the area branch, Company 215, the patrol's branch, and they [the corpses] even came from the Air Force administration.



Judge Kerber asked which branch most of the corpses came from. P14 said that he used to hear officers saying that on particular days [“today”], the state security was really working [meaning: today, the state security is “going ham”].

Judge Kerber recalled that P14 saw the trucks in front of the hospitals and asked if he went inside the hospitals as well. P14 said that they were accompanied by civil workers. Mobile phones were not allowed, nor were they allowed to speak with each other. [The corpses] from Sednaya Prison’s executions were obviously from the same day [the people were killed on the same day they were being transported; i.e. fresh]. There were two or three cars with bodies that came twice a week.

Judge Kerber asked how they were transported to the graves from the hospitals. P14 said that a patrol [of cars] used to come to take them [P14 and his colleagues] from their workplace.

Judge Kerber asked where they were taken to. P14 said to the burial locations: Najha and Al-Qutayfa.

Judge Kerber asked how big the graves were and if they were six meters deep. P14 said that the excavator’s driver told them that he dug six meters deep each day and the bulldozer’s driver said that he made a mountain of dirt [soil].

Judge Kerber asked if P14 saw that. P14 confirmed.

Judge Kerber asked about the length and the width of the hole. P14 said that it was long, about 100 to 300 meters.

Judge Kerber asked about the width. P14 said 3 or 4 meters to 10 meters [P14 was estimating and indicated he meant “something like that”].

Judge Kerber asked if P14 saw the corpses being buried. P14 said that he was standing about ten meters away, because of the smell. The refrigerated truck used to come, they would open its [rear] door, the workers would climb into the truck, and then they would push/shove the corpses out.

Judge Kerber asked whether the corpses were carried [to the graves] or dumped [like unloading a sand truck]. P14 said dumped and the bulldozer backfilled it.

Judge Kerber asked how many graves there were. P14 said that the bulldozer leveled the ground/land and cleared a large surface area. That area is dug up. For example, the diameter of the hole was 4000 – 5000 meters [The translator said “square meter,” however, the witness used the word diameter it was implied].

Judge Kerber asked if the hole was closed/filled up in one day. P14 said it took more than one day to be filled, sometimes over a month. They used to dig and backfill repeatedly. P14 said that the holes were not aligned with each one in a certain place.

Judge Kerber asked P14 to describe the appearance of the corpses and if, for example, they were skinny. P14 said that the workers who unloaded the corpses told him that there were apparent signs of torture on the corpses. The facial features were erased/wiped out and there were bruises and redness on them. The corpses from Sednaya had marks from a rope wrapped around the neck. The corpses were intact, but the abrasions appeared new/fresh and there were signs of electrical currents on their bodies and their fingernails had been extracted.





Judge Kerber asked if P14 personally witnessed that. P14 said that he did get closer to the corpses from Sednaya because they did not smell.

Judge Kerber asked if P14 saw bruises. P14 said that he saw with his own eyes the corpses from Sednaya and the injuries/condition of the bodies.

Judge Kerber asked if that has had negative impacts on him. P14 said that he used to always stay far away from the corpses [during his work]. Even after P14 came to Germany, he is still having nightmares. Even during the police questioning, an ambulance had to come for him (due to low blood pressure and diabetes).

Judge Kerber asked if P14 needed a break. P14 requested a short one to smoke a cigarette.

\*\*\*15-minute break\*\*\*

#### Questioning by Judge Wiedner

Judge Wiedner asked P14 how he got started in this work. P14 said that he was a normal worker until security officers came and told him that he had to come with him. They told him to bring several other workers with him. P14 then gave them [the officers] the full names of 14 workers.

Judge Wiedner asked if P14 knows the names of the security officers. P14 said yes, he knows them.

Judge Wiedner asked P14 if he was willing to disclose the names. [P14 discussed with his attorney.] P14's attorney said that they would have gladly given the names, but the answer would expose the identity of the witness.

Judge Wiedner recalled that P14 mentioned the names during the police questioning and wondered whether he should quote/recollect what P14 said during the testimony.

P14's lawyer, Docke, asked for this not to be discussed at the main trial.

Defense Counsel Hannes Linke suggested excluding it from public.

Docke said that the question could be answered if it was asking if the names were correct without repeating them in the public main trial.

Judge Wiedner retracted his question. Instead, Judge Wiedner asked if the officers told him to bring his coworkers with him. P14 said that they [the officers] came to the place where he and his colleagues used to do civilian work. They went to their [P14 and colleagues] manager/boss and then chose workers to bring with them. P14 said that he was unable to work unloading the corpses, but some of the workers accepted/agreed to do this. The security officer told P14 to stay and serve as a supervisor to the workers and to take them there [to the work location] and to bring them back [i.e. drive them back and forth].

Judge Wiedner asked if the nature of the work was explained to them. P14 said that he did not understand the question.

Judge Wiedner reframed the question asking if P14 was told what he would work on. P14 said that, in the beginning, their [P14 and colleagues] manager/boss told them that the officers had corpses and that P14 and his colleagues needed to bury them (in a traditional way).



Judge Wiedner asked P14 to describe a typical working day. P14 asked if the question could be clarified.

Judge Wiedner said that P14 seemed to be at the gravesite often. He asked P14 how many times a month he was there. P14 said that he was at the gravesite whenever there were burying procedures. They gave P14 one of their cars so that he did not have to stop at checkpoints.

Judge Wiedner asked what type of car. P14 said that it was a 14-passengers vehicle – a Nissan Sunny.

Judge Wiedner asked what P14 did with that car. P14 said that he drove it.

Judge Wiedner asked if P14 used to drive the workers. P14 confirmed but said he didn't drive them for long distances. For example, Damascus to Al-Qutayfa is 30 to 40 kilometers, or Damascus to Najha is about 15 kilometers.

Judge Wiedner made a remonstration (refreshed the witness' recollection with a prior statement), quoting "An employee came to his office, he received a list and a car without a license plate and images of Assad." P14 confirmed.

Judge Wiedner asked how many people were with P14. P14 said 8 to 12 and, sometimes, they [the officers] used to bring workers of their own. It depended on the number [of corpses] that needed to be buried.

Judge Wiedner asked how long the burial work lasted. P14 said that they used to go to work around 4 or 5 am and come back at 8 or 9 am. P14 said that by 10 am, they were done [the work was finished].

Judge Wiedner asked if they were accompanied by an intelligence services' bus. P14 confirmed that there was a security bus with them.

Judge Wiedner asked if the vehicles went inside [could enter] the burial location and if it was fenced and guarded. P14 said that the area was within/a part of a military camp/compound. [قطعة عسكرية]. P14 said that the compound even said that no civilian was allowed to enter, except for them [P14 and colleagues], because their vehicles were known.

Judge Wiedner asked if there were checkpoints before reaching the burial location. P14 said that there were two of them.

Judge Wiedner asked if the checkpoints were occupied by soldiers. P14 said that there was a checkpoint on the way to the crossroad of the burial site with a colonel عقيد and had his forces/personnel [عناصر]. However, P14 and his colleagues were allowed in because they [the checkpoint's forces] recognized that the vehicle belonged to the officers.

Judge Wiedner asked if the burial sites were enclosed. P14 said that Al-Qutayfa Cemetery was surrounded by a two to three-meter-high mound/hill. Najha Cemetery was surrounded by a seven to eight meter wall and had a gate.

Judge Wiedner asked if P14 was present at multiple sites. P14 said he was at Al-Qutayfa and Najha. They were not taken to the Air Force branch, but the bulldozer's driver [at one of the cemeteries] told them that they used to bury corpses there [in the branch].



Judge Wiedner asked if it is correct that P14 was not present at other burial sites. P14 confirmed and said he was only at Al-Qutayfa and Najha cemeteries.

Judge Wiedner questioned P14 about other locations. P14 said that there were burial sites in other intelligence services [branches] that they knew about.

Judge Wiedner made a remonstrance - "Other graveyards that belonged to the air force, secret graveyards, also the military airport in Mezzeh" and asked if P14 went to those sites. P14 said that they did not enter them, but at the Air Force branch and Al-Mazzeah airport, مطار المزة, they used to bury corpses underneath the runway (according to the bulldozer driver).

Judge Wiedner reminded P14 that in the police questioning he said that there were secret cemeteries in Al-Mazzeah. P14 said that he was not present there, but the bulldozer driver told them this.

Judge Wiedner asked who provided P14 with that information. P14 said that the person who told him about it used to dig there [the airport/branch in Al-Mazzeah], but the secret burials were between 12 to 1 am. They were in Najha Cemetery and were always accompanied by DShK-mounted vehicles. There were around 20 squads of intelligence services outside [It is unclear what P14 meant by "outside", but it is assumed he meant outside the hospital/branch where they were loading the corpses].

Judge Wiedner asked if P14 was present during any of the secret burials. P14 said that he was present in the secret burial, but they were not given information nor papers [documents]. P14 used to just drive the workers back and forth and did not know where the corpses came from. A brigadier general or higher [rank] was present.

Judge Wiedner asked if P14 was present in Najha and the Air Force branch. P14 said that he used to drive the workers back and forth. Regarding the Air Force branch, it was utterly forbidden for anyone but the gravedigger to enter.

Judge Wiedner asked how often P14 used to go to the cemeteries. P14 said that the burials of corpses from Sednaya Prison were twice a week. The refrigerated trucks from Tishreen and Harasta [hospitals] arrived once or twice a week and each time there was either one or two refrigerator trucks.

Judge Wiedner asked if it was four times a week, for example. P14 said that they worked each Monday and Wednesday or Thursday (burying the corpses from Sednaya prison). Twice a week for Tishreen and Harasta hospitals as well. He was referring to the gathering of the corpses from the branches, except for Al-Mojtahed and Al-Mowasa [hospitals], which were gathered twice or thrice a month.

Judge Wiedner asked how P14 knew where the corpses came from. P14 said that the information was in the documents. It stated, for example, Palestine branch and the number and there were 10 to 15 branches of the military security listed.

Judge Wiedner asked P14 when the officers used to take the lists. P14 said after they finished the burial. They [ "we" ] knew that the papers were with them [he said us] and the officer took the papers with him. He was relocated [فرز] to their workplace so that no information leaked outside. He used to put them [the papers/documents] in his closet.

Judge Wiedner asked where the list came from. P14 said it came from the officers who accompanied the refrigerated trucks.



Judge Wiedner asked if it is correct the list was from someone in the security vehicles who accompanied the workers. P14 said that when the refrigerated trucks left Tishreen and Harasta [hospitals], either they [the convoy of refrigerated trucks] preceded “us”, or “we” preceded them [to the burial site] [Either the convoy of refrigerated trucks arrived at the location first, or P14 and the workers arrived first]. However, they [the refrigerated trucks] were accompanied by their own security forces and officers.

Judge Wiedner asked what P14 did with the lists. P14 said that he did not do anything with the lists at the [burial] location. He did not need to do anything.

Judge Wiedner asked what P14 used to register/write down. P14 said that the officer with the logbook used to tell them [P14 and colleagues] that these [numbers of the corpses] were from the Palestine Branch and these were from another location. “We” [Syrians] have three branches of state security: Al-Khatib, Division 40, and state security administration/directorate, which is large.

Judge Kerber asked what happened with the logbook. P14 said that he and his colleagues used to register/write down the information in the logbook when there was a security officer with them. Then he [the officer] took the logbook and left with the logbook.

Judge Kerber asked if P14 made that logbook. P14 said no, they, the intelligence [personnel] made it, but they used to calculate in front of P14.

Judge Wiedner recalled that during the August 14, 2019 police questioning, P14 said “I had a register with me, the employees gave me a paper with numbers that I registered, approximately DIN A-3.” Judge Wiedner asked P14 what he used to write. P14 said that he used to write numbers, for example, 300, 400, or 1000. He wrote down the numbers on papers and made copies of them. The workers with P14 used to help in writing down/registering, but P14 had an office inside.

Judge Wiedner asked P14 if he had an office at the cemetery. P14 said no, it was within the governmental service/department where P14 was employed.

Judge Wiedner asked what P14 wrote down. P14 said that it depended on what numbers he was told. For example, he [the officer] would tell P14: “Palestine branch, write down 400, Division 40 [It was translated to 50, but Kroker mentioned that there was a mistake in the translation] and, write down 100 – 200.

Judge Wiedner asked if P14 wrote down/registered dates. P14 said not consistently [not all the time], for example, 5/5 [May 5] was only the day of the burial.

Judge Wiedner reminded P14 that in the police questioning he said it was day – date – number. Corpses had numbers and he noted them. In every truck there were around 700-750 corpses, always two to three trucks, far away. There was a paper with numbers and P14 registered the numbers. P14 said that when the refrigerated trucks came and the burials began, P14 used to stand far away because of the bad smell. P14 said that he stood by that car [or truck], as they [corpses] used to come from several branches, but the corpses from Sednaya Prison had a number and a symbol.

Judge Wiedner asked if the numbers and the symbols were on the corpses. P14 said yes, and sometimes on the refrigerated trucks, in which they were gathered.



Judge Wiedner asked where the numbers or symbols were on the corpses. P14 said, on the forehead and the chest. For example, on the forehead, a sticker said 215 and a symbol or it said 227 and a symbol.

Judge Wiedner asked what specific symbols were on the corpses. P14 said that he does not know. It was a secret that only "they" knew.

Judge Wiedner asked how he knew about them from a distance. P14 said that the people who used to unload the corpses used to tell him. But the corpses from Sednaya had no smell [did not stink], therefore, P14 would get closer. He could see from a close distance the corpses being unloaded.

Judge Wiedner asked if P14 saw the corpses from Sednaya. P14 said yes, he was fairly close to the cars, but not the refrigerated trucks.

Judge Wiedner asked if the workers had safety equipment for protection. P14 said that they put [face] masks on, but not always. The officer did not give them anything, not even alcohol. P14 said that some of the workers, (two), were afflicted by serious diseases and some of them [the workers] died.

Judge Wiedner asked if there were rooms to change clothes. P14 said that they [the workers] did not change clothes, but only wore aprons which they left at the cemetery to wear the next time. They washed their hands with water and soap and had delicate/thin medical gloves.

Judge Wiedner recalled that P14 said there was a room with a water closet and a changing room in the area and that P14 did not take anyone with him who was not wearing clean clothes. P14 confirmed saying that there was a room in Najha Cemetery. In Al-Qutayfa, it was a wall (a room with no ceiling). In Najha, water was available for washing. They [we] used to take water gallons to Al-Qutayfa, and when the workers took off their aprons, they poured water on themselves.

Judge Wiedner asked how far P14 was when the corpses were unloaded. P14 said that sometimes he was 10 to 20 meters away, but he was able to see.

Judge Wiedner recalled that during police questioning, P14 said, every week there were trucks with 700 corpses with pathogens and stench. And that he did not have a face mask like the others. In the questioning he said the smell stayed in one's nose/ head, as it was very extreme and as soon as doors were opened, you could smell it 100 meters away. There were rivers of blood and maggots and he could not eat in the first days. P14 confirmed.

Böcker asked if the quotation/remonstrance started with "every." Judge Wiedner said no.

\*\*\*Lunch break\*\*\*

Judge Wiedner asked if P14 saw the marks indicating the cause of death (strangulation) on the corpses or if someone told P14 about them. P14 said that the cause [of death] in Sednaya was execution and the burials were on the same day.

Judge Wiedner asked if someone told P14 that they were executed on the same day. P14 said the officer who brought them, and even the workers who brought [or carried] the corpses, said that they [the corpses] were warm, not cold.

Judge Wiedner asked what the officer said. P14 said that the officer claimed that the execution was at 12:00 am, midnight, and the burial was between 4:00 am to 5:00 am.



Judge Wiedner asked if the officer told P14 about executions. P14 said yes, once, one of the officers told him. One time, one of the executed was still alive and on his last breaths. The officer ordered the bulldozer to run him [the dying person] over.

Judge Wiedner said that that was in regards to the warm corpses and questioned if P14 knows the cause of death of the other corpses. P14 said that the workers were the ones who unloaded the trucks, but P14 was far away from them because of the strong smell. When they [the workers] got off, they talked to each other and told “us” [P14 and others] that some of the corpses were worn out and some of them had no [facial] features. That is what the workers mentioned [about the corpses] from the refrigerated trucks that had a [bad] smell. They also said that there were numbers on the foreheads and chests.

Judge Wiedner asked if P14 was told the cause of their death. P14 said that the officers did not speak about the matter, but the workers used to say that there were bloated corpses, decomposed corpses, and bony corpses. However, they said that the facial features had completely vanished/disappeared.

Judge Wiedner recalled that during the questioning P14 had said that a chemical substance was used on the faces. P14 said yes, similar to an “acid substance” [مِية نار أو أسيد “Fire water” is a commonly used word by people in Syria to describe nitric or sulfuric acid] that they used to put on the faces. The workers said that there was no way that nothing had been poured on their [corpses’] faces.

Judge Wiedner asked if it was used only on the face or also on the body. P14 said just on the face. The rest [of the body] was decomposing.

Judge Wiedner asked what P14 meant by saying they were broken up. P14 said that by “broken up,” [مكسرات] he meant dissolved, with a mucus material dripping from them and they had worms in them. P14 said that when a security person [عنصر أمن] was with them [P14 and his colleagues] at their workplace, they cooperated [worked/helped] with him and wrote down the numbers and the branches. Just by the mere discussion, P14 used to be unable to eat or drink anything for two to three days, not to mention the smell [P14 meant that when they talked about the corpses at work, he was so disgusted, that he was not able to eat]. By the end [in the last days/ after a while], they got used to it [the smell] like one does a perfume. Regardless of what they did or how much they washed at home, the smell remained nesting in their noses. P14 said that he thanks his God that he is staying in Germany for a while, but he still has nightmares at night.

Judge Wiedner asked if there were signs of abuse on the corpses. P14 said that the workers used to talk amongst each other that there was blueness [bruises] on his [the corpse] back, chest, fingernails, or toenails. Some of the corpses were even handcuffed behind their backs. The corpses from Sednaya were handcuffed with plastic [strands] or with standard handcuffs.

Judge Wiedner recalled that P14 said during the police questioning that “on the corpses, there were signs of beating: blue, old ones and red, recent ones, and there was a cut off penis. Sometimes, the signs were on the back and sometimes on the legs.” P14 confirmed. The 11-meter refrigerated trucks were loaded from the back to the front and when the doors opened, the ones [corpses] that were at the door had been there for no more than two days [not more than two days had passed since the corpses were placed at the door. They were fresh]. When they [the workers] opened the doors of the refrigerator, they said that they saw red or black signs [of beating]. The corpses’ refrigerator was sealed airtight and when it was opened, it was as if one had opened a gas cylinder.



Judge Wiedner asked if P14 saw that himself. P14 said that he saw that from a distance and also was told that.

Judge Wiedner asked how they used to unload the corpses. P14 said that the procedure of unloading the corpses was [as follows]: when the refrigerated truck stops [parks], it was elevated from the front and the workers get on it and pull/drag the corpses so that they [the corpses] fall into the hole [grave] haphazardly. For example, if the hole was 100 meters, they used to bury corpses in 10 meters and the other 90 meters was left open. They used to fill a section of the hole and then backfill it. The surface area of the land was very vast.

Judge Wiedner recalled that during police questioning P14 said that they used to backfill the entire hole [grave]. P14 said yes, some of the holes were 50 meters, some were 100 to 200 meters, and some of the holes had 20 burials [20 دفنة means 20 burial procedures, digging and back filling] until they were completely backfilled. They used to call the hole a “line” and they would say “that line was filled up/done.” Some of the lines were long and had 50 to 60 burials [burial procedures]. The bulldozer and the excavator were always there.

Judge Wiedner asked if there were female corpses. P14 said that occasionally the workers would say [that they saw] a woman with her children. P14 said that he once saw a case where a woman was hugging her child. P14 saw that the woman and the child were dead. On that day, P14 had a [nervous] breakdown, more than raping and killing [He meant that he broke down after seeing that, even more than he would break down after a rape or murder case].

Judge Wiedner asked if P14 personally saw that. P14 confirmed.

Judge Wiedner asked whether the workers said that there were child corpses. P14 replied that they said there were women and girls.

Judge Wiedner asked if P14 needed a break. P14 said no. Judge Kerber assured P14 that he can choose whatever is best for him. P14 said that he would carry on.

Judge Wiedner said that P14 knew the numbers of the corpses asking how P14 arrived at these numbers in the lists. P14 said that as he previously stated, a security person [عنصر أمن] was assigned to their [P14 and his colleague's] civilian governmental service/department where P14 had an office. The security officer used to come with the papers and P14 used to help him. He [the officer] transcribed the numbers to P14 and P14 wrote in the papers something like Palestine Branch, area branch, patrol branch, Al-Khatib Branch, Division 40. That security person [عنصر أمن] would photocopy the file while the big logbook was being filled out with numbers. He [the security person] put the logbook in the closet and took some [papers] to the work manager and his boss.

Judge Wiedner asked if he was talking about the record of the buried. P14 said that they used to fill out the logbook after the burial was over (for the refrigerated trucks from Tishreen and Harasta military hospitals).

Judge Wiedner asked if the numbers were the numbers of the corpses that came from the hospitals. P14 confirmed.



Judge Wiedner asked if there were numbers for Al-Khatib Branch in the lists. Defense Counsel Michael Böcker said that P14 would not have said it with the list's labelling.

Judge Wiedner said that yes, P14 had mentioned and repeated his question. P14 said that they got papers from security personnel [عناصر أمن] at several branches. In each burial, they found Palestine Branch, Al-Khatib Branch, etc. Syria's military security has ten branches, state security has three branches, and the air force has two branches. Numbers were written down, but P14 does not remember the numbers precisely. Al-Khatib could have been 100 or 200.

Judge Wiedner asked whether the number or the name of the dead was written down. P14 said that when the papers came, they said: "Palestine 150."

Judge Kerber explained that the question was whether the name of the dead was written in the list/logbook or its number. P14 said 247, 293 military security.

Judge Kerber asked about Al-Khatib. P14 said that he did not hear a number, but he heard someone say "We received 100 from Al-Khatib..."

Judge Kerber asked if Al-Khatib had a specific number. P14 said that he thinks that it was 247.

Judge Kerber asked if number 251 means something to P14 but assured P14 that if he did not know, it was not a problem. P14 said that a long time ago, he used to memorize the branches and their numbers.

Judge Kerber said that she was asking only about Al-Khatib's number. P14 said that they only said "Al-Khatib, state security. Division 40, state security," etc. These were different from the military security, Palestine, or the area branches.

Judge Wiedner asked if P14 remembers a specific number of corpses from Al-Khatib. P14 said that he does not know a specific number.

Judge Wiedner asked for an approximate number. P14 repeated as he said in the beginning, that in September, October, or November 2011 the security [personnel/forces] who took P14 and his colleagues back and forth did not tell them anything. After that, they slowly began to know the workers and trust them more. P14 said that he could say 100, but it could turn out to be more than that. Therefore, P14 could not say a number. But the important thing is that the burial was one million, or one and a half million, maybe 4 million. Every week, the land that was dug and filled was big/vast. "We used to guess/speculate/estimate in our mind: if the hole is six meters deep and the whole surface area of the land was used for burials" [then, the numbers would be as they estimated].

Judge Wiedner clarified that he did not mean the whole count, but rather how many from Al-Khatib in 2011 and 2012. Böcker interrupted and said that he understood from P14 that there was no differentiation between the state security branches.

Judge Wiedner said that he would get to state security soon but he was asking specifically about Al-Khatib - about the number of dead in the registry/record/logbook from Al-Khatib from 2011 and 2012. P14 said that they [the corpses] used to come from branches, including from Al-Khatib but not all the time, about twice a month and sometimes only once. Additionally, Al-Khatib was the one most associated with civilian hospitals; like Al-Mojtahed and Al-Mowasa, not just Tishreen and Harasta.



Judge Wiedner asked if the classifications of the branches were written. P14 said that they were written on the paper from the security personnel [عنصر الأمن]

Judge Wiedner asked if the number of the dead was written. P14 said there were no names, only numbers.

Judge Wiedner asked what number, whether 5, 10, or 500, was written on the paper for Al-Khatib. P14 said that he does not remember.

Judge Wiedner recalled that in the police questioning P14 said a number of names from the state security. P14 said that he did not understand the question.

Judge Wiedner said that P14 said that there was no exact information as the lists were often mixed. 50,000 names were from the state security alone (2011 and 2012), so about 25,000 names per year. P14 said that state security has three sections: Al-Khatib, Division 40, and the state security administration.

Judge Wiedner asked if the state security administration had a number [was coded by a number]. P14 said that it had a number, but he does not remember it.

Judge Wiedner asked if it was 285. P14 said that they used to say "251, state security", but he does not remember. However, P14 remembers the rest - names and numbers.

Judge Wiedner made a remonstrance - "How many names from al-Khatib? Of 25,000 names from the state security: 1) about 10,000 came from Al-Khatib 2) about 10,000 from Division 40 and 3) 5,000 from the administration; each in 2011 and 2012. From 2013 on, the numbers increased". P14 asked if Judge Wiedner meant numbers or corpse counts. [Apparently, P14 was confused between the number of the branch (like Al-Khatib = 251) and the number/count of the corpses].

Judge Wiedner recalled from P14's testimony that he said, "3,500-5,000 corpses from Al-Khatib and Division 40 together."

Judge Wiedner then made another remonstrance/recollection: "He would have seen corpses with the symbol of Al-Khatib, 10, 15, 20. Of 700 corpses, 10 or 15 came from the state security, maybe Al-Khatib".

Judge Wiedner said that those numbers would be far apart from each other. P14 said that he was shown photos during the police questioning and he said that each branch has a code/symbol. The security person [عنصر الأمن] at work told P14 that "this number and this letter" means Al-Khatib, because he [the security person] knows these things.

Judge Wiedner asked if P14 could give approximate numbers from Al-Khatib. P14 said that he would say the whole state security.

Judge Wiedner asked if P14 had just said only a part of the state security. P14 said yes, the state security contains three branches. Al-Khatib belongs to the state security. The numbers [the count of corpses] increased, and sometimes, they were not able to count [the corpses].

Judge Wiedner asked if P14 remembers a number from Al-Khatib from any day [at any time]. P14 said that in a year, [the number was] 3000 to 4000 or 5000, but he cannot say exactly. P14 said that "they" knew that one of the civilian workers leaked information, so, they took him [the civilian worker] to Al-Khatib and imprisoned him. The worker stayed at Al-Khatib for around a month, more or less, and then



was released. He [the imprisoned worker] told P14 that when a person dies in the prison, they wrap him with a blanket and leave him among “us” [the prisoners]. P14 said that that person kept working with them until 2017, and P14 could say his name. P14 said that he mentioned the names of the workers [in the police questioning] and the rest of the information/data is with Mr Docke [P14’s lawyer]. P14 said that, overall, he thought one million or one and half a million corpses, considering/thinking about what the workers told him. There could be three million or less. However, by looking at it, it gives a hint/suggestion that the numbers were big.

Judge Wiedner asked if P14 meant between 2011 and 2017.

Plaintiff Counsel Manuel Reiger pointed out that there were two hecklings from the accused [Raslan] and he wanted to know what Raslan had said.

Böcker said that there was no heckling in the main trial. Böcker also said that if the witness wanted protection for himself and his family, he should not walk around the court building while being unmasked and talking to his lawyer.

Judge Kerber said that they would talk about it soon.

P14’s attorney said that his client’s blood pressure had dropped and he was unable to continue. P14 was asked if he needed an ambulance. P14 said he did not.

The proceedings were adjourned at 03:00 p.m.

The next trial day will be on September 10, 2020 at 9:30 a.m.

**A note from the Trial Monitor:**

*Tarek Khello, a Syrian journalist informed the court reporter that when Eyad was preparing to go outside the courtroom, he looked at Tarek and said in relatively loud voice [so that Tarek hears him]: “Thanks for your efforts [meaning the court] and the efforts of the German government, which is fighting the Hitlers.”*

**Trial Day 31 – September 10, 2020**

The proceedings began at 9:30 a.m. There were about 9 spectators and 5 individuals from the media present.

Police Officer Knappmann will not come but will be summoned again.

Mrs. Frier will not be summoned again.

The prosecution seeks to give a statement on [name redacted].

Klinge also mentioned a statement of Deußing regarding the Caesar case.

Judge Kerber said that the Caesar photos will be electronically available.

\*\*\*20-minute break because the witness had not yet arrived.\*\*\*

A sketch that P14 made during the police questioning was shown.



Surface area of the burial location

Ahmad Mohammad

مساحة الأرض تبع الدفن

أحمد محمد



1  
51  
63  
100  
120  
70  
60

[Spectators were worried that the name at the top right was the name of the witness, but it was clarified later that it was a random name].

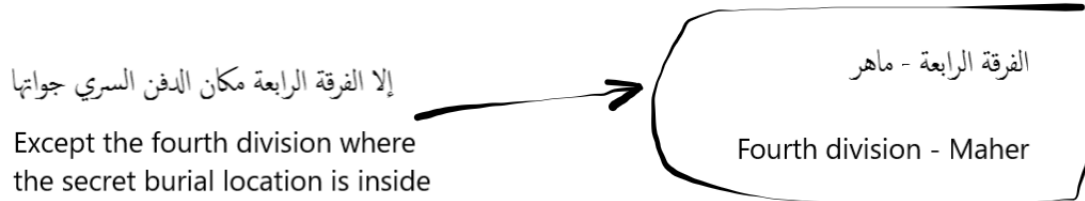
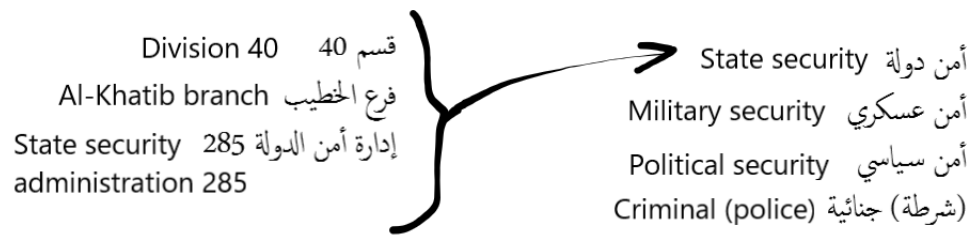
P14 said that in the list, it was written like: "X branch 51, Y branch 63..." [P14 was just giving an example].

Judge Kerber asked how the land surface area is related to the lists. P14 said that he was answering a question during the police questioning and he was drawing randomly, then, P14 told the police that there were letters.

Judge Kerber asked if the lists contained codes/symbols. P14 said that it was the same [he was just drawing randomly], but P14 did not know the codes/symbols. Only the security branches knew them. P14 added that the Latin letters were written by the police. P14 gave an example 40 د [S 40] (د = أمن دولة) [S = State security]]. [Therefore, it is assumed that P14 meant by S 40: State security, Division 40].

Judge Kerber asked if it was correct that the order was: number of dead / the branch / the division. P14 confirmed. During the burials of the corpses from Tishreen and Harasta, there were six to ten documents. For the corpses in the refrigerated truck, there were documents as well, sometimes five. Every document was from another branch.

Another sketch that P14 made during the police questioning was shown.



Judge Wiedner asked if P14 knew the “list with detainees” meant corpses. P14 did not understand the question.

Judge Wiedner asked P14 which institutions the lists came from. P14 said that he did not know the number of detainees and only the approximate number of corpses.

Judge Wiedner asked what the sketch was and what the branches had to do with the burials. P14 said that the police asked him to write down the names of the branches where the corpses came from. P14 said that each branch has its specialty and told the police about the fourth division saying that the burial was there. P14 said that he added “police شرطة” after “criminal جنائية” [It is common in Syria to call the criminal police by the adjective alone, جنائية without saying “police.” He added “police” after that to clarify to the German police in the interrogation that by “criminal,” he meant “criminal police.”], because it is the civilian wing. The political security police and the military security police are independent authorities and interfere in everything, even in the woman and children [The trial monitor does not know what was meant by that statement].

A satellite image was shown.



[Coordinates: 33.736029, 36.598190]

P14 said that he was shown this photo from Google and he was told to point to Najha and Al-Qutayfa Cemeteries.

Judge Wiedner asked if P14 saw Al-Qutayfa Cemetery in the photo [In the courtroom, Judge Wiedner indicated the photo and said “here”]. P14 said that he could recognize [its location] if he saw the Arabic writings.

Judge Wiedner asked if P14 wrote the note on the photos [the note was in German]. P14 said that he only knows Arabic. The police wrote it [the note].

Judge Wiedner clarified that P14 said that he was unable to see Al-Qutayfa Cemetery on the map. P14 said yes, he said that it was in a different area than Najha. They are in different directions.

Judge Wiedner said that another photo would be shown in a moment, but he was asking about the one that was currently being shown. P14 said no, he could not indicate the location.

Another satellite image was shown.





[Coordinates: 33.41637557,36.37156671]

P14 said that that place is close to Najha, [Afamyia أفاميا hotel](#) [The trial monitor believes that the name of the mentioned hotel was a slip of the tongue because it is located in Damascus. Whereas, the actual hotel that he meant, mentioned in the following question, Ebela, is close to Najha. “Afamyia” seemed to be at the tip of his tongue], Damascus Airport Road [highway]. It was around ten kilometers away from the airport. Whereas, Al-Qutayfa is a mountainous and desert area.

Judge Wiedner asked if Najha Cemetery was visible to P14 on the map. P14 said “now no”, but he knows that when he was in the cemetery, he was able to see [Ebela إيبلا hotel](#).

Defense Counsel Böcker asked what direction the airport was located from Damascus, for example, north or south. P14 replied that Damascus International Airport is about 15 to 17 kilometers east of Damascus because it is surrounded by the Eastern Ghouta الغوطة الشرقية.

Böcker asked the same question about Al-Qutayfa Cemetery. P14 said that Al-Qutayfa Cemetery is in the direction of Homs حمص.

Böcker asked if P14 meant north. P14 said that it was in the direction of Homs International Road [Highway]. However, Al-Qutayfa Cemetery is 40 kilometers from Damascus.

Schuster recalled that P14 said that he saw a hotel on the map and asked what the name of the hotel is. P14 replied that it is Ebela.

P14 asked for a ten minute break, but Scharmer had only one question. He asked where P14 saw the hotel in Al\_Qutayfa district. P14 showed him where he saw the symbol of a hotel, but did not want to determine whether it was Najha or Al-Qutayfa.

\*\*\*A 10 minute break was given and extended for another 10 minutes due to a German-wide alarm)\*\*\*

A zoomed-out satellite image was shown.





[Coordinates: 33.736029, 36.598190]

Judge Wiedner asked if P14 recognized anything. P14 said no, it was difficult.

Plaintiff Counsel Sebastian Scharmer asked if the image could be further zoomed-out to show the area in relation to Damascus.

[The image was zoomed out]



P14 said that it is not apparent, because it a desert and barren/waste area. They used to enter a long dirt road to go to the cemetery.

Questioning by Senior Prosecutor Jasper Klinge





Prosecutor Klinge recalled that during the July 30, 2019 police questioning concerning the beginning of P14's occupation in October/ November 2011 P14 stated: "In May or June in 2011 they would have first been commissioned to keep the minutes about the corpses. Twice in July 2011, but this was the first time in Al-Qutayfa." P14 said yes, he had said that at the beginning of their work, they [P14 and the workers] had not been trusted but they were taken to work. During the first and second phases, they did not know anything.

Klinge asked if July 2011 was the first time P14 was in Al-Qutayfa. P14 said not exactly, but approximately, yes.

Klinge asked which hospitals collected the corpses. P14 responded that as he had said the corpses were from Tishreen and Harasta military hospitals, and from Al-Mowasa and Al-Mojtahed, which were civilian hospitals. P14 said that the corpses were gathered from these four hospitals.

Klinge recalled that P14 also mentioned Hospital 601 in the questioning and asked P14 if it had a name. P14 said that Hospital 601 is like Tishreen and belongs to/is under the administration of it [Tishreen]. Its name was 601, but the corpses were collected from Tishreen.

Klinge asked about Al-Mazzeħ المزة hospital. P14 said that Al-Mazzeħ hospital is Hospital 601.

Klinge asked if it is the same as Tishreen hospital. P14 said that Tishreen Hospital has a different location than Al-Mazzeħ's.

Klinge asked if corpses were also gathered in Al-Mazzeħ. P14 said that Al-Mazzeħ Hospital is a military one like Tishreen and Harasta, whereas, Al-Mowasa and Al-Mojtahed were civilian hospitals. The corpses were gathered in it [By it, P14 seems to be referring to Al-Mazzeħ Hospital].

Klinge asked how P14 knew that the corpses were gathered in Al-Mazzeħ. P14 said that on the way there [It is not clear if P14 meant Al-Mazzeħ or "the cemetery" by "there"], they used to say "we received from X hospital..."

Klinge asked if P14 only heard this information, but did not see it. P14 said that Hospital 601 is a small hospital and he does not imagine that a refrigerated truck could park in it, but they sent small cars from 601 to Tishreen [hospital].

Klinge asked if P14 was there personally. P14 said that he, himself, was not present.

Klinge asked where P14 used to meet the officers. P14 said they met in Tishreen Hospital, because the officers who used to accompany them had offices there.

Klinge asked if the meeting point was in the cemetery. P14 said that usually he used to drive the workers from his civilian working place to the hospitals, and then they'd drive to the burial location but sometimes they met at the burial location. It was either they [the convoy of refrigerator trucks] preceded "us", or "we" preceded them.

Klinge clarified that it was not in the hospitals where P14 saw the officers. P14 said that he saw them and waited for them at the hospital until they got out [P14 may have meant that he waited for the officers to leave their offices, or that he waited for the officers to exit the hospital to accompany the trucks]. P14 had workers with him.



Klinge asked for whom he was waiting. P14 said the officers who accompanied the corpses.

Klinge asked if P14 remembers the locations of mass graves other than Najha and Al-Qutayfa which he mentioned in the police questioning. P14 said they received no documents from the fourth division of Maher Al-Asad *ماهر الأسد*, and the Air Force branch in Al-Mazzeah used to bury at their [own] place.

Klinge asked if P14 only heard that from others. P14 said that the bulldozer's driver used to tell them [P14 and colleagues] that they [the bulldozer driver and his colleagues] dug in Al-Mazzeah Airport to bury corpses.

Klinge told P14 that he mentioned Al-Husayniyya *الحسينية*. P14 said that the Al-Husayniyya area is where Najha cemetery is. It [Al-Husayniyya] is a residential area.

Klinge said that the two accused are sitting on his right side and asked if P14 recognizes anyone. P14 said that he does not know.

#### Defense Counsel Hannes Linke

Linke asked P14 what his job was because Linke did not understand. P14 asked Linke to repeat the question.

Linke asked what P14's job/task was back then. Scharmer said that "back then" should be specific. Linke clarified since 2011. P14 said that they were civilians under the administration of "Damascus" to bury the normal dead.

Linke recalled that P14 said that he went to school until 7<sup>th</sup> grade and asked if that was correct. P14 confirmed.

Linke asked if P14 completed any training/education after that. P14's attorney said that no statement would be given.

Linke replied that P14 had answered that in the police questioning. P14's attorney said that was in private rather than in public.

[Böcker and Scharmer responded, but the trial monitor did not hear what they said. However, it appeared that they agreed with Linke that the question should be answered.]

Linke asked P14 to respond yes or no if he did any training/education. P14 said that he did not understand the question. Linke asked if P14 went to college after school. P14 said no.

Linke asked what kind of training/education P14 did after graduating from school. P14's attorney said that no statement would be given.

Linke asked if P14 did any training/education for truck/lorry driving. P14's attorney said that it had no factual connection to the subject and they do not want to give information about P14's biography, because it would lead to exposing his identity.

Klinge said that the questions that the police asked would be innocuous and could be answered.

Plaintiff Counsel Anna Oehmichen said that the question should be answered but not in public.



\*\*\*A short break was taken to let the court decide.\*\*\*

Judge Kerber said that the question would be allowed.

Linke asked if P14 was a truck/lorry driver after school. P14 confirmed.

Linke asked if P14 did military service after that. P14's attorney said that no statement would be given and it would be the same problem with any question where Linke pointedly asked for personal information.

Linke responded that he does not want to know P14's CV just his tasks since 2011. P14's lawyer said that he should get back to that question then.

Linke asked if P14 was an administrative officer after his military service. Böcker said that the defence team was having a problem understanding P14's job and how he was meters away from the burial and worked on the documents. P14's attorney said that his client's job/task was to drive the workers, and in his [P14's] office, he worked on the lists and the registries/records/logbooks. Partially administration, partially driving to the mass graves.

Judge Kerber asked P14 if that was correct. P14 confirmed.

Linke asked if P14 was an administrative official. Scharmer objected and said that the question was already answered.

Linke said that he wanted to know the period of time. Scharmer responded that Linke should then time-frame his question.

Linke asked if P14 worked with [name redacted]. Linke started talking about secret tasks of that officer, but Klinge intervened and said that what Linke did would not be right, as those subjects would not have anything to do with the trial subject.

Linke said that he wanted to know for whom P14 worked before 2011. Scharmer said that the question was already answered. Judge Kerber agreed with Scharmer.

Linke said OK, and asked if P14 was responsible for making the lists. Judge Kerber asked P14 if the question was clear. P14 said yes, he [P14] and a security person [عنصر أمن].

Linke asked if that was in P14's office. P14 confirmed.

Linke recalled that P14 said that the numbers in the lists referred to dead and asked P14 how he knew that.

Judge Kerber said that Linke should quote from the record [remonstration] (Judge Kerber asked Linke to quote from the police-questioning-transcript what P14 said). Linke agreed and said that he gives this task to Judge Kerber, but then asked from where P14 had the information for the lists. Judge Kerber said that P14 answered that the previous day.

The witness was dismissed.

The proceedings were adjourned at 12:00 p.m.



International Research and  
Documentation Center

Syria Justice and  
Accountability Centre



The next trial will be September 15, 2020 at 09:30 a.m.

**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 13

Hearing Dates: September 15 & 16, 2020

*CAUTION: Some testimony includes descriptions of torture.*

**Summaries/Highlights:<sup>1</sup>**

**Trial Day 32 – September 15, 2020**

Mazen Darwish, head of the Syrian Center for Media and Freedom of Expression (SCM), testified on the situation in Syria leading up to 2011 and after the start of the revolution in 2011. He also told the court about his own experience as a detainee of the Intelligence Services as well as physical and psychological torture he experienced. Darwish provided legal background on the competencies and practices of the Syrian Intelligence Services.

**Trial Day 33 – September 16, 2020**

P15, [name redacted] a 50-year-old male testified on Raslan's personal background as well as on two meetings and several phone calls between them. He said in 2012, Raslan provided information and advice on the situation of his cousin, and seemed to be moved by people being tortured. He also said that Raslan was the reason why his journey to Germany was delayed, as Raslan told him that there might be a chance for him to return to Syria based on talks in Geneva. Ultimately, Raslan advised P15 to come to Germany from Turkey. Although P15 came into court in a disguise and expressed concerns for the safety of his family in Syria, the court denied his request to testify with protective measures.

**Day 32 of Trial – September 15, 2020**

The hearing began at 9:30 am with 10 spectators and 3 members of the press in the audience.<sup>2</sup> Attorney Bodenstein was present as a replacement for Raslan's second defense counsel Fratzki. The prosecution was represented by prosecutor Klinge. Plaintiff counsels Mohammed and Kroker were not present, while attorney Bahns and Rothmann appeared as plaintiff counsels.

Defendant Al-Gharib entered the courtroom accompanied by a court security guard as usual. However, today he was handcuffed. When he passed one of the other guards on the way to his seat, he spat on the chair next to the guard and cursed him in Arabic. He told his translator not to translate what he just said.

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<sup>1</sup> 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.

<sup>2</sup> No accredited Arabic speaking members of the press were present.



Testimony of Mazen Darwish مازن درويش

Before the witness, Mazen Darwish, entered the court room, presiding Judge Kerber explained that he will testify for two days. She explained that he was detained in the air-force intelligence branch, however today his testimony will focus on the structure of the intelligence system in Syria. Kerber said she got the transcript of Darwish's questioning by the German police from June 30, 2016. She handed a copy to all parties and ordered a break to allow everyone to have a quick look at it.

\*\*\*

[10-minutes-break]

\*\*\*

When Darwish entered the courtroom, judge Kerber greeted him saying that they already know each other from previous sessions. Admonitions were read out to Mazen Darwish, 46-years old head of the [Syrian Center for Media and Freedom of Expression \(SCM\)](#), who lives in Paris.

**Judge Kerber's Questioning**

Kerber asked Darwish about the structure of the Syrian regime and wanted to know how he came into conflict with the regime. Darwish thanked Judge Kerber and said he thinks that what happened in Syria was a natural result of the structure of the ruling system and the government. It started in 1958 with the union between Syria and Egypt (United Arab Republic). Jamal Abd An-Naser's جمال عبد الناصر [former president of Egypt and president of the Union] provisos broke up the political parties in Syria, disbanded the parliament and abolished the entire independent press. According to Darwish, Syrians agreed to sacrifice democracy for the Union, but it only lasted for 3 years and eventually led to the authoritarian regime in Syria. Darwish further explained "we" lost the union while keeping the dictatorship. During 1961 and 1963, the situation was not stable either. The situation slightly improved compared to the time of Abd An-Naser, however society did not recover its spirit. Darwish said this was the reason for the coup of the Al-Ba'th البعث party on March 8, 1963. The first decree of the new government was to declare a state of emergency and a new epoch began in Syria, based on the principle of a one-party state [تقوم على مبدأ الحزب الواحد]. They [Al-Ba'th] started to eliminate all other parties. Once they dislodged the Naseris [supporters of Abd An-Naser] and the communists, an internal conflict within the Al-Ba'th party began. Darwish further recalled that the first internal coup took place in February 23, 1966. Civilian Ba'this were banished and an absolute authority of the military people [العسكريين] was established. Through this first coup, Hafez Al-Assad حافظ الأسد became the Minister of Defense. In 1970, Hafez Al-Assad staged a coup against the "group of the coup of February 23" and monopolized power. This was when the era of Al-Assad began in Syria. Darwish explained that Hafez Al-Assad was more pragmatic than his predecessor and quickly received international acceptance. Already months before his coup, he gained a good reputation as the Minister of Defense when he ended military support by the Syrian army for Palestine in its conflict with neighboring countries. The first phase of Al-Assad's state began in 1973, when he proclaimed a constitution which provided almost absolute power to the president. According to Darwish, Art. 8 of the constitution was particularly critical as it said that the Al-Ba'th party leads state and society. That was the moment when the mechanisms of controlling the Syrian society started and the security apparatuses were given a free hand to substitute for state institutions. The government and its institutions were appointed to apotheosize the individual (Hafez). Darwish explained this with an example from his own childhood.

He said he was born in 1974 in Nablus, Palestine and went to Syria for the first time when he was 6 years old. He was a normal child and was spoiled by his family. When he arrived in Syria and entered first primary grade at 6.5-years-old, his name became “reconnoitering comrade Mazen”. Darwish said he further joined the organization “youth of the revolution شبيبة الثورة”, as all Syrian children did at the age of 12. According to Darwish, Hafez Al-Assad started indoctrinating children before he attacked the civilian [worker’s] unions [نقابات], especially after the armed clash with the military unit of the Muslim brotherhood and before the security apparatuses committed the Hama massacre in 1982. Darwish recalled the massacre in Hama, where the labor associations (in addition to physicians and engineers) were massacred due to their objection and in order to suppress the syndicates and to modify the law in favor of the Al-Ba'th party.

Judge Wiedner asked when that happened. Darwish said the massacre in Hama was committed in 1982 with dozens of civilian victims, approximately 16,000 to 60,000, however there are no official records of the exact number. According to Darwish, these massacres helped to quell the whole Syrian nation, not only in Hama. The massacres also highlighted the importance of the security apparatuses in protecting Hafez Al-Assad’s government. This is the reason why they were given a free hand during the 1980s/90s. When Hafez Al-Assad died in 2000, Syrian society was exhausted, it had no life. Darwish said there were no political parties, active civilian society, media or parliament, nor any shape of democracy. Darwish said there were some attempts by organizations and human rights advocates, however their influence was very limited “and everything was closed in their face.” After Hafez Al-Assad died, there was a handover process in which his son Bashar was introduced as open-minded with western education and well prepared to take over, ever since his older brother Basel باسل died. The situation was a caricature: the first son was being prepared to be bequeathed power, but died in a car accident. Then quickly, the other son was brought from London to be prepared. Darwish said this made evident that there was no country in the real sense but rather a “family property” which was handed from one heir to another. Darwish said that the beginning of Bashar Al-Assad’s reign was quite obscure, as he was 34-years-old while the constitution required the president to be at least 40-years-old. Consequently, the constitution had to be amended in order to comply with the son of Hafez Al-Assad. The parliamentary procedure of amending the constitution took only 10 minutes. Darwish further explained that Bashar Al-Assad started a propaganda campaign of reformation and fighting corruption with his inauguration speech. Indeed, there was some room for change in Syria, however not due to actual legal changes but due to security forces turning a blind eye to certain things. In that phase, Syria witnessed the establishment of cultural and political forums, but without any powers. In September [2000], Syria witnessed a re-liberation of the committees of defending democracy and human rights, but it did not last for long. In February 2001, the government returned to its former state: members of the people’s council who wanted to shed light on corruption practices, like Ma’moun Al-Homsi مأمون الحمصي and Riyadh Saif رياض سيف were detained. Additionally, by the end of August 2001, detentions of activists started and cultural and political forums were closed with the exception of the Al-Atasi الأتاسي forum. Darwish said that the Iraq war which started in 2003 was a turning point. It was expected that America “would continue to Syria after it is over with Iraq.” He added that Colin Powell issued some requests to the Syrian government, however it responded by “using the terrorism card against America”, in an attempt to abort a new Middle East as the US suggested. The Syrian government and apparatuses encouraged the religious machinery and religious leaders, to encourage the youth “to struggle” [do Jihad] in Iraq. This practice reached its peak with a gathering point in the city center of Damascus, in the area of the old “Damascus International Fair”. From there, buses were carrying jihadi youth from Damascus (accompanied by security forces) to the

Iraqi borders. Darwish further recalled that by 2004, Syrian society regained some vitality which was correlated with regional developments in the area. On March 8, 2004 and based on a request from the human rights committees, a group of activists (around 100) demonstrated against the state of emergency and 68 of the peaceful demonstrators were detained. Darwish explained that in 2003, the Syrian association for human rights was founded, which published reports and data [on numbers of protestors, detentions etc.] from organizations inside Syria. He further recalled that on March 21, 2004, the Arab-Kurdish conflict started in northern Syria regarding a Kurdish nation. Around 300,000 [Kurdish people] were deprived of Syrian citizenship and prohibited from using their language. Darwish said one could find books in any language in Syria: Chinese, German, English. However, Kurdish language was prohibited and one could not find any book in Kurdish. This was one form of national and ethnic conflict which the government conducted, aiming to tear down Syrian society. In 2005, with the assassination of Rafiq Al-Hariri, رفيق الحريري the Syrian government felt international pressure. Syria consequently withdrew its forces from Lebanon which gained the status of a sovereign country with an Arab and international blessing. According to Darwish, the rapprochement between the Syrian government and the "Iranian project" also started during that phase. The rapprochement already started during the times of Hafez Al-Assad, but certain boundaries could not be crossed at that time. After 2006, and what was considered a victory of Hezbollah over Israel, Syrian forces, army and special forces were opened - under the label of "benefitting from the party [Hezbollah]" - to direct infiltration from Iran and the revolutionary guard. Instances of converting to Shia Islam and cases of Iranian propaganda started. Syria consequently became a part of "the Iranian project." In 2008, labelled as "prohibition and futility of the project", a "re-declaration of an international re-normalization" started by the Syrian Minister of Foreign Affairs visiting his German counterpart, the French president Sarkozy visiting Syria and even receiving Bashar Al-Assad and his wife at the Elysée palace. During that time period, the regime detained everyone who was left from the political opposition of the [Damascus Declaration](#), and after that, the signees of the Damascus-Beirut Declaration. Darwish said by doing so, Bashar Al-Assad effectively put an end to political life once again and re-normalized relations with international society, accompanied by granting the security services a free hand. This happened at the expense of the government apparatuses, with bigger economic problems of privatization based on corruption between the government and affiliated groups. Darwish said corruption in Syria was present ever since the time of Hafez Al-Assad. Darwish said it was "a parallel shadow economy", however Bashar Al-Assad tried to privatize corruption, and so "we" reached 2011: the phase of the Arab spring.

Judge Kerber interrupted Darwish, saying that the translator wanted to swap.

Kerber continued by asking Darwish to talk about 2011. Darwish said that if he may, and before addressing 2011, he wanted to mention some aspects of political control [by the Syrian government]. As an example, he said that in 2005 labelled as "the judicial reformation", Bashar Al-Assad breached all judicial conventions by issuing a decree, legislative decree 95/2005, which decided to expel 81 judges, in breach of the constitution and the laws he himself issued. Darwish said the decree provided respective authority to the council of ministers within 24-hours (meaning the council has the right to expel any judge, without reasoning). Darwish said this is an example for how the country is run and for the hegemony of the president with his legislative rights. He said it also indicates that the actions of the security services are not mandated by the government, but rather by the president himself. Darwish recalled that some of the judges tried to file a complaint with the higher constitutional court, however the court did not hear them, as in accordance with the constitution, the president assigns its

members. Another example, according to Darwish, is provided by the information branch in state security Branch 285, which blocked hundreds of websites. One of the websites was An-Nazaha النزهة, which decided to take legal steps. A trial was held on May 13, 2007 at the administrative court (case No. 40/10-06-11). The judges found that they had no information on who was responsible for blocking these websites (knowing that the Ministry of Communication is in possession of the relevant technical devices, however this was the official response from the attorney of the Ministry of Communication via the court). Darwish further recalled a third instance that he witnessed himself: A journalist, Habib Saleh, حبيب صالح, was detained because of an article he wrote. The investigating judge referred his case to the judge at the criminal court on December 1, 2008. Darwish said he and Habib's lawyer Mohannad Al-Hasani مهند الحسني went to meet the respective judge, Judge Ahmad Al-Bakri أحمد البكري, at the Justice Palace in Damascus to ask him about Habib's case. The judge said that there is no need for asking, because Habib was already sentenced to three years imprisonment when he came from the security [forces]. Darwish said this was before his case was even heard and that the judge told them that Habib was brought by the state security. After many hearings and a lengthy trial, the sentence was indeed 3 years. Darwish concluded that all the instances which he just described are small examples of how the state is controlling the judiciary.

Kerber acknowledged Darwish's explanations and reminded him that they wanted to begin talking about 2011. Darwish said there are hundreds of thousands of examples on all aspects of life in Syria. He said that with the beginning of the Arab spring at the end of 2010 in Tunisia, the youth had new aspirations and felt a wave of freedom. Darwish said that specifically with the departure [was translated as "death"] of Ben Ali بن علي from Tunisia and demonstrations in Egypt, social media began to support Egypt and Libya, while not covering the fact that Syrian demonstrations were quelled by the security services. In February [2011], Darwish said he joined a demonstration in front of the Libyan embassy. The political security service Al-Jibbeh الجبهة Branch, and the inner Branch of the state security intervened. Darwish recalled that they could see how the respective forces detained and hit demonstrators. On February 5, 2011 there was a call for the day of Syrian anger. The call suggested a sit-in in front of the parliament in Damascus and at Sa'dallah Al-Jabri square ساحة سعد الله الجابري in Aleppo. There were no gatherings of people, but Darwish recalled that at that time (ca. February 2), he was summoned by the Inner Security Branch (251) where he realized that there were other people like the author Akram Al-Bunni أكرم البني, Faye Sarah فايز سارة and Anwar Al-Bunni أنور البني, who were interrogated by Tawfiq Younes توفيق يونس. Darwish said he was taken to the third floor where he heard that they were accused of instigating people in the streets. Darwish said the security services assumed that there would be a people's movement in Syria for which they prepared. The country was divided into sectors, each of them administered by an intelligence service Branch. After February [2011], the movement on the ground began. Darwish said that a group of protestors was detained during a demonstration in old Damascus on March 15. On March 16, there was a call for a sit-in in front of the Ministry of Interior in order to release the detainees due to "freedom of expression and opinion". Darwish said he participated in this peaceful demonstration in front of the Ministry of Interior. However, dozens and maybe hundreds of security forces came and started beating people, even families, in a very brutal manner. More than 34 women and men were detained. On March 18, kids in Dar'a درعا wrote social media captions, like "Your turn has come, oh Doctor إجاك الدور، يا دكتور" and "Freedom حرية" on walls. The kids were detained and tortured by security forces. The Intelligence Services reacted with violence to the events of March 18, which was an essential turning point. Darwish said they started detaining people and he himself was detained again on March 28. According to Darwish, there was a live ammunition shooting on demonstrations and "falling of martyrs."

Demonstrations of solidarity with what happened in Dar'a began to expand in Banyas بانياس and rural Damascus ريف دمشق. Demonstrations were peaceful, demanding freedom and democracy by using certain slogans. However, the security forces' response was very violent. Darwish said he thinks that the government decided to push the society towards violence and extremism.

Kerber asked whether Darwish knows more about such a decision. Darwish responded that the government chose to respond with military means to the people's demands instead of political solutions.

Kerber concluded that there was consequently no direct decision. Darwish said it was rather some kind of "orientation". Detentions of peaceful demonstrators were accompanied by the release of Al-Qaeda detainees and detained extremists, particularly those from Iraq. The security forces pushed the youth systematically towards violence. There was widespread arbitrary detentions of people, regardless of whether they did anything, especially in areas that opposed the regime. These young people were put in inhuman circumstances of torture. Their religious and moral beliefs were affronted in detention. At first, the [detention] periods were not long: days, weeks or a month. According to Darwish, the detentions were workshops to produce violence. Many former detainees told him personally after their release that they would rather die than be in detention again. Darwish said this practice of violence led the youth from a peaceful [way] towards sectarianism [ethnic division] and violence. The behavior of the security forces was in line with the terminology of the president and his media advisor Bothayna Sha'ban بثينة شعبان, as the president said in his first speech on March 30 [2011]: "If you want it to be an open war, then let it be an open war". Darwish said this was end of March, when everything was still peaceful. The president immediately went to use a language of war and reminded the public that the regime fought a war against the Muslim brotherhood in Hama حماة and Aleppo حلب for six years and succeeded. Darwish said some young people and groups reacted with violence, sometimes in an organized manner. One part of the violence was a form of self-defense, another part originated from extremists and terrorist organizations that were released [from prison], not to mention the smuggling of weapons into Syria. And then, according to Darwish, Syrian society arrived at an "explosion point". At that time, "we" [Darwish and his colleagues] were in human rights organizations. In April 2011, the Violations Documentation Center [VDC] was launched and he and his colleagues started to document terrifying violations on a daily basis. They were detained and eye-witnessed the violations that they were documenting.

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[15-minutes-break]

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Kerber said that she wanted to know more about the general situation and asked Darwish if he derived his information from his work at the VDC. Darwish thanked Kerber, explaining that he is a Syrian citizen from a political family. His father was arrested and persecuted for several years. His mother was detained for one year at the Palestine Branch [Branch 235 of the Military Intelligence Directorate]. Darwish said he got his knowledge from these circumstances as well as from an early stage when he studied at the faculty of law and was interested in human rights. In September 2000, he joined organizations and commissions for human rights and was consequently expelled from the bar association [نقابة المحامين] in Lattakia in 2002. In 2004, SCM was founded and licensed in France. In 2004



they started publishing annual reports in cooperation with other organizations: e.g. in cooperation with UNESCO and UN Habitat in 2006; a monitoring report regarding the parliamentary and presidential referendum in 2007; a report about censorship of the internet and control of digital space by the regime and the security forces in 2008; a report on the travel-ban in 2009, 417 cases of travel-ban by the security forces were documented. Darwish said that this was his and his colleagues' daily work for over 16 years, resulting in his detention and more than one shut-down of their office. Darwish further explained that he and his colleagues founded the Violations Documentation Center in 2011 as one of the projects of SCM, which today contains over 400,000 records about violations by the government, ISIS, al-Nusra and others.

Kerber wanted to know who or what belongs to "security forces". Darwish did not understand the question. Kerber recalled Darwish mentioning "security forces" and asked who they are. Darwish said there are four Intelligence Services in Syria: the oldest one is the Military Intelligence Directorate (MID), which was founded in the 1950s; followed by the General Intelligence Directorate (GID) (publicly referred to as "state security"), which was founded in the 1960s. The Political Security Directorate and the Air-Force Intelligence Directorate are the most recent, founded in the 1970s.

Kerber concluded that all directorates existed before 2011 and asked whether detentions and torture only began in 2011. Darwish said this was the systematic behavior of the Syrian security forces, whether it was arbitrary detentions, forced disappearances, torture or unjust trials whose "arm" [conducted by] is the state security court. Such conduct was always there. According to Darwish, only two things changed after 2011. Firstly, the number of victims significantly increased. Before 2011, detentions were directed towards a narrow group, the political opposition and surrounding circles. So, the numbers of people suffering from such conduct were less. After 2011, the number of the victims increased to millions. Darwish concluded that this was the first change. Secondly, he said, things changed with regards to torture. Darwish said he was detained before and after 2011. Torture was used to obtain information, when the detainee provided all the information he had, torture ceased. After 2011, it became a form of punishment, revenge and a means to get rid of oppositionists and not used to obtain information e.g. Darwish explained that after his third arrest, he was transferred to the fourth division. He and his colleagues were at Al-Mazzeah airport. مطار المزة. Most of them were transferred there. Darwish said he stayed there for six months. He further recalled that there was a torturing program twice a day for all detainees without asking them questions.

Kerber wanted to know when that happened. Darwish said it happened between April and October 2012 adding that the prison guards did not even know their [detainees'] names. Therefore, a human rights defender was tortured the same way as a combatant and a person who got there due to confusion of names.<sup>3</sup> Darwish concluded that this was one aspect of the evolution of torture as a means of revenge and elimination of oppositionists.

Kerber asked whether it was publicly known in Syria before 2011 that torture was part of the Intelligence Services' work and whether one could know what he might have to do when joining the Intelligence Services. Darwish affirmed that it was publicly known adding that it was public knowledge at least since the 1980s and precisely after 1982 and after the elimination of the military movement which belonged to the [Muslim] brotherhood. Darwish added that the pretense of a combat situation

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<sup>3</sup> Note from the trial monitor: In Syria it is not unusual that a person gets arrested or even tried due to him having a similar name as a wanted person.

was used to eliminate the society in general. He and his colleagues were circulating news and information e.g. on the storming of Tadmor تدمر prison where thousands of detainees were shot. He said the entire Syrian society knows about arrests and torture by the security forces under the pretense of an emergency, especially that oppression by the security forces was not only directed against the [Muslim] brotherhood, but hundreds of left-wing organizations were arrested and tortured. He explained that this happened amongst others to the communist labor party, the political office of the communist party and the Naseris [Jamal Abd An-Naser's supporters]. Darwish said thuggery and torture "were for all", and the regime conveyed that image to the society as a means of intimidation and repression. He said it was constantly present in everyday life.

### **Judge Wiedner's Questioning**

Wiedner asked whether it is correct that what happened in the detention facilities of the Intelligence Services was publicly known before 2011. Darwish affirmed.

Wiedner asked whether the methods of torture were also known. Darwish affirmed, adding that it was part of everyday life, as he already mentioned.

Wiedner recalled that there was a turning point in 2011 and asked if the tasks of the security forces changed after the revolution. Darwish said he does not think that the tasks changed, rather the quantity of victims. However, even before 2011, the role and tasks of the security forces were to control the society and the state's affiliates, oppressing the other and preventing any shape of opposition to the government at any cost, which included torture, detentions and killing.

Wiedner wanted to know whether there were qualitative changes as well. Darwish said that the main torture methods like Doulab [tyre], Shabh, flying carpet, and use of electric shocks already existed before 2011. All of these means existed and were used. After 2011 and due to the high numbers [of detainees], health conditions [in detention facilities] worsened. The solitary cell which was previously used for one prisoner, now held 6 to 7 people. Darwish recalled that when he was detained prior to 2011 and until March 2011, he was alone in a solitary cell in Branch 215, however when he was detained again after less than a year, the solitary cell in the Air-Force Intelligence Branch was the same size, but they were 7 [prisoners] in there. He explained that the high number of detainees caused severe health conditions, which resulted along with torture and the absence of medical care, in increasing numbers of deaths and killings. Darwish concluded that this was not a result of changing the methods, but rather changing the number of detainees.

Wiedner asked Darwish whether people died in detention facilities of the Intelligence Services before 2011. Darwish affirmed, explaining that this was particularly the case between 1976 and 1988 as a result of the conflict with the [Muslim] brotherhood; fighting professional associations; and fighting the left-wing communist movements. Darwish affirmed that "everything existed."

Wiedner wanted to know more about the differences specifically compared to the situation from 2001 to 2011. Darwish said this period was different from 1976 to 1988. Opposition movements were not the same and only a certain class of people was arrested, usually human rights advocates, and politicians. Darwish said the only exception was North East Syria where different forms of violations existed due to the unique standing of the area. With the arrival of Bashar Al-Assad in 2000 in the first

phase, the regime tried to make the oppression look nice, “as if they were putting makeup on the face of tyranny.”

Wiedner asked if there were torture victims before 2011. Darwish affirmed, explaining that there were however, fewer. Syrian human rights organizations, like the Syrian committee for human rights provided daily reports on the number of torture cases and deaths from torture, but the number was smaller.

Wiedner asked Darwish whether he has knowledge about the situation in the General Intelligence Directorate and Al-Khatib Branch prior to 2011. Darwish said he knows Al-Khatib Branch very well, it is one of the most important Branches in Syria and basically involved in everything. It was led by one of the persons whom Hafez Al-Assad trusted most.

Wiedner wanted to clarify whether Darwish was talking about the General Intelligence Directorate or Al-Khatib. Darwish said he was talking about both, explaining that “the center” [SCM] once got permission from the Ministry of Culture to hold an event in 2008 in the cultural center of Al-Mazze. [Darwish showed the relevant document in court]. The event was publicly announced and diplomatic officials were invited. However, an employee [عنصر] of Branch 251 was sent to the location of the event only 15 minutes before it was supposed to start. The employee then informed them that the event has been cancelled, despite the official approval from the Ministry of Culture. Darwish said this is only one simple example to explain the involvement of the Intelligence Services and their power.

Wiedner asked Darwish to provide more general information on Branch 251. Darwish said he can provide some stories from before 2011 which he experienced himself as head of SCM. For example, a member of the German parliament from the Green party officially visited Syria with the permission of the Syrian Ministry of Foreign Affairs.

Raslan’s defense counsel Böcker interrupted saying that Darwish should not read from written documents. Darwish explained that these documents are the official authorization for the conference [ندوة] and a notice issued by a governmental body to cancel it.

Kerber explained that there is no need to include these documents in the minutes.

Böcker said he only wants to clarify whether these documents are actually the documents Darwish was talking about or simply notes.

Kerber repeated her sentence.

Plaintiff counsel Scharmer intervened by saying that the cancellation of the event could be of interest.

Darwish said the documents were copies and he can provide them to the court.

Böcker said he also want to have more precise information on these documents.

Kerber said Darwish should first continue with his testimony before the court will have a look at the documents and respective translation.

Wiedner continued by asking Darwish about the tasks of Branch 251 and what the public knows about these tasks. Darwish said he will answer this question right after finishing the story about the

cancellation of the [SCM] event. Darwish said the German member of parliament, Omid Nouripour was “legally and officially” present in “Their [SCM’s] headquarter in Al-Mazzeah Western Villas on May 15, 2008 when two patrols from Branch 251 came and demanded to attend the event. When Darwish refused to let them join, they forced SCM to end the event. Darwish further mentioned that several travel bans were imposed on him, one from Branch 251, despite the fact that his children were in a European country where he consequently could not visit them. Another incident happened at the end of 2010 when Darwish, pressured by friends, wanted to re-register with the Damascus bar association. Darwish said his supervisor was Khaleel Ma’touq خليل معتوق (who has been missing until today), with whom he registered as a trainee in 2010. The bar association council voted 15 votes in favor of taking Darwish back as a member, and a day was scheduled for him to take the oath. Darwish recalled that when he arrived at the bar association in Damascus, the head of this regional association, Jihad Al-Lahham جهاد اللحام apologized to him on behalf of the association, saying that an official from Branch 251 called Mahmoud Ra’d محمود رعد, came to him the previous day to inform him that Darwish was not allowed to register again. Darwish said the same person, Al-Lahham, later became president of the people’s council [parliament] and concluded by saying that Branch 251 interfered with everything and even with personal relationships of people, in addition to its role in oppressing the opposition and the formation of opposing opinion.

Wiedner asked whether this answer would be Darwish’s description of the tasks of Branch 251. Darwish replied that this Branch was one of the most important Branches in Damascus surrounding area. Its strategic tasks are maintaining security in Damascus and surrounding areas, in a security- not military related sense. The Branch has divisions that control all aspects of life: economy, religion, political parties and students. It is involved in everything, even in the president’s government and the election of the people’s council [parliament], in addition to its “regular” tasks.

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[lunch-break – Al-Gharib was handcuffed before he was guided out]

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Wiedner recalled Darwish citing Bashar Al-Assad: “If you want it an open war, then let it be an open war” and asked how Darwish knew about that. Darwish said that it was part of a public speech by the president.

Wiedner asked whether the speech was on demonstrations. Darwish said he assumes it was directed towards the peaceful demonstrators.

Wiedner further recalled Darwish saying that the Inner Branch [251] was present at demonstrations and asked whether they were uniformed and from where Darwish got this information. Darwish said he already mentioned earlier that before 2011, the Inner Branch summoned him several times e.g. on September 13, 2009.

Wiedner specified that he was asking about the Branch’s presence at demonstrations and whether Darwish recognized them or how he knew that it was the Inner Branch [251]. Darwish said from his personal experience, Brigadier General Tawfiq Younes اللواء توفيق يونس was there [at a demonstration] opposite the parliament. He further recalled that already 3 days earlier, Younes arrested Darwish and interrogated him in his office. Some employees [of the Inner Branch العناصر] summoned and

interrogated him as well. Darwish said he knows what they look like and even knows the names of some of them.

Wiedner wanted to know whether Darwish joined any demonstrations in the spring of 2011. Darwish affirmed, adding that he participated in almost all the demonstrations.

Wiedner asked Darwish to describe the kind of assaults [by the Intelligence Services] and the turning point, when the situation became more violent and weapons were used. Darwish recalled a sit-in in February 2011 in front of the Libyan embassy where the security forces filmed the demonstrators. Darwish said he does not know the reason why, but in an instant, security forces took their batons and demonstrators shouted “a traitor, is the one who kills his people”. [خاين ياللي بيقتل شعبه] Some people got arrested, but most of them escaped. On March 16, [2011] there was a call to protest in front of the Syrian Ministry of Interior, time and location were announced in advance, and people started gathering. Darwish said that within the first 15 minutes, there was no reaction from the security forces, but the moment that pictures of the detainees were held up, security forces got active, ripped the pictures and assaulted “us” by beating. He added that the beating was sheer torment and recalled that Dr. At-Tayyeb Tizini, one of the most accomplished philosophy teachers at Damascus University, was beaten with batons. Darwish said he himself was bleeding from his head when two officials caught the doctor and slammed him against a light pole. Arrested people were taken to the South Area Branch, which belongs to the Military Intelligence Directorate. Darwish said months later, there was an attempt for another sit-in, this time at Al-Abbasiyyeen square. ساحة العباسيين A big group of demonstrators tried to get over there from Duma. دوما Darwish said he also participated in the demonstration, where live ammunition was shot.

Wiedner wanted to know the exact month. Darwish said he thinks it was in June.

Wiedner asked if people got shot. Darwish affirmed, saying that some were hit by a bullet, some even died. After this episode, in February 2012, Darwish said he was detained for 3.5 years.<sup>4</sup>

Wiedner wanted to know whether this was Darwish’s first encounter with firearms at a demonstration and whether it happened again. Darwish said that it was the only time he experienced live ammunition, however after that demonstration, his participation in demonstrations became less, whereas during the first phase in February and March [2011], he participated in almost all demonstrations in Damascus and the surrounding area.

Wiedner asked whether there were no shootings then. Darwish said at least not in the demonstrations in Damascus. However, in Dar’a for instance, there were, but he himself was not there.

Wiedner wanted to know since when weapons were used [against demonstrators] and from which point in time it happened on a regular basis. Darwish said later there were other parties. For example, in Jisr Ash-Shoghour, جسر الشغور there was shooting from other groups on a security building.

Wiedner wanted to clarify whether the shooting was initiated by the security forces or “the rebels.” Darwish said it was initiated by another party which he cannot specify. There were clashes in front of the building during which security [forces] responded [fired back].

<sup>4</sup> Note from the Trial Monitor: It was translated as 3.5 months instead of years.



Wiedner wanted to know which security forces used live ammunition: police, army or civilian for example. Darwish said in February, the sit-in was in particular locations and therefore, they were able to see the forces and identify them. Essentially, he identified people from Branch 251 and the Political Security – Al-Jibbeh الجبة Branch. Darwish added that only a small number of people he was able to identify were from the Military Intelligence Directorate. However, at demonstrations where live ammunition was used, he was not able to identify specific individuals. They were a mixture of military forces and intelligence Branches.

Wiedner asked whether Darwish was familiar with the term “Division 40”. Darwish said he has no personal experience with it and was never arrested by them nor detained in their facilities. However, through his work in documenting violations and through his colleagues in the centre [VDC], who were arrested by the Division, he is familiar with it.

Wiedner wanted to know what exactly Darwish knows about Division 40 and its tasks. Darwish said he knows that it is part of Branch 251 and is headed by the colonel (and perhaps later, the brigadier general) Hafez Makhoul حافظ مخلوف. Due to the relationship between him and Bashar Al-Assad, there is a bigger significance to that division.

Wiedner asked Darwish to specify this significance and the tasks of Division 40. Darwish said to his knowledge, the tasks of Division 40 (or division of the city (Damascus)) are part of the tasks of Branch 251, however Division 40 was responsible for a certain geographical area. However, as Makhoul is its head, the Division interfered in assigning ministers and businessmen and their deals [transactions].

Wiedner said this would not answer his question about what was Division 40’s purpose. Darwish said that its tasks were part of the tasks of Branch 251.

Wiedner asked Darwish to look at the defendants to his right and tell him whether he met them before. Darwish denied this was the case.

Wiedner recalled that in his interview with the German police, Darwish mentioned terrible things about his detention, however these things did not happen in Al-Khatib. Wiedner asked if that was correct. Darwish affirmed.

Wiedner asked Darwish to list where he was detained. Darwish said he was first detained in the Area Branch ,[227] فرع المنطقة which belongs to the Military Intelligence Directorate. His second detention was at Branch 215, the third one lasted for 3.5 years and was initially at the air force [Branch] in Al-Mazzeah airport, مطار المزة, then at the fourth division, followed by an air force [Branch] and state security – central interrogation branch.

Wiedner wanted to know where Darwish experienced torture. Darwish said he was tortured at Al-Mazzeah airport, fourth division, air force administration and state security – central interrogation branch.

Judge Kerber now wanted to have a look at the documents which Darwish mentioned earlier.

Darwish said the first document is from the Ministry of Culture, doc. No. 311, and was addressed to the Arabic Cultural Centre in Al-Mazzeah. It includes the permission to host a conference on “Press and the Freedom of Expression” on August 25, 2008 which was organized by Darwish. The document has

the signatures of the Director of the Cultural Centre, Najib As-Sousi, نجيب السوسي and the assistant of the Minister of Culture, Mohammad Turkey As-Sayyed, محمد تركي السيد.

Kerber asked the translator to confirm. The translator affirmed.

Darwish said the second document is a press announcement from the Committee of the Defense of Human Rights, titled "Syrian authorities continue to crack down on freedom of expression".

Kerber wanted to know whether this document was related to the first one. Darwish said it was a press announcement on the cancelation of the conference.

Kerber asked the translator whether he can confirm that. The translator affirmed.

Kerber wanted to know whether the prohibition of the event was also written in a document or only happened verbally. Darwish said the press announcement was speaking about the prohibition.

### **Prosecutor's Questioning**

Prosecutor Klinge wanted to know whether Darwish heard about one of the defendants back in Syria. Darwish said he heard of Raslan.

Klinge asked what Darwish heard. Darwish said that Raslan was the head of the interrogation unit in Branch 251.

Klinge asked whether Darwish heard or was told about the conditions there or about Raslan. Darwish said he had colleagues who were detained in the interrogation division in branch 251. He further has knowledge about Branch 251 through the Documentation Center [VDC].

Klinge wanted to know whether that was before or after March 2011. Darwish said it was after March 2011.

Klinge asked what Darwish's colleagues said about the detention conditions. Darwish said during the first phase in March and April [2011], they talked about torture methods, in particular Doulab and general mistreatment. After April, they reported even more torture and higher numbers [of detainees]. Darwish said he and his colleagues began to document cases of death under torture.

Klinge asked whether Darwish knows names of people who died under torture at Branch 251 between 2011 and 2012. Darwish affirmed.

Klinge asked Darwish to provide these names. Darwish presented a folder, saying that it contains documents on one of the victims, [name redacted]. The folder includes: the testimony of a defector from Branch 251, a certificate from Harasta military hospital مستشفى حرستا العسكري, and a video recording from the victim's brother addressed to the court in Koblenz. All materials indicate that [name redacted] Al-Khleif يامن الخليف died during his time at Branch 251. These documents also show the chain of

custody<sup>5</sup> and are for the court. Darwish added that the documents were translated into German for the court.

Plaintiff counsel Dr. Oehmichen pointed out that Darwish mentioned “chain of custody”, which could also be translated as “chain of command”.<sup>6</sup>

Klinge wanted to know what exactly the documents show and where Darwish got them from. Darwish said he brought several documents, the first one contains names of the commanders from Branch 251 and the administrative structure as well as names of 93 people who work there.

Klinge wanted to know from where Darwish got the document. Darwish said it was prepared and made available by the litigation department of SCM and also the Violations Documentation Center [VDC] department, using testimonies of defected members [عناصر] (two from Branch 251) and open-source material. The methodology and the names are in the document and were translated into German.

Klinge concluded that the document is consequently not an original from the Intelligence Services but was made by Darwish’s organization. Darwish affirmed, adding that the document was prepared at SCM, based on available information. He went on to explain that the second document is about the detainee [name redacted] and contains a certificate from Harasta hospital which indicates that the detainee arrived there dead from the Branch. This document also provides a chain of custody and is verified [authentic]. Darwish said there is also a testimony from the brother of the detainee, who says that, based on the information he received from someone working at the Branch, his brother died at Branch 251.

Plaintiff counsel Scharmer had a question regarding the translation and wanted to clarify whether the person died in the Branch or Harasta hospital. Darwish said the person was already dead when he arrived at Harasta hospital.

Prosecutor Klinge went on to ask whether the certificate from Harasta hospital is an original, a copy or a summary. Darwish said that it is a copy of the original, adding that the chain of custody would indicate how SCM got it.

Klinge wanted to know how the testimony of the victim’s brother was presented. Darwish said the brother’s testimony was documented in a video and is a message addressed to “the justice of the court.” He is currently in Greece and willing to testify in court.

Klinge asked when the person died. Darwish said according to the certificate, he arrived at the hospital on August 27, 2012. He was transferred and medical procedures were attempted for resuscitation in addition to electric shocks [defibrillator], but there was no response.

Raslan’s defense counsel Böcker intervened by complaining that the documents should not be discussed right now during a public session and that Klinge’s questions on the documents would be

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<sup>5</sup> Note from the Trial Monitor: The translator asked Darwish, what the Arabic term “سلسلة الحيازة” means. Darwish said [in English]: “chain of custody”. The translator did not mention the term when he translated Darwish’s statement.

<sup>6</sup> Note from the Trial Monitor: This translation seemed to have caused confusion later, because what Oehmichen referred to was “chain of command” which Darwish provided later as a separate document as well.

inadmissible as it is not clear where the documents came from, what exactly they include and how Darwish got them.

Prosecutor Klinge said he did not know about the documents, Darwish and the SCM collected the information and the documents should be shown in the public main procedure.

Böcker requested a break, saying that the parties to the case received a transcript of Darwish's interview with the German police (in addition to a transcript of an interview from the prior day which the parties already received) only today and no one knew about today's "surprise box". He said those would be heavy documents that should be made available first, before discussing them in a hearing. Böcker said he has no questions on the documents today but requests an additional hearing, as at this point, it would be some kind of "whisper down the lane" and "surprise box".

Klinge said that the material is possibly evidential and therefore Darwish should explain what he brought with him today. Regarding the transcripts, Klinge explained that the first transcript is from July 29, 2017, the transcript of July 30, 2017 was not added to the case file, as it was only part of the [structural investigation](#).<sup>7</sup>

Plaintiff counsel Scharmer tried to say something when Böcker interrupted him, saying that he is not accusing anyone, however Darwish was summoned to provide an overview rather than reading out specific documents.

Presiding judge Kerber said that prosecutor Klinge wanted to get the content [of the new documents] described, which would be understandable. Darwish's documents would therefore be put on record and surely not addressed tomorrow, however the witness could be summoned again.

Scharmer proposed that since Klinge already clarified the origins of the documents, the judges should ask their questions on the documents and then Darwish can be summoned again so the other parties can ask their questions.

Kerber asked Darwish what exactly he wanted to hand over to the court, how many documents he has and provide a short description. Darwish said he would like to submit nine files:

1. Chain of command [structure of hierarchy]
2. Death certificate from Harasta hospital
3. Death certificate from Harasta hospital
4. Death certificate from Red Crescent hospital
5. Note to the head of Branch 251 regarding a conflict between the Branch's interrogation division and the forensic department at Harasta hospital about corpses of detainees
6. Two-page long chart on deaths inside Branch 251, which includes numbers of cooling entities in the mortuary [برادات] and number of corpses
7. Locations of four mass graves
8. Series of telegrams between the security branches and the central administration regarding a detainee who died in custody at Branch 251. He was apparently an employee at the Ministry

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<sup>7</sup> Note from the Trial Monitor: Since 2014, the German Federal Prosecutor General is conducting a so-called "structural investigation" (Strukturermittlungsverfahren) into crimes committed in Syria since 2011. Such an investigation is not related to specific case or instance but aimed at collecting evidence in a larger context which can then be used in specific cases.

of Oil. The telegrams also include descriptions of his arrest, his death at the Branch and suggestion to transfer him to the military police and to bury him in a known location. The series further includes the response from the central administration in Damascus which agreed to the proposed procedure and requested to notify the national security office, since the person was an employee in the Ministry of Oil. This correspondence describes how a peaceful detainee transforms into one of the Caesar photos.

9. 103 photos of detainees who died at Branch 251 from the Caesar files.

Darwish added that all documents were translated to German, indicate a chain of commanders involved and their ranks. The rest of the documents all include a chain of custody. Lastly, there is a copy of the Centre's [SCM] license which shows that the Centre since has been working on the fight against impunity, documenting violations and collecting evidence, ever since 2004.

Judge Kerber asked whether Darwish needs the documents back. Darwish denied, saying they are copies for the court.

Kerber announced that she received a total of 12 documents which are formally added to the minutes. She went on to ask Darwish about the content of the CD he provided. Darwish said it includes

1. Structural framework of Branch 251 and names of employees
2. video message from the brother of the detainee [name redacted] to the court with German translation.
3. 103 Caesar photos

Kerber ordered a 15-minutes break, so the translators could help to evaluate the documents.

Raslan's plaintiff counsel Böcker wanted to know whether there will be more documents. Judge Kerber forwarded the question to Darwish, who replied that regarding this particular case, these were all documents, however with regards to other cases, he provided other documents to "other courts" like IIIM.

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[15-minutes-break]

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Judge Kerber asked the parties whether anyone had comments on the documents and suggested to continue the hearing as planned initially and in case questions on the documents arise, Darwish can be summoned again.

Prosecutor Klinge continued by recalling that Darwish mentioned that live ammunition was used against demonstrators in Dar'a and asked when the use of firearms during demonstrations in 2011 began. Darwish said the first time he himself experienced the use of firearms was at the attempted sit-in at Al-Abbasiyyeen square when people wanted to come from Duma. However, the first time that he documented shootings on demonstrators through SCM was on March 18. Darwish said he spoke publicly about it on TV and as a result, was arrested on March 22.

Klinge asked where the first shooting at demonstrations happened. Darwish said in Dar'a.



Klinge asked whether firearms with live ammunition were afterwards used on a regular basis and whether Darwish documented anything. Darwish said the first shooting on demonstrators was documented in Dar'a, afterwards in rural Damascus. It then became "normal" on a daily basis. Starting in April, SCM documented violations in a database.

Klinge asked when it [use of live ammunition against demonstrators] became daily. Darwish said it mainly happened in areas outside Damascus e.g. in Dar'a and then in Duma. He said he and his colleagues documented shootings on demonstrators specifically on Fridays. In Homs, they first documented shootings on demonstrators in April and as the days went by, shootings expanded.

Klinge wanted to know whether Darwish heard about CCMC. Darwish affirmed.

Klinge asked what Darwish knows about it. Darwish said he has no first-hand information, but he and his colleagues used to hear that a unit was established from the crises management unit and includes a group of high-ranking officers. He recalled that later, when he was in prison, an explosion happened and some officers died.

Klinge asked when and why it [CCMC] was founded. Darwish said with progressing demonstrations and the inability to control them, this unit was founded as a tool to handle demonstrations. As he heard, it has more powers than "normal bodies". It was authorized to suppress demonstrations with military means and to conduct negotiations and consultations.

Klinge asked Darwish about the members of CCMC. Darwish said some of the prominent names were: Jamil Al-Hasan جميل الحسن, Asef Shawkat آصف شوكت, Ali Mamlouk علي مملوك as well as the Ministers of Defense and Interior.

Klinge asked whether Darwish has knowledge about specific decrees regarding the CCMC. Darwish said he heard about it but has no evidence. He only heard what was circulating in general.

Klinge wanted to know what was generally being said about the cell. Darwish said he heard rumors that there were two movements inside the cell: one in favor of violence and military decisiveness, which was led by Jamil Al-Hasan. The other one in favor of combined military and political action, Asef Shawkat was part of this movement.

### **Defense Counsels' Questioning**

Raslan's defense counsel Böcker wanted to clarify some confusion surrounding the term "chain of custody" and its German translation. He asked Darwish what he meant. Darwish explained that he himself used the term "سلسلة الحيازة" and felt that it was not translated well. That's why he used the English term "chain of custody".

Böcker wanted to know what he meant by that. Darwish said that during their work, specifically in the Violations Documentation Center [VDC], they used a special methodology to preserve evidence and take testimonies of witnesses regarding certain evidence. Usually, with every piece of evidence, they have a special format, which explains how the evidence found its way to the Centre.

Böcker asked whether Darwish meant “chain of command”. Darwish said when he talked about the “chain of custody”, it was related to the tracking of evidence. However, one of the documents was actually on the “chain of command and rankings at Branch 251”.

Böcker wanted to know whether it is correct that Darwish was never detained at Branch 251 of the GID but at Branch 285, however not prior to 2015. Darwish said he was not detained at Branch 251. He was transferred from Adra [prison] to Branch 285 (state security – central interrogation branch) in May 2015.

Böcker recalled Darwish mentioning that they started documenting cases of torture after April 2011 and wanted to know whether Darwish himself or other people were involved in the documentation. Darwish explained that starting in April, they realized that the numbers of violations was bigger than the capacity of the Centre [SCM], therefore they founded the Violations Documentation Center [VDC] as one of the Centre’s [SCM’s] projects. Darwish said he was involved in it together with a big group of employees including Razan Zaytouneh رزان زيتونة and Ayham Ghazzoul أيهم غزول, the latter of whom died under torture and is on one of Caesar photos. Today’s pieces of evidence were compiled by members of the strategic litigation project.

Böcker asked whether Darwish was personally involved in the documentation. Darwish affirmed, adding that he manages the SCM and both projects.

Böcker went on to clarify that he knows that Darwish is the head of the SCM and the projects, however his question is whether Darwish was directly involved in compiling one of these documents. Darwish asked for clarification what Böcker meant by “direct intervention”.

Böcker explained that among the documents seems to be a list with names. He asked Darwish whether he was involved in creating this list or if he got help. Darwish said that there is one list of names which refers to the “chain of command” at Branch 251 and that the methodology of creating this list is also attached to it.

Böcker said he simply wants to know whether Darwish was the one who compiled the list. Darwish said the question is very complicated and perhaps, if Böcker would have a look at the document, it would become clearer to him.

Böcker again asked if Darwish was involved in compiling the list. Darwish said that Böcker can find his signature on the documents on which Darwish, amongst others worked.

Böcker wanted to know why Darwish brought these documents to the hearing today but not to his hearing with the German police. Darwish said that at the time of his hearing with the police, the subject matter was his personal detention. Branch 251 was consequently not of interest, whereas “today”, he was summoned for this particular reason.

Böcker went on to ask Darwish technical questions on the Caesar files, whether he knows how they were created. Darwish said the pictures are available open source, the source is also attached to the CD. He said according to Caesar’s [the photographer’s] statements, the pictures were taken from 2011 until defection in 2013.

Böcker wanted to know if Darwish knows how many photos were taken in 2011 and 2012, as they are of particular interest in this case. Darwish said the question is legit, however he cannot provide a timeframe. It would be possible to provide a time frame by analyzing the metadata of each file.

Klinge intervened asking Böcker how he would know that there is only a single file from 2011, as he just mentioned. Böcker replied that only one picture from 2011 is included in the case file. Klinge explained that this would only be the current state of knowledge. Böcker affirmed, explaining that this is why he wants to ask Darwish whether he knows anything else. Darwish said he cannot answer this question and suggested to seek help from experts. Böcker concluded that he now has an answer to his question: “that Darwish cannot answer the question”.

Al-Gharib’s defense counsel Schuster asked Darwish about the school system in Syria, about Hafez Al-Assad controlling children (youth organization of the Baath party), and asked Darwish to provide more information in this regard. Darwish said that in Syria, this system is still in place, until today. There is the concept of “people organizations” المنظمات الشعبية and by definition, they are generic organizations associated with Al-Baath party. The first one is “The Baath pioneers طلائع البعث” organization for children between 6 and 12 years. Then “The Revolution’s youth شبيبة الثورة” organization for the age group between 12 and 18. After 18, there is “The National Union for Syria’s Students” which includes the students in the universities and institutions.

Schuster asked whether the membership in “The Baath pioneers” organization was mandatory. Darwish affirmed, explaining that it is mandatory as the children at age 6, when in first grade are simply not asked, the same is the case for the “The Revolution’s youth شبيبة الثورة”, both are mandatory and membership is consequently “automatic”. Darwish said the same is the case with the “The National Union for Syria’s Students”.

Schuster wanted to know whether that would be some kind of political indoctrination or what the purpose of those youth organizations would be. Darwish said in his opinion this practice is not unique. Totalitarian regimes employ the same method: North Korea, Russia and all the totalitarian regimes. They are political organizations in the sense that children are indoctrinated with ideologies which are then reproduced. One can see this in curricula, in songs or in the curriculum of the socialist national education which was a subject that remained with him for 6 years [starting in 7<sup>th</sup> grade], including exams on it. The curriculum talks about the values and principles of Al-Baath party. Darwish said the subject was even present at university, in law school when he specialized in public international law.

The proceedings were adjourned at 03:40 p.m.

The next trial day will be September 16, 2020 at 09:30 a.m.

### **Day 33 of Trial – September 16, 2020**

The proceedings began at 09:30. There were about 14 spectators and 3 media representatives present.

The prosecution was represented by prosecutors Klinge and Haferkamp. Attorney Rothmann appeared as replacement for Plaintiff counsel Mohammad. Plaintiff Counsel Dr. Kroker was not present.

Raslan's defense counsel Böcker said he wanted to give Raslan an empty calendar and showed it to Judge Kerber who approved it. The calendar was then given to Raslan.

#### Continuation of Mazen Darwish's testimony

#### **Prosecutors' Questioning**

Prosecutor Klinge recalled that the use of firearms in Dar'a on March 18 was documented and that later, in April 2011 firearms were used in Duma as well. Klinge asked Darwish to provide some more explanation on that. Darwish said that with the beginning of the demonstrations in Damascus and then in Dar'a, news started to spread through social media and other media channels. Youth movements began to communicate and gather under the heading "coordination". He explained that especially in Duma, there was historically a form of political movement. Demonstrations started in order to show solidarity with Dar'a, especially since Syrian forces sieged Dar'a, in addition to the use of firearms against demonstrators. Demonstrations usually happened after Friday prayers especially in front of Duma's Grand Mosque جامع دوما الكبير. Darwish said the slogans were the same peaceful ones, essentially showing solidarity with Dar'a. He further recalled a shooting where more than one person was killed.

Klinge asked when that happened. Darwish said the situation escalated at the beginning of April. It started on one of the Fridays, when demonstrators "fell" [were killed]. That Friday, security forces arrested many demonstrators and took many corpses with them. According to Darwish, there was an overlap between political and military levels [in responding to the demonstrations]. Darwish further said that some detainees were released and [the collected] corpses were handed over to the families. Among the government's conditions [for handing over corpses] was that the funeral should take place swiftly with a shortened procedure. However, the funerals took a general nature.<sup>8</sup> Darwish said that some of these negotiations with families were conducted by Branch 251.

Klinge wanted to know where Darwish got his information from. Darwish said he and his colleagues were documenting violations during that time. He said they were contacted by people [families] who had to negotiate with the regime. The Violations Documentation Center [VDC] had an office in Douma until the end of 2013, which was directed by the lawyer Razan Zaytouneh. After her abduction, the work continued until 2017. Darwish said their information came from the ground.

Klinge further recalled a demonstration in Douma on April 29, 2011 which was quelled by the use of firearms and asked Darwish to further elaborate on that. Darwish explained that they [VDC] documented that incident with a list of the victims, arrested people and in addition they also stored testimonies on that event.

Klinge asked about the numbers of arrested and dead people. Darwish said that at least dozens of people were arrested or hurt and they have names of eight people who were killed.

#### **Plaintiff Counsels' Questioning**

Plaintiff counsel Scharmer said that Darwish would be a lawyer and an expert on the Syrian legal system and asked whether torture and murder is prohibited in Syria and if there are groups that grant themselves immunity [from criminal prosecution for the use of torture]. Darwish explained that legally, torture is prohibited by the constitution. Syria ratified the [Convention against Torture and Other Cruel,](#)

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<sup>8</sup> Note from the Trial Monitor: It is not clear whether Darwish meant that funerals became a regular practice as there were so many dead who needed to be buried or whether the funeral took place as usual, contrary to what families were told.

[Inhuman or Degrading Treatment or Punishment \(CAT\)](#) [in 2004], however refused to sign the [Optional Protocol](#) which allows for external examination [of detention facilities and measures taken to prevent torture]. He added that all of that is however, theoretical. In reality, torture and kidnapping [خطف] exist and are covered by law, in particular with regards to security forces and police, before or after 2011. Darwish said this started with the Legislative Decree 14/1969 which grants immunity for members of the state security. It is not possible to file a complaint against them regarding torture procedures, enforced disappearances or any other violation. This was also confirmed by Art. 74 [of Legislative Decree 549/1969] which states that it is not allowed to prosecute a worker of state security, or those assigned or loaned to contractors directly in front of the judiciary. Darwish said this also applies to volunteers or contracted civilians. In addition to that, another Legislative Decree was issued in 2008, which expanded immunity from prosecution to the rest of the security organs: political security, police and inner security. However, the worst thing to happen in that regard was in 2011, when the government ceased “the suspension of working with the state of emergency [martial law]” and The President of the Republic via Decree 55/2011, granted the security forces the status of “judicial police”, الضابطة العدلية, which means detention can be extended for 60 days without referring a person to judiciary. In practice, that Decree gave security forces the opportunity to detain, torture, conduct enforced disappearances and kill within a period of 60 days (not more than that). Darwish said, members of the security forces are also protected on a financial level, as the law of “oversight and inspection الرقابة والتفتيش” prevents any form of financial oversight over the security forces. He said that these [laws] were some forms of exemptions that security forces enjoy.

Scharmer recalled Darwish saying that torture was practiced before and after 2011 and asked Darwish whether he knew about sexualized violence at the GID, in particular Branches 251 and 285. Darwish affirmed that it existed and people heard particularly from the Muslim Brothers whose families and women were subject to sexualized violence and detention as a way of exerting pressure on them. After 2011, Darwish and his colleagues received reports about such violations concerning men and women. Darwish said they had female colleagues who were detained in Branch 251 and faced some kind of sexual harassment and in a broader scope, they also documented cases of rape concerning men and women.

Scharmer asked whether these were individual cases or if it was systematic. Darwish said that the problem was that shortly after the start of the demonstrations, security forces were given a free hand to do whatever they wanted and were granted a legal blanket (Darwish referred to Decree 55). They were free to do whatever they wanted without any restrictions imposed on the officers, whether it was torture or other forms of sexual violence. Darwish told the court that he was detained, along with his wife and female colleagues from the Centre. The first question he was asked by the interrogator was “Since you’re a lawyer: In your opinion, if your wife is raped, do you have the right to divorce her without paying the deferred dowry?”. Darwish said that certainly, he was not interested in knowing the law. It was a means to let him know that “your wife could be raped here”. Darwish said it [sexual violence] was systematic and was used.

Scharmer recalled Raslan’s vitae: he comes from a Sunnite village, worked for the state security since 1995, became an officer in 1996, was the head of the interrogation unit at Branch 251 since 2008 and probably became a brigadier general shortly after. Scharmer asked Darwish whether he thinks, from what he knows, that it is realistic that such a person was not involved with torture or murder in 17 years. On Scharmer’s comment that this question might sound strange to Darwish, the latter thanked for the question and replied that it is not strange at all. He said that in his opinion, the fact that an officer belongs to a certain ethnicity, has no effect on this topic, he keeps exercising his job. Darwish wanted to “elaborate a bit” further: the security forces are controlled by officers from the Alawite sect. A part of the control mechanism is the loyalty or ethnical affiliation. However, that approximation is



incomplete. There are 3 other aspects that need to be taken into account: Firstly, it is generally known what the security forces do and what their function is. When a person volunteers to offer his services in that Branch freely, it means that he, in advance, agrees to be a part of this system and accepts to exercise these practices. Secondly, there are sectors in the government which only accept people whose loyalty and affiliations are known e.g. security forces [branches], scientific researches sector [department] (which belongs to the army) and the army sector [department]. Every person accepted by these sectors [departments], was scanned: the person himself as well as his beliefs and his affiliations. He would not have been accepted, without proof that his loyalty is guaranteed. Darwish said he thinks that one should read the security bodies and their ethnic composition in this regard.

Scharmer said that in 2008, Raslan became the head of the interrogation unit and asked if this would be possible without knowing about torture or using it. Darwish denied, saying it would never be possible.

Schulz recalled Darwish quoting Al-Assad the previous day “If you want it an open war...” and asked whether this speech can be found on the internet. Darwish said that there is a special website for the Republic Presidency which contains all speeches. He thinks that it could even be recorded on television and one is able to obtain it.

Schulz asked if it is still available online. Darwish said he assumes that one can access it via internet, but he does not know the specific link. However, he can hand a copy of the speech to the court.

Schulz wanted to know the name of the relevant website. Darwish said it is called “[web]site of the Syrian Republic Presidency”.

Schulz asked if Darwish has knowledge of any word/picture/audio recording of Raslan. Darwish said he has no information in that regard.

Schulz asked about Assef Shawkat. Darwish said that Assef Shawkat used to be a high-ranking officer within the Syrian Intelligence Services, husband of Bashar Al-Assad’s sister and one of the members of CCMC.

Plaintiff counsel Dr. Oehmichen said that “bar association” (Anwaltskammer) was translated and later “Labor Union Chamber” (Gewerkschaftskammer), and asked Darwish to explain the meaning of those terms. Darwish said he meant the bar association branch in Damascus [فرع نقابة المحامين في دمشق].<sup>9</sup>

Dr. Oehmichen recalled Darwish saying that until 2011, torture was used to get information, and asked whether there was then a difference in quality, number of people being tortured and if it was no longer used to get information. Darwish affirmed, saying that torture was a tool to extract information. One of the developments was that after 2011 and in addition to extracting information, it became a tool for revenge, killing and to shatter the will and mind. He said it became independent from any regulation. Darwish recalled him and other people being subject to “Shabh” [hanging from ceiling with feet barely touching the floor] in old Al-Mazzeah airport prison. Darwish said he was not able to see anything, but heard a hanged person [مشبوح] next to him telling the interrogator to let him down because he wanted to confess that he possessed weapons. The interrogator told the person that he did not want [to lower him]. The person told the interrogator that he wanted to tell him about crimes he committed and that he murdered people (the person only wanted to be relieved and be lowered). The interrogator responded in cold blood: “I don’t want information. Stay there hanged [مشبوح] until your hands are torn up and then die”. Darwish said he simply did not want any information at all.

<sup>9</sup> Note from the Trial Monitor: The translator explained that the word “chamber” would not be used in Syria, but rather (labor) union.

Dr. Oehmichen wanted to know whether Darwish knows about any other Decrees which would be relevant to this trial. She asked if Darwish has juristic knowledge about decrees that could be relevant for the trial. Darwish said he thinks that these [the ones he previously mentioned] were among the most important laws by the President of the Republic, that gave a “protection blanket to the security forces.” However, there are additionally dozens and hundreds of Administrative Decrees. Darwish added that the most important thing is silence, an unwritten rule which makes all these practices possible.

### **Defense Counsels’ Questioning**

Raslan’s defense counsel Böcker asked Darwish about Jisr Ash-Shughur and wanted to know whether he knows something about an incident in June 2011. Darwish said that was exactly what he previously indicated: that in the first months, there was a shooting on the security forces. That was the clearest incident and happened in June, 3 months after the demonstrations began. An armed group of civilians (not sure exactly who) shot at a security center [building] in Jisr Ash-Shughur, besieged it and killed a group of security forces. The latter fired back in a crossfire.

Böcker asked whether June 5 until June 7 [2011] would be logical. Darwish affirmed, saying that the siege lasted from the evening of one day until afternoon of the following one.

Böcker wanted to know whether the number of 120 killed members of the Syrian security forces would be correct (this would not be a scientific source but an accessible source). Darwish said the number 120 is, in his opinion, too big and exaggerated. The site that had been attacked was a detachment that belonged to the security [forces] and was in a peripheral area. In that type of detachment, it is difficult for more than 20 to 30 people [عنصر] to find space.

Böcker wanted to know whether some of those 120 people might have been killed by their own people while defecting, so not only forces fighting against civilians but against their own members. Darwish said he already mentioned that there was a crossfire, both parties killed each other and the clashing lasted for hours.

Böcker said he was not talking about reciprocally killings only but also security forces killing their own people while defecting. Darwish said he now understood the question and said that that he heard that some of the forces [عناصر] wanted to defect and were demonstrating [he most likely meant demonstrating against the shooting]. Their colleagues consequently shot them in order to prevent them from defecting. However, Darwish said he cannot confirm this information.

Böcker asked how the Syrian system (state security) treated their members if they were not 100% loyal and/or refused orders, before 2012. Darwish said ultimately, the nature of the regime does not accept anything but absolute loyalty. He assumes that the regime would not deal permissively with people who refuse or breach instructions [orders].

Böcker said given the case that someone’s perspective on history from 1958 was different in 2008, if someone like this realizes in 2011 that he does not want to continue, what would he do, would he go to Al-Assad and resign or what would be his options. Darwish said first of all, it has to be clear that he does not judge the intentions of people and is not in a position of prosecuting anyone. He assesses the events from a legal and documentative aspect. Again, the regime is not forgiving with those who do not show loyalty. Each case, person or location is different and must be examined specifically. Darwish added that he can only talk about things in general and hopes that any additional issues would be left for the justice of the court.

Böcker asked whether it was possible for someone to defect in 2011 without harming himself or his family. Darwish said he already answered this question.

Böcker denied, saying that he did not understand and repeated his question. Darwish said he already mentioned that the regime is not forgiving in such cases.

Böcker wanted to know what exactly Darwish meant by that and what the reaction of the regime would be. Darwish said he thinks he answered that question as well: it differs from one case to another, each case, person or location is different and must be examined separately.

Al-Gharib's defense counsel Linke asked if the Syrian criminal law knows "obstruction of justice". Darwish said the translation was not clear.

Judge Kerber intervened, asking whether this term exists in Syrian language. Darwish affirmed.

Linke asked again whether this concept existed in Syrian law. Darwish affirmed.

Linke went on to ask about "obstruction of justice in office". Darwish affirmed again.

Plaintiff counsel Scharmer had one more question regarding Jisr Ash-Shughur, saying that Böcker told the version of the regime while he himself wants to tell the version of the BBC. Böcker interrupted complaining that this would not be true and he did not say that.<sup>10</sup>

Scharmer repeated the question, saying that according to the BBC, defected members of the security forces themselves attacked the detachment. He asked Darwish which version was right. Darwish said that the truth could be something else. In a country with neither press, freedom nor judicial investigations, it is really difficult to specify which story accurately tells what really happened. However, BBC Arabic and its office in Damascus has good connections with the Syrian government and its security bodies. Darwish said the relevant journalist at the time is still there today and has better connections than Darwish.

Böcker asked whether it is possible that one's own people shoot you. Darwish said he heard that question, adding that this story [version] exists and he cannot verify it.

The witness was dismissed.

Böcker referred to yesterday's confusion about the translation for "chain of custody" and "chain of command". Judge Kerber said what Darwish meant was "chain of evidence". Prosecutor Klinge said that the term is also mentioned in Darwish's documents, maybe this would clarify it. Böcker said he only wanted to know if this topic was completed. Judge Kerber affirmed.

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10-minute-break

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### Testimony of P15

The witness entered the courtroom wearing a face mask and a cap. Judge Kerber asked him to take them off. P15 asked if he could keep them on and said that he has a brother in Syria who was detained twice by the Intelligence Services and is afraid that something bad would happen to him.

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<sup>10</sup> Note from the Trial Monitor: There was a dispute about the remonstrance between Scharmer and Böcker for some time. When they stopped, Darwish asked whether the initial question was for him.

Judge Kerber said before P15 says anything, she has to inform him about his right and duties as a witness.

Kerber asked whether the situation of P15's brother was related to P15's testimony in court. P15 denied, adding that his brother is the last family member who is still in Syria and was taken [detained] twice by the Intelligence Services.

Kerber asked why he was detained. P15 said that they [the intelligence services] asked him about P15.

Kerber wanted to know whether the questions to his brother were related to P15's testimony or the fact that he is no longer in Syria. P15 said the latter was the case.

One of the Plaintiff counsels, Dr. Oehmichen wanted to intervene, however judge Kerber stopped her.

Kerber concluded the Intelligence Services did not go for P15's brother because of the trial. As witnesses are only allowed to be disguised in certain cases, P15 has to take off his cap and mask. P15 again asked the court whether there was a possibility of him staying disguised, as his brother is under surveillance. Judge Kerber denied saying that there would be certain "rules of the game" in a criminal trial and told him to take off his mask and cap.

Again, Dr. Oehmichen tried to intervene by asking whether Kerber thinks that the Intelligence Services would differentiate [between arresting P15's brother in relation to P15's testimony or the fact that he lives abroad]. However, Kerber interrupted her and asked the witness for his name and age.

P15 said that his name is [name redacted], he is 50 years-old.

Kerber asked P15 about his occupation. P15 asked if he could rather not answer. Kerber denied adding that the question was about his current occupation in Germany, not in Syria.<sup>11</sup> P15 said that in Germany, he is unemployed.

As part of the witness instruction and last question on the formalities, Kerber asked if P15 was related to the accused. P15 denied.

### **Judge Kerber's Questioning**

Kerber said that P15 told the BKA that he knows Raslan and asked him to tell the court about it. P15 said that "Mr. Raslan" is a "son of the region" [from the same region P15]. The main contact P15 had, was with the brother of Raslan's wife. The first time P15 met Raslan was in 2005 when one of Raslan's relatives [P15 said either: 1- "the father of his mother" or 2- "His father or his mother"] died. P15 went to console the family and got to know Raslan on that occasion.

Kerber said that the court is interested in Raslan. P15 said that he met him at the condolence gathering and then after 2005 for the second time. P15 recalled that he was in Damascus with one of his relatives when he spoke to Raslan on the phone and went to meet him. P15 said that he does not remember where exactly they met but they drank a cup of coffee [and sat] for no longer than 30 minutes. P15 said he left and never saw him [Raslan] again, only sent SMS on Eid or certain occasions. He said that this was their entire relation, via phone.

Kerber wanted to know what they talked about in the café. Plaintiff counsel Scharmer corrected and said that P15 did not say café, he just said they met for a coffee. P15 said they met in the office. He could not remember the subject, but "it was greeting and stuff like that."

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<sup>11</sup> Note from the Trial Monitor: P15 mentioned his profession back in Syria but it was not translated in German due to an overlap between translation and the judge talking. So, it might have been overheard.

Kerber asked P15 if he knew what Raslan's occupation was. P15 of course he knew that Raslan was an intelligence officer.

Kerber asked what P15 wanted from Raslan. P15 said he did not want anything at all. P15 explained that he saw Raslan at the condolence gathering where he gave P15 his number. It was a friendly visit and P15 did not want anything.

Kerber wanted to know whether P15 wanted something from Raslan. P15 denied adding that neither did he have in mind to ask anything at all.

Kerber asked whether P15 mentioned his cousin to Raslan. P15 said that this was in 2012. P15 told the court that his cousin [son of the sister of P15's mother]. was arrested and P15 did not know where his cousin was. Nobody was able to know where he was. P15 added that maybe during Ramadan 2012 [began on July 20 and ended on August 18], P15 talked with "Mr. Raslan" on the phone from P15's home and in presence of his cousin's family. P15 said he called and told Raslan that his cousin has been missing for a while and the family is desperate and does not know anything about his fate. Raslan took the name of the cousin (that was shortly before Iftar [breaking the fast]) and once he noted some information about him (date of birth), he asked for some time and told P15 to call him back after 1 or 2 hours. After Iftar, P15 talked to Raslan who said that unfortunately, P15's cousins' situation was not that good, (he was in an interrogation [تحقيق] situation or something like that) and according to Raslan, needed a lawyer to defend him. The situation was too unfortunate. Raslan said a certain phrase which P15 wanted to share: "something that bleeds the hearts (or the heart, P15 was not sure) شيء يدمي القلوب/القلب".

Kerber asked what Raslan meant by that. P15 said that until today, he does not know. Perhaps Raslan was just comforting a sad person. Only Raslan himself knows. P15 confirmed that this was exactly what happened.

#### **Judge Wiedner's Questioning**

Wiedner wanted to know when the condolence gathering took place. P15 said that he cannot provide a timeframe with dates, because he did not write them down to testify [in the future], but he thinks that it was in 2005.

Wiedner said that P15 also mentioned that year during the police interview and then asked whether P15 knew about Raslan before [2005], since he was in contact with the family. P15 said that in fact, he wants to emphasize that he only knows Raslan from meeting him once. The second meeting, did not last for more than 30 minutes. It was in 2005 or 2006, P15 said he does not remember exactly but the dates were close to each other.

Wiedner said his question was rather whether P15 knew what Raslan used to work, before they met in 2005. P15 said he knew the brother of Raslan's wife, who told him that someone in Raslan's family died, so P15 went to the condolence and sat with them. Another of Raslan's brothers-in-law (P15 was not sure of his name, maybe [name redacted]) has a wife who is a gynecologist in the area and is called [name redacted] who has a good reputation. P15 said that these were the only members of the family whom he knows, adding that it was a simple, not a very deep relationship.

Wiedner wanted to know where Raslan originally comes from. P15 said he is from a village under administration of Homs, Al-Houla حمص، الحولة.

Wiedner asked P15 to specify the village. P15 said it is called Taldou تلدو.



Wiedner confirmed that P15 said the same thing during his interview with the BKA. He went on to ask P15 about Raslan's occupation. (P15 and Wiedner clarified that Wiedner was talking about 2005 and before). P15 said Raslan worked as an intelligence officer.

Wiedner wanted to know what he did before that. P15 said that as far as he is concerned, Raslan was a police officer.

Wiedner recalled P15 telling the BKA that Raslan was "a trainer in the police faculty". P15 affirmed.

Wiedner asked what Raslan's rank was. P15 said that perhaps he was a lieutenant-colonel مقدم, however he is not entirely sure.

Wiedner again quoted from what P15 previously told the BKA, where he said that Raslan was a "captain, but also not sure". P15 said at the time of the condolence gathering, Raslan was a lieutenant-colonel مقدم, but when he was working with the police, maybe he was a captain نقيب. P15 said he can only make assumptions as he did not ask Raslan about that matter.

Wiedner recalled that after that, P15 met Raslan only one more time for a coffee, and asked where that was. P15 said it was in Damascus in Raslan's office. He said he does not remember the exact location. However, he recalls that Raslan's office was not on the 1<sup>st</sup> floor.

Wiedner asked P15 to describe the situation and wanted to know whether P15 had to pass a security check before entering Raslan's office. P15 said "of course there was no control", however at the door, P15 was stopped (P15 does not know if they talked it over with Raslan) "We"<sup>12</sup> were asked about our names.

Wiedner asked in which year that happened. P15 said it was in 2006 or 2007, he did not remember exactly.

Wiedner recalled P15 telling the BKA that this happened in "2007 or 2008". P15 said "maybe."

Wiedner asked P15 to describe the office. P15 said that he went to have a coffee, not to take photos of the office. However, as far as he remembers, the office was normal, neither big nor small. P15 added that he does not remember much.

Wiedner wanted to know whether P15 knows the geographic location and the function of the building. P15 denied, adding that he does neither remember the location nor its name. However, P15 remembered that the office was at the State Security Intelligence Branch.

Wiedner quoted from P15's interview with the BKA during which he mentioned "the Inner Branch" in this context. P15 the BKA asked him about the Inner Branch but he did not know the name.

Wiedner wanted to clarify what P15 meant by "state security" and asked P15 what he knows about the Intelligence Services. P15 said all the Intelligence Services in Syria "are the same subject." He said that the members of the Intelligence Services would not know more about that.

Wiedner asked if Raslan was wearing a uniform [when they met for coffee]. P15 denied saying that Raslan wore civilian clothes.

Wiedner wanted to know whether Raslan was still occupying the same position, when P15 contacted him in 2012. P15 affirmed that he called in 2012 and that Raslan was definitely still in the same position. P15 said he did not know where Raslan was working, but he knew that he was an Intelligence Officer

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<sup>12</sup> Note from the Trial Monitor: P15 said "we" although it did not become clear during his testimony whether he was there alone or accompanied by anyone.

and P15 was hoping to get information about his cousin. Raslan helped P15 by saying that his cousin's situation was not good and that he needed a lawyer. P15 said "that was everything."

Wiedner asked if P15 had the feeling that his cousin was detained in an area within Raslan's responsibility or whether Raslan got the information from somewhere else. P15 said that he does not think that his cousin was with Raslan, since he was arrested by the Military Intelligence Directorate. P15 added that this is his evaluation of the matter, however he does not have any details.

Wiedner wanted to know whether Raslan spoke about the physical condition of P15's cousin. P15 said that Raslan answered briefly in 3 words saying that his [cousin's] situation was not good and that he needed a lawyer, preferably one who is specialized in "such cases." P15 said he in turn, told his cousin's brother who was present [when P15 called Raslan].

Wiedner recalled P15 telling the BKA that "Raslan said that the cousin was arrested at a checkpoint and that his condition was very bad because of torture". P15 replied that this section was not about his cousin. Wiedner affirmed that he accidentally quoted the wrong passage and apologized. P15 said that, when P15 mentioned his cousin and Raslan told him about his [cousin's] situation, right after Iftar [breaking the fast], P15 called Raslan back who then told P15 about the specialized lawyer. This was when Raslan mentioned that incident [which Wiedner just quoted].

Wiedner wanted to know more about what happened at that incident. P15 said that Raslan said that a detainee was brought to him from one of the checkpoints. He was beaten by "the forces of" the checkpoint so much that his body was hurt, so he was unable to stand up and his condition was very bad. P15 said that this is what happened and after that, Raslan said "something bleeds the heart", however P15 does not know whether Raslan meant his cousin or everyone, only Raslan would know.

Wiedner asked P15 what happened with his cousin. P15 said that "until today", nothing is known about him. He recalled that his cousin was an awesome young man who studied veterinary medicine at college.

Wiedner wanted to know more about the fate of P15's cousin. P15 said that no one knows anything. "They" sent his ID card and a death certificate to his family. P15's aunt visited her son in Sednaya صيدنايا prison for no more than 5 minutes. P15 said he thinks that she visited him twice. The third time, they gave her a death certificate and sent the ID card back to the governorate. P15 said that indicates that he was dead.

Wiedner asked whether the cause of death was mentioned. P15 said in general, "they" make up a cause of death e.g. heart attack or something like that. He added that the regime does not admit killing anybody.

Wiedner quoted P15 telling the BKA about a "heart attack" as cause of death. P15 affirmed.

Wiedner went on to ask P15 whether he remembers Raslan's rank, when he contacted him concerning his cousin. P15 affirmed, saying that Raslan was a colonel عقيد.

Wiedner asked whether P15 knows when and why Raslan stopped working with the Intelligence Services and why he left Syria. P15 said that in general, he does not know anything about Raslan, his work or personal affairs.

Wiedner asked if P15 contacted Raslan again regarding P15's own situation. P15 affirmed, saying that he called Raslan in Turkey, as P15 was told that Raslan was in Germany. P15 told him that he wanted to go to Germany but Raslan did not encourage P15 to do so. P15 recalled that he was living in a camp in Turkey at the time. He said that [Raslan's] discouragement referred to the possibility that there

might be a solution soon and “we” could go back home [to Syria]. P15 said that Raslan was the reason why P15’s journey to Germany was delayed.

Wiedner asked when this happened. P15 said in 2014, but he does not remember exactly, maybe at the end of 2014.

Wiedner wanted to know where Raslan got that information about Syria’s situation from and what he was doing at that time. P15 said that he was told that Raslan went to Geneva and might have more information about Syria than himself. Raslan literally advised P15 that ‘there is no need [to come to Germany]. If P15 is not in need for a source to eat, then it is better to wait, as something might change in the near future.’

Wiedner asked if P15 contacted Raslan again. P15 said that he called him and asked him if there was still hope. He told P15 that it could take a long time and encouraged P15 to come to Germany.

Wiedner asked when that happened. P15 said it was in 2015.

Wiedner wanted to know whether P15 and Raslan had contact in Germany. P15 affirmed, saying that they were in loose contact (occasional reassurance and stuff like that).

Wiedner asked if the contact was in person or via phone. P15 denied personal contact, adding that they only met twice and only asked from time to time how things were going.

Wiedner asked if they called each other in Germany. P15 affirmed.

Wiedner wanted to know whether Raslan spoke about his personal situation in Germany. P15 said that Raslan once told him about his health condition. He had issues with his stomach, went to the hospital and had a surgery. P15 recalled that Raslan said that his matters were fine and that he was working as a security [guard] and had a driver’s license. They talked about the general situation in Syria which everyone talks about. P15 said he wished Raslan and others good health.

Wiedner mentioned that P15 was detained once and Raslan worked for the Intelligence Services. He asked P15 to evaluate whether Raslan was critical or loyal to the regime. P15 said that September 16 [same as the day session] is the anniversary of his detention. He was arrested in 2012 at 07:00 in the evening and stayed there for 45 days.

P15 asked for a short break.

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10-minute break

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Wiedner said that P15 does not have to talk about his own experiences in detention, but rather assess on which side Raslan stood. P15 said that he does not know what he should say. They did not talk about this subject. P15 said for him, so long as Raslan left the regime, he “practically moved to the other shore.”

### **Defense Counsels’ Questioning**

Raslan’s defense counsel Böcker mentioned that P15 was at Raslan’s office between 2006 and 2008 and ever since only had contact via phone in 2012. Böcker recalled P15 saying that Raslan worked at the same duty station during that entire time. P15 asked if Böcker meant the identical position or only Inner Security.

Plaintiff counsel Scharmer complained that P15 said the opposite to what Böcker just quoted.

Böcker asked P15 to describe Raslan's work in 2012. P15 said that he does not know anything about his work, it was Raslan's sole concern.

Böcker wanted to know whether P15 knows anything about Raslan's workplace. P15 denied.

Böcker said they however talked on the phone in 2012 when P15 told Raslan the story of his cousin, and consequently wanted to know if they did not talk about Raslan's occupation. P15 said that he and Raslan spoke about P15's cousin, because Raslan was an Intelligence Officer and they [P15's family] hoped that he had information. However, regarding Raslan's workplace, P15 does only know that he worked at State Security. P15 added that nothing more was of interest for him.

Böcker quoted from P15's interview with the BKA during which he said that "Raslan asked me to call back after 2 hours, then Raslan said that the situation would be difficult, my cousin would be heard in front of a military court, which notoriously only happens in exceptional cases". P15 asked Böcker to which specific sentence he is referring. Böcker went on to ask P15 whether Raslan mentioned the term "notoriously" or if P15 did. P15 said that he himself used this term.

Böcker asked whether P15 said that to the police. P15 said that he did not understand the question.

Böcker asked how P15 knew that military court would be equivalent to a special case. P15 said that he does not know that wording and does not remember that sentence.

Böcker again quoted parts from P15's interview with the BKA where P15 said "[the context of the phone call was repeated], the call shows that Raslan was affected by the situation. P15 had the feeling that Raslan had compassion for the story of the young man at the checkpoint. P15 was surprised that a member of the Intelligence Services would talk about it and condemn it on the phone, though his phone might be controlled [bugged]". P15 affirmed the statement.

Böcker asked P15 about his perception of Raslan's attitude. P15 said that there is no need to repeat because he already answered that. Regarding the phrase "Bleeds the hearts", P15 added that when one hears that, one can feel that the person who is talking is touched by what is happening. This would be how P15 perceived the situation. However, whether Raslan was touched by what happened to P15's cousin, or by everybody, P15 does not know. P15 added that when he hears such words from someone, he feels that the person is touched by something.

Böcker recalled that P15 was afraid of deserting because his family and himself are rather supportive of the government (both [P15 and Raslan] working in the state apparatus). Böcker then wanted to know whether P15 asked Raslan if he could get his cousin out of prison or both of them with pooled forces. P15 asked if the question was regarding [name redacted] [was translated to "my cousin"]. Böcker affirmed. P15 said that he called Raslan who answered as P15 already told the court.

Böcker clarified that he wants to know whether P15 called Raslan with the aim to ask him about a "detour" for his cousin. P15 asked if Böcker meant that whether P15 wanted to ask Raslan about [name redacted] what his situation was and things like that.

Böcker denied saying that he wants to know whether P15 thought of something like "Can you just release him?". P15 denied, explaining that what he had on his mind was to ask Raslan about his cousin<sup>13</sup> and get relevant information. That was everything they spoke about.

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<sup>13</sup> Note from the Trial Monitor: Many times, instead of saying a name or "my cousin", P15 used the term "the young man".

Raslan's second defense counsel Fratzki asked if P15 still remembers the interview with the BKA from 2019. P15 said that he might have forgotten some specifics, but in general he remembers.

Fratzki asked if P15's hearing was retranslated into Arabic. P15 affirmed.

Fratzki asked how long it took. P15 asked if Fratzki meant the interview. Fratzki said that he meant the retranslation. P15 said that he does not remember, however it did not take long.

Fratzki asked if there were corrections. P15 affirmed that there might have been some corrections.

Fratzki asked if it lasted 3.5 hours. P15 denied.

Fratzki said that "here" [BKA interview minutes], it says that the retranslation lasted from 4pm to 7:30pm. P15 said that this might include the computer work, but that it didn't last that long.

### **Plaintiff Counsels' Questioning**

Plaintiff counsel Schulz asked if P15 remembers the question "when did Raslan defect from the regime?". P15 affirmed, adding that he remembers that it was at the end of 2012 and the news he saw on TV. However, he does not remember on which channel.

Schulz further quoted from P15's interview with the BKA during which he said that he found out [about Raslan's defection] via TV, at the end of 12/2012, on Al-Jazeera". P15 said that it might have been Al-Jazeera as they were broadcasting, along with other channels such as FSA [Free Syrian Army] channel and Safa صفا channel.

Schulz said that P15 said that he would have read about it in the "news thread" and asked what "news thread" means. P15 said that an officer was with the regime and then defected and joined the other side.

Schulz asked if "news thread" means the text [banner] under the TV picture. P15 affirmed

Plaintiff counsel Scharmer recalled that P15 had the feeling that Raslan was touched by the situation (phone call) and asked P15 whether he had the same feeling in 2006, that Raslan would be somehow touched. P15 said "by what should he be moved in 2006 – 2007?" P15 added that they were talking about 2012.

Scharmer affirmed, adding that he still wants to know about the situation in 2006 when they had a coffee together. P15 said on the contrary, they were laughing back then, in a good mood, "nothing worth mentioning."

The witness was dismissed.

The proceedings were adjourned at 12:40 p.m.

The next trial will be October 01, 2020 at 09:30 a.m.



**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 14

Hearing dates of October 01, 2020

*CAUTION: Some testimony includes descriptions of torture.*

**Summary / Highlights:<sup>1</sup>**

- **P16, a 38-year-old woman, testified about her detention and interrogations in Division 40 and Al-Khatib. She identified the accused, Anwar Raslan, as one of the interrogators in Al-Khatib and talked about meeting Raslan in Jordan after he defected. P16 described the beating that she and other detainees experienced and the lack of hygiene available to detainees – although Raslan was sympathetic and did not beat her. She said state security used sexual violence as a torture method and shared stories from other detainees detailing rape and harassment. She was asked about prior statements where she said she was treated well at Al-Khatib. In addition, she laughed uncomfortably during her testimony. The witness described her meeting with Raslan and discussed the political implications of senior officials defecting from the Syrian government.**

**Trial Day 34 – October 01, 2020**

The proceedings began at 9:40 am. There were about 14 spectators and three individuals from the media present.

[Name/information redacted] petition on plaintiff representation was withdrawn because he was already heard in the Netherlands. [No further information on this petition was provided during this or previous court sessions.]

Mazen Darwish's documents from his earlier testimony were handed out.

The hearing of witness [name/information redacted] will be on the first and second of December. Mrs. Hille and Mr. Knappmann, who led the hearing, will appear on December 2.

P16 appeared with her lawyer Mrs. Otto-Hanschmann from Frankfurt (Main).

Chief Judge Dr. Kerber told P16 to tell them when she wants to take a break. P16 thanked Judge Kerber.

Judge Kerber gave her instructions and informed her about her rights as a witness.

Plaintiff Counsel Khubaib Ali Mohammad was not present.

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

*Trial Monitor's Note: P16 consistently laughed throughout the session, even when talked about herself being sexually harassed. The witness was in good spirits. She used the phrase, "Young men and girls" شباب "وصبايا" a lot, however, it has been written simply as "men and women" throughout the report.*

Testimony of P16 [name/information redacted]

P16 is 38-year-old woman who lives in Paris. She said that she was a journalist in Syria. In France, she is learning French. She is not related to the accused by blood or by marriage.

Judge Kerber asked her to talk about how she came into contact with the regime and about her detention. P16 said that she comes from a big family of nine siblings and her parents. She started her political activity in the communist party in Syria in 2001. Between 2001 and 2011, many friends were detained while distributing data on labour (or martyrs) day. When the revolution began in 2011, they had an idea of how the regime would deal with opposing movements. Her first detention started on May 2, 2011 and lasted until May 16 (2 weeks) in Al-Khatib Branch. The second one started on April 12, 2012 and ended on April 19 (one week). This detention was also in Al-Khatib Branch.

Judge Kerber asked how P16 was detained and what she experienced. P16 said that the first detention was from a women's demonstration in the centre of Damascus. When one speaks about demonstrations, one would think of thousands of people, but there were only 30 girls. P16 was the only girl that was detained because she was filming/taking photos [The word in Arabic can mean both, but probably, she meant filming]. Initially, she was taken to Division 40, which is known as Hafez Makhloof's حافظ مخلوف division. Some young men were taken from the street and "we" were beaten together. On the same day, they were taken to Al-Khatib Branch. When P16 arrived, she had to wait in the corridor for a long time – approximately four hours.

Judge Kerber asked if P16 was sitting. P16 said no, she was standing and facing the wall.

Judge Kerber asked if it was for four to five hours. P16 confirmed. Of course, there were many members/forces/personnel bringing people [detainees], passing by [the corridor], and smacking the detainees. That was something normal/ordinary/regular, not because of orders, but rather because they could do so.

Judge Kerber asked if they used hands or tools. P16 said that they were hit mostly by hand, but once it was with an electric stick. P16 had the feeling that they were testing it out. P16 did not know when the first interrogation started. The questions were about her and her family, in addition to another line of questioning, like who sent her and who paid her money to demonstrate. She was blindfolded and her hands were cuffed behind her back during the interrogation. When she was asked stupid questions, she laughed so, she received a smack on the back of her neck. Afterward, she was taken to the solitary cell. P16 said that she does not know if she should elaborate.

Judge Kerber asked her to please continue. P16 said that it was a room "as big as the table here" [she referenced a table in front of her in the courtroom], maybe a bit bigger. It was like a grave. No more details.

Judge Kerber asked if P16 can estimate the size. P16 said that she thinks that it was 1.8 by 1.7 meters. In fact, she was interrogated five times on the first day, and there were always threats of torture and rape - "Now, we will give you to the members/forces/personnel [عناصر] to act [deal with you]". P16 was

preparing herself psychologically for what to do in such a situation. That was all that happened on the first day. She stayed for three days in the solitary cell, from Monday to Thursday, and was not summoned for interrogation. However, there were three things worth mentioning: One, the sound of the people who were being tortured. Two, going to the toilet only once per day. Whenever she was taken to the toilet, “they had to try/test their muscles”, calling her “you who\*\*”, “you cu\*\*.” She received kicks, slaps, and smacks on the back of her neck. [She said رفسة which is a “kick”, more to describe the animal’s kick. Also, شلوت which is a kick especially targeting the buttocks. The translator did not know what it meant and there was some discussion about it.]

Judge Kerber asked whether P16 received blows or was being touched. P16 said she was only beaten. The harassment was in Division 40 when they were beaten all together, and, intentionally and unintentionally, they were grabbing sensitive areas.

Judge Kerber asked if that happened in Division 40, but not in Al-Khatib. P16 repeated that it did not happen in Al-Khatib, but in Division 40.

Judge Kerber asked how P16 knew that she was in Al-Khatib. P16 said that one night, before her transfer to another branch, there security forces stormed the Al-Tal التل area and they arrested many people from there, almost everyone who lived there. They arrested a 60-year-old woman and put her with P16 in the cell and she told P16 that [about the security forces storming the area].

Judge Kerber asked what food the detainees received. P16 replied, olive and bread.

Judge Kerber asked if it was enough. P16 said that she does not know because she did not eat. As P16 previously said, she was preparing herself for the worst. It was one loaf of bread.

Judge Kerber asked P16 about her second detention. P16 said that it was from a sit-in in front of the Syrian parliament within/as a part of the “Stop the Killing” campaign. The security forces were there and knew that they [the protestors] were coming. Before they [“we”] began, they [the security forces] charged at/attacked the protestors and detained young people and girls. P16 and a woman (P16 did not want to mention the name) were beaten like crazy in the street. She [the unnamed woman] was wearing a hijab that the security forces took off and then they ripped up her mantle [Jilbab/coat]. They detained 40 young men and girls. It was the same scenario [as the first detention]: they were taken to Division 40 but the beating was more savage/fierce. Due to the beating, they had welts for ten days. They [sexually] harassed a lot, in an exaggerated way/way too much.

Judge Kerber asked P16 to elaborate. P16 said that she was talking about young men and women. With the girls, they grabbed P16’s and another woman’s breasts in a “disgusting way.” They had the power/strength, but “we” did not [they were powerless/helpless].

Judge Kerber asked if that was in Division 40. P16 said yes. She does not know how to continue/go on.

Judge Kerber recalled that P16 was in Division 40 and was taken to Al-Khatib. Judge Kerber then asked how P16 knew that and what happened. P16 said that when they were transferred from Division 40 to Al-Khatib, they were put in a small van. They were shoved inside without blindfolds, so one could see the streets.

Judge Kerber asked if P16 recognized Al-Khatib visually. P16 confirmed.

Judge Kerber asked what happened afterward. P16 said that at the branch's door, the famous Abu Ghadab أبو غضب and another person called Abu Shamleh أبو شملة greeted/welcome them with four or five slaps following the beating in Division 40.

Judge Kerber asked if that happened in Al-Khatib. P16 confirmed. They separated girls from young men. An officer in official clothes [This was translated to "official uniform", but the wording she used can mean "a uniform or a suit." (P16 does not know [is not sure] whether he was an officer) came and threatened them directly and distinctly saying that they are who\*\*s and need bringing-up/rearing. He [the "officer"] said that they will inform their [P16 and the detainees] parents and will rear/bring them up [This was translated to educate/raise].

Judge Kerber asked how they would raise them [P16 and detainees]. P16 said by beating.

Judge Kerber asked if P16 was also talking about rape. P16 replied, of course, there were always threats of rape like, "Here, we have members/personnel/forces who have not seen their wives for a long time."

Judge Kerber asked if they were threatened with rape on every occasion. P16 said yes.

Judge Kerber asked how P16 knew the names of the torturers like Abu Ghadab and the other one. P15 said that they were Abu Ghadab and Abu Shamleh. "We" were living with them. They [the members/personnel] used to call each other by those names.

Judge Kerber asked if P16 knew them from the first detention. P16 said that in the first detention, she became acquainted with Abu Shamleh and with Abu Ghadab during the second detention.

Judge Kerber asked what happened afterward. P16 said that they were searched and were naked, but a female searched them.

Judge Kerber asked if the body orifices were searched as well. P16 said of course. They had to squat three times to make sure they weren't hiding anything (P16 said that she does not know what she would hide in her body). P16 said that the noticeable thing from the place where they [P16 and other female detainees] were inspected by that woman (P16 does not know if she was a nurse) was its stench. It stunk there and there were traces on the wall (P16 does not know if it was blood). However, P16 felt that the marks were from [signs of] beating and torture. She could see some tools.

Judge Kerber asked what tools were there. P16 replied, cables and sticks.

Judge Kerber asked if they were hung on the wall or bundled together. P16 said no, they were on the floor.

Judge Kerber asked what happened after the body search. P16 said that they were interrogated and, as usual, blindfolded. When they were not pleased with the answer, the detainees were beaten. P16 thinks that it was the third day when she met Anwar Raslan for the first time. Of course, she did not know who he was.

Judge Kerber asked P16 to look to the right and say whether she recognized Raslan there. P16 said yes.

Judge Kerber asked what he did. P16 said that they took her from the solitary cell, blindfolded, and climbed several stairs (P16 does not know how many floors). They arrived at the office and when they entered, she heard Raslan's voice telling the security personnel [عنصر] that he had told them a thousand

times to not bring the detainees blindfolded. The security person took the blindfold off. Raslan asked her to sit down and to choose a seat [i.e. to sit down where she wanted]. In the beginning, he did not ask questions. Then he asked if she wanted coffee. She was terrified and said no thanks. After that, he asked general questions about P16's family. He was nice/kind in general. She stayed in the office for about 15 – 20 minutes. Before he called the security personnel to take her back to the solitary cell, they talked for two minutes about what was happening in Syria. P16 remembers that she said that she did not believe that the army went on the street to kill people and he shook his head. [She did not specify whether he shook his head (left to right), or nodded up and down. It was translated to "nodded."] He called the security member/personnel to take her back. P16 asked him [Raslan] if she could smoke a cigarette in the corridor and he agreed. He told the security person to give her a cigarette to smoke in the corridor before he took her back [to the cell].

Judge Kerber asked what happened next. P16 replied that nothing happened. The following day she was transferred to another branch where she, along with two other women, stayed in a cell in Kafar Souseh كفسوسة. From there, she was referred to the [Syrian] court and was released after three days.

Judge Kerber recalled that in a previous questioning/hearing, P16 explained why she was not treated badly. Judge Kerber asked if P16 remembered what she said. P16 said in fact no [she did not remember], but that was probably because the "Stop the Killing" campaign had momentum at the international level. Kofi Annan was in Syria and it was obvious that "we" were peaceful activists. Some friends and lawyers seized the opportunity of Annan [being there in Syria] to increase the pressure to release them.

Judge Kerber asked if P16 identified a dialect during the interrogation. P16 said that the question was perplexing/ disconcerting because everyone in that corps speaks one dialect.

Judge Kerber asked which dialect. P16 replied the Syrian regime dialect.

Judge Kerber asked if P16 could specify. P16 said that it is obvious that Judge Kerber knew the answer.

Judge Kerber replied that the answer should be public. P16 said that she reserves to mention the term that Judge Kerber wants.

Judge Kerber asked if Raslan speaks a regional dialect. P16 said no.

Judge Kerber said that P16 had said that before [The court was not informed when P16 had said this, but perhaps Judge Kerber was referencing the police questioning]. P16 asked if Judge Kerber was talking about Raslan or the whole regime.

Judge Kerber said she was asking about Raslan. P16 said that she knows that one who lives in Damascus, speaks the Damascene dialect. However, one who lives in Damascus knows if someone comes from another place and P16 knew that he came from another place.

Judge Kerber asked where does he come from. P16 replied, Homs.

Judge Kerber asked where in Homs. P16 said that she does not know.

\*\*\*5-minute break\*\*\*

Judge Kerber asked if P16 met Raslan after her detention. P16 said yes, in Jordan. In fact, until that time, P16 did not know his name, but one of her acquaintances was also a defector from the Syrian regime



and showed her his [Raslan's] picture. The acquaintance asked her if she remembered that person and she said no. He told her to recall Al-Khatib. P16 then remembered and asked him why he asked. He told her that he [Raslan] defected and is in Jordan. P16 said that she was curious [The translation was "She had the pleasure to meet him there **twice**"].

Judge Kerber asked how the meeting was. P16 said it was a bit surreal. [There was confusion in translating the term. It was translated that Raslan did not seem normal.] P16 said that it was not normal. She was sitting with her jailer drinking coffee. In fact, they talked about generalities more than details. The meeting lasted for an hour or an hour and a half and after that meeting, she had not seen him again.

Judge Kerber told P16 to tell the court whenever she needs a break or they can proceed on. P16 said that we can carry on.

#### Questioning by Judge Wiedner

Judge Wiedner asked P16 about her activities in the communist party and if she noticed arrests or chases. P16 said that when Bashar [al-Assad] took leadership, he tried to have political openness at the beginning, which coincided with the Palestinian Intifada [uprising] in 2000. So, there was a fine/ok political movement and demonstrations against America and Israel were part of general Syrian propaganda. However, starting in 2002 or 2003, he [Bashar al-Assad] changed his mind and said to himself, "What do I have to do with this [why should I be concerned]?" There were detentions for most of the activists. During "our" communist activity, they detained many [people/members] who were distributing leaflets. One of them stayed in a solitary cell for 30 days alone and told "us" when he was released.

Judge Wiedner asked if the arrests were conducted by the intelligence services. P16 said that the comrade who was detained in 2006 was important to her personally and therefore, his story was important to her. Based on orders from the party, he reserved all the information and did not share information with others [He did not talk and give information in the detention/interrogation]. This information was considered special to the leadership.

Judge Wiedner asked where he was detained. P16 said that he did not mention where.

Judge Wiedner recalled that P16 was detained in Division 40 and asked if she can describe where it was. P16 clarified if Judge Wiedner meant Division 40. Judge Wiedner confirmed. P16 said it is in Al-Jisr Al-Abyad, **البحر الأبيض** which is a street in an area called As-Salehiyya **الصالحية**.

Judge Wiedner asked if she knew that Division 40 was there and how. P16 said that she knew because when they were taken from the demonstration to the branch, they were too many people and not enough blindfolds. They could see where they were heading.

Judge Wiedner asked if she knew before her arrest that Division 40 was there. P16 said that she did not know that it was called Division 40, but she knew that it was a branch of the intelligence services. In Damascus and from the beginning of the demonstrations, one could see checkpoints and fortifications around the branches and therefore, one could recognize/distinguish them.

Judge Wiedner asked if P16 could describe the building of Division 40. P16 said that there was a big iron gate and a space [yard] that was surrounded by residential buildings. They were able to see balconies.

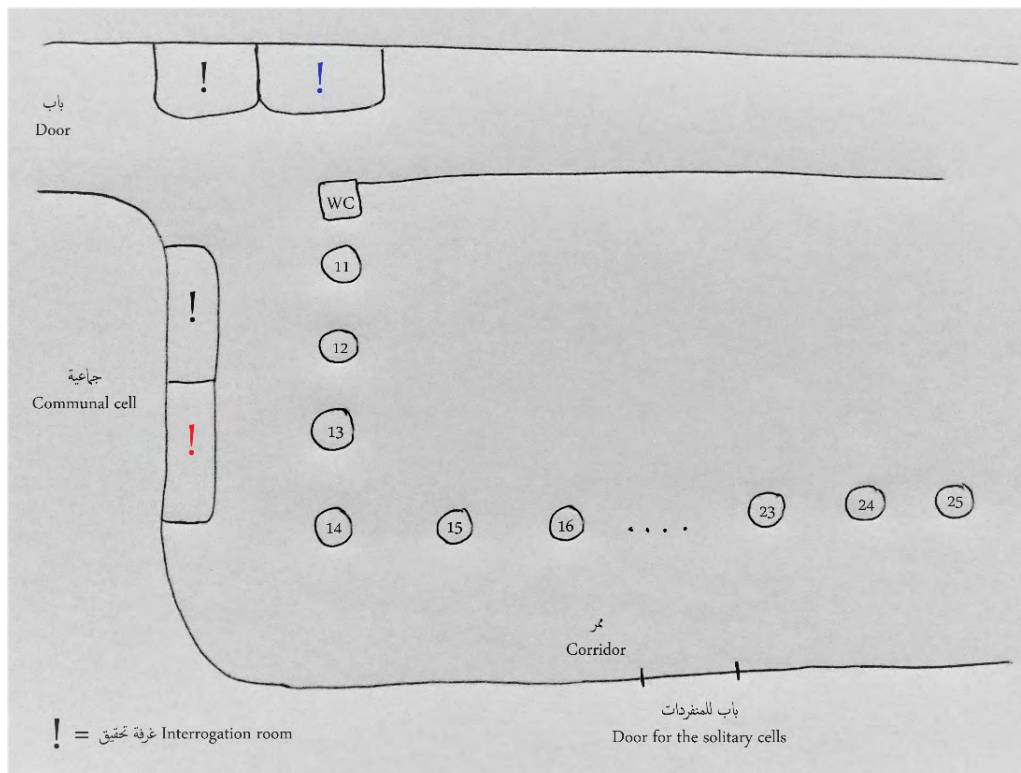
Beyond that, there was a normal building (like the residential flats). Both times, they were beaten on the third floor.

Judge Wiedner recalled that she went to Al-Khatib after Division 40. Judge Wiedner asked if she remembered her arrival, and where she was brought and where the cells were. P16 said that she drew a sketch of the branch and handed it in, but she could try to recall it again.

Judge Wiedner asked if P16 could describe it first and if she went downstairs, as well as to describe the blows and the situation. P16 said that the sounds of beating are always/constantly audible/heard. "Morning" we [the detainees] don't differentiate day from the night there, but only know it is morning because they [the prison guards] play Fayrouz [a singer] and one can hear her and the sounds of the beating together/simultaneously.

Judge Wiedner said that P16 mentioned the downstairs and asked if she meant the basement. P16 confirmed. When they arrived at the door of the branch and after the welcome party by Abu Shamleh, they went downstairs (she does not know how many stairs, but it was underground). When going downstairs, there was a corridor on the opposite side. There were three or four gates/entrances, which P16 thinks were solitary cells.

A sketch was shown.



P16 mentioned that she was in cell numbers 23 and 25. She recognized the interrogation room [blue exclamation mark] from the smell of the toilet, [in the room] where she was interrogated. P16 said that she was beaten on the way to the toilet (back and forth). P16 said that the sounds [of torture] used to come from the shared/communal cell to the left. P16 said that in the corridor at the bottom there were



beds for the guards/personnel. P16 added that below the door there was a solitary cell, number 13, where a friend of P16's [female friend] was detained since the 1980s. This friend was the woman who was brought to P16 [P16's cell]. They left the window open so that she could see her children being beaten in the interrogation room [red exclamation mark]. When she cried so much, she was brought to P16 [P16's cell].

Judge Wiedner asked how old the children were. P16 said that she [the woman] did not say. She was 60, so maybe her children were 20-year-olds.

Judge Wiedner asked if men and women were segregated. P16 said that she was segregated and did not hear about mixing men and women, at least according to what she heard from her female friends about Al-Khatib.

Judge Wiedner asked if underground means that there was no daylight. P16 replied, never.

Judge Wiedner asked if the lights were turned on. P16 said that the lights were turned on and off two or three times (P16 was not sure), but it happened at least once. They turned the lights off and someone collapsed. He was banging on the door like crazy saying that he "would tell everything and wanted to be let out" and the whole branch could hear him. Apparently, he could not breathe.

Judge Wiedner asked if the man responded this way because of the small size of the cell. P16 said yes, she thinks so because they were already living in horror and it felt like being in a grave. One lost all his senses and contact with the outside world. One cannot see anything and only hears people being beaten. P16 said that she thinks that some people don't have endurance and so they collapse.

Judge Wiedner asked if solitary cells were as she described them. P16 said yes, the numbers in the sketch are all solitary cells.

Judge Wiedner then asked if there was a second woman with her in this solitary cell. P16 confirmed and said that the woman was brought into P16's cell during the first detention.

Judge Wiedner recalled that there were interrogations in the interrogation rooms and asked what P16 perceived from others. P16 said that she does not know how to describe that. The sounds were terrifying for sure. "We" in the solitary cells were able to hear the cables hitting skin. The sounds of the young men who were beaten were abnormal. There was one person who lied to them to make them stop only to take another breath and promise to tell them everything. They asked him what he wanted and he said that he does not have anything to say.

P16 asked if it was possible to take a break. Judge Kerber asked for how long and if ten minutes was enough. P16 said yes.

\*\*\*10-minute-break\*\*\*

Judge Wiedner asked if there were tools to hang someone/something, like rings or hooks. P16 said the smell was remarkable. P16 was afraid and therefore, could not differentiate whether that room was for beating [or something else].

Judge Wiedner asked if she cannot remember clearly. P16 confirmed.

Judge Wiedner asked P16 to describe a typical interrogation situation, but not with Raslan. P16 said that in all the interrogations that were conducted underground, she was always blindfolded and her hands were cuffed. She could recognize/differentiate the voices of the interrogators, but could not see them. However, it was remarkable that one could see from underneath the blindfold that all of them were wearing sports shoes. One could recognize that there was more than one person by the voice. There was always a member/person behind her who was responsible for beating her when they were not pleased with her answer. One time, she was taken to the interrogation and heard a person who was being tortured in the (same) interrogation room. When she entered, she could not see anything and someone was pulling her from her arm and therefore, she stepped on the person [who was being tortured] and he was pulled/dragged outside. She told him "I am sorry." From underneath the blindfold, she saw him being dragged outside.

Judge Wiedner asked if there was task sharing in interrogations. Did the interrogator do the beating as well? P16 said that no, the interrogator never hit her. It was the responsibility of the person behind her.

Judge Wiedner asked if the beatings were ordered. P16 said that she does not know, but she felt that when he [the interrogator] did not like the answer, it was reflected/indicated to the member [person behind her] and then she was beaten.

Judge Wiedner asked what they [the interrogator] wanted to know. P16 said that they asked about her and her brother, [name/information redacted], multiple times and in fact, he was detained in 2013 through the present time. There were questions about the family's financial situation and where was her father working, about her affiliation with the communist party, and about what the party's activities were and who was responsible for the party.

Judge Wiedner clarified that Raslan's office was not in the basement. P16 confirmed.

Judge Wiedner asked if P16 could estimate how many stairs/ floors she had to go up when going to the interrogation. P16 said that she had previously mentioned a second or third floor. She went up many stairs but that was her personal estimate, because she was blindfolded and her perception could maybe be mixed up.

Judge Wiedner asked if she was alone with Raslan or if there was another person with them. P16 said no, it was just them [P16 and Raslan].

Judge Wiedner recalled that at the beginning of the interrogation he [Raslan] told her to take off the blindfold. Judge Wiedner asked if someone else was there. P16 said the member/security personnel who brought her upstairs from the solitary cell was there.

Judge Wiedner asked what Raslan was wearing. P16 said that sometimes memories get mixed up [she sometimes does not remember things correctly], but maybe he was in official military clothes.

Judge Wiedner asked if there were symbols/signs on his epaulettes/insignia. P16 said that she does not remember, but she thinks that there was an eagle and two or three stars.

Judge Wiedner responded that P16 said "an eagle and two stars" in the police questioning.

Judge Kerber showed an image of some insignias.



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Judge Wiedner asked P16 to describe Raslan's office. P16 said that, as she mentioned previously, in comparison with other offices, it was luxurious/upscale. There was a table [desk] made from expensive looking wood, a library [book shelves] and of course, Bashar al-Assad's picture.

Judge Wiedner asked if there was a couch/armchair. P16 said, of course.

Judge Wiedner asked if P16 was beaten before [she was brought to the office]. P16 confirmed.

Judge Wiedner asked if one could notice that she had been beaten. P16 said that she showed signs, as her t-shirt was ripped and her hair was unkempt [She had physical indications that she had been beaten].

Judge Wiedner asked if she had marks on her face or if there were swellings. P16 replied, no.

Judge Wiedner asked if someone could hear screaming sounds from the office. P16 said no, never.

Judge Wiedner asked P16 what the purpose of the interrogation was and observed that she had described a friendly atmosphere. P16 said, correct. She does not know the reasons for the interrogations. They interrogate when they want – sometimes the questions were stupid and sometimes they were deep. It was their job.

Judge Wiedner asked if Raslan wanted certain information from her, or if she was asked general questions. P16 said that he [Raslan] asked her one question about Al-Ghouta الغوطة. She was scared when he asked that, because she was detained both times from a demonstration, not because of her name. She was wary/cautious and used a pseudonym/alias during her activities in Al-Ghouta. When he [Raslan] asked that, she felt that she was exposed to them (in Al-Ghouta). However, she denied that and said that she had connections there and that she had been there.

Judge Wiedner asked when P16 met Raslan in Jordan. P16 said it was in December 2013 or January 2014. She does not remember. She does not even remember when she left Syria.

Judge Wiedner asked if P16 recalls the intention of that conversation and why Raslan talked to her. P16 asked if Judge Wiedner meant the first or the second time.

Judge Wiedner clarified he meant in Jordan. P16 replied that he [Raslan] did not ask to see her. There was a mediator who asked her if she would like to meet Raslan. [It was unclear if she was referring to the mediator asking her or if Raslan asked through the mediator]. She agreed and went immediately to a public café in Amman.



Judge Wiedner asked if Raslan remembered her. P16 said that she thinks so.

Judge Wiedner asked what they talked about. P16 said that he [Raslan] told her that when he asked her about Al-Ghouta [when she was detained], he was looking for a route/way from Damascus to Al-Ghouta to secure a way to sneak his family out. P16 responded to Raslan, "You are asking me about Al-Ghouta inside an intelligence services branch?!".

Judge Wiedner asked if P16 asked Raslan for his position/opinion on the system/regime. P16 said that they did not go into details. She was still surprised from meeting Raslan and she is not an inquisitive/nosy person in general.

Judge Wiedner asked if Raslan apologized or showed remorse. P16 said no, not in a direct way. The meeting was more as if they were friends.

Judge Wiedner asked if P16 saw dead people during her detention period in 2011 – 2012. P16 replied, no.

Judge Wiedner asked if P16 heard reports/stories about dead people. P16 said of course.

Judge Wiedner asked P16 to elaborate. P16 said that there is a story about something that happened and P16 talked with the concerned person who asked her not to mention names and details. However, she shared one detail. His [this person's] brother was detained in Al-Khatib and he had direct contact with Anwar [Raslan] to negotiate how he [the brother] could be released (P16 can't tell [details]). After a while, Anwar [Raslan] called him and told him that his brother died and asked him to come to take the corpse. He [the person] went to a military hospital (P16 does not know which one) and they offered him four corpses with signs of torture on them. None were his brother. When he [this person] objected, they told him to choose one [of the corpses] and take it.

Judge Kerber asked when Raslan started to not want to support the regime. P16 said that according to him [Raslan], he did not have a chance to defect earlier and was not able to do so before he could secure his family.

Judge Kerber asked if he talked about his defection with P16. P16 said yes, but it was a quick conversation and was over in two minutes without details.

Judge Kerber recalled that P16 said that "he would have started to support the opposition when the Assad system threw bombs on civilians." P16 confirmed.

#### Questioning by Senior Prosecutor Klinge

Senior Prosecutor Jasper Klinge recalled that Raslan said in his statement at the beginning of the trial that [Klinge made several quotations/remonstrations]:

- "He [Raslan] and P16 met in April 2011". P16 said that was not true. Klinge asked if P16 was sure that it was in 2012. P16 said yes, April 2012.
- "She worked for BBC". P16 said that was not true.
- "She was in an office with several people." P16 said that she thinks that Raslan was talking about another person.

- “[A] 3x3 meter office, that she would come from Ma’raba ,معرية, Damascus and was a Christian”. P16 said, no.
- “She would have called the chief of Branch 251 and asked him to release her, she only talked about press freedom.” P16 said that was not true.

Klinge asked if they met in 2014 in Jordan. [Name/information redacted] called her and they met in Tila Al-Ali in a café. P16 said yes, she thinks that the place was Tila Al-Ali تلاع العلي.

Klinge asked if May Skaf مي سكاف was there too. P16 said that May Skaf was not there.

Klinge asked if P16 knows May Skaf. P16 said, of course. They lived together in Jordan.

Klinge made a quotation/remonstrance: “He would have recognized her right away and thought she wanted to thank him, but it was not like this, she did not say a word. May Skaf was there.” P16 said that May Skaf was not there.

Klinge asked if P16 talked to Raslan personally. P16 confirmed.

Klinge asked if P16 had the impression that Raslan had the power of order in his office in April 2012. Defense Counsel Michael Böcker intervened asking, “What do you want to do with the answer?”. P16 answered saying that when one is in such a situation, one anticipates the worst. Anyone who works in the intelligence services has authority/power. Mr. Raslan was not an ordinary person, he was the vice-head. He surely had a certain authority/power.

Klinge asked if his orders were conducted/followed. P16 said that she does not know the type of orders he gave.

Klinge refreshed P16’s memory by quoting: “[...]Told you a thousand times to take off the blindfold.” P16 said that it was the only order [that she heard?]. Any officer might say that to any member/employee.

Klinge asked how employees/members addressed Raslan. P16 said that the member/personnel/employee did not usually speak. He knocked on the door and entered. The most common thing that he repeats is “Yes, sidi سيدي” and “At your command, sidi أمرك”.

Klinge asked about the general condition in Al-Khatib and the methods of torture. P16 said that one cannot see anything. She described the room where the detainee’s clothes had to be taken off because that was the only thing she saw. She could only describe [torture] from the sounds of the people and young men, especially regarding the amount/magnitude of torture.

Klinge asked if others described torture. P16 replied, of course. There is “Shabh”, where one is hung from the hands to the ceiling with toes touching the floor with random/indiscriminate beating on the body and face. There is “Doulab” [tyre] that P16 did not see, but she heard that the detainee is folded up into two halves [forward fold]. P16’s friend was detained for three months and when he was released, he was not able to walk for six months. There are electric sticks with adjustable degrees of intensity. P16’s friend described to her that they used to pour water [on the detainee] then use electricity, so that he shudders/flinches. These were the people who made it through. Some friends were martyred [died]. There is also the torture of putting out cigarettes on the body. A person who now lives in Paris cannot walk, because of the beatings on his knees and cigars were put out on him. He is one of P16’s friends.

Klinge asked if P16 was talking about Al-Khatib or in general. P16 said that one of them was in Al-Khatib (the person with Shabh). He was detained twice in Al-Khatib. He is a physician and the worst thing he was subjected to was Shabh.

Klinge recalled that P16 was detained in a solitary cell in 2011 and 2012 and asked if she saw shared/communal cells as well. P16 said that during her way back and forth to the toilet (sometimes they did not put the blindfold on well) and according to the map [the sketch she drew], she heard sounds of young men who were speaking and crying. Inside the room where the beatings took place (mostly torturing), there were multiple people.

Klinge asked about the hygienic conditions. P16 said that she was surprised by the question [found it strange] and asked "which hygiene." The blankets were full of insects, cockroaches were everywhere, and there was no soap in the toilet.

Klinge asked if P16 or others had skin diseases. P16 responded, of course. One of her female friends suffered from that for a long time.

Klinge asked when that was. P16 said that she cannot specify which detention that was because she [the friend] was detained several times. However, in the Air Force branch in Al-Mazzeḥ, المزة the friend was tortured (she [the friend] does not like to speak about the details) and had psychological and physical damages. She talked about the lack of hygiene and how if a wound was open, no one treats it and it putrefies. She showed P16 a scar that was caused when they hit her with the whip and it left a mark.

Klinge asked if P16 received medical care in Al-Khatib. P16 said that she did not need it, but she did not see it either.

Klinge asked if she saw injured people. P16 said that blood was everywhere. In the corridor, young men were in the squatting position facing the wall and their upper body was free [of clothes/bare skin] and she could see everything.

Klinge asked if P16 could describe her way to the toilet, such as how long it took, how many people were in the corridor, what kind of blows and how many blows had they received. P16 said that the whole process of going from the solitary cell to the toilet and returning took three minutes. While passing through the corridor (it depended on the blindfold [whether it was positioned well]), in one glance, she saw groups of people: some who had been whipped; some beaten with iron [most likely bars]; and some beaten with the four-fold cable. That one came as a sting [Meaning, she could feel the lash stings on others' bodies].

Klinge asked if there was a difference between the detentions in 2011 and 2012. P16 said that the numbers of the demonstrators in 2011 were high, and so were the detainees. They had to put the detainees in schools and they even used the rooms in Al-Abbasiyyeen العباسيين stadium. There were thousands of detainees from the streets. P16 thinks that the detention in 2011 was to intimidate people so they would not take to the streets [for demonstrations], but the systematic detentions were also directed to/involving the peaceful activists who appeared at the beginning of the revolution. Later, many of these (peaceful activists) were killed during 2011, because the regime could not detain 10,000 people. Therefore, they killed the three or four people who had organized the demonstrations.

However, in 2012 when the demonstrations decreased, the number of dead increased, because the detainees were less (the percentage of dead increased).

Klinge recalled that P16 was in al-Khatib in 2011 and 2012 and asked if the torture methods changed, as well as whether conditions deteriorated or did not change. P16 said that the sounds were the same and did not change: the same intensity, pain, horror, and fear. P16 was lucky that she was not exposed/subjected to such type of torture.

Klinge said that P16 was beaten on the upper floor of Division 40 and asked if she could further describe that and share how and for how long was she beaten. P16 said that at the beginning, they were put together (40 young men and women) in a van for 12 passengers and there were no blindfolds. They were loading [detaining] people from the street. When they arrived at Division 40, there were two people with pump-action shotguns. After that, they were queued in a line and walked. When “we” got out [of the van], it was apparent that the members/personnel were put on alert. The beating and torturing began the moment “we” got off. They had tools, sticks, small-sized whips, and of course they also beat with their hands and feet. They were beaten all the way upstairs. There was a young man who tripped while going up the stairs and fell, then the member/personnel who was in front of him kicked him. When he [the detainee] was pulled up again and was put among “us”, (there was sexual harassment, beating and verbal harassment), the members/personnel continued to beat him. He was totally naked because of the beating and P16 thought that he would die. It lasted for about an hour.

Klinge asked how the situation was and if they were standing facing the wall. P16 said that the detainees were on the floor and were stepped on. P16 does not know, but after the third blow, one would fall down on the floor. They continued the beating though using tools and hands and they spat on “our” faces one by one.

Klinge asked if their [the forces’] faces were masked. P16 said no, “we” were able to see everything.

Klinge asked if she could recognize their faces. P16 said that one could see the faces, but she does not know if she can recognize anyone.

Klinge asked if P16 recognizes the other accused, Eyad. P16 said that she does not know anyone.

Klinge asked if she was still wearing the clothes in Al-Khatib that were ripped in Division 40. P16 said, yes.

Klinge asked if she kept the clothes on. P16 said that she did not understand the question.

Klinge asked if P16 entered Raslan’s office wearing these same clothes. P16 said of course and responded, saying “Where would I go to change them?”

Klinge asked what the clothes looked like. P16 said that it was a white t-shirt, ripped “here” and “here” because she was being pulled from “here.” [It was difficult to see from the spectators’ gallery where she was pointing.] She had on the same clothes [as she was wearing in Division 40].

Klinge asked how the clothes were ripped. P16 said that they were somehow like “this” but more open, because “it” [the ripping] started when she was detained from the street. The ripping did not happen in a single moment.

Questioning by Prosecutor Ritscher

Prosecutor Christian Ritscher asked if P16 remained in the same clothes and if one could see that they were ripped. P16 confirmed.

Ritscher recalled that P16 mentioned swellings that stayed for ten days and asked where they were located. P16 said they were on her neck, her back and "here" ["Here" was translated to leg, however our trial monitor could not see where she pointed]. She had bruises on some areas of her body.

Ritscher recalled that the Palestinian woman [the woman that P16 shared a cell with briefly] was treated unequally brutally and asked what happened to her. P16 said that she does not know if she [the woman] agreed to mention her name, as P16 did not ask her. P16 said that she [the woman] is Palestinian and had a son who was detained for seven or eight years and she was detained three times. They were racist against her, because she was Palestinian and was considered a guest [Or foreigner; The term "guest" was used to denote that she should act "politely"], and because she was a hijabi.

Ritscher recalled that P16 said that the woman was treated brutally and asked what happened to her in Al-Khatib. P16 said yes, she does not remember completely. She [the woman] was interrogated twice and when she came back, she was crying hysterically. When she passed by P16's cell, P16 hear her cursing "curse their father, dog". After that, because "we" each spent three nights in the solitary cells in Al-Khatib, "we" later met/gathered together in the same cell. She told P16 about the racism against her and how she was beaten.

Ritscher asked if P16 recalls that in the third interrogation she said that there were electric shocks. P16 said that it was a stick that is not big. It feels like all of it is placed on the neck.

Ritscher asked why it was used and what they wanted to know. P16 said that regarding the question of why they used it, she does not know.

Ritscher asked if it was used several times. P16 said that her body shuddered/flinched after one or two times and she did not know how many more times they used it. However, P16 does not think that it was used more than twice.

\*\*\*Lunch break\*\*\*

Judge Wiedner asked if Raslan talked about the regime. P16 said that according to her memory, he did not give details about the subject, but he said that during her interrogation in Al-Khatib, he was trying to get information about whether she was going to Al-Ghouta. Therefore, as P16 mentioned previously, that was mentioned when she met him.

Judge Wiedner interrupted asking if P16 meant in Jordan. P16 confirmed. Therefore, he [Raslan] justified his question [about Al-Ghouta] by explaining that he was hinting to her that he wanted a safe route/way out of Damascus, concerning his defection.

Judge Wiedner refreshed P16's recollection saying "No he did not apologize and she does not know if he regretted that and he had no other option in the first place." P16 said yes, she mentioned that in the report [the police report]. That is correct.



Judge Wiedner asked if she meant that he did not have a choice and that he worked for the opposition. P16 said that when one works with the regime in the security [field], it is not easy to leave. P16 believes that the revolution gave people a chance to object to the regime's practices. Many military and intelligence service officers defected when they had the chance. However, some people were sent by the regime to the opposition regarding weapons and similar matters. P16 does not have any idea about the intentions of Mr. Raslan. The last point P16 wanted to mention is that the people who defected in 2011, appeared in media and videos [declared their intentions on video], and did not leave Syria, but instead worked for the revolution from inside Syria. However, Mr. Raslan did not do that.

Judge Wiedner asked if P16 was under the impression that she believed Raslan's defection. P16 said that her feeling at that moment was that she was excited that people were leaving the regime and joining the revolution. The revolutionaries in general were not supported by the great countries in the world which were letting the regime kill people day and night. Therefore, they were excited for any person leaving the regime, because that would empower the revolution.

Ritscher asked if relatives of P16 were officially informed about her detention. P16 replied, of course not.

Ritscher asked if P16 could inform them. P16 said, of course not. She asked during the beating to talk to her mother to tell her that she was not going to go back home. They mocked her request saying, "Where do you think you are?"

Ritscher said that P16 talked about her injuries and asked her if she remembers that. P16 said that things are a bit conflicting and she does not remember. Moreover, she does not like to talk about the subject as she does not want to live through the pain twice.

Ritscher refreshed P16's recollection quoting, "She was injured in Al-Khatib. She had injuries on her neck. In Division 40, her head was hit twice against the wall and her nose was bleeding. There was no treatment. Intimate hygiene was impossible". P16 responded that the statement was correct.

Ritscher asked if hygiene was unavailable even during menstruation. P16 said that she knocked on the door and asked for feminine hygiene products, but they laughed at her. She used her socks.

Ritscher recalled that P16 was blindfolded outside the cell, but also saw people standing at the wall. He asked if all of those were men. P16 said that she pointed out during the questions that sometimes they put the blindfold on poorly. She could always see from underneath the blindfold.

Ritscher asked if P16 could recognize if the people who had bare upper bodies and injuries were men or if there were also women. P16 said that in the corridor they were all men.

Ritscher asked if there were men and women in the solitary cells. P16 said that the person who started banging on the door when they turned the electricity off was a man in a solitary cell.

The defense had no questions.

#### Questioning by Plaintiff Counsels

Plaintiff Counsel Sebastian Scharmer mentioned the threats of rape and insults like, "you are who\*\*s." He asked P16 about the consequences rape would have for a woman in Syria when the family is

informed about it. P16 said that many women who were subjected to harassment or rape in the Syrian prisons were also subjected to social ostracization after imprisonment. The Syrian nation/people are generally conservative. The honor of the woman means a lot to the family and rape means disgrace. There is a famous film about women who were raped in prisons or [military] campaigns during revolutionary times and came out later in audio and video and told "us" about their terrible experiences. Even P16's Palestinian female friend had her husband divorce her because he thought that she might have been raped. He did not know [if she had been raped]. He did not have the mental or social ability to support her [his wife]. P16 said that she is lucky that she comes from an open-minded family. P16 said that she does not know if that answered the question.

Scharmer said that knowing that detainees should not talk after detention, how should it be interpreted when members/personnel say that they would inform the detainees' parents. P16 said that of course, that is a form of blackmail and harassment/disturbance. P16 had female friends who did not tell their parents what happened to them in prison.

Scharmer asked if sexual violence is a method of torture. P16 asked if his question was about the intelligence services in general.

Scharmer confirmed, yes, since 2011. P16 replied, of course. This concerns men and women. A friend of P16, a young man from Deir ez-Zor دير الزور told the media how they used to rape him and the size of the stick that they inserted in the anus. He was tied up and cuffed and was not able to defend himself. Of course, rape is the worst type of torture.

Scharmer asked if P16 heard about the other 40 women after their arrest and if they have also been in Al-Khatib. P16 said that they were 40 women and men. The women were eight then five then three: [P16 and] the Palestinian and the other one who remained until the end. They spoke about verbal harassment and threats of rape and did not say more details.

Plaintiff Counsel Manuel Reiger asked if P16 asked Raslan about her brother when they were in Jordan. P16 said no, she did not ask him.

Reiger said that in her police hearing, P16 said that she guesses/conjectures that people who leave the system still had contacts in the prisons. Reiger asked if Raslan still had contacts when he was in Jordan. P16 said that she does not know.

Reiger asked where she got that guess/conjecture. P16 said it is because she knows people who defected and remained in contact [she did not mention details], because not all people who are with [support] the opposition defected. Not all of them have the courage to leave. Sometimes, when we want to ask about information or in media, "we" ask these friends and they know people [contacts]. However, P16 does not have information about Mr. Raslan.

Plaintiff Counsel Andreas Schulz said that he did not hear her answer before and asked if P16 believed Raslan that he had truly defected. P16 said that she cannot give a clear yes or no. She believed that he defected because many people were leaving the regime and thought that this would weaken the regime. Therefore, she was happy and excited that another one left the regime, hoping that they give information to benefit the revolution. So, P16 does not know whether Raslan gave information that convicts /condemns/incriminates the regime.



Schulz asked if Raslan might have only defected 'from the outside' to trace or investigate the revolution [as an informant]. P16 said that she did not have that feeling. Her feeling was positive towards the subject.

Defense Counsel Michael Böcker asked for the year of the movie that P16 had mentioned earlier, which is called "Syrie – Le Cri Etouffé." P16 replied that it was maybe 2017 or 2018, but it talks about the destiny of women from 2011.

Böcker asked who made the movie. P16 said that it was a French woman whom P16 met in [real] life, but she does not remember her name. P16 knows the Syrian woman who made the contact between them.

Böcker asked if the director was detained in Syria as well. P16 said that the director of the movie is French.

Böcker replied, "So she was never detained in Syria." P16 said that she has no information on that.

Böcker asked when the time of documenting ended, 2011? 2012? P16 said that Böcker should watch the movie to get more information and to see how these women are scattered on earth and "these" [regime officers... etc] are still in power/position. They [the women] don't care about dates.

Scharmer asked if it is correct that P16 had the information about sexual violence in the general intelligence services from different sources (for example by talking to other women) and from the movie. P16 replied, 100%.

The witness was dismissed.

Judge Kerber said that the following day's session was cancelled [because the questioning was finished].

\*\*\*10-minute-break\*\*\*

Judge Kerber read out a rejection of the defense's petition to repeat days 1-23 for the public because Arabic translation was not available for Syrian reporters.

Judge Kerber said that she found a news article about Kofi Annan's visit. Scharmer said that he found one titled "Kofi Annan meets with Al-Assad" from March 11 [2012]. Judge Kerber said that her article was from March 10 and wondered if they were the same article. Scharmer said that it might be a different one, which mentions the "release of the political detainees."

The proceedings were adjourned at 2:40 p.m.

The next trial will be on October 6, 2020, at 9:30 a.m.

**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 15

Hearing Dates: October 6, 7 &amp; 8, 2020

*CAUTION: Some testimony includes descriptions of torture.***Summaries/Highlights:<sup>1</sup>****Trial Day 35 – October 6, 2020**

A plaintiff, P17, a 52 year-old man living in Germany appeared as a witness before the court. He described his own detention by the Syrian intelligence service as well as the search for his brother, a doctor who was detained by the intelligence service in July 2012, brought to Branch 251 and has been missing ever since. His family expended huge sums in order to gain information from officials as to his brother's fate. Branch 251 offered the corpse of a stranger to the family, claiming it was P17's brother. When they refused it, they were threatened. Their captors would also provoke fights amongst detainees.

**Trial Day 36 – October 7, 2020**

P18 was allowed to conceal his name due to concerns about the safety of his family in Syria. However, defense counsel noted that he did not conceal his identity outside the courtroom and later accidentally spoke the full name of P18 in court against the court's order. He confirmed his cousin's testimony about the search for their brother/cousin and provided further information on the contacts which the family used to get into Branch 251 and arrange a meeting with Anwar Raslan. He spoke about two visits to Branch 251. During one meeting, Raslan urged him to take any corpse and stop the search. The witness also spoke about countless corpses in Tishreen and Harasta hospitals with numbers and codes on their chests, showing signs of torture as well as shots through their heads.

Raslan's lawyer read out a short statement, confirming that Raslan was approached about the missing person, but denying that he had any information regarding his whereabouts or that he met with P18.

**Trial Day 37 – October 8, 2020**

Christoph Reuter, a 52 year-old German journalist appeared as a witness and expert to provide background information on the changes in civil society as well as within the intelligence service in Syria from 2011 onwards. He also testified about the context and content of two interviews he conducted with Anwar Raslan in 2012 and in 2015, who he said had a photographic memory. Reuter also provided insights into Raslan's motives for deserting and his opinion about the Syrian intelligence services, based on how Raslan appeared in these interviews as well as on corroborating statements from other sources. He said the reputation of the general intelligence (of which Branch 251 formed a part) was that it was less brutal than air force and military intelligence which both had

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<sup>1</sup> 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.

**a worse reputation. Raslan told him how the Syrian Government staged attacks against itself that it blamed on jihadist organizations in order to paint itself as the victim.**

**Day 35 of Trial – October 6, 2020**

The hearing began at 9:30am with 6 spectators and 2 members of the press in the audience.<sup>2</sup> Plaintiff counsel Reiger was represented by Attorney Bessler.

**Testimony of P17 [name redacted]**

P17, one of the plaintiffs, a 52 year-old man working as an author and living in Germany was accompanied by his counsel Mr. Bahns. Admonitions were read out and P17 was informed about his rights as a witness.

**Judge Kerber's Questioning**

Kerber asked P17 to provide information on his person, position in and relationship to the Syrian Regime. P17 made clear that he is not a witness but a plaintiff. He accused Raslan of detaining his brother [P17's missing brother] and never providing any information on his whereabouts. He further said that according to his information, Raslan is responsible for killing his brother respectively torturing him to death. P17 said considering this, his relationship with the Regime would be obvious.

Kerber told P17 that as a witness, he should answer the questions put to him. P17 said that he was arbitrarily detained twice, once by the air-force intelligence service and once by the "so-called" military intelligence service. He said that both times he witnessed arbitrary torture and grave atrocities he had never seen before.

Kerber asked why P17 was arrested. He said because he is an author and participated in demonstrations.

Kerber asked when he was detained. P17 said that the first time he was detained by the "arbitrary" air-force intelligence from May 3, 2012 until May 10, 2012 and the second time from July 17 [16], 2012 until July 29, 2012.

Kerber wanted to talk about the second detention and asked P17 what happened and what he experienced. P17 said he saw corpses in the corridors.

Kerber asked where this was. P17 said it was at Hama airport, however that did not happen during his second detention. There he saw how hot water was poured over a woman. During his first detention he was tortured himself and all his neighbours saw the scars on his back.

Kerber asked P17 to describe his detention. P17 said that during his first arrest, he was tortured in a car. He was beaten with cables on his hands and back, so his back was bleeding when they arrived at the prison. P17 said he was put into a room measuring 4x5m with around 75 people inside, some of them alive, others dying. P17 said there was only very little to eat, a piece of bread and four olives in the morning. He said that the amount of food in the evening was not sufficient for a human being. P17 said that they were only allowed to use the toilet once a day and were brutally beaten on the way to the toilet. He said that detainees were allowed to use the toilet for only 10sec and that there was dirty

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<sup>2</sup> No accredited Arabic-speaking journalist who requested access to translation was present.



water around the toilet. P17 said on his way to the toilet he saw seven bodies that died under torture and two people hanging from the ceiling, probably close to death. He said that “middle east newspapers” in London also reported about his case and the case of Dr. Ahmed Taleb Al-Kurdi أحمد طالب الكردي. According to P17, Reporters Without Borders covered his own detention.

Kerber said that P17’s direct experiences are more valuable. P17 said that he did not experience torture during his second detention however witnessed torture, he could write an entire book about this but will keep it short.

Kerber said P17 is a plaintiff because of his brother and that he has siblings. P17 said his father has five children of which he is the oldest. He studied economics and holds an MA in management sciences. He was the head of administration in the opera but quit his job in 2007 because of all the corruption there. P17 said he went back to his hometown because he did not want to participate in the corruption. He published two books, articles and newspapers. P17 said that his home was ethnically diverse and that three different ethnicities were living under one roof: his father is Ismaili, his mother Sunni, his wife and brother-in-law are Ismaili and his sisters-in-law are Allawi. P17 said that his family is culturally diverse and that all of them are doctors. His brother [name redacted, missing since 2012] graduated at the top of his class.

Kerber wanted to know if P17’s family is also politically diverse and whether there are opponents as well as supporters of the Regime. P17 said that they are all against the Regime and that no one with the least reason would be on the side of the Regime and repeated that everyone in his family is against the Regime.

Kerber asked what position P17’s [missing] brother held and where he worked. P17 said his brother wanted to go to the U.S. to continue his studies, so they travelled to Jordan for his brother to take a test to go to the U.S. which he passed with 95 out of 100 credits. However, in the meantime before his departure P17’s brother changed his mind. He started working in the department for internal medicine (cardiology) at Al-Mojtahed hospital. During this time, he lived with Eyad Shbat إياد شباط, a doctor and informant for the Syrian intelligence service. P17’s brother told him that he got into a fight with his flatmate, that was two days before his arrest. They [P17’s missing brother and his flatmate Eyad Shbat] argued because Eyad Shbat was in favour of the “elimination” of peaceful protesters and [P17’s missing brother] was against it. P17 said that they heard from doctors at the same hospital that Eyad Shbat told the director of the hospital, who had direct connections to the intelligence services, about this. His brother was then detained in Branch 251.

Kerber asked how P17 knows about this. P17 said it was a coincident that he and his brother were arrested on the same day; P17 by the military intelligence in [information redacted] and his brother by the state security directorate in Damascus. The first time after P17’s brother was arrested, his siblings were searching for him, that is where he [P17] got his information from, since he was detained himself. P17 said that his brother [name redacted] can provide more information, he is currently in [information redacted]. P17 asked the court to hear his brother as a witness and plaintiff. He [P17’s brother] is a doctor who served in the military and saw many, many things. P17 said he could explain better.

Kerber said that P17 is now summoned as a witness and asked whether his brother [name redacted] told him about the search for their brother [name redacted]. P17 affirmed.

Judge Wiedner intervened asking P17 whether other family members like [name redacted] were also involved in the search and reporting about [P17's brother's] search for [P17's missing brother's] corpse. P17 affirmed, adding that his cousin accompanied his brother.

Kerber asked whether P17 himself made attempts to search for his brother. P17 affirmed.

Kerber asked what kind of attempts P17 made. P17 said he contacted Abu Akram أبو أكرم [pseudonym]<sup>3</sup> on Facebook who told P17 and his brother about the last moments of their [missing] brother at Branch 251.

Kerber asked whether this is the chat which is on the case file. P17 affirmed and said that his brother [name redacted] was part of the chat since he is a doctor and asked the judges whether he should read it out.

Kerber told P17 to summarise it. P17 said [Abu Akram] told them that their brother was beaten. A detainee called [name redacted (abbreviated as 'D1')] woke P17's brother up for breakfast and beat him [Abu Akram] was then called by [name redacted], an employee at Branch 251 from Safita صافيتا who told [Abu Akram] to sign a declaration that [P17's missing brother] died a natural death. After the death of P17's missing brother, ventilators were installed in the prison. P17 further recalled that he was told that [Abu Akram] disappeared. P17 said he is not sure whether the information is reliable, it might all be a "game" by the intelligence service to cover actual information about the death of his brother. P17 further said that many [detainees] witnessed that his brother was tortured and abused. [Abu Akram] had contacted [name redacted (abbreviated as 'C3')] who via another person was in contact with Anwar Raslan [in Jordan] to ask him about P17's brother. [C3] received information directly from Anwar Raslan saying that P17's brother most likely died under torture. P17 said he saw one of the deserters from Branch 251 on TV. He smuggled a list of names of dead people and the number of their corpses out of Branch 251. P17 said he is not sure whether this list is a reliable source but it also has the name of his missing brother listed at number 71. The family then tried to get more information through their contacts but they were always told that [P17's missing brother] was dead, they [family] should be quiet and stop asking about him. A UN employee who was in contact with friends of the family then told them that the Syrian Government sent them an answer on [P17's missing brother's] whereabouts saying that he was killed and his body handed over [to the family], however the body was not handed over. P17 said that instead, his brother [name redacted] told him that when he went to an employee of Branch 251, a direct subordinate of Anwar Raslan, he told him that their brother was killed and tried to hand over a corpse which was not their brother's corpse. When P17's brother did not accept the corpse, he was told that he should take a closer look, however he replied that first, he is a doctor and knows how to identify a dead person and second, he would recognise if it was his missing brother. P17's brother was then threatened and told by employees of Branch 251 that "colonel" Anwar said he should go to the cooling chambers in Harasta حرستا and Tishreen تشرين hospitals. That is where they then looked for their brother together with their cousin. P17 finally repeated his request to call his brother [name redacted] as a witness and plaintiff since he knows more details and has more information of "immense importance".

Kerber asked how they [P17's family] made contact with Anwar Raslan. P17 said that his brother [name redacted/involved in the search for their missing brother] was an officer in the military.

Kerber said that not every member of the military is automatically a member of the intelligence service and asked whether there were family members with higher military ranks who arranged contact with

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<sup>3</sup> Note from the Trial Monitor: P17 later said that this person used a fictitious name to cover his real identity.

Raslan. P17 denied that there were family members with higher ranks, only his brother and cousin arranged the contact. P17 said one of his father's cousins was a retired officer in the general intelligence service for many years, nonetheless he was unable to help, even though the family approached him. However, he gave an overview of the methods of the Regime and said that it is common that detainees get numbers and are then forgotten for decades.

### **Judge Wiedner's Questioning**

Since P17 did not need a break, judge Wiedner asked him to provide some background on his personal development and whether he felt he was part of the opposition. P17 affirmed that he belongs to the opposition and said that he was arrested in 1990 by the "arbitrary intelligence service apparatus".

Wiedner asked whether this rather happened in 1991. P17 affirmed and said that when he quit his job, he began to participate in demonstrations, report writing and coordination of demonstrations.

Wiedner asked when this was. P17 said in 2011.

Wiedner asked whether P17 had experience in participating in demonstrations and if so, when and where. P17 said he has experience participating in demonstrations and that they were always peaceful. He said that even "the war criminal" Assad admitted that there were no weapons in the first six months. However, the "security apparatus" had a significant role in "pushing demonstrations in a corner of ethnic violence" using different means, one of them was shooting at demonstrators.

Wiedner asked whether P17 experienced this himself or how he knew. P17 said that everyone in Syria knows that peaceful demonstrators were shot. P17 said that a childhood friend of his, [name redacted], "a martyr", was killed in Damascus and that people were also shot at during his funeral with the use of government fire arms.

Wiedner asked whether P17 participated in demonstrations himself and if so, where. P17 said that he did participate in demonstrations. However, there was "no extensive violence" in [information redacted] since those were demonstrations by minorities and the Regime wanted to propagate that Sunnis are making a revolution which they [the government] must stop. This is why they [the government] were friendly towards minority demonstrations, to not contradict themselves.

Wiedner asked whether P17 was detained close to an airport during his first detention. P17 affirmed.

Wiedner then wanted to know if P17 saw dead bodies in the cell and asked him to talk about his first detention. P17 said that detainees were called for interrogation and taken out of a room of approximately 70 people. They [detainees] were usually tortured in the corridors. In the interrogation rooms there was a hangman called Somar سمر, who "was a real beast." P17 further said that he heard screaming and voices and saw corpses on his way to the toilet.

Wiedner recalled P17's statement with the German Federal Police (BKA) from 2019 where P17 said that he saw many people dying and that there were approximately 70 people in a cell measuring 4x4m and that dead bodies were left in the cells on purpose for two to three days. Wiedner asked P17 whether this is correct. P17 affirmed, however, he wanted to emphasise that his perceptions are based on a 10sec time frame on his way to the toilet, so he cannot say exactly how long the dead bodies he saw on the way to the toilet were left there.

Wiedner asked if there were also dead bodies in the cell. P17 affirmed explaining that two people were killed in his cell and only taken by the guards after 12 hours.

Wiedner wanted to come back to P17's brother and asked P17 if he personally knows Anwar Raslan. P17 denied.

Wiedner asked whether it is then correct that P17 never had direct contact to Anwar Raslan. P17 affirmed.

Wiedner asked P17 to explain why he is accusing Anwar Raslan of being responsible for his brother's fate. P17 said he is accusing Raslan because he was the head of interrogation at Branch 251 during his brother's detention. He [Raslan] was also the one providing information about his brother's death, before and after he deserted. P17 said he can provide more sensitive information: One of the employees at Branch 251, [name redacted (abbreviated as 'C1' for better reading)], who was a direct subordinate of Anwar Raslan and married to a cousin on P17's father's side of the family also smuggled information from Branch 251.

Wiedner asked P17 to detail (specify) information coming from Raslan. P17 said that they got this information from [C1], an interrogation officer at Branch 251, from detainees that have been released and were secretly in contact with P17's family. P17 added that this information also came from Raslan himself.

Wiedner wanted to know what exactly Raslan himself said. P17 said that Raslan in his capacity as head of Branch 251 directly ordered to give the family a wrong corpse. When they denied, Raslan, via the head of his office, told them to look for their brother's corpse in the hospitals. [name redacted] (who is currently in [information redacted]) met with Raslan in Jordan, Raslan told him that [P17's missing brother] most likely died due to massive torture.

Wiedner asked P17 if he knows [P16 from day 34]. P17 said he only has a nodding acquaintance with her.

Wiedner asked whether she [P16 from day 34.] also met with Raslan. P17 said [name redacted] met with Anwar Raslan and that P17's brother [name redacted] was in contact with [P16 from day 34]. He contacted her to contact Raslan, as she was in Jordan. However, this contact was useless as they did not get any information from her. After that, P17's brother was not in contact with her anymore. P17 said that she was his neighbour in Damascus and that her brother [name redacted], a detained journalist, is a friend of his.

Wiedner wanted to know whether money played a role in the search for P17's brother. P17 said his family was exploited for every bit of information.

Wiedner asked when and to whom they paid money. P17 said that his brother [name redacted] can provide a more detailed answer to this question, since he himself left Syria in 2014.

Wiedner wanted to know about P17's personal knowledge of payments. P17 said that all people who offered to help always requested a certain amount of money. He does not know any details, but the family paid millions [Syrian lira]. P17 said he does not know to whom they paid money or any other details. However, he knows that the intermediaries were always a secret and that all efforts were dead ends.

Wiedner asked whether the family paid employees of Branch 251. P17 said he does not know.

Wiedner asked how the Facebook chat came about, when it happened and how P17 still has access to it. P17 said it happened on December 17, 2012. [Abu Akram] was also detained in Branch 251 and

released. He said he was a revolutionary and had the duty to report about the conditions in Branch 251. P17 said they never heard from him again after they chatted, he was allegedly tortured to death.

Wiedner asked P17 who participated in this chat. P17 said that Abu Akram أبو أكرم was a fictitious name used by [name redacted] on Facebook to cover his real identity. P17 further said that three people were involved in the chat, P17 himself, [Abu Akram] as well as P17's brother, since he is a doctor and could therefore judge their missing brother's health situation according to what [Abu Akram] told them.

Wiedner asked P17 whether [Abu Akram] initiated the contact himself. P17 denied, saying that he [P17] contacted [Abu Akram] after he saw one of his Facebook posts which was published by Akkad Al-Jabal أكاد الجبل. P17 said he asked Akkad Al-Jabal to put him in contact with [Abu Akram].

Wiedner asked how this chat was available during P17's questioning by the BKA in 2019 and how P17 still has access to it. P17 said that he kept this chat since it was the first contact to a person that saw his brother.

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[10 minute break in proceedings]<sup>4</sup>

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Wiedner said he wanted to have a narrower time frame for [P17's missing brother's] detention and asked P17 whether they were arrested on the same day. P17 affirmed and added that they were arrested at two different places by two different services.

Wiedner asked when exactly they were arrested. P17 said on July 17 [16], 2012.

Wiedner asked what P17 heard about what happened to his brother after his arrest and that he might die shortly after his arrest. P17 said according to his information, his brother died after three days in detention.

Wiedner asked P17 who told him that. P17 said his brother-in-law "surprised" him with this information after his own release from detention.

Wiedner wanted to know where the 2-3 day time frame came from. P17 said it [his missing brother's death] happened only a couple days after his arrest as P17 himself was still in detention when his brother-in-law received a call from a former detainee at Branch 251 who has just been released and told him [P17's brother-in-law] that [P17's missing brother] was massively tortured and transferred to Najha [cemetery]. P17 said this [transfer] is a way of obscuring corpses, there are mass-graves in Najha. P17 further said that [C1] an employee/interrogator<sup>5</sup> at Branch 251 told P17's brothers during P17's detention that their brother is dead.

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<sup>4</sup> Note from the Trial Monitor: When translating a witness testimony, the translators are given a short break after no more than 60 minutes, according to international standards. The translators do not rotate per hour but per witness. This way, every witness is accompanied by the same translator during their entire testimony. When longer reports are read out, the translators receive a translation of the report beforehand and rotate every 15-30 minutes.

<sup>5</sup> Note from the Trial Monitor: P17 mentioned several times that [C1] worked as an interrogator, while the translator sometimes translated "employee".



Wiedner asked P17 whether the informant is still in Branch 251. P17 said he was an employee/inspector directly subordinate to Anwar Raslan, however P17 does not know his current whereabouts.

Wiedner asked P17 how the family was put in contact with Anwar Raslan and whether [C1] was involved. P17 said his cousin's husband was indeed involved. When his brothers called him [cousin's husband] the first time to ask about [P17's missing brother], he told them that he would be in Branch 251, his condition would be alright and that he would be released soon. Two days after this phone call, P17's cousin's husband told P17's brothers that [P17's missing brother] died and they should stop asking. P17's brothers were then threatened that they should stop asking about [P17's missing brother], in return their brother in Saudi Arabia would not be arrested on return to Syria and P17's release would also be accelerated.

Wiedner asked whether there was an intermediary between the husband of P17's cousin and Anwar Raslan. P17 denied and said that one of his cousins had connections to Damascus and one of his brothers is a former military officer as well. They had connections to get into Branch 251 and meet Raslan's employees.

Wiedner asked P17 whether the date of his brother's detention is also mentioned in the Facebook chat. P17 affirmed.

Wiedner wanted to know what else P17 knows about his brother's detention. P17 said that [Abu Akram] met his brother in detention and told the brothers about [P17's missing brother's] last moments. According to him, [D1] attacked P17's brother and beat him (one hit). When P17's brother was woken up for breakfast, he did not breathe and had foam coming out of his mouth, so the detainees called the guards. The guards then took P17's brother to the corridor and shortly after called [Abu Akram] and told him to confirm that he died a natural death.

Wiedner asked P17 whether his brother was in detention already for some time when this happened. P17 said it happened one or two days after his brother's arrest.

Wiedner asked P17 who [name redacted (abbreviated as 'C2')] is and how he made contact with him. P17 said he saw [C2] on TV where he said that he has names of people that died in Branch 251. P17 said that he then contacted [C2] to check whether his brother's name was on this list with names.

Wiedner wanted to know how he contacted [C2]. P17 said via WhatsApp.

Wiedner asked how P17 got access to the list. P17 said [C2] sent a picture of it via WhatsApp.

Wiedner wanted to know how [C2] got access to this list. P17 said [C2] took it with him when he deserted from Branch 251, that is all [C2] told him.

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[Below is a recreation of the structure of the above-mentioned list with names which was shown in the courtroom.]

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No.	No.	Time frame	Name	No.
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According to P17, his brother is listed in the second line:

100	1535	01/01/2012 01/09/2012	[name of P17's missing brother]	71
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Judge Kerber asked P17 to provide some explanation on the numbers on the list. P17 said that [C2] told him that it is a register in order to document detainees within a branch in a certain period.

Kerber asked if it is consequently a list of detainees in Branch 251. P17 affirmed and said that it does not say anything about the death dates.

Kerber asked P17 to clarify this statement. P17 said that the dates on the list indicate that a certain group of detainees, amongst them his brother, died.

Kerber asked one of the court translators to translate the names on the list. The translator read out the names and numbers on the list.

Judge Wiedner asked P17 when he contacted [C2] and when he sent the list. P17 said it was around 2016.

Wiedner asked what P17 knows about [C2]. P17 said he deserted from Branch 251 and is currently living in [information redacted].

Wiedner recalled the BKA asking P17 whether [C2] would be willing to testify. P17 recalled [C2] saying that he would not testify because he is on Raslan's side and because he is a Sunni so he has ethnic reasons for not testifying. [C2] further said that after he deserted, he has to forget everything and "finish off" his past.

Wiedner asked P17 whether he can remember that he told the BKA how the regime explains the deaths of detainees. P17 did not understand the question.

Wiedner explained that P17 previously said something about the circumstances/cause of death which are declared when someone [a detainee] died, maybe got killed. P17 said he knows from his brother [name redacted] that [C1] told him that he can receive their brother's personal belongings and a death certificate saying that he died of kidney or heart failure.<sup>6</sup>

Wiedner asked whether P17 or his brother took their brother's personal belongings. P17 denied.

Wiedner said he indicated something different with his previous question and recalled P17's statement with the BKA saying that the death certificate indicated the wrong cause of death and that the doctors belonged to the intelligence service. P17 said that this is correct, everyone in Syria knows that [wrong death certificates], it is common knowledge.

### **Prosecutor's Questioning**

Prosecutor Klinge asked whether the respondent in the previously mentioned Facebook chat described P17's brother so well that they could assume that he was actually talking about him. P17 affirmed.

Klinge asked how the respondent described P17's brother; his body and/or character. P17 said that he [respondent, Abu Akram] described [P17's missing brother's] face and said that he spoke with him.

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<sup>6</sup> Note from the Trial Monitor: P17 said "or" when talking about the cause of death indicated on the death certificate.

Klinge asked whether it is for sure that P17's brother died from the consequences of a fight. P17 said that if the story [what [Abu Akram] told him in the chat] is true, there is a small chance that [P17's missing brother] is alive, because after he was taken from the cell, no one saw him again, so he might still be alive. P17 said there is a chance that [P17's missing brother] was rescued and taken to a hospital. Forcing statements [other detainees had to declare that he died a natural death] might be a way to veil a person's real fate. Their [government] methods are unbelievable, no human being with a bit of common sense knows how one can come up with such methods. P17 said the [regime's] way of thinking was "mafiosi-like".

Prosecutor Polz asked whether [Abu Akram] described facial items or the job of P17's brother. P17 said he described facial items and his brother's job, his brother was a cardiologist.

Polz asked P17 about the reasons for the fight that his brother got in and why he was beaten. P17 said fights amongst detainees are normal. [Abu Akram] said [D1] bullied his brother by saying that doctors are being paid too much.

Judge Wiedner intervened and asked whether employees of Branch 251 were involved in the fight. P17 said that [Abu Akram] did not mention that.

Wiedner wanted to know whether [Abu Akram] described the conditions of detention in Branch 251. P17 said [Abu Akram] described the general conditions: it was very narrow and there were many detainees. P17 said he further told him that a ventilator was installed after [P17's missing brother's] death, that the cell measured 4x7m and that in addition to P17's brother 7 detainees died in the cell.

Wiedner recalled a statement with the BKA made by another witness saying that Branch 251 employees were whispering and pointing at [P17's missing brother]. [D1] then waited a bit before beating [P17's missing brother]. The witness said that the fight was provoked by the regime. P17 said that that is exactly what [Abu Akram] told him. P17 said did not understand the previous question correctly, but from an objective point of view, he cannot say that Al-Khatib wanted his brother to be beaten up, however, that is what [Abu Akram] told him.

Wiedner wanted to know what [D1] position was and whether he was a detainee as well. P17 said there is a certain language in prison, you would call him the cell boss. People in charge grant him certain privileges, so he talks to other detainees in their name and "manages things", so that detainees hate each other. He also tortures and beats and takes over some tasks typical for guards. P17 said that is common knowledge.

Wiedner asked whether [D1] is such a person. P17 affirmed.

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[70 minutes lunch break]

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### **Defense Counsels' Questioning**

Raslan's defense counsel Bodenstein asked P17 whether [C1] is still working at Al-Khatib. P17's counsel Mr. Bahns said that his client already answered this question.

Bodenstein asked why they [P17's family] did not talk to [C1] directly but instead to Raslan via [C1]. P17 said that he himself was in prison when his family contacted, [C1], his brother [name redacted] knows more about this.

Bodenstein recalled P17 telling the BKA in September 2019 that [C1] is still working at Al-Khatib and asked whether this is correct. P17 said that [C1] and others working at Branch 251 keep their distance to people who become suspects, so that they are not becoming suspects themselves. P17 said he has no contact with [C1] but heard that he retired, however, he cannot say that for sure.

Bodenstein asked P17 how he got the information that their brother is dead. P17 said he knows from his brother, who in turn knows from [C1].

Bodenstein recalled P17 telling the BKA that he got this information from [C3]. P17 said that they were told by several sources that their brother was dead. [C1] was the first, only a few days after P17's brother's arrest. [C3] told them after Anwar Raslan deserted and went to Jordan. That was when the family contacted [C3] who then contacted Anwar Raslan.

Bodenstein asked P17 about [C3's] job. P17 said he was employed by an oil company. He lived in Egypt and worked with political organisations arising from the revolution.

Bodenstein asked P17 whether his hometown was rather pro or contra regime. P17 said at the beginning [of the revolution in Syria] there were 100,000 residents, of which 15,000 were demonstrators.

Bodenstein concluded that P17's hometown was rather pro regime. And asked him to say whether this is correct. P17 asked whether he should give a lecture on sociology.

Judge Kerber intervened saying that Bodenstein's question is admissible and P17 should answer. P17 said from his point of view, his hometown was rather against the regime.

Bodenstein asked P17 whether his family was against the regime from the beginning [2011]. P17 affirmed.

Bodenstein recalled that P17 affirmed when the BKA asked him whether there were family members in favor of the regime as well some against the regime. P17 said it is impossible that that some of his family members were in favor of the regime. However, it might be the case in Salamiyya.

P17's counsel Mr. Bahns intervened saying that Bodenstein's quote was put out of context and it is unclear whether Bodenstein was talking about family in a narrow or wider sense. P17 said that his family in a narrower sense was against the regime, however, a cousin of his father was the head of an intelligence service branch.

Since no plaintiff counsel had questions for P17, he was dismissed as a witness.

Proceedings adjourned at 13:15pm.

The hearing began at 9:30am with 6 spectators and 2 members of the press in the audience.<sup>7</sup> P17, the witness from the previous day was present as plaintiff. Plaintiff counsel Reiger was replaced by Attorney Bessler. Judge Kerber said that a detention complaint was issued by one of the defendants and that the prosecution has the chance to provide a response to this.

#### Testimony of P18

P18 was accompanied by his counsel Mr. Bahns who told the court that P18 formally requests not to provide his name and personal information in court because his family in Syria was threatened. Bahns further said that more detailed information can be found in the case file and deducted from the overall context.

Raslan's defense counsel Böcker intervened and asked where the threats on P18's family came from. Bahns said they came from "pertinent intelligence service circles", that is all that is known.

The prosecution agreed to P18's request. Judge Kerber found that concerns about the safety of P18 and his family are reasonable and she approved his request to not provide his name and personal information in court.

Böcker intervened again saying that if there are already threats then it is already known that P18 is about to testify before the court hence the precautionary measures are needless. Kerber replied that the judges do not want to enhance the risks and therefore take these precautionary measures.

After taking off his cap, advisements were read out to P18 and he was informed about his rights as a witness and his right to not provide his name and personal information.

#### Judge Kerber's Questioning

Judge Kerber had to think about how to put her questions without revealing P18's personal information. She said that [P17's missing brother] was arrested and his family had no information about his whereabouts and started searching for him. Kerber went on to ask P18 what he knows about all this. P18 said he got to know about [P17's missing brother's] arrest in July 2012 and tried to act fast so he [P17's missing brother] would not be killed. P18 said he enlisted [name redacted (abbreviated as 'C4')] from Latakia who had contacts to officers. P18 said he also spoke to P17 who was already in detention with the air force. [name redacted], P17's other brother was stationed in Latakia as a doctor, however his situation in the military was difficult due to his involvement in his brother's case. That is why P18 asked [C4] for help. He was the one who put P18 in contact with [name redacted (abbreviated as 'Brigadier General')] a Brigadier General at the government palace (P18 said this position is actually higher as a regular brigadier). P18 further said that [Brigadier General] tried to help them and provided the information that [P17's missing brother] is in Al-Khatib. P18 met with [P17's brother] on July 26, 2012 in Damascus. [P17's brother] was also the one with whom, together with [Brigadier General], P18 coordinated everything. P18 said that [Brigadier General] also arranged access to Al-Khatib and P18's cousin [name redacted] coordinated with [C1]. P18 further explained how they<sup>8</sup> met with [C4] one

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<sup>7</sup> No accredited Arabic-speaking journalist who requested access to translation was present.

<sup>8</sup> Note from the Trial Monitor: It is clear from the context that "they" involved P18, [C4] and P18's cousin, [name redacted]. However, it is not clear whether [C1] accompanied them as well or joined them later in Branch 251. None of the parties asked further questions on this.



morning in Damascus and used his vehicle to travel to Al-Khatib. They tried to get information at an information desk situated in a small glass cabin in a residential area. P18 said that all roads were blocked and further explained that they [guards at the info point] made several calls to arrange for P18 and his companions to get access to Al-Khatib, before they were allowed to go to the second gate. According to P18, it [Branch 251] is a very big compound and the second gate was 600-770m, maybe even 1km from the first gate. There was a glass info point as well, where they asked for permission to enter again and the guards also made several calls. However, P18 and his companions were sent back to the first gate and able to enter Al-Khatib approximately 3 hours later. P18 said they “went upstairs several steps” and were on the ground floor [as there have previously been translation difficulties regarding floors, judge Kerber asked whether P18 meant ground floor rather than first floor, as it was translated] and that they could not move right or left, the corridor was about 200-300 meters long where they arrived at some steps and got to another corridor. P18 said that [C1] was always with them. P18, [C4] and P18’s cousin then had to wait on a wooden bench in a waiting area which was rather a corridor. P18 said they had to wait to intimidate them. On the left side of the waiting corridor were three rooms in which detainees knelt on the floor with their hands tied and their eyes covered. According to P18, the detainees had water poured on them (P18 did not see the act itself but said that the detainees were wet so he assumed that is what occurred) and P18 heard screaming.

Kerber asked whether the detainees were also beaten. P18 said he only saw the detainees when they entered the waiting corridor and heard them screaming. However, he and his companions were not allowed to move and see what was happening around them. P18 said he entered a room together with his cousin, in which the head of the office (maybe Raslan’s assistant) was waiting. According to P18 it was Raslan’s office. P18 further explained that this meeting was only possible thanks to [C1], [C4] and Brigadier General [name redacted]. They [explanation below] were given [P17’s missing brother’s] personal items, such as his laptop, wallet and phone. P18 and his cousin also received a report saying that [P17’s missing brother] died of kidney failure, however P18 and his cousin were not convinced and requested to see [P17’s missing brother’s] corpse.

Kerber asked who “they” were. P18 said these people were waiting in the office, probably Raslan’s office, and were Raslan’s assistants, one of them maybe the head of the office.

Kerber asked how many they were. P18 said there were [C1] and [C4] plus three more people. And it was obvious that one of them was the head of the office.

Kerber asked what the name of the Head of the office is. P18 said it was eight years ago, so he cannot remember.

Kerber said there will be a five-minute break for counseling and P18 should think about if he cannot remember for sure.

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[5 minutes break in proceedings]

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Kerber asked who was in the room [office]. Witness counsel Bahns said there was a misunderstanding and P18 said that he and his cousin were not convinced of what they were told on their first visit to Al-Khatib, so he went there again 3-5 days later. [C4] wanted money, 300,000 [Syrian lira].

Kerber asked whether it might have been 400,000 [Syrian lira]. P18 affirmed, adding that his family paid 5,000,000 [Syrian lira] in total to search for [P17's missing brother] and that [C4] also took money from other people. P18 said the money they gave [C4] was allegedly for [Brigadier General] to arrange a meeting with Raslan, the head of interrogation at Baghdad street. P18 then, together with [C4] had a meeting with Raslan in Al-Khatib. He was again on the first floor [ground floor] in a similar waiting area, [C4] had to wait outside. P18 was then told by two guards to go into a certain room, which he did. P18 said that a man was sitting there in a weird position, he was sure that it is colonel Anwar Raslan. Raslan asked him "What do you want?" and mentioned P18's cousin in Saudi Arabia and P17 who was in prison as well and told P18 that things did not look good. Raslan told P18 to take any corpse without causing trouble before saying that he should leave the room. P18 said that all this happened despite previous mediation efforts. P18 further elaborated that later on, a friend<sup>9</sup> approached him because of his cousin, though he actually did not know about this. P18 met with him in the evening in Damascus. P18's friend told him that one of his neighbors has information about [P17's missing brother] and the situation in the prison cell. When P18 met with his friend and his friend's neighbor in Harasta, the situation was very dangerous as there were barrel bombs everywhere and the town was under fire. However, P18 insisted on going despite these dangerous conditions, but they met in a house to be safe. P18 said he met a very thin man who showed signs of torture and hunger. This person did not want to talk at first, but P18's friend assured him that P18 was a friend. The person, his name is [Abu Akram], then told them strange things, amongst others that a military boot was put in his mouth to punish him for allegedly saying bad things about Alawites...

Kerber interrupted and said to ease things for P18, she wants to know whether they found his cousin's corpse. P18 said that they [people at Branch 251] tried to hand them the wrong corpse. P18 wanted to add a few things on what [Abu Akram] told him about his cousin: He went crazy because of the intense torture and almost lost consciousness. He told the guards that he wanted the keys to his car to go and see his mother. That is why he was continuously beaten and eventually taken out of the cell and almost beaten to death. P18 said he passed this information to his family and they together continued searching for his cousin's corpse or information about his fate. They went to hospitals in Tishreen and Harasta, [C4] arranged that. P18 recalled that they saw many corpses who looked like the people on the Caesar-photos. They were again told to just take any corpse so "the matter would be finally dealt with". P18 said that a week (3-4 days) later 3 very strong persons from the general intelligence service came to visit him and told him that Anwar Raslan wants to meet P18. P18 said he replied "If you are told to arrest me, fine. But I will not meet him [Raslan] if there is no order". P18 went on and said that [P17's brother] did not tell him everything, however P18 only realized that a week ago, when [P17's brother] arrived in [information redacted]. P18 said [P17's brother] did not want to pass a lot of information, even though there was a 1% chance that [P17's missing brother] was still alive, his brother did not want to take a risk, According to P18 [P17's brother] was in great danger back in Syria, but this changed now that he is in [information redacted], so he can now reveal all the information; he took notes of everything including dates and timestamps.

Kerber asked when the three persons from the intelligence service came to P18. P18 said it was around August 2011 [2017], however he cannot remember the exact date.

Kerber wanted to know whether P18 then went to meet Anwar Raslan. P18 denied, adding that he only met him once because he knew that if he would go, he would never come back. P18 said that his

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<sup>9</sup> Note from the Trial Monitor: P18 did not want to mention his friend's name to ensure his friend's safety, however then clarified that he is called [name redacted] and is now living in [information redacted].

boss who had good relations told him that P18 should not leave his work place and should not talk to anyone.

Kerber asked P18 what he meant by “not leave the workplace”. P18 said he spoke to his boss who told him not to go to Anwar Raslan.

Kerber asked P18 if anything unusual happened. P18 said that the political security directorate from Salamiyya and Damascus constantly called P18’s wife and asked about P18. P18’s wife always told them that he would be at work. P18 said that his wife was afraid, so he came to see her in Salamiyya once a week. Every time he went there, he had to pay money and fill in forms. P18 further told the court that he was constantly monitored and they [people from the intelligence services] took photos of his car and tried to take pictures of his father. P18 said they did this to create an atmosphere of surveillance and put pressure on him.

Kerber wanted to know when the calls happened, before or after the search for P18’s cousin’s corpse. P18 said after.

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[15 minutes break in proceedings]

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Raslan’s defense counsel, Böcker, said that P18 spoke to one of the plaintiffs during the break and now has a sheet of paper in front of him. P18 said he wrote this himself for better orientation. Judge Wiedner confirmed that the sheet was already there before the break.

#### **Judge Wiedner’s Questioning**

Judge Wiedner said he wants to clarify some things to get better orientation of P18’s memories. His first question would be when exactly P18’s cousin was arrested. P18 said he does not know the exact date, but that they started searching for him on July 25, 2012; only a few days after they first got information about his arrest/detention. P18 said his cousin was a doctor at Al-Mojtahed hospital. Eyad Shbat [P18’s cousin’s flatmate] told the hospital’s director that [P17’s missing brother] was rescuing wounded but that he was not allowed to do that, instead he should simply put them in the cooling room because they are all terrorists. The hospital then informed Al-Khatib.

Wiedner concluded that [P17’s missing brother] was consequently arrested before July 25. P18 affirmed.

Wiedner wanted to know from where P18 and his family got the information that P18’s cousin was in Branch 251. P18 said he knew from [P17’s brother] who knew from [C1].

Wiedner asked from where P18 and his family knew [C1]. P18 said he is the husband of one of his cousins and works at Al-Khatib.

Wiedner wanted to know who spoke with whom. P18 said he did not know [C1], but his cousin arranged this contact. After July 25, 2012, P18’s cousin introduced him to [C1] and they met with him in his home.

Wiedner asked what [C1] told them at this meeting. P18 said he told them that [P17’s missing brother] died of a heart attack, that it was a natural death. However, he changed his statement after this

meeting, saying that [P17's missing brother] might be alive or dead and they should search for him in Tishreen and Harasta hospitals.

Wiedner asked whether this [meeting] was before or after their visits to Branch 251. P18 said it all happened afterwards.

Wiedner said in that case, to stay in the correct order of events, he wants to come back to P18's meeting with his cousin and [C1]. Wiedner asked whether P18 spoke to [C1] and whether [C1] told them that he saw [P17's missing brother] in Branch 251. P18 said [C1] spoke to his cousin. P18 was present at the meeting but [C1] only addressed P18's cousin.

Wiedner wanted to know how Raslan came into play and why he wanted to contact him. P18 said they had information from [C1] and [C4] saying that Anwar Raslan was the head of Branch 251 and in charge of his cousin's file.

Wiedner asked where the information about competencies came from. P18 said that all their contacts/intermediaries, [C4] and [Brigadier General] told them that Anwar Raslan was the head of interrogation at Branch 251.

Wiedner said [C4] consequently acted as an intermediary and was paid by P18's family. Wiedner asked what exactly they paid him for. P18 said the money was allegedly for [Brigadier General] to organize a meeting with Anwar Raslan.

Wiedner asked whether [Brigadier General] and [C4] were in contact with each other. P18 said they were in contact with each other, adding that they were related. P18 further said that his family was willing to pay a lot of money.

Wiedner wanted to know who organized the meeting/visit with Raslan. P18 said his cousin told him that [C4] organized it through [Brigadier General]. P18 was told that [Brigadier General] spoke with Raslan and that the meeting with Raslan might have a positive outcome. P18 repeated that Raslan was in charge of his cousin's file.

Wiedner asked when exactly they met Raslan. P18 said it was end of July 2012. P18 went to Branch 251 with his cousin on 26 July where Raslan was not present. According to P18 about 3-5 days later, after they paid money [to [C4]], he was able to meet Raslan.

Wiedner recalled P18's statement with the police saying that P18 could meet Raslan around 5-6 days after the first visits to Branch 251. P18 affirmed, adding that it was possible after they paid money and that one can get anything in Syria by paying money.

Wiedner asked who was there on that day. P18 did not understand the question.

Wiedner said he wants to know how the meeting with Raslan was and who was there. P18 said that [Brigadier General] made the meeting possible, but that they [P18 and [C4]] were not able to go there in [C4's] car as for the first visit to Al-Khatib. P18 recalled that they had to go by foot and that the entire living area was blocked. P18 told the court that [C4] was not allowed to meet Raslan and that he had to wait outside. P18 said he insisted that [C4] would wait for him as it was a very dangerous place. Wiedner reassured that P18 went inside alone.

Wiedner asked what happened next. P18 said the meeting took approximately 5 minutes.

Wiedner asked whether P18 had to wait before the meeting. P18 affirmed saying that he had to wait for an hour on a wooden bench in a waiting area, which was similar to psychological torture.

Al-Gharib's defense counsel Schuster intervened by complaining that the translation was confusing and he did not understand what P18 said. The translator clarified that P18 had to wait for at least an hour, maybe longer.

Wiedner wanted to know where (on which floor) P18 had to wait. P18 said he was on the ground floor and that the office he was sent to was a regular, unspectacular office. He assumes that this was Raslan's working office and that he might have had another additional office.

Wiedner asked P18 why he felt that the waiting period felt incriminating. P18 said there were detainees and torture taking place. He heard voices and screaming. P18 said it was a lot of psychological pressure and he did not expect to get out of this place.

Wiedner asked P18 what kinds of torture he witnessed. P18 said he saw detainees kneeling with their arms tied behind their backs and their eyes covered. They were wet and P18 heard loud voices. He felt as if they [people at Branch 251] wanted to send him a warning saying "you are next". P18 said he was wondering why he met Raslan in this particular office, where one could see all this, Raslan was an officer after all. According to P18 this [meeting at this particular office] was intended.

Wiedner asked P18 whether the detainees were beaten. P18 said he heard noises of beatings but he was only able to squint and did not see enough since he had to sit on a wooden bench with his back to the rooms where the detainees were and he was not allowed to turn around.

Wiedner wanted to know what exactly P18 witnessed. P18 said he already explained everything he saw.

Wiedner recalled P18's statement with the BKA saying that his cousin, [C1] and [C4] accompanied him and had to wait outside. P18 said the both of them only went with him at the first visit to Branch 251 and that he was alone at the second visit.

Wiedner further recalled P18 telling the BKA that at that place [the waiting area at Branch 251] there were rooms on the left and right side with doors open, so one could see naked detainees and interrogators in these rooms. Wiedner asked P18 whether this statement is correct. P18 affirmed.

Wiedner wanted to know if the situation was the same at his meeting with Raslan. P18 said it was almost the same, the detainees were tied up in the same manner, but P18 was very cautious as he did not want to get in trouble so he did not dare to look around.

Wiedner asked whether it was loud. P18 said it was very loud.

Wiedner asked P18 how the meeting with Raslan was and whether he would recognize him.

Judge Kerber offered P18 to cover his face with a folder. Böcker complained that one could skip this farce, since P18 would also stand in front of the court building without a folder covering his face. Kerber replied that the court room and public sphere are two different things and that P18 is allowed to cover his face in this particular situation in court. P18's counsel added that P18 also covers his face outside the court room. Böcker said that it would complicate the defense's work when witnesses do not act thoughtfully.

P18 requested to ask a question. Kerber allowed it.



P18 started mentioning personal information, when Kerber stopped him to give him the chance to talk to his counsel to “save the situation”.

After P18 spoke with his counsel, Wiedner asked again whether P18 recognizes anyone. P18 affirmed saying that he recognized the guy in the beige sweater (Raslan).

Wiedner asked P18 to describe his conversation with Raslan. P18 said it was very short unfortunately and took place eight years ago. P18 recalled that he was told to take any corpse and remain silent, this was the main content of their conversation, said P18. He was then told to leave.

Wiedner asked how P18 got into the room and to describe the situation in this room. P18 said two people held him and brought him to the room, he was taken out of the room the same way and escorted through the building when leaving.

Wiedner asked about the content of the meeting and what was said about P18’s cousin. P18 said he was given the information that if his cousin had been at Branch 251, he was now gone.

Wiedner wanted to know whether P18 spoke directly with Raslan. P18 said Raslan told him to just take any corpse.

Wiedner asked about any conditions or suggestions being mentioned during the meeting. P18 said that his cousin [P17’s brother] back then...

Wiedner interrupted, specifying that he wants to know whether Raslan mentioned conditions or made suggestions. P18 said that Raslan told him everything will be fine if P18’s cousin from Saudi Arabia returns.

Wiedner wanted to know if Raslan mentioned other names. P18 said that Raslan told him that P17 will also be released. Those are all the names Raslan mentioned.

Wiedner recalled P18’s statement with the BKA in which P18 said that he was about to leave, when Raslan told him to come back and said that he had two conditions for {P17’s missing brother’s} case: First, [P17’s brother] should return to Syria, second [P17’s brother/involved in the search for their brother] who was on the run at that time, shall render himself and if this happened, P17 would be released and P18’s file would be deleted. P18 affirmed and added that the translator at the BKA was “Persian” [Iranian] and did not understand everything, P18 had to discuss with him all the time.

Wiedner asked P18 to say whether his statement with the BKA which Wiedner just read out was correct or not. P18 said it is correct, adding that the questioning with the BKA took 7 hours and he felt like an accused not a witness.

Wiedner again asked whether P18’s statement was correct. P18 affirmed.

Wiedner then asked if P18 was given [P17’s missing brother’s] corpse during his meeting with Raslan. P18 denied. However, Raslan told him to search the corpses in the hospitals in Tishreen and Harasta.

Wiedner wanted to know what exactly Raslan said. P18 said he only said to search the corpses.

Wiedner recalled P18’s statement with the BKA where P18 said that Raslan sent them to the hospitals in Harasta and Tishreen and asked P18 whether this was correct. P18 recalled Raslan saying “look for the corpse”. The corpses are either in Tishreen or Harasta.

Wiedner asked whether P18 assumed that the corpses are in these particular hospitals. P18 said he assumed this after he spoke to [C1].

Wiedner asked P18 about the outcomes of his talk with Raslan. P18 said he wished he never went to this meeting, it did not help at all.

Wiedner referred to P18's previous testimony, saying that he was told to take his cousin's personal belongings such as a laptop and phone with him and asked P18 whether he saw these items. P18 said he did not see them. He said that [P17's brother], [C1] and [C4] were with him when they were asked to take these items and a death certificate saying that [P17's missing brother] died of kidney failure.

Wiedner asked if they took these items with them. P18 denied.

Wiedner asked why they did not accept the items. P18 said his cousin did not want them since he still hoped to find his brother and wanted to keep searching. P18 added that his cousin [name redacted] has important information as P18 recently found out when his cousin arrived in [information redacted] P18 said his cousin did not reveal this information since he did not want to risk his brother's life, in case he was still alive.

Wiedner wanted to know if Raslan said that [P17's missing brother] was dead. P18 recalled Raslan saying "take the corpse" and P18 was not in the position to discuss this with Raslan.

Wiedner wanted to recall the overall situation by saying that P18 waited on the ground floor where he could see rooms in which detainees were tortured, and then went to Raslan's room/office. P18 said so far everything was correct.

Wiedner asked P18 whether one could hear the screaming in Raslan's room. P18 affirmed saying that the room looked like an observation room.

Wiedner then asked to describe the situation in Tishreen hospital later on, when P18 and his cousin were searching for the corpse of P18's cousin. P18 said the corpses were all naked and numbered.

Wiedner asked where these numbers were. (He had to repeat the question as P18 seemed to not understand) P18 said the numbers were either on the corpse's chest or forehead. P18 said the corpses were black and he assumed that they were tortured maybe ten days ago but there were also corpses from the same day.

Wiedner asked whether P18 could see how these people died. P18 affirmed, explaining that he can remember corpses from the same day, some showing signs of torture, some not. However, some also had a gunshot in their head or something else. P18's cousin was told to take one of seven corpses. P18 said his cousin was there to make a decision [identify his own brother] because he is an emergency doctor.<sup>10</sup> P18 said regular hospital employees told them to just take any corpse. He said they would not have done that if they did not have orders to say so. P18 further said that [C4] is usually pro regime but was disgusted by how they were treated at the hospital.

### **Prosecutor's Questioning**

Prosecutor Klinge said he has a question regarding the situation in Raslan's office: How did P18 get there and how was he treated. P18 said he can explain how he was treated and asked the prosecutor to specify his question. Klinge asked P18 to describe his personal impressions in this situation. P18 said

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<sup>10</sup> Note from the Trial Monitor: P18 got very emotional at this point.

he was treated harshly right from the beginning. P18 said the message that they wanted to send him was “be careful”

Klinge asked whether Raslan also sent this message. P18 said Raslan was harsh as well. He thumped the table and told P18 to take the corpse. P18 said it was obvious that Raslan wanted to end the meeting. P18 added that he wished he never met Raslan.

Klinge recalled P18’s statement with the BKA where P18 said he was quasi kicked and pushed into the room where Raslan took off his glasses. Klinge asked P18 if that was correct. Böcker intervened and said he has a question. Klinge wanted P18 to answer the question he just asked. Böcker said that Klinge used the word “quasi” and asked him to be more specific, since P18 did not say in court the exact same he told the BKA.

Klinge repeated his question, asking P18 whether his statement with the BKA was correct. P18 said it is partially right. He was not kicked, however he was held at his shoulders and pulled into the room where Raslan took off his glasses and thumped the table.

### **Defense Counsels’ Questioning**

Raslan’s defense counsel asked P18 whether he was alone at Al-Khatib on the day he met Anwar Raslan. P18 affirmed, adding that the branch is quite big, that [C4] had to wait at the inner gate of the compound and that they had to wait at the info point despite their connections and relations.

Böcker asked whether P18 was alone in the building. P18’s counsel Mr. Bahns said that his client already answered this question several times.

Judge Wiedner said that P18 told the BKA what he just answered.

P18’s counsel said that Wiedner also asked this question which his client answered and asked Böcker why he keeps asking. Böcker said he needs this for his final speech advocacy.

P18’s counsel said his client also recalled parts of his talk with Anwar Raslan in court, that the meeting was very short and answered all other questions on the meeting’s content.

Böcker said Raslan had certain conditions whose existence P18 also confirmed. P18’s counsel said there were no such conditions, Raslan only mentioned that he would delete P18’s file.

Judge Kerber intervened recalling P18’s statement with the BKA saying there were two conditions.

Böcker said it is either conditions or the order to take the corpse, only one of them can be true. P18’s counsel said his client already confirmed all this: two conditions, offer to delete P18’s file and order to take the corpse.

Böcker said either condition or corpse. P18’s counsel objected to the question. Böcker restated his question.

Kerber intervened by recalling P18’s statement with the BKA in which he said that on the 5<sup>th</sup> or 6<sup>th</sup> day, he met Raslan, they showed him how people were beaten, took him to a room where Raslan then told him to take the corpse. P18 was told to leave the room when he turned around to ask where his cousin’s corpse was. Raslan said he would tell him where the corpse was, release P17 and delete P18’s file if P18’s cousin in Saudi Arabia returned to Syria and [P17’s brother] surrendered to the police. Kerber asked which parts of the statement were correct and which were not. P18 said it is correct that his cousin should return from Saudi Arabia, [P17’s brother] should surrender to the police, that P17

would be released and his own file deleted. P18 added that he was told that his family should silently bury the corpse.

Kerber asked whether Böcker had any questions. Böcker said not for the moment.

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[60 minutes lunch break]

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[a sketch which P18 drew during his interview with the BKA was shown in the courtroom.]

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Judge Kerber explained that P18 created this sketch during his questioning by the BKA. P18 added that he created this sketch under pressure solely from what he remembered.

Judge Wiedner asked P18 what kind of rooms are shown on the sketch. P18 said that the doors of the rooms on the right side of the waiting area were open and that people were tortured in these rooms. P18 said he saw detainees kneeling on the floor in these rooms. The people in the guard room told P18 to take the personal belongings of his cousin.

Raslan's defense counsel Böcker intervened saying that P18 should come to the judge's bench in order to confirm his signature.

Judge Kerber asked Böcker what document he wants to present. Böcker asked P18 if it is his signature on the protocol of his questioning with the BKA. P18 confirmed.

Böcker concluded that P18 consequently confirmed by signing that he was shown a translation of his questioning and confirmed its content.

Plaintiff counsel Scharmer intervened saying that the part of the document which Böcker is referring to would be insufficient and that Böcker should also read out the previous three sentences in this document.

Böcker read out: "06304/18 12.09.2019 page 14; comment: I was drawn attention to the meaning of my statements. I love German authorities and trust the German state. I would not trust the Syrian state. Approved and signed by [Böcker read out P18's full name].

Kerber switched off the microphone from which Böcker was speaking, said that this was "very bad style" on Böcker's behalf and ordered a 5 minute break in proceedings.

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[5 minute break in proceedings]

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Böcker said one should admit when making a mistake, he made one and wants to apologize for it. He added that he was annoyed by Scharmer's constant interruptions and mentioned P18's name by accident, he did not intent to do so and wants to apologize.

Kerber said she will leave things like that, proceedings can continue.

Böcker asked P18 whether he signed the protocol of his questioning by the BKA, confirming that he was shown a transcript of the protocol and a translation of it and confirmed both by signing. P18 said he trusts the German state and that he would have rights in Germany which he did not have in Syria. P18 said that is a fact. However, P18 said, his questioning by the BKA took more than seven hours. There were two officers, one of them did not intervene when the other put P18 under pressure. In addition, some topics that P18 wanted to talk about were blocked by one of the officers, whose method of working P18 did not understand. P18 said that he suffered from the translator, who was Persian/Iranian, when he tried to communicate his thoughts through him. The translator often provided short summaries of P18's statements so that P18 had to intervene in German to correct his statements. However, the protocol of his questioning was correct, only the translator... P18 said he did not do anything bad in Germany for five years but felt like a criminal during the questioning. Nonetheless he confirms the protocol.

Kerber asked P18 whether his statement was re-translated for him. P18 denied, saying he was offered a re-translation but he declined, as the translator was not capable of doing it in P18's eyes. P18 said he understood everything that was going on during his questioning and declined a re-translation. He was exhausted.

Raslan's other defense counsel Bodenstein recalled P18 mentioning some names and asked him where these people are today. He started with [C4]. P18 Said [C4] is from Latakia and works in Damascus as a merchant for medical supplies, his father is an officer.

Bodenstein then asked about [Abu Akram]. P18 said he does not know his job/position but that he lived in Harasta and, from what P18 knows, is now in Europe.

Bodenstein continued by asking about Brigadier General [name redacted]. P18 said that when he left Syria, [name redacted] was still a Brigadier General at the government palace.

Bodenstein asked about [P17's brother]. P18 said his cousin arrived in [information redacted] 8 or 9 days ago and that he was in great danger in Syria.

Bodenstein asked him to provide more details on his cousin's current whereabouts. P18 said he cannot.

Bodenstein asked whether he can tell the court outside this public session. P18 affirmed.

Bodensetein also wanted to know about [C1]. P18 said he is still in Damascus.

Bodenstein recalled P18 mentioning [name redacted] who is now living in [information redacted] and asked P18 whether he can provide his exact address. P18 said he can give it to the court in writing.

P18 was dismissed as a witness.

P17 who testified the previous day asked whether he can read out a statement. Judge Kerber affirmed.

P17 said "In the name of my mother, I want to ask Anwar Raslan what has happened to my brother". Kerber said he allows the question and poses it to Raslan's defense lawyers.

Böcker said his client will not answer this question, however it is planned to provide a declaration, not on this question in particular but more generally. They need some more time to provide the statement, the delay is not Raslan's fault but due to continuing talks within the defense team.

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[15 minutes break in proceedings]

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Judge Kerber asked the defense team whether they want to read out their client's declaration. Böcker said they have a short version of it, however not a proper one and that they will not read it out today.

Kerber said a German translation of a Human Rights Watch (HRW) report would be read out in court until the end of today's session at around 3pm after a short break.

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[5 minutes break in proceedings]

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Judge Kerber said the German translation of the HRW report will be read out in court according to §249 StPO.<sup>11</sup>

Böcker objected. Judge Kerber rejected this objection and explained that judge Wiedner ordered the translation of this report on 26 June 2020 and it will be read out in parts according to §249 StPO.

Böcker formally objected arguing that the origin of this report and translation would not be sufficiently identifiable to fall under §249 StPO, requesting a court decision.

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[10 minutes break in proceedings]

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#### Court decision:

Böcker's objection was rejected saying that origin and indicators of the report and its translation are sufficient to fall under §249 StPO.

Böcker agreed to the decision, saying that he just found a proper indicator of the report's origin in his documents and that his client's declaration would now be ready as well thanks to the recent breaks in proceedings.

Kerber asked P18's counsel Bahns if this declaration can be read out today, though his client is no longer present. Bahns agreed, saying that he will not be present the next day either.

Anwar Raslan's declaration was read out by his defense counsel Bodenstein:

*"Despite further declarations which I will make during the course of these proceedings, I want to make the following statement: I did not have contact to witness P18, the and others did not contact me, I do neither know [C4] nor [Brigadier General]. Regarding the missing person, I cannot provide any information. At the end of July or beginning of August, [C1] came to my office telling me that the head of the medical association, [name redacted] said that a doctor was detained. The inspector was searching and asking about a doctor from the region of [information redacted] in the prisons, however*

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<sup>11</sup> Documents shall be read out in court for the purpose of evidence taking regarding their content. Electronic documents are considered to be documents when they can be read out.

*unsuccessfully. [name redacted] from Dar'a who is now living in [information redacted], contacted me after my desertion regarding a doctor from al Mushrefa. I told him the same thing."*

Judge Kerber asked Raslan if this is his declaration. Raslan affirmed.

Kerber and Wiedner read out parts of the [HRW report "We've never seen such horror"](#) dated June 2011.

Proceedings adjourned at 2:15 pm.

### **Day 37 of Trial – October 8, 2020**

The hearing began at 9:30am with 5 spectators and 2 members of the press in the audience.<sup>12</sup> Plaintiff counsel Reiger was replaced by Attorney Bessler.

#### **Testimony of Christoph Reuter**

Christoph Reuter, a 52-years old German journalist living in Germany and Lebanon was summoned as a witness. Advisements were read out and Reuter was informed about his right to refuse to give evidence due to his work as a journalist. Reuter confirmed that he wants to testify.

#### **Judge Kerber's Questioning**

Judge Kerber recalled Reuter's questioning by the BKA and asked him whether he knows Anwar Raslan. Reuter explained that he was in Jordan in 2013 together with his researcher at the time. They initially wanted to cross the border to go to south Syria, however there were many and thorough border controls by the Jordanian forces and only opposition members were allowed to cross the border but no journalists. That was why Reuter and his researcher started interviewing deserters. They met various officers, amongst them [name redacted], the former chief of police in Homs who recommended to talk to Raslan for detailed information on staging of Jihadist terror attacks. Reuter said that [name redacted] was the one who called Raslan to arrange a meeting between him, Reuter and his researcher at Raslan's flat in Amman. Reuter said they spoke about how Jihadis and Al-Qaida were seen through Syria to Iraq since 2004/05 as well as the events in winter 2011/12 regarding attacks by Al-Nusra. Reuter said he heard of inconsistencies surrounding attacks allegedly committed by Al-Nusra who did not exist at the time of the attacks and wanted to talk with Raslan about this. Reuter said they met two days in a row since Raslan has a photographic memory when it comes to details. Reuter also asked the questions put to Raslan to other people as well to cross-check Raslan's statements and validate them. Reuter mentioned an explosion in Damascus in December 2012 as an example: After an explosion on the intelligence service's compound, Ali Mamlouk, Anwar Raslan and some of Mamlouk's assistants met to discuss the situation. Raslan required an investigation, however Mamlouk did not want investigations. The head of the "cleaning crew" who later also deserted confirmed this story to Reuter. Reuter further said that he met Raslan once in Germany but did not stay in contact with him.

Kerber said that Reuter is summoned as a witness to provide information on two issues, the developments in 2011/12 and what Raslan told him about his position and activities and asked Reuter

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<sup>12</sup> No accredited Arabic-speaking journalist who requested access to translation was present.

what he wants to talk about first. Reuter said he wants to start with the general matter and then come to the more detailed parts, so he would start by testifying about the general situation in Syria.

Kerber asked Reuter how many times he has been to Syria. Reuter said that he had studied there in 1980/90 and then went there to do research from time to time without a journalist-visa. He got a first journalist visa in February 2011, since he was the only Syria/MENA expert at the magazine he was working for, but one could only travel there until late 2011. Reuter said the first time he went to Syria on a journalist-visa was in June 2011, then August and December 2011 and from then on without visa. He said he took about 20 trips to Syria, ranging from 3-days to week long trips. Reuter said that one could travel between the different areas in Syria in 2011, for example from a suburb of Damascus where deserted soldiers were, to other parts of Syria. Reuter said his stories were published without author citation since the Syrian government put pressure on his employer and other journalists to leave the country. Reuter said he always wanted to go to opposition-held areas, never to government-held areas, he was in Aleppo, Idlib, Zabadani, Deir ez-Zor, Yabrud and suburbs of Homs. Reuter said that he did not go to Syria from fall 2013 until spring 2014 due to ISIS. He was then in the city of Aleppo in 2014 and 2015 before the Turkish government issued a travel ban and he had to enter Syria through Iraq.

Kerber thanked Reuter for his explanations. Wiedner asked him what he studied. Reuter said he studied Islamic Studies, Political Science and German philology.

Kerber asked Reuter whether he speaks Arabic. Reuter affirmed.

Kerber asked whether Reuter conducted his interviews with a translator or not. Reuter said it was dependent on the situation. In cases where more people were involved or the topic was about technical details, he used a translator since he cannot speak Arabic fluently.

#### **Judge Wiedner's Questioning**

Judge Wiedner asked Reuter whether he was tied to Syria from 2002-2004 due to family relations. Reuter affirmed, saying that he met his wife in Syria in 2003, so he was in Syria for private reasons from 2005. Reuter further said that he went to Syria in 2002 after Hussein was re-elected, as he had information that weapon imports to Iraq through Syria took place. Reuter said he was then in Syria in 2005 and 2006 for private reasons and to write a story on refugees.

Wiedner asked to what kind of people Reuter spoke in 2011/12, opposition member and/or members of the regime. Reuter said that at the beginning of 2011 when he could easily enter Syria, he mostly spoke with friends from university, some of the less famous members of the opposition and the head of analysis at the US embassy. Reuter said he then had successive contact to people organizing demonstrations and flash mob-style protests. He said he was in contact with a non-military opposition circles in Homs that organized night-time demonstrations from August till December 2011. Reuter said he basically spoke to everyone in shops and asked them how they felt and people were also actively approaching him. He said he also spoke to rebels, military commanders, doctors and basically everyone who wanted to talk. He asked them about what happened, how they were organized, their plans for the future of the country and how they treated deserters. Reuter said he was invited by opposition members to talk about their vision of the future of the country. He said he had all these talks in order to paint a better picture of events regarding massacres and assassinations; who killed whom, what exactly happened. Reuter said his talks then became more relevant as the Syrian government issued press releases that there was no opposition and that attacks were launched by Jihadist groups,

financed by foreign states. He said that two witnesses told him about the things that were then revealed in the Caesar-files for Damascus; that the hospitals were a reloading point for corpses where corpses were registered with numbers and photos indicating where they were killed and that corpses were then packed and transported in trucks. Reuter said they never got as far with research on Homs hospitals (in terms of insight and evidence) as Caesar got.

Wiedner asked when Reuter got this information. Reuter said he met the first two witnesses in early 2013. Reuter then started researching, considering that there might be satellite images showing mass graves and also conducted open-source research. When Caesar published his photos, Reuter and his team built upon that.

Wiedner asked when Reuter first got hints/information about hospitals packed with corpses and mass graves. Reuter said he got first hints in March 2012 and then met a soldier in April 2012.

Wiedner asked when these practices began. Reuter said he met an 18 year-old soldier in Idlib. Reuter said he approached this young man as he seemed traumatized. He then told Reuter about nightmares he had as he had to register and pack corpses every day. He said he started this work in March 2012, people are constantly yelling 'hey Mohammad, can you pass me that leg, hey Yusuf I have an arm here' and that the corpses are piled up half a meter in the backyard of the hospital. Reuter said this soldier had to take photographs of the corpses and give them numbers indicating from which intelligence service they came. He had to do this in a military hospital.

Wiedner asked where exactly this happened. Reuter said that it happened in the backyard of a military hospital. They had two witnesses telling them this story. Reuter said he also met a doctor who confirmed this as he was on a work visit to Homs where he witnessed this practice, however Reuter and his team did not have further evidence.

Wiedner asked whether there were indicators as to where the corpses came from and the reasons for death. Reuter said many corpses came from Baba Amr, some from check points, many from so-called "centers" where detainees were brought. Reuter said they came from different services and agencies, sometimes 30 a day, sometimes 400. They were sometimes brought in trucks, sometimes in vans, other times by ambulance.

Wiedner asked whether there were other intelligence services despite the general intelligence directorate. Reuter said the military intelligence service and the air force intelligence were known as being "butchers". He added that they killed on a large scale.

Judge Kerber informed Reuter about his rights and duties as an expert, so he could testify as an expert-witness.

Wiedner asked Reuter to outline how the regime reacted to the demonstrations in spring 2011. Reuter said the reaction was depending on the city. In Damascus, people were generally rather "simply" arrested. However, in Al-Midan, a quarter with a disloyal reputation, it was more likely that the regime used violence than with demonstrations taking place in the center of Damascus. Reuter said that demonstrations in the center of Damascus were organized like flash mobs where people appeared with banners etc. for a very short time and then dissolved and disappeared, that is why there was generally no violence with demonstrations in the center of Damascus. Reuter said that things were different in Homs. The peaceful demonstrations there usually took place at night and all participants were aware that when military or intelligence services show up, they would use violence and shoot at the protesters. That is why they organized demonstrations in a certain way: young men were usually

walking in the middle of the street while other groups walked at the side of the street, so that they could escape quickly in case the military or intelligence service opened the fire. Reuter said he remembers a demonstration in Homs where nothing happened, simply because the military stormed two hospitals at the same time as the demonstration happened. He explained that everyone participating in peaceful demonstrations were aware that they could be shot at any time. Reuter said this awareness was also present during the winter months and people always expected that the military would shoot at them also with the help of snipers. Reuter further told the court about the so-called “taxi of death”, a van rushing the street with 100km/h so that the demonstrators inside the van could escape quickly without being shot by snipers. Reuter said this was a practice mainly used in opposition quarters and that the city had a “schizophrenic division” at the time regarding the use of violence with demonstrations.

Wiedner asked whether there were different periods in the regime’s reaction and if this reaction changed/developed at one point. Reuter said the reaction of the regime changed indeed, saying that every time they shot at demonstrations, there were hundreds of dead people and that the situation evolved into an “open war” in Baba Amr where they [government forces] did not shoot occasionally, but used helicopters to shoot at demonstrators.

Wiedner said the court’s focus would be on the general reaction of the regime to demonstrations in February 2012 and asked Reuter what he knew about that. Reuter said that during the early months, whenever demonstrators were shot, it was argued [by the government] that those were Jihadists shooting at anyone. Reuter said that weapons allegedly belonging to these Jihadists were presented on TV and that these allegedly Jihadist shootings were staged by the government. Reuter further explained that there was no central answer to demonstrations, participants were sometimes beaten, sometimes not. He said that to him and his team it was unclear what exactly happened between March 2012 and late summer 2012. However, the usual circle of events was: demonstrations on Friday, causing death, funerals on Saturday, silence and peace from Sunday to Thursday and then the circle would start again. Reuter said that “it” steadily increased.

Wiedner asked Reuter what he meant by “it steadily increased”. Reuter said demonstrations became bigger and increased in numbers as well. He said that demonstrations were guarded by “demonstration protectors”, men with knives accompanying the demonstrations. Reuter further explained that the mindset of people participating in demonstrations changed; they no longer wanted to duck from the intelligence services but to defend themselves. He said there were no weapons only knives used at demonstrations.

Wiedner wanted to know whether Reuter was told about this or whether he had first-hand experience. Reuter said he and his team heard gunfire in the evenings in Homs and went to underground hospitals where they saw people that had been shot at. He said this was in August 2011.

Wiedner asked Reuter about the functions of the intelligence services beginning in spring 2011 and who was responsible for what. Reuter said that there was internal competition among the different services earlier, but that this changed from early 2011 on. He said they started to cooperate by exchanging arrest warrants. Regarding the brutality of the intelligence services, Reuter said that the air force was most brutal and that the military intelligence service was significantly involved in the staging of Jihadist cells which were considered as the “official evil”. He further explained that the general intelligence directorate was less dangerous, however, transfers of detainees between the different services were possible. Reuter also said that there were differences between the prisons



regarding their “danger” which was dependent on the head of the prison. Reuter summarized that the air force intelligence and the military intelligence were brutal, the political security directorate was “rather civilized” and the general intelligence directorate was somewhere between the two brutal services and the more civilized one.

Wiedner asked Reuter about the functions of the general intelligence directorate and Al-Khatib. Reuter said that people were afraid of Branch 251 but detainees usually did not have to stay there for long. The fact that the government tortures and kills people was also nothing new. Reuter said he and his team were interested in new developments such as hospitals being used as transfer points for corpses and the staging of Jihadist terror as well as Ali Mamlouk’s role in this as a “highly intelligent” commander.

Wiedner asked Reuter about Mamlouk’s role and position. Reuter said that Mamlouk worked at the military intelligence service together with Assef Shawkat. Reuter said before 2011, Mamlouk was also involved in organizing the passing of Jihadists through Syria to Iraq. Mamlouk had talks with the Iraqi intelligence services which were recorded by a mole in the intelligence service so it is proven that Mamlouk was involved in this. Reuter said that Mamlouk further had talks with Hezbollah and Pasdaran on how to “handle” the demonstrations, which also involved a course in how to build car bombs. Reuter said Ali Mamlouk was the “brain” of the intelligence service and way more intelligent than others. Reuter said Mamlouk also received a Lebanese minister in Syria who was then arrested at the Syrian-Lebanese border with 21 explosive devices in his luggage, which Mamlouk told him to detonate in Lebanon.

Wiedner asked Reuter about Mamlouk’s formal position. Reuter said he was the head of the general intelligence directorate and if he remembers correctly had the rank of a major general.

Wiedner asked Reuter where people were brought to when arbitrarily detained. Reuter said he once witnessed an arbitrary detention himself. He and his team often traveled by bus as they deemed it to be least suspicious. When they arrived at a checkpoint, he saw how a man was taken out of the crowd. A bag was put over his head and he was taken away in a van.

Wiedner asked Reuter whether he also heard reports about arbitrary detentions. Reuter affirmed saying they took place everywhere; at demonstrations, check points or at home. Depending on the social status of a person, they were being tortured or beaten. People were usually released and told not to insult the president and his family. Reuter said that people did not take this seriously enough and later on, they would not be released.

Wiedner wanted to know when the practice of not releasing detainees changed. Reuter said in 2011 people were usually released when arbitrarily detained. He recalled a big demonstration in April or May 2011 where 200 people disappeared which was reported everywhere. Then in December 2011 a person was shot in the head at a checkpoint, the family was able to get the corpse but it was still reported everywhere as it was rather unusual. Then in 2012 people would no longer be released when arrested and in late 2012 and early 2013 it was normal that people were being shot.

Wiedner asked Reuter whether he was familiar with Tishreen and Harasta hospitals. Reuter affirmed adding that a witness (a rich businessman) told him that he was allowed to search for his brother’s corpse at one of the hospitals, accompanied by soldiers that helped him dig through the corpses.

Wiedner asked Reuter when the massacres in Houla happened and what exactly happened there. Reuter said it was on 31 May, however he is not entirely sure. He said a UN representative came to

Homs the following day saying that evidence indicates that the military came from the Alawite hills to the Sunni villages and killed people in their homes. Reuter said he was not in Syria at that time but read an [article in a well-known German newspaper](#) approximately three weeks later which said that rebels from Homs were responsible for this attack. However, the sources and the article itself were quite dubious and one more sign for the second narrative spread by the Syrian government. Reuter said he and his team wanted to go to Houla (it took three weeks for them to get there) where they spoke with eyewitnesses for two days. These statements as well as the topographic background led Reuter to conclude that the massacre was launched by militias supported by the Syrian government, as they only killed people in houses that were in the firing line of the government-held military base on top of the hill. Reuter said all reports by eyewitnesses said the same: that a silver pick-up drove down the hill on the only street entering the village, which was also in firing line of the military base (Reuter recalled witnesses saying that they themselves often had to hide behind big trucks when entering the village so they would not get shot by the military), attackers killed everyone they could find inside their homes (Reuter recalled eyewitnesses saying that they thought the attackers were looking for young men, so all young men hid in stables, cabins etc. but the attackers just killed everyone they could find so all families were murdered, except the young men who hid in stables etc.)

Wiedner asked whether Reuter has findings that the attack was ordered by the government. Reuter said it was at least tolerated by the government and that there were great efforts to cover it up. He added that the militias would probably not have entered the villages without backup by the military.

Wiedner said he has a couple questions regarding the intelligence services. Can Reuter say how the activities of the intelligence services changed from 2011 on? Reuter confirmed and said the general connotation of intelligence services is to collect insights and usually has nothing to do with military activities. However, in Syria, intelligence services always collected insights and acted in a military manner. Reuter said people were also being tortured before 2011 but there were only a few places where detainees were tortured. Reuter said the infrastructure to torture people already existed in 2004 but that the behavior of the general intelligence directorate only significantly changed in 2011/12. He said they developed into “death stations” mainly torturing and killing people.

Wiedner asked Reuter whether he knew Division 40. Reuter said he does not remember their precise activities but that he heard of it back then, however, did not conduct further research on what they did, as he focused on other aspects.

Wiedner asked Reuter whether he knows the name Deeb Zaytoun. Reuter affirmed saying that to his knowledge, Zaytoun was the head of the Syrian intelligence service.

Wiedner then went on to ask Reuter about Tawfiq Younes. Reuter said he knows the name but cannot remember details.

Wiedner mentioned Hafez Makhoulf and asked Reuter whether he knew him. Reuter affirmed saying that in Damascus, Makhoulf had a reputation of being brutal and choleric. Reuter said he was the head of a division within the general intelligence directorate and brother of Rami Makhoulf. Even though Hafez Makhoulf had a relatively low rank, he was untouchable due to his family relations to the president. Reuter said Makhoulf had a “strange” role. He was later in the doghouse with the regime and went to Belarus.

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[10 minute break in proceedings]

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Wiedner asked Reuter whether he is familiar with the CCMC [Central Crisis Management Cell]. Reuter asked whether that is “the one that blew up in June 2012?”

Wiedner asked him whether he is sure that they are talking about the same thing. Reuter said they are, if CCMC is the one including Assef Shawkat and other heads of intelligence services, then it is the one that was blown up in June 2012.

Wiedner asked Reuter about the functions of the CCMC. Reuter said it was established to provide security related answers on how to deal with protests.

Wiedner asked about the date of establishment. Reuter said he does not know when it was established but he and his team were rather interested in the explosion. However, he thinks it was established relatively early on [spring 2011].

Wiedner asked what kind of decisions the cell made and what activities it pursued. Reuter said he is not able to differentiate what was decided outside the cell and what was decided by the cell.

Wiedner asked Reuter about the ending date of the CCMC. Reuter said he believes it ended in 2012 with the explosion in a meeting room inside the CCMC’s compound. Reuter said a group of rebels admitted to setting up the explosion, however the group did not have any insights into the attack. Reuter said he by chance met two people who were involved in the explosion, both of them officers working in the CCMC building. He said they had pictures and documents from the room where the explosion happened. Reuter said that there was not much surveillance on the compound as there were only a few employees. He said that it was no problem for these soldiers to be accompanied by other persons not working at the cell as there were barely any checks. This way they were able to smuggle small amounts of explosive substance into the building and place it in the ceiling as there were no cameras. Reuter said the bomb was ready long before the actual explosion but that the members of the CCMC always met in different rooms so it took a couple weeks before they came back to this room where the bomb was triggered via phone. Reuter said that the CCMC personnel first suspected the explosion originated from the buffet so “the first thing they did was to arrest and beat up the catering staff from the Four Seasons”. Years later rumors arose that the explosion was ordered by Assad himself, but there is no corroboration for this version. Reuter said he and his team never published their story on this.

Wiedner asked Reuter whether he recognizes anyone on the accused’s bench. Reuter said “yes, him” [Reuter looked straight at Raslan nodding in his direction, without pointing at him].

Wiedner asked Reuter to talk about Raslan’s motives to talk to him and if Raslan was willing to provide information. Reuter said Raslan was observant and hesitant at the beginning. He said he was probably the first journalist that Raslan ever spoke to. Reuter said it was a new situation for all former high-ranking officials to talk to journalists. Western journalists were previously considered to be the enemy and officials would have probably not even told them what time it is, and now they are providing details about their work to them, which would have been the end of their careers. Reuter said the conversation became more open when Raslan realized that he was not asking dumb questions like “is

it an unjust regime?"<sup>13</sup> or "what does an intelligence agency do?", but rather "what about that group?", "what about this attack?", "did an Al-Qaeda cadre really stay in a Syrian government's guest house?". Reuter said it was a conversation between forensic experts, people fascinated by details. Reuter said his researcher/colleague also had a "photographic memory for details." Raslan told them how he once arrested Jihadists who then told him to "call Assef Shawkat" and it turned out they were only staged by the regime. The same happened in early 2011 with Ali Mamlouk [as the person staging Jihadist attacks] when allegedly Jihadist weapons which were confiscated by Syrian forces were presented on TV. This practice was not very well known but nonetheless a popular means for Assad to present himself to the international community as a lesser evil. According to Reuter, they [government] also did that back in 2005 to make the occupation of Iraq more costly. Reuter said that he and his team were mainly interested in these orchestrations of Jihadist terror. Reuter said that he recognized the same disgust with Raslan as with other former Syrian officials about the fact that people were no longer arrested and investigations were no longer conducted upon probable cause (Raslan considered arrests as a legitimate way of preventing peaceful demonstrations) but instead hundreds of people were arbitrarily arrested. Reuter said Raslan did not support these grounds of arbitrary arrests (people being arrested and detained solely to scare them) and felt like his work being trivialized. Reuter said they had a long and open discussion as Raslan has an analytical memory and mindset and was able to present himself as a professional inspector.

Wiedner asked Reuter whether he believes what Raslan told him. Reuter affirmed saying that they also met with the former head of the political security directorate in Latakia. This person also wanted to change sides without voiding his professional biography.

Wiedner asked Reuter whether he spoke to Raslan about his daily work. Reuter denied, saying that they only had two days to chat with him and their focus was on staged terror attacks by the regime who then presented itself as victim of this terror. Reuter said they had lots of witnesses telling them about torture in detention facilities, but Raslan was one of the few people who could tell them about staged terror attacks.

Wiedner asked Reuter whether he himself still got an impression of torture taking place through his conversation with Raslan. Reuter said they spoke about his reasons for defecting and why he defected relatively late: Raslan first supported the system which then got out of control. Reuter said that it was commonly known that people were beaten at Al-Khatib however not that they went missing.

Wiedner recalled Reuter's statement with the BKA where he said that he was under the impression that Raslan bothered about a lack of professional behavior and only useless torture taking place. Wiedner recalled Reuter providing an example on a lawyer who was tortured at Al-Khatib for no obvious reason. Reuter said he remembers.

Wiedner wanted to know if Raslan was bothered by the treatment of detainees or the fact that his profession as an investigator was trivialized. Reuter affirmed the latter.

Wiedner asked whether this was also the reason for Raslan to defect. Reuter said that Raslan did not support mass killings and large-scale torture. He said that Raslan was a Sunni "career officer" who was

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<sup>13</sup> Note from the Trial Monitor: the term "Unrechtsregime/Unrechtsstaat" as Reuter said has a strongly negative connotation in German language where it is the antonym to the "Rechtsstaat" (democratic state governed by the rule of law). The term "Unrechtsstaat" has its origins in 1952 when the famous [German prosecutor Fritz Bauer](#) first used it to describe the Nazi regime. To this day, the term is commonly used to describe the Nazi regime as well as the communist regime in the former German Democratic Republic.

under pressure as he came from a region with rebellious background. Reuter said in this position and due to his family being massacred, one either gives 150% or he has to leave. However, according to Reuter they did not talk in depth about Raslan's reasons for defecting.

Wiedner asked whether Raslan said that [give 150% as Sunni or leave]. Reuter denied, explaining that he knew that from other people as they conducted an environment analysis and that Raslan was widely known in the community of defected officers in exile.

Wiedner wanted to know whether Raslan himself said anything on this. Reuter affirmed explaining that Raslan did not support "this". According to Reuter, Raslan did not support the fact that hundreds of people were arrested and that he on top was supposed to torture them. Reuter said that Raslan felt like his professionalism would be trivialized by this.

Wiedner asked why Raslan did not desert earlier and if Reuter asked Raslan about that. Reuter said it is common practice to ensure that one's family is safe before deserting, to not take any risks. Reuter thinks that this was an issue in Raslan's case. However, Reuter said that other people in exile thought that Raslan was an opportunist as at the end of 2012 the regime was about to collapse anyway. Reuter recalled that people defecting in late 2011 were considered heroes, people defecting early 2012 were considered to be "alright" and people defecting in late 2012 were considered to float with the tide as they might have been killed anyway.

Wiedner asked Reuter if Raslan had unsuccessful attempts to escape and recalled Reuter's statement with the BKA saying that Raslan was being observed as to why his preparations for escaping took some time but he did not have an unsuccessful attempt to escape. Reuter confirmed his statement with the BKA saying that there is simply no such thing as an "unsuccessful attempt to escape" as in case one got caught while trying to flee, he would have been killed and not been able to start a second attempt.

Wiedner asked Reuter whether they also spoke about Raslan's background as a Sunni. Reuter said they only spoke about this very briefly but that he spoke about Sunni backgrounds with others in more detail. These people told him about a general paranoid distrust by the Alawite leadership towards Sunnis. Reuter said there were allegedly meetings taking place regarding travel bans of retired Sunni officials during which Alawites allegedly supposed that Sunnis should never be able to leave the country. Reuter said there was a general distrust towards Sunnis.

Wiedner asked whether Raslan mentioned anything in this direction. Reuter denied, repeating that they only spoke about Raslan's Sunni background very briefly.

Wiedner recalled Reuter's statement with the BKA during which Reuter said that Raslan was deeply unsettled by the fact that his background as Sunni was a problem. Reuter said if it is noted in the file then it would be correct.

Wiedner asked Reuter whether Raslan told him about tensions with superiors. Reuter affirmed saying that Raslan wanted investigations after the Kafar Souseh attack but Ali Mamlouk declined.

Wiedner recalled Reuter saying that Raslan felt threatened due to his Sunni background and that there were tensions between Raslan and Hafez Makhoul due to a group of people who were arrested and beaten in early 2012 and whom Raslan allegedly released. However, according to Reuter's statement with the BKA, Raslan was supported by Tawfiq Younes in this matter. Reuter confirmed his statement adding that they were based on notes which he took during the interview but never used for publishing purposes and that the interview happened a long time ago.



Wiedner further asked Reuter whether it is true that he asked Raslan about an alleged truth serum which Raslan thought was useless as people were not able to say anything, since they did not know anything. Reuter confirmed this statement.

Wiedner wanted to know what Raslan said about the alleged release of the previously mentioned group of detainees. Reuter said he remembers that the group was beaten with metal tubes however, he does not remember if he specifically asked Raslan about whether he released this group or whether he can remember this instance from another context.

Wiedner concluded that the torture did not happen in Raslan's Branch but that he indirectly confirmed that he released them. Reuter affirmed.

Wiedner recalled Raslan saying that he was neutralized and asked Reuter about his knowledge on this claim. Reuter said they did not talk about this in specifics as they were focused on other issues and there was no opportunity where the metal pipe incident from 2012 came up again.

Wiedner asked whether they specifically spoke about the treatment of detainees. Reuter denied, adding that he does not remember every detail of the conversation, since he never used the notes he made during this interview for any publication.

Wiedner asked whether Reuter's statements with the BKA are based on his notes. Reuter affirmed.

Wiedner asked Reuter whether the following statement he made during his questioning by the BKA would consequently be correct: "We spoke about torture and beating of detainees with regards to Raslan's attempts to release some detainees". Reuter confirmed his statement

Wiedner wanted to know whether they also spoke about Raslan's potential role within the opposition. Reuter said that Raslan was hoping to fulfill a role in a new Syrian state. Reuter said it might sound strange nowadays but back in 2012 no one would have thought that Assad would remain in power. People expected that Assad would not be able to secure his power "with only Alawites and some opportunists". Reuter added that the higher-ranking deserters were in the regime, the warmer the welcome by the opposition was, as these former high-ranking officials were key to overthrow the regime.

Wiedner asked whether Raslan had documents with him when he deserted. Reuter denied, saying that they knew from others that they were waiting on a list with missing detainees but with regards to Raslan his photographic memory was more promising to them than documents.

Wiedner wanted to know whether Reuter spoke with Raslan or other people about cooperation with the opposition. Reuter said they spoke about this with everyone. Reuter recalled that at that time [late 2012] the opposition coalition was only about to emerge. They had talks with Saudi Arabia or Jordan trying to figure out which government can support them and what the US's role would be.

Wiedner asked Reuter whether Raslan told him about contact with the opposition during his "active" time [while working at Branch 251]. Reuter said Raslan only told him about alleged observation which made it hard for him to leave. He also told Reuter that the general suspicion towards Sunnis would have made it very dangerous for him to contact the opposition.

Wiedner recalled parts of Reuter's statement with the BKA saying that it took weeks for Raslan to leave Syria. Reuter affirmed, adding that it rather took months than weeks.

Wiedner asked whether they also spoke about the possibility for Raslan to return to Syria. Reuter said Raslan wanted to continue working in his field of profession (as investigator or head of police forces) either in Syria or somewhere else, however only once Assad would have been gone.

Wiedner wanted to know if Reuter also spoke with Raslan about his plans for the future when they met in Germany. Reuter said they touched upon that, adding that Petra Becker, at that time working for [SWP](#)<sup>14</sup>, had more frequent contact with Raslan. Reuter recalled Raslan expecting to be questioned by the BKA and the German intelligence so his skills would be of use.

Wiedner concluded that Reuter's conversation with Raslan in Germany was not very fruitful. Reuter said he had many people to talk with in Germany and that their interest in Raslan was still focusing on the same issues but he did not provide much new information. Reuter said Raslan's role within the opposition was not of interest to them in their conversation as one would eventually hear about it any way. They were rather interested in information which is difficult to access and which only Raslan can provide.

Judge Kerber intervened asking whether Raslan was in contact with anyone else. Reuter said he thinks so.

Kerber asked whether Reuter heard that Raslan wanted to provide information or documents to someone. Reuter said he knows that some people were waiting for a list with detainees but he did not follow up on this. Reuter recalled that he assumed, since Raslan spoke to him and his team about damaging things [for the Syrian government] in so much detail, he expected that Raslan would also share information with other people.

Kerber wanted to know what Reuter means when talking about Raslan's "photographic memory"; whether he says that Raslan has an actual photographic memory in a narrow scientific sense or merely has a great memory for details. Reuter said he barely met interlocutors who were able to provide so much details without any file or notes. This is also why he and his researcher met with Raslan two days in a row.

Judge Wiedner asked Reuter how many hours they spoke with Raslan in total during these two days. Reuter said from morning to late evening on the first day and for half a day on the second day.

Wiedner wanted to know whether Reuter spoke to Raslan himself or with the help of a translator. Reuter said he researcher/translator also has great memory for details and immense knowledge so he asked questions as well. It was basically a three-person conversation.

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[65 minute lunch break]

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### **Prosecutor's Questioning**

Prosecutor Klinge asked Reuter whether he has findings about events in March/April 2011 in Dar'a and Douma as well. Reuter said he has never been there so he has no firsthand knowledge but he knows about arrests in Douma and an increase in violence.

Klinge recalled Reuter saying that people were tortured even before 2011 but it changed in quality and quantity from 2011 on. Klinge asked how it is to rise [make a career] in 2011 with the constant presence

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<sup>14</sup> "Stiftung Wissenschaft und Politik": German foundation/think-tank acting as a consultant on security and foreign affairs related matter for the German parliament and government, EU, NATO and UN.

of torture. Reuter says he knows from Iraq that if the only way to promotion is to adapt to a dictatorship, then there is no resistance (neither by the military, nor pilots, nor by the police); then there is only this one way. From 2011 on people changed sides and people were willing to forgive those people who changed sides. Reuter recalled a soldier who ran towards the protestors during a demonstration to change sides and join them. Reuter said people gave him a warm welcome and greeted him as a friend. Reuter added that not everybody in the opposition is a hero like Anwar Al-Bunni who has always been on the right side.

Klinge asked when the first desertions happened. Reuter said some time in 2011.

Klinge asked Reuter to provide names. Reuter said he does not know names but he knows of a pilot who flew his plane to Jordan and escaped that way. Reuter added he does not know about any intelligence service officers from the air force who deserted already in 2011. He said Nabil Dandal probably deserted in 2012, one person might have deserted in summer 2011. Reuter said it was all about changing sides, people wanted a different state. Reuter said army officers defected since 2011.

Klinge wanted to know whether these people joined any group after deserting. Reuter said they joined the Free Syrian Army (FSA) as soon as it was founded. However, according to Reuter the opposition was a cumulation of different groups which constantly grew and kept changing. Reuter said there was one constant - to overthrow Assad - and that they were raving about Turkey at that time [2011/12]. Reuter said deserters were proud of their rank within the regime, they just wanted a different state. That is also the reason why they recorded videos (as an initiation ritual) in which they appeared in their uniforms, publicly declared their desertion and said "Down with the regime".

Klinge asked Reuter to provide his opinion on Raslan, whether he was generally interested in his environment or not aware what was happening around him. Reuter denied the latter saying that Raslan is an extremely thoroughly observant human being, Reuter recognized that from his conversation and was also told by others. Reuter added that he does not know which things Raslan willingly ignored.

Klinge wanted to know whether Raslan made plans regarding Germany at the time Reuter met him in Jordan. Reuter said Raslan was generally optimistic but rather interested in contacting the German government regarding a change of regime in Syria.

Klinge asked Reuter about Raslan's relationship with western journalist and his main motivations for talking to them. Reuter said he spoke to them [western journalist] simply because he was able to. Reuter said Raslan and others were not able to speak at all for 30 years.

Klinge asked Reuter whether he knows other journalists who spoke with Raslan. Reuter denied, saying that what he and his team did was rather unusual; most journalists were in Idlib in 2012 conducting interviews there. However, he does not know to whom Raslan spoke later on.

### **Defense Counsels' Questioning**

Raslan's defense counsel Böcker concluded that Reuter cross-checked all information regarding Raslan according to journalistic standards. Böcker then recalled a sentence from Reuter's testimony with the BKA saying that people in Syria engaged [opposed/demonstrated] within the margins of the dictatorship but it became too much at one point and went murderous, especially in the 1980s and was rather relaxed from 2000 onwards. Reuter said that there were endless rebellions at the end of the 1970s and beginning of the 1980s when Aleppo was besieged for one year. The uprising of the Muslim Brotherhood was violently shut down and 10,000 to 15,000 people were killed in the inner city. Everyone was now aware that they would be killed if opposing the government and that pilots were arrested and went missing. Reuter recalled the biography of a person whose father went missing

at the air force. Reuter said this person wanted to know what happened and started researching in 2011. He was fine with everything and arranged with the regime previously, but realized in 2011 that the regime doesn't offer anything, so he started wondering what happened to his father. Reuter said when he himself was in Syria in the early 2000s there were already some deserters but they were rather free as there was only a small number of them considered to be harmless for the government.

Böcker wanted Reuter to clarify whether the fact that it was only a small number of deserters and protests was the main reason for relatively less repressions. Reuter said that the preconditions for repressions were existent within the regime but the number of demonstrations was relatively small so there were only a few killings.

Böcker recalled Reuter previously saying that if one wants to get promoted, he has to arrange with the regime and its rules and asked Reuter what one had to do to leave the position that Raslan had when he deserted in late 2012, what would be the consequences and which options one had if he wished to not get promoted but to leave. Reuter said Raslan's core family was in Houla....it would not be easy to provide a clear answer to this question. Reuter said there were suspicions on both sides [government and opposition] and one would certainly not have been able to simply resign and request pension.

Böcker asked whether a black and white picture [of government and opposition] would then be correct. Reuter said there were certainly shades of gray in ones' personality but not in the overall context. Reuter said too many people were tortured on both sides, by the opposition as well as by the government when people quit their loyalty.

Böcker asked if they paid Raslan for the interview. Reuter denied.

Böcker asked whether others [deserters] were interested in money (for interviews). Reuter denied.

Böcker wanted to know if Reuter heard from other people that Raslan requested money. Reuter denied.

Böcker wanted to talk about journalistic techniques to verify a source and asked Reuter whether Raslan's statements were coherent and corroborated by other sources and/or material or if there were limits to his coherence. Reuter said he cross-checked Raslan's statements and person as previously described. Reuter added that they had to find new corroboration for some of the things he told them as he was the only one telling them about this but that this information was plausible as they had similarities with other related stories.

Reuter asked Böcker whether he thinks that Raslan limited or made restrictions regarding his own position or whitewashed it or rather drew a proper picture. Reuter said he can confirm neither as they only spoke about his role from the uprising onwards [2011] very briefly. Reuter said they were mainly interested in him as a witness regarding orchestration of terror attacks etc. Raslan's role was therefore secondary. Reuter said they did speak about Raslan's reasons for changing sides but did not prioritize it as their research focus was different. According to Reuter it might be possible that Raslan did some whitewashing but they did not ask him about that as they preferred to use their time to talk about orchestration of terror etc.

Böcker asked whether Reuter or Petra Becker had information that Raslan was instructed by German authorities to stop talking to journalists. Reuter denied.

Böcker asked whether Becker has more information on this. Reuter denied.

Böcker asked whether Reuter has information that the German Foreign Office or the German intelligence service (BND) contacted Raslan. Reuter denied adding that one can read his books and articles to see that he had no more contact with Raslan in Germany than the one meeting he

mentioned earlier and did not follow up on him. Reuter said of course he heard about Raslan going to the German police claiming that the Syrian intelligence service was observing him: Reuter said if this is true then Raslan would have been in great danger.

### Plaintiff Counsels' Questioning

Plaintiff counsel Scharmer recalled Reuter mentioning government-led attacks on flash mobs and asked him who exactly used gun fire. Reuter said that one could not tell as they [people that were shooting] were all wearing sneakers and camouflage clothing. Reuter further said that many times all of them [military, police, intelligence services] were mixed, even at checkpoints. The only instance in which one could tell who was shooting were instances where tanks were driving through the streets, so it had to be the military.

Scharmer wanted to know more about the distribution of competencies between the different agencies. Reuter said that if one would flee from a checkpoint, he would be shot by the intelligence service and people who refused [fled from checkpoints] were often Sunnis. The distribution of competencies between the different intelligence services varied from town to town.

Scharmer recalled Reuter saying that demonstrators defended themselves with knives etc. Reuter said that demonstrators carried knives with them at the beginning of the protests as they were often attacked and beaten up by *Shabhiya*, Reuter himself witnessed such an instance in August 2011 in Homs.

Scharmer wanted to know if that also happened in other places. Reuter said he was told afterwards that demonstrators started carrying weapons and to defend themselves.

Scharmer wanted to know when this development started. Reuter said it might have started in Douma already in August 2011 but in other places probably later, depending on the situation in the particular town. He said that demonstrators carrying knives and being attacked by the *Shabiha* was still common in Aleppo in June 2012 while at the same time it was a state of war in Homs. Reuter added that there were big demonstrations in Dara'a until 2012 due to a peaceful governor and after he was displaced, people left and went somewhere else.

Scharmer asked whether Hama was special and whether it is true to say that the more established the opposition the likelier they carried weapons. Reuter affirmed recalling a member of the opposition telling him that he admires Mahatma Ghandi but that he would already "be dead hanging on a fence". Scharmer said that might be true not only for Syria. Reuter affirmed.

Scharmer said Raslan allegedly opposed arrests and detentions. Reuter said that Raslan was in favor of arrests and detentions if there was probable cause that someone violated the law, however people were then allegedly round up in hundreds which Raslan opposed.

Defense counsel Kroker asked if, before 2011, certain state institutions were more likely to be involved in torture etc. Reuter said the air force intelligence service as well as the military intelligence service were infamous for their brutality, however it depended on the exact case and they were mainly targeting foreigners. Reuter further said that regarding brutality, these services were followed by the general intelligence directorate, the political security directorate and the police. The army was less likely to use torture.

Kroker asked whether there were possibilities of getting promoted within this system in a less brutal agency. Reuter said this was of course possible.

Kroker recalled Reuter mentioning a meeting between Raslan and Ali Mamlouk and heads of other services and asked Reuter which services/branches these people headed. Reuter said they were heads within the general intelligence directorate.



Kroker wanted to know what kind of people attended this meeting and if it was possible for a regular low-ranking soldier to attend this meeting. Reuter said that not everyone was allowed to meet with Ali Mamlouk. Reuter further explained that the explosion [reason for the meeting] happened relatively far away from the center of the general intelligence directorate in some annexes. The meeting was consequently attended by the heads of the targeted buildings.

Kroker asked if that would also include Raslan. Reuter affirmed, saying that Raslan was head of interrogation, however he does not know Raslan's exact motives for attending the meeting.

Kroker asked whether it would be realistic that a person who was allegedly neutralized and turned his back to the government attended such a meeting. Reuter said that it was exceptional circumstances so everyone whose Branch/division etc. was affected by the attack would attend such a meeting. However, both versions would be possible [meaning that Raslan was able to attend the meeting as he was in fact not neutralized].

Kroker asked whether Reuter and his team first got information regarding mass graves in 2012. Reuter said they met the first witness on this in 2013. The witness had contacts with the intelligence services and they assumed that there were graves in Tishreen. Before this conversation they only assumed that there were mass graves in Homs and later Damascus.

Plaintiff counsel Oehmichen asked Reuter whether Raslan felt bitterness due to the general suspicions towards Sunnis. Reuter said Raslan felt a professional mortification as he was no longer investigating but rather torturing and that clashes between biographies and ethnic backgrounds were increasing.

Plaintiff counsel Scharmer cited one passage from [one of Reuter's articles](#) saying "they all made their careers within the dictatorship, but since the beginning of 2012 it was no longer about investigations against actual opponents of the regime, but about killing innocent civilians", and asked Reuter whether Raslan said that [beginning of 2012]. Reuter said he is not sure whether they spoke about a specific point in time as everyone was aware of the violence. Reuter said it is possible that he did not ask Raslan about a specific point in time.

Scharmer asked whether the passage he just read out was an indirect citation. Reuter said he does not remember whether they explicitly talked about the exact point in time on which the violence increased or whether they implicitly agreed on that.

Scharmer asked Reuter whether he does not remember if this is what Raslan actually said. Reuter said he remembers talking about the massacre in Raslan's hometown Houla and that the arrests and detentions started before Raslan deserted.

Scharmer wanted to know how they spoke about this. Reuter said he remembers that they did speak about it but not how.

Scharmer asked whether Reuter always has his notes at hand. Reuter said he usually has the most important ones at hand and also had them with him during his questioning by the BKA so the statements made in course of this questioning are based on the notes he took during his interview with Raslan.

Scharmer asked whether Reuter is sure about his citations saying that Raslan told him that he previously did not care about peaceful opposition being detained. Reuter said that Raslan told him that he did not have any loyalty conflicts before 2012 when things started happening which eventually led him to leave.

Scharmer concluded that Raslan did not bother about killings. Reuter affirmed, saying that Raslan stayed after all. Reuter added that Raslan explained that he was always loyal to the government until the revolution when things happened which bothered him and eventually led him to leave.

Scharmer asked whether this is a direct citation to a statement made by Raslan or Reuter's own conclusion. Reuter said it was a conclusion he made.

Scharmer wanted to know whether Raslan told the German Intelligence Service (BND) about this as well. Reuter said he only knows that he told everyone.

Scwarer wanted to know how Reuter knows. Reuter said he does not want to answer to protect his source.

Scharmer asked whether Reuter is sure it is true [that Raslan spoke to everyone about what happened since the beginning of the revolution and his reasons for deserting]. Reuter affirmed.

Scharmer asked whether Raslan told Reuter about his bitterness regarding the increasing negative importance of his ethnicity. Reuter affirmed.

Scharmer asked whether Reuter has reason to question this statement. Reuter denied, saying that they heard the same stories from other Sunnis.

Raslan's defense counsel Böcker intervened by saying that the answer to this question falls under Reuter's right to refuse an answer in order to protect his source but that he at least wants to ask whether there is a source within the BND saying that Raslan was at the BND. Reuter affirmed.

Plaintiff counsel Mohammed asked whether Reuter has handwritten notes from his interview with Raslan. Reuter affirmed.

Mohammed asked whether the court can have access to them. Reuter denied.

Plaintiff counsel Schulz asked Reuter whether he tried to rebut Raslan's statements. Reuter affirmed, adding that he would be the first to say that things were even more brutal and more people have been killed.

Schulz wanted to know more about the interactions between the intelligence services. Reuter said the distribution of competencies between the intelligence services remains unclear and there are constants fights about who is entitled to do certain things. For example, Hafez Makhoulf would be more powerful than his mere rank allowed him to be.

Schulz wanted to know whether it is true that Bashar Al-Assad makes all decisions himself. Reuter denied, explaining that earlier Bashar's decisions were largely based on suggestions of long-serving generals, later on his mother became more important. Reuter said one of his sources confirmed that Bashar Al-Assad heavily relied on what his mother said. Reuter concluded that Bashar Al-Assad is not the brain of the regime.

Schulz asked Reuter to describe the architecture of the Syrian intelligence services. Reuter said that the concept of internal competition within intelligence services as seen in Syria is a relatively common concept as one can see from the Nazi regime and Iraq under Hussein.

Schulz said that the court translators as well as Reuter himself constantly used the term "Staatssicherheit" when talking about the general intelligence directorate and asked whether the two would be similar regarding competencies, structure etc. Reuter said the translation would be correct however "[Erich Mielke](#) would turn in his grave seeing so much competition between different services"



[meaning that the Staatssicherheit, the intelligence service in the former German Democratic republic, had more far-reaching competencies than the Syrian general intelligence directorate].

Reuter was dismissed as witness and expert.

The proceedings adjourned at 2:15 pm.

**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 16

Hearing Dates: October 27, 28, 29, 2020

*CAUTION: Some testimony includes descriptions of torture.***Summaries/Highlights:<sup>1</sup>****Trial Day 38 – October 27, 2020**

- Garance Le Caisne, a 54-year-old French journalist testified about her meeting with the former Syrian military photographer “Caesar” and provided details on the origin, content and structure of the “Caesar files.” Based on her personal conversations with Caesar, she gave insight into the Syrian government’s practice of documenting the corpses of tortured civilians.

**Trial Day 39 – October 28, 2020**

- During a brief session, the judges read out loud the translation of a 30-page report on the evidentiary value of the “Caesar files” commissioned by Carter-Ruck solicitors in 2014. The report puts forth a facial assessment of the Caesar photos.

**Trial Day 40 – October 29, 2020**

- Deußing, a 37-year-old criminal chief inspector from the German Federal Criminal Police (BKA), told the court about his interview with Sami, a crucial member of the Caesar Files Group who helped Caesar leak the pictures and escape from Syria. Deußing also presented on the technical aspects of the BKA’s analysis of the Caesar files.

**Day 38 of Trial – October 27, 2020**

The hearing began at 9:45am with 11 spectators and 5 members of the press in the audience.<sup>2</sup> Ms. Köhler served as the translator from French to German for the witness, Garance Le Caisne, who testified in French.

Judge Kerber said that the court summoned [name redacted] for the second time. He could not testify in court due to time clashes. Kerber asked [name redacted] counsel, Bahns, about his client’s reasons for not coming this time. Bahns said he had difficulties reaching his client who had changed his number. His client did not want to say where he is currently living, allegedly in Sweden. Bahns further said he told his client to respond to the summons and appear in court on 11 and 12 November because he risks not being heard at all.

Kerber said hearings scheduled for 11 and 12 November will consequently be cancelled as the witness will not appear, as well as due to the current pandemic.

<sup>1</sup> 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.

<sup>2</sup> Note from the Trial Monitor: No accredited Arabic-speaking journalists requested access to translation.

Testimony of Garance Le Caisne

Admonitions were read out to Le Caisne, a French journalist who wrote the book “Operation Caesar: At the Heart of the Syrian Death Machine” about the “Caesar files”. She was informed of her rights as an expert witness and her right to refuse to provide evidence to protect her journalistic sources.

**Judge Kerber’s Questioning**

Judge Kerber wanted to know who Le Caisne is, how she got in contact with the Caesar files, Caesar himself, and Caesar’s friends. Kerber asked her to tell her story. Le Caisne said she is a freelance journalist and has always worked on the MENA region. She asked how much detail she should provide.

Kerber asked her how many times she has been to the Near East, if she speaks Arabic and about the focus of her work. Le Caisne said she went to Egypt as a freelance journalist in 1992 after she finished her education, together with her future husband. She said she lived in Egypt, Palestine and the Near East but already spoke some Arabic before that as she always had an interest in the Near East. Le Caisne said she did a tour of the Near East in 2000 and wrote about migrant children in French suburbs for 10 years. In 2012 she started working for the French newspaper [“Journal du Dimanche”](#) and went to Tunisia “after Mohamed Bouazizi” who started the Arab Spring in Tunisia, Libya and Syria. Le Caisne said she watched the revolution in 2011 from Paris and went to Damascus in 2012 with a fake name on her passport. She went to the “liberated zones” in the north of Syria, as the revolutionaries called that area. She then travelled to Aleppo a couple times in 2013/14. “Then Caesar came”.

Judge Wiedner wanted to know during which months Le Caisne travelled to Syria in 2011/12. Le Caisne said she was there in January and February 2012. It was hard to enter the country as a western journalist but she managed to get in with a fake name on her passport.

Judge Kerber asked how Le Caisne got in contact with Caesar. Le Caisne said that there was an international press conference in May 2014 at which the members of the Caesar files group were introduced and presented the pictures. Le Caisne conducted an interview on that occasion. Her publisher called her the day after to ask her whether she would be willing to meet Caesar [the translator said meet Caesar “again” which was most likely a translation mistake]. Le Caisne said she had been interested in the situation in Syria for several years at this point and it seemed to her that a meeting with Caesar could be proof of what is happening there. She said she saw only destroyed cities during her visits to Syria and, with the help of Caesar, wanted to understand this destruction. Le Caisne said there were a lot of pictures circulating in the media of suffering people and destroyed cities, but these pictures were actually only the surface of what was really going on. She said there were no pictures of people being tortured at all. She recalled a visit to Aleppo with a photographer where she witnessed unarmed people in civil districts but underground bakeries (otherwise they would be bombed) and experienced 3 bombs within 30 minutes that exploded close to her. Le Caisne said that if one sees how people are torn up by bombs without a possibility of burying them, then one understands that this is a policy of exterminating people and every memory of these atrocities. She added that there is still a lot which was not visible and that destroying a city is the same as destroying a human being. She said that her stay in Aleppo in 2014 “was key”. She felt a lot of anger inside which helped her to find Caesar.<sup>3</sup>

<sup>3</sup> Note from the trial monitor: The translator seemed to get confused with the order of events a couple times and kept confusing 2011 and 2012. It is likely that this sentence is a translation mistake.



Kerber asked with whom Le Caisne conducted the interview. Le Caisne said she conducted the interview with Caesar in Aleppo. Kerber interrupted clarifying that she meant the press conference which Le Caisne mentioned at the beginning of her testimony. Le Caisne said she interviewed [name redacted] at this press conference.

Kerber wanted to know how things proceeded after Le Caisne's assignment [to interview Caesar]. Le Caisne confirmed that she was tasked with interviewing Caesar and that she started searching for him in the fall of 2014. She asked [name redacted] who was her most important contact and the head of a Syrian movement. He presented the files together with Caesar. Le Caisne said she met both men and that she knew that many other journalists wanted to meet Caesar. She translated three of articles into Arabic so Caesar could see her work. She said that [name redacted] told her that he cried reading her articles and that he thought that Le Caisne and Caesar would get along very well. He also told Le Caisne that he would get back to her within one week. Le Caisne said she made clear that she did not want to write a book about Caesar himself, but rather about the detention facilities in Syria. She said the book would not be without Caesar, however not about him only. She said she got permission to meet with him around September/October 2014 and then worked for some time without asking again for a meeting with Caesar. Le Caisne said she then met with [name redacted] regarding Saudi Arabia and went to Turkey to visit the photo archives of the Caesar group. In Turkey, she met with [name redacted] and [name redacted]. Le Caisne said she then asked for a meeting with Caesar in January [2015], however there was silence for weeks. At first, she did not understand why, but then she realized that Caesar and [name redacted] were no longer in contact. She said that it was actually not only Caesar, but two people. She said Sami is a pseudonym and that Caesar was only able to do what he did with the help of Sami. In January 2015, it was [name redacted] and [name redacted] on one hand and Caesar and Sami on the other. She realized that [name redacted] was not able to organize a meeting with Caesar. However, she got help from a person whom she met in Syria who was in contact with Sami. Le Caisne said she was then in direct contact with Sami who she also met several times together with a translator.

Kerber asked whether Le Caisne met Sami face to face or via Skype. Le Caisne said that they met via Skype without the camera on and that she only took notes instead of recording due to security reasons. She further said that after a couple of weeks, Sami called her to tell her that Caesar was worried because there were so many people and prosecutors who made him concerned.<sup>4</sup>

Kerber told Le Caisne that it is fine if she does not remember certain things, however she should let the court know. Le Caisne said that Caesar was worried that he had to testify and that he was very honest to Sami about that. Le Caisne said that Caesar did not like certain things and that she told them that the police will not come to arrest him but perhaps one day he will have to testify. She said that she heard Caesar's voice behind Sami.

Kerber asked whether they spoke via Skype with the camera off or on. Le Caisne explained that they spoke via Skype since back then they thought that Skype was secure.

Kerber asked when Le Caisne first heard Caesar's voice. Le Caisne said it was in March 2015. She remembered that it was around the anniversary of the revolution. Le Caisne said Caesar thanked her and confirmed that it was him. They met late on that day and she was together with [a translator]. She said that she was afraid that she was wrong and did not knew what to do. Le Caisne said she was in a

<sup>4</sup> Note from the trial monitor: there were some serious translation issues which first caused the court to assume that Le Caisne was worried herself, however it turned out that she was directly quoting Caesar.

bubble. She was aware that this meeting was important, but Sami already told her a lot about how she had to be mindful of what questions to ask Caesar so she would not scare him and give him the feeling of being interrogated. Le Caisne said she did not prepare many questions in advance. She recalled that she was together with her translator, and that they were a bit scared. She said they introduced themselves and tried to just let Caesar talk and tell his story. However, he did not like that and asked her to put questions. Le Caisne said she quickly tried to come up with questions and asked him a lot. Caesar felt as if he was interrogated, which was the end of their call. Le Caisne said they met for several days, every one or two days, and described Caesar as a simple and honest man, which she liked. She said people sometimes try to portray themselves as heroes, but not Caesar. Le Caisne said it was a working atmosphere, he spoke and she took notes. She said she sometimes felt his fear. From time to time, he made sketches but he did not want her to have a sheet of paper with his handwriting. She then met with survivors and continued her research.

Kerber asked what Caesar told Le Caisne about his work, how he got in possession of the pictures and what was Sami's position. Le Caisne said that Caesar told her that he had been a military photographer in the center of Damascus since before the revolution. His job was to create files of soldiers who died in car accidents, drowned or committed suicide. Caesar had to take photos of the "crimes scene" or the place of events before going back to his office where he printed the photos and wrote a report for the military police. Le Caisne said Caesar liked his jobs as it served justice.<sup>5</sup> Le Caisne said that when the revolution began, one of the photographers had to take pictures of corpses, namely civilians who were shot. When the photographer came to Caesar's office and told him about that, Caesar realized that the corpses were demonstrators. Le Caisne said that happened in Dar'a and that the photographer was very agitated before it became their new routine. The photographers were called to the hospital in Tishreen, the headquarters of the military police. Le Caisne said that the corpses of civilians had names on them. Later, they were identified by numbers only.

Kerber asked whether Caesar told Le Caisne when [the policy of identifying corpses with numbers instead of names] changed. Le Caisne could not remember. She added that [Caesar and the other photographer] worked in Tishreen Hospital every morning, the hospital where Bashar Al-Assad once worked. Le Caisne said that many corpses were brought to hospitals where they were stored in refrigerators in the mortuaries, which was where the photographers took their pictures. At some point, the mortuary was too small, so the corpses were stored in the hallways. Le Caisne said that when the corpses arrived, they had two numbers. One was supposedly the detainee's number. Underneath the detainee's number was the number of the intelligence service branch (e.g. 248, 215, 225, 251). According to Le Caisne, the forensic specialist from the military allocated a third number to catalogize the corpses. The forensic expert had a note pad in which he noted these numbers, as well as the characteristics of the dead person, such as height, hair color, scars and reason for death. Reasons for death would say, for example, heart attack even though the corpses showed signs of different reasons for death. Le Caisne said that some of the corpses had no eyes or red marks on their throat. Some showed signs of starvation and chemical burns. She said amongst the corpses were kids as well as old people. Le Caisne further explained that at some point they moved from Tishreen Hospital to Mezzeh Hospital as there were so many corpses that there was not enough space in the hallways of Tishreen Hospital. Mezzeh Hospital was more practical since it had a wing left from the old hospital and garages. Le Caisne said that it was easier to hide the corpses in these garages, but that in 2012 people living in

<sup>5</sup> Note from the trial monitor: There were again some translation issues from French to German as to whether the witness said "served justice" or "served judiciary".

Mezzeh started complaining about the smell because there were so many corpses. The corpses were piled up and every morning, Caesar and his colleagues took pictures of them without asking any questions. They were always accompanied by one guard. They took several photos of each corpse (3-4): face, bust and entire body. After that, they went back to their office. The corpses were marked with two numbers, which were written on sticky tape of bad quality with a marker. The forensic experts either attached a card with another number to the corpse, put the card on the corpse or held it for the picture. The number of the forensic expert was always shown in the picture, the counting system went from 1-10 on the first day and continued on the second day. It always went until 5,000 and then continued with 1/b2, 1/b3...until b5,000 so it was always counted from Arabic 1 until Arabic 5,000.

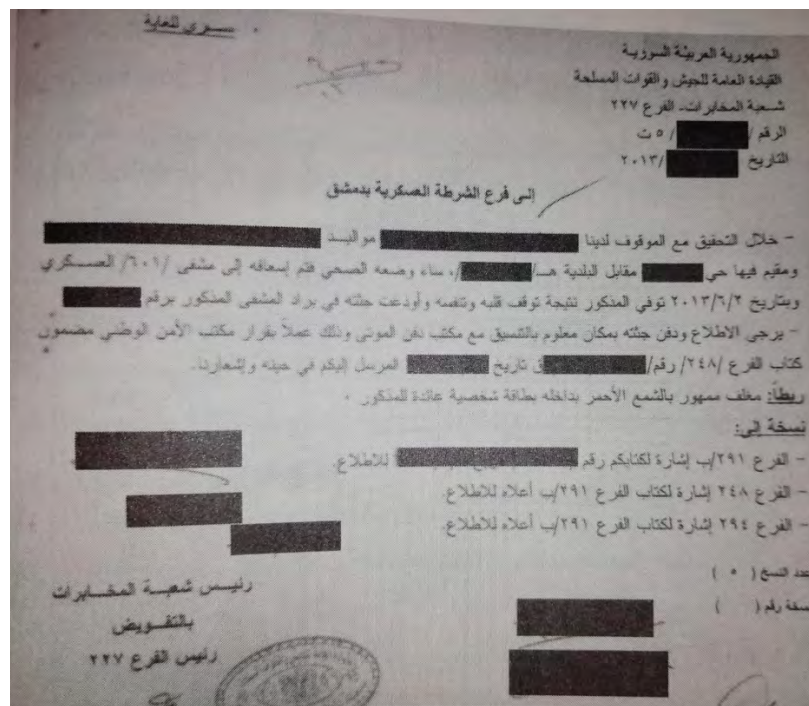
Judge Wiedner wanted to know whether the number from the forensics experts was per corpse or per picture. Le Caisne said it was per corpse.

Wiedner further asked whether it was written on paper. Le Caisne confirmed adding that it was also noted in a notepad which was stored in the forensics expert's office. She further explained that after taking the pictures, the photographers went back to their office to print the photos. There was a form which was filled out and the photos were attached to this form. Le Caisne said she could not remember what exactly these forms looked like, but she could check in her notes.

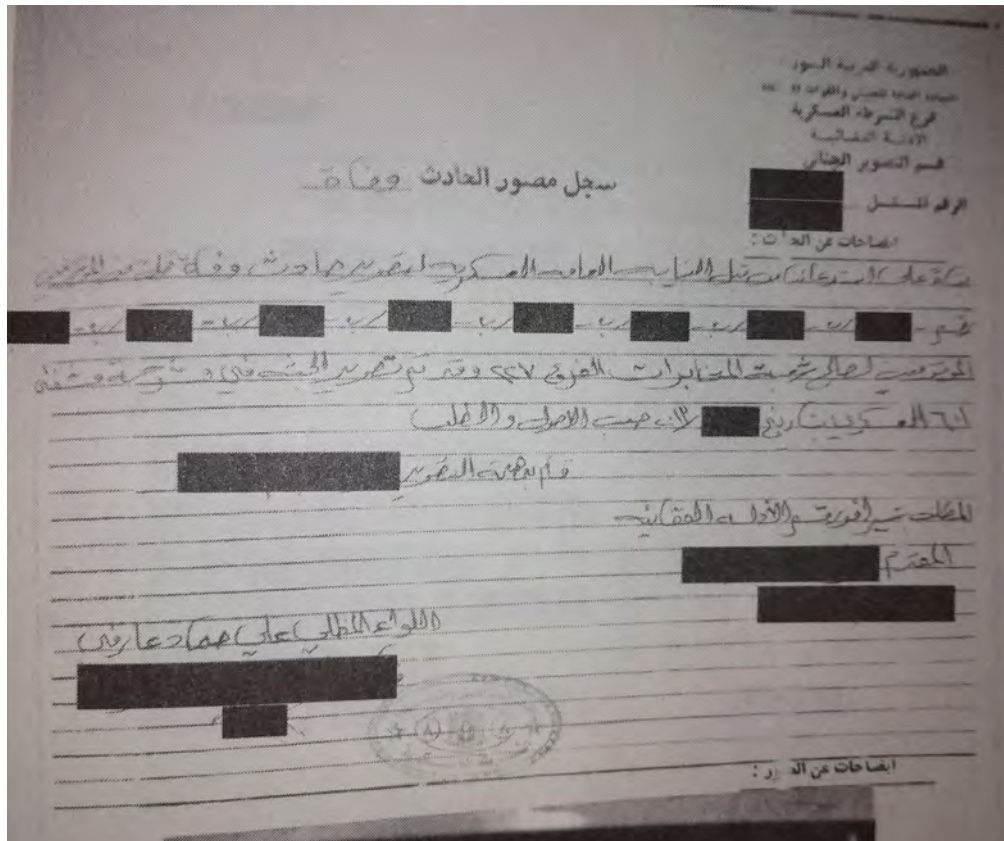
Judge Kerber asked what kind of forms were used. Le Caisne said the forms were numbered and photos were attached.

Kerber asked whether the court could have a look at one of these forms. Le Caisne confirmed.

The judges visually inspected [Annexes 1 and 3 from Le Caisne's book](#).







Judge Kerber asked one of the court translators to translate the document:

Protocol

Photograph death/decease [written in handwriting]

On request by the military prosecution in order to photograph a decease [numbers and abbreviations]

On behalf of Branch 227 of the intelligence service the corpse was photographed at the military hospital 601 on [day]/[month]/2013.

Fulfilled accordingly and as order by [name]

Principal: taking of evidence

Syrian Arab Republic  
General Commander of the Military  
Military Police Division  
[...]  
Division of Criminalistic Photography

Kerber decided that it was sufficient to inspect only one of the two annexes.

Wiedner asked from where Le Caisne got this document and if she got it from Caesar. Le Caisne affirmed saying that she saw a picture of it.

Raslan's defense counsel Böcker intervened asking whether he could ask a question regarding the document which was just shown in court. Judge Kerber affirmed.

Böcker asked Le Caisne whether she got the picture [of the document] from Caesar. Le Caisne affirmed.

Böcker further asked whether Caesar took a photo of the document. Le Caisne affirmed.

Böcker then wanted to know whether Le Caisne got the picture of the document taken by Caesar. Le Caisne affirmed.

Böcker had a question for the court translators as he was uncertain who ordered the documentation of corpses: the public prosecutor, Branch 227 or the military prosecutor. One of the court translators read the first line of the document: on the order of the military prosecutor.

Le Caisne intervened saying that it is difficult to read the document, but that she had a translation with her. Judge Kerber said Le Caisne should read out the translation [translated from French to German by the Ms. Köhler] and the court translators should check whether it is correct.

Le Caisne read:

Details regarding the instance: ordered by the general military prosecutor to document the event of death. Detainee No. #. Detained by Branch 227 of the intelligence service. Pictures from the mortuary of hospital 601 requested 2013 (exact date filled in by hand). Signed by the representative for judiciary evidence (name redacted), paratrooper of the military police.

One of the court translators added that the document said 'paratrooper lieutenant colonel' before the signature and 'Major General Ali' on the left side. The other court translator added that the document said the pictures were taken in the autopsy hall of the hospital [not the mortuary as translated].

Plaintiff counsel Dr. Oehmichen intervened saying that the translation would be too complicated and prone to mistakes. Judge Kerber said that the judges made a thorough assessment of the pros and cons of different translation techniques and that it made the most sense to use this technique [Ms. Köhler as translator for the witness translating from French to German and vice versa and the court translator for the German to Arabic translation].

Böcker asked Le Caisne whether the year (2013) was in the document and the exact date had to be filled in. Le Caisne affirmed explaining that these forms were pre-printed and already used before the revolution. This routine was simply continued. Le Caisne further added that in the fourth line of the document, it says 2013 but the exact date and name would be redacted.

Böcker asked who made the redactions. Le Caisne said they [she, her publisher, Caesar and Sami] tried to redact as much as possible explaining that nowadays if someone in Syria recognizes a relative in the Caesar files, it means that the person in the picture is a terrorist and his entire family is considered terrorists as well. Le Caisne said that many people recognized their relatives but did not dare to tell anyone. She said that the cousin of a Syrian friend of hers recognized her husband in one of the pictures. Her husband never participated in demonstrations, but was arrested and tortured. Le Caisne said her friend's cousin lived in Dar'a and when she recognized her husband in the Caesar files, she called her friend in France using a Jordanian sim-card.

Böcker wanted to know whether the redactions refer to dead people. Le Caisne affirmed saying that the redactions include the number of the forensic experts and the number of the detainee. She added that somewhere in the archives of the regime one can find the names attached to these numbers.

Böcker asked who made the redactions. Le Caisne said "we" together with her publisher.



Wiedner asked Le Caisne to explain Caesar's course of action. Le Caisne explained that Caesar and his colleagues took pictures every day, then went back to their office where they had to fill out the documents. At the beginning, there was one document per corpse, however since the beginning of 2012, the number of corpses increased, so they had to use one form for several corpses with the relevant photos attached. These forms were then sent to the military police. Le Caisne said that the workload constantly increased. The pictures were sorted by the relevant branch of the intelligence services. She said that the corpses in Tishreen Hospital were hurt and not always sorted. The photographers took the pictures quickly, so initially they were not always in a certain order. The pictures were then put in order based on the relevant branch of the intelligence services, as well as the number given by the forensic experts. For example, there was a pile for 215, 225, 248, air force [المخابرات الجوية] (which had no number) and 251.

Wiedner said he heard that Le Caisne cannot remember one of the numbers. Le Caisne said every branch of the intelligence services has a number, however, the air force intelligence service is simply called "Jawiya" [الجوية].

Kerber wanted to know how Caesar reacted to his work. Le Caisne said that at first Caesar did not believe what others told him [about the corpses being civilians]. She said that Caesar then saw the corpses with his own eyes. From what she understood, it was really difficult for Caesar to show emotions because it was a regime of terror against all people. Le Caisne said she worked in Syria for a long time and still cannot imagine such horror. She said one is constantly worried about his family and she believes that Caesar was frightened and lost. Le Caisne said that when Caesar first saw the pictures [of the civilian corpses] he was scared and wanted to talk to Sami. She said Sami was an engineer with connections to the revolution and was much more involved in the revolution than Caesar. Le Caisne further explained that Caesar wanted to defect right away, but Sami convinced him to stay. Caesar was in a dilemma: If he stayed, he would be a complicit, if he left, his family would be in danger. Le Caisne said she thinks that Sami pushed Caesar to spread the pictures. Le Caisne said Sami wanted to help all the families, which is an important aspect of the Caesar files. She said that the people in the pictures only have numbers and names. They simply disappeared. Le Caisne said Syria is a country of absentees. She said people feel powerless when their family member is missing. It is like a black hole that encompasses more than just fear. She said that many people do not talk about their missing relatives out of fear. When someone is arrested, he is considered a terrorist. Le Caisne further explained that the pictures from the Caesar files came from detention facilities, which are black holes. If one is referred from a detention facility to a prison, he is lucky since it means that he re-appears. If one is in a prison, he still has a name and his family can request a visit or death certificate with the military police. In a detention facility, there is simply nothing. Le Caisne said Sami and Caesar wanted to show the pictures to the world and show the families what happened. Families who are able to recognize a relative in the pictures are lucky because it indicated that the person died fast. After months or years in a detention facility, people become unrecognizable. At the beginning, Sami told Caesar to stay. She thinks that Sami was aware of the evidentiary value of the pictures. With these pictures, the regime documented its own atrocities. Under Hafez Al-Assad, there were also many dead people, but no pictures. Under Bashar Al-Assad, there are pictures. Le Caisne said that this circumstance led Sami to convince Caesar to stay for around two more years.

Kerber wanted to know what exactly Sami and Caesar did with the pictures. Le Caisne said there was a USB stick with copies of the pictures. Caesar had access to the computer where the pictures were stored. He hid the stick in his belt or socks. Le Caisne said Sami was able to go home after work every

evening and was travelling back and forth between his home and workplace every day. Le Caisne said Caesar gave the USB stick to Sami who then archived the pictures. This practice went on for one and a half years. She added that one has to understand that Syria significantly changed. At first, there was a peaceful demonstration, then the protests were violently squashed. Demonstrations became more and more violent. Contrary to what happened in Libya where there was one front, there were different groups in Syria. Le Caisne said some districts were controlled by the Free Syrian Army,<sup>6</sup> while some were controlled by Islamic groups.

Kerber asked whether Le Caisne meant the Free Syrian Army or the Syrian Army. Le Caisne said she meant the Free Syrian Army. She further explained that Caesar's daily commute home from work was difficult when certain districts were controlled by the opposition. According to Le Caisne, Caesar felt that he was working for the right thing. Le Caisne said that some people from Caesar's office defected. She added that the revolution was more about social and economic factors and not so much about ethnicity.<sup>7</sup> Many members of the military who were part of ethnic groups [fled] and the majority of the remaining military police were Alawites. Caesar felt more and more alone and there were less and less Sunnis. At some point, Caesar was asked to train someone, an Alawite. Le Caisne said things became more difficult for Caesar. The idea was to balance the number of pictures and the threat they posed. The more pictures, the higher the threat.

Kerber asked whether Sami or Caesar had the idea to leave. Le Caisne did not know.

Kerber asked where the pictures were when Sami and Caesar left. Le Caisne said Sami had all the pictures. Caesar was taken out of the country. He was entrusted to members of the opposition every 50 kilometers and was taken to southern Syria where he waited a month, hidden in a truck, then left the country. She said that Sami left the country through official channels and that the pictures were brought out of the country by a third person.

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[15-minute break in proceedings]

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### **Judge Wiedner's Questioning**

Wiedner wanted to narrow the time frame and recalled La Caisne statement that the corpses started to belong to civilians in March 2011. Le Caisne affirmed.

Wiedner asked when Caesar turned to Sami and who then started his "work" [copying and archiving pictures]. Le Caisne said she did not know the exact day but it was in the spring of 2011.

Wiedner wanted to know if they started copying pictures onto the USB stick right away or whether they started to do this later. Le Caisne said she did not know. She added that the copies were not very structured. The entire process took place under fear and there was no plan as to when to copy certain pictures. Le Caisne said she believes that some pictures were duplicated adding that one has to know

<sup>6</sup> Note from the trial monitor: The translator said "Syrian Army" instead of "Free Syrian Army", as the witness actually said. This led to some confusion, as to why presiding judge Kerber intervened.

<sup>7</sup> Note from the trial monitor: The translator said "ideologies" which was apparently a mistake, as the witness went on to talk about different ethnicities.

that they were “amateurs” not professionals, so she did not expect to get a precise copy or professional work.

Wiedner summarized that they consequently started copying pictures in 2011. Le Caisne affirmed.

Wiedner wanted to know whether it was spring or summer. Le Caisne did not know, but it was 2011.

Wiedner asked whether it went on for around 2 years. Le Caisne affirmed saying it lasted until summer 2013.

Wiedner asked whether this was when Caesar defected. Le Caisne said she thought so but had no evidence.

Wiedner asked whether Caesar told Le Caisne about his daily routine. She mentioned that he took pictures in the morning and then returned to his office. Caesar got a call every morning around 9am to come to the hospital to take pictures of corpses. At the beginning, there were relatively few corpses so he was done quickly. However, the number of corpses increased, so it took longer to take pictures. He went to Mezzeh Hospital and Tishreen Hospital in the north, close to the military police. Generally, he took pictures in the morning and then went back to the office.

Wiedner wanted to know when the number of corpses increased. Le Caisne said it was in 2012 but she was not sure whether it was spring or summer. She added that decrees were issued by the regime to empty cells.

Wiedner asked what kind of decrees. Le Caisne said she learned of the decrees from other sources [not Caesar or Sami].

Wiedner wanted to know when these decrees were issued. Le Caisne said 2012.

Wiedner wanted to know what hospital 601 stands for. Le Caisne explained that 601 is a code for the hospital in Mezzeh, a district in Damascus.

Wiedner asked how the pictures were taken. Le Caisne said the pictures were taken by a digital camera but she did not remember which model, maybe “DX50”. The pictures were then transferred to a computer from which Caesar copied them onto a USB stick that he hid in his belt or socks. Caesar then returned to his home district where Sami lived as well. He gave the stick to Sami who then further processed the pictures.

Wiedner asked about the size of the single files and wanted to know whether they were compressed or complete. Le Caisne said high definition (HD) pictures were given to Sami. He made two copies: one HD and one of lower quality to transfer them abroad via internet. However, she was not sure to where the pictures were transferred. A hard disk with HD copies was then smuggled outside of Syria by a third person.

Wiedner wanted to know whether the pictures were already of lower quality during Caesars work. Le Caisne said the lower quality pictures were sent via internet.

Wiedner asked when that happened. Le Caisne did not know.

Wiedner asked how they proceeded with the pictures after Caesar fled. Le Caisne said that Sami kept the pictures, however they were also sent to the Syrian National Council (SNC) via [name redacted]. Le Caisne further explained that Sami and Caesar were never in contact with the SNC. However, politicians with connections to the opposition were supposed to show the pictures to the world. Sami and Caesar

went to Qatar. The country financed a commission of inquiry (Carter-Ruck solicitors) to write a report on the files. That happened at the end of 2013/beginning of 2014.

Wiedner asked Le Caisne whether the names Imran and Zachariah [codenames] sound familiar to her. Le Caisne affirmed saying that the two of them were in Turkey where the SNC has its headquarters. She further added that Sami and Caesar left Syria on different routes but rejoined in Turkey with Imran and Zachariah. Imran and Zachariah tried to document the 53,000 pictures by classifying them in order to say how many detainees came from each branch, e.g. 225.

Wiedner wanted to know whether they also considered the causes of death. Le Caisne explained that Zachariah worked as a pediatricist and tried to sort the pictures by injury and classify them by types of injuries.

Wiedner wanted to know more about the relationship between Imran and Zachariah and Sami and Caesar. Le Caisne said Imran and Zachariah were in contact with [name redacted] and met with the SNC. She was not sure whether Caesar met with the SNC.

Wiedner wanted to know whether Le Caisne met with Imran and Zachariah. Le Caisne affirmed adding that it was in November 2015 in Turkey.

Wiedner asked whether they met in person. Le Caisne affirmed explaining that they met at an office for two days. They showed her incredible things and she was able to work with them for two days. She said she learned a lot from them, like how the regime functioned, what the numbers (on the corpses) meant and from where exactly the pictures came.

Wiedner asked how Le Caisne knew where the pictures came from and if Imran and Zachariah told her. Le Caisne said she assumes that the pictures were disseminated somewhere. The two of them were the first people she questioned about the files and Caesar, about the use of excel sheets for classification purposes and about their story. She said that today, she would ask questions, but at that point, she did not think about certain things which are now obvious to her.

Wiedner asked whether Caesar told Le Caisne about his motivation and why he took pictures of corpses in the first place. Le Caisne said it is not entirely clear to her and explained that in Syria, everyone did his job and produced reports without knowing why or what the person next to him was doing. She said that Caesar did his job without exactly knowing why but she has three possible explanations for it. First, it was some kind of routine. He took pictures of dead soldiers before which still continued and in addition also took pictures of the corpses of civilians. Second, it is a fact that the regime archives a lot. One could compare the Syrian regime to the "Staatssicherheit".<sup>8</sup> Le Caisne explained that the Syrian regime learned to archive basically everything. Third, pictures of corpses allowed subordinates to show their superiors that they did a good job. Le Caisne added that it is fascinating how obvious the atrocities of the regime are, but at the same time not at all. Since the corpses only have numbers instead of names it is easy for the regime to claim that people are not actually Syrian. The regime archived everything while at the same time hiding everything.

<sup>8</sup> "Staatssicherheit" was the intelligence service in the German Democratic Republic, endowed with far-reaching competences regarding surveillance of civil society and detailed documentation.

Wiedner recalled that the Caesar files include 53,000 pictures. He asked Le Caisne how many dead people they include. Le Caisne said the files consist of three [categories of persons]: detainees, soldiers and civilians who are dead but have not been detained. There are about 25,000 pictures of detainees.

Plaintiff counsel Kroker intervened saying that from the initial French testimony of Le Caisne, he understood a different number.

Judge Kerber asked to wait for clarification between the translator and Le Caisne. Le Caisne checked her notes and clarified that the first group (detainees) includes 28,707 pictures of 6,786 detainees.

Judge Wiedner wanted to know how many corpses the other groups comprise. Le Caisne said the second group (soldiers) includes 1,036 people and the third group (non-detained civilians) includes 4,025 people.

Wiedner wanted to know which path the pictures took before they were made public, what happened in Qatar and why the pictures were connected to Qatar in the first place. Le Caisne said Qatar supported the opposition in Syria and financed a commission of inquiry, namely David M. Crane and Desmond de Silva, to inspect the pictures.

Wiedner asked why these people were paid to inspect the pictures. Le Caisne said they are both former prosecutors at the Special Court for Sierra Leone and experts in evaluating evidence. She said they were accompanied by forensic experts to examine “Caesar’s unaffectedness” and authenticate the pictures. Le Caisne said they issued their report in January 2014.

Wiedner asked Le Caisne about the British law firm Carter-Ruck solicitors. Le Caisne said this law firm hired David M. Crane and Desmond de Silva and paid for everything together with Qatar.

Wiedner asked how the pictures were presented to the public. Le Caisne said there was a meeting at the French foreign ministry in January 2014 attended by a “core group” who supported the Syrian opposition and approximately ten foreign ministers from France, Germany, U.S., Turkey, Jordan, Italy, Saudi Arabia and Egypt. A group within the SNC provided a video presenting the pictures. Le Caisne added that Laurent Fabius [French foreign minister at the time] agreed to make the pictures available to certain authorities. She also said that the pictures were put on table during peace talks in Geneva by Ahmad Jarba and representatives of Carter-Ruck. CNN, the Guardian and others reported on that.

Wiedner asked when Le Caisne last had contact with Sami and Caesar (in person), but noted that, as a journalist, she has the right not to answer.<sup>9</sup> Le Caisne said she prefers not to answer.

Wiedner recalled Le Caisne saying that Caesar and Sami were afraid. He asked if they are still in fear. Le Caisne said Sami “is afraid as well”.

Wiedner asked whether Le Caisne was able to ask Sami and Caesar about their fear. As far as she understood, they are afraid.

Judge Kerber said that the senate will look at a selection of pictures, on defense counsel Böcker’s request clarifying that they will inspect a random selection of pictures

<sup>9</sup> Note from the trial monitor: There were some serious difficulties arising from the French-German translation. Judge Kerber had to intervene, requesting the translator to only translate what the judges are saying and not interrupting anyone.



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[65-minute lunch break]

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Judge Kerber said they will now inspect some pictures, adding that she does not expect Le Caisne to recognize any of them, but asks her to say if they look similar to the pictures from the Caesar files and if it is likely that they belong to the Caesar files.

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[a total of eight pictures were shown without further explanation]

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On the last of the eight pictures, Kerber said that the photo is a bit different from the previous ones as the person is wrapped in a plastic bag. Kerber then asked Le Caisne if she thinks that these pictures are from the Caesar files or if she even recognizes any of them. Le Caisne said the pictures look very similar to the pictures from the Caesar files.

Kerber asked why they look similar. Le Caisne said they look similar due to the numbers on the corpses and the indication of the branch. They also have white cards with numbers from the forensic expert written on them as well as plastic bags in which some of the corpses are wrapped. She said that the people in the pictures shown in court experienced the same atrocities as the people in the pictures from the Caesar files.

### **Prosecutor's Questioning**

Klinge asked Le Caisne if Caesar told her what he expected from the publication of the files. Le Caisne said Caesar was naive<sup>10</sup> to think that the publication of the pictures would stop the crimes from happening. She said Caesar assumed that when the crimes would be obviously visible, the international community would stop the crimes.

Klinge concluded that Caesar's expectations have not yet been fulfilled. Le Caisne affirmed.

Klinge asked Le Caisne how Caesar feels today. Le Caisne said it is difficult for her to speak on his behalf, adding that over the five years, he wavered from hopeful to desperate.

Klinge asked whether Caesar's statements and information are plausible. [After a rather long break,] Le Caisne explained that she saw the pictures before she met Caesar. She also saw the work of colleagues and experts about the matter who relied on Syrian NGO's. When she met Caesar, it felt as if the puzzle fit together. Since she already met two people who knew Caesar before she actually met him, she and Caesar quickly developed trust in each other and her doubts lessened.

Klinge recalled Le Caisne saying that the corpses were first stored and photographed in Tishreen Hospital 607 before it changed to Mezzeh Hospital 601. Le Caisne affirmed saying that they first took pictures in Tishreen but at some point, the corpses were taken to Mezzeh because there were simply

<sup>10</sup> Note from the trial monitor: The German-French translator said "frivolously" even though everyone in court could hear that Le Caisne used the French word "naïve" which can be directly translated to German as well as English.

too many and not enough space to store them in Tishreen. There were too many people in Tishreen while the hospital in Mezzeh was not open to public.

Klinge wanted to know when the hospitals were changed. Le Caisne could not remember.

Klinge asked whether the photos were taken in other places as well. Le Caisne said photos were also taken in Harasta Hospital, adding that she has no further information on that particular hospital.

Klinge asked whether the pictures from the Caesar files were modified. Le Caisne said she does not know.

Klinge wanted to know why Zachariah, Imran and Sami categorized the pictures. Le Caisne said they did so to help outsiders better understand the pictures, including the injuries to corpses and the origin of the pictures.

Klinge asked whether the names of the files were changed. Le Caisne said she does not know.

Klinge wanted to know to whom the pictures were passed and to whom Caesar passed the pictures. Le Caisne said she is not entirely sure who got the pictures. According to her, [name redacted] got a copy and several copies were passed to different war crimes units: in France, one to you (Office of the German Federal Public Prosecutor General) and (some) to the FBI.

Klinge asked whether Liechtenstein also received a copy. Le Caisne affirmed saying that [name redacted] passed a copy to Liechtenstein to protect himself.

#### **Defense Counsels' Questioning**

Böcker recalled Le Caisne talking about detention facilities and prisons. He wanted to know what she meant by the detention facility (fara') [فرع]. Le Caisne explained that there are four intelligence services in Syria, which are divided into branches. Some of them are represented everywhere. Some of them are for specific regions only. If someone gets arrested by one of the intelligence services, he gets transferred to a detention facility within a certain branch and he disappears. Someone can receive a "sentence" and be transferred to a "prison", either civilian (Adra) [عدرا] or military (Sidnaya) [صيدنايا]. Le Caisne said once one is in prison, he is back on the radar and can be released from prison. A court can acquit someone who can then be arrested again by a different intelligence service and disappear again.

Böcker wanted to clarify that if someone goes to a detention facility for a short time and is then transferred to a prison, that the person is lucky. Le Caisne affirmed, saying that this is not the case if someone gets arrested by the general intelligence service.

Judge Wiedner asked when Sami and Caesar left Syria. Le Caisne said they left in summer 2013.

#### **Plaintiff Counsels' Questioning**

Plaintiff counsel Kroker recalled Le Caisne saying that Caesar worked at Al-Mezzeh Hospital where corpses were stored and people living in the area complained about the smell. He then asked her whether she knows, from her own knowledge or from Caesar's descriptions, the distance between Al-Mezzeh Hospital and the president's palace. Le Caisne said that the palace lies above the military hospital, directly above considering air-line. She added that in several of the pictures from the Caesar files, one can see corpses in the front and the hill on which the palace is situated in the background.

Kroker wanted to know when Sami started to copy pictures and when Caesar called him to say that he should start copying. He recalled Sami telling the German Federal Criminal Police (BKA) that he started copying pictures in 2011. Le Caisne said that sounds plausible.

Kroker had a question regarding the correct translation of the explanation of how the pictures were sent when they were saved in Syria. He said he heard Le Caisne saying that they were saved on Sami's computer and then "partir sur l'Internet". His question would be whether they were sent via internet or uploaded in a cloud. Le Caisne said they were probably uploaded in a cloud.

Kroker asked when that happened. Le Caisne said she cannot say.

Kroker recalled Sami telling the BKA that they started uploading the pictures in 2012 and only categorized them once in Turkey. Kroker wanted to know whether that statement is plausible. Le Caisne affirmed.

Kroker asked Le Caisne how certain she was, and remains, that the pictures are authentic. He recalled her saying that the pictures were validated by people who recognized relatives etc. or saw corpses themselves. Kroker asked Le Caisne how many people recognized persons from the pictures. Le Caisne said that two years ago, the Syrian Association for the Missing and Prisoners of Conscience (SAFMCD), launched a website dedicated to the Caesar files. They received calls from families who recognized someone. As of two years ago, they received calls from more than 700 families who recognized their relatives in the pictures.

Kroker asked whether Le Caisne spoke to Najah Al-Bukai. Le Caisne affirmed.

Kroker asked her why she spoke with him and what his work indicated. Le Caisne said Al-Bukai is a graphic artist who was detained twice. She explained that his work seems bizarre, but if one sees Al-Bukai's sketches, he realizes how realistically they capture experiences. Le Caisne said when she first saw Al-Bukai's sketches of people only dressed in underwear, skinny, carrying corpses, she thought she was mistaken, as it seemed so unbelievable. She said his sketches are very important as they are alive. [Le Caisne started crying] She said his sketches and the people shown are alive. People in Caesar's photographs are already dead. Le Caisne added that there would be no photographs from inside the cell and so Al-Bukai's sketches are important as they show the detainees when they are still alive.

Kroker said there is [link to a French newspaper which published Al-Bukai's sketches](#) if the court wants to inspect them. Judge Kerber said they would not inspect them at this point.

Plaintiff counsel Schulz asked Le Caisne about the video "unveil, name and indict". Kerber asked him to give Le Caisne two minutes and to be thoughtful of the translator by using short sentences and to take breaks. Kerber clarified that Schulz was talking about the 8-minute clip in the Caesar files which was shown at the French Foreign Ministry on 12 January 2014.

Schulz asked Le Caisne whether she knew the content of the clip. Le Caisne affirmed.

Schulz asked her what the clip was about. Le Caisne said it explained the pictures from the Caesar files and the three different numbers.

Schulz asked who was in possession of the clip. Le Caisne said SNC showed her the clip.

Kerber asked whether any of the parties has further questions.

### **Defense Counsels' Questioning**

Böcker recalled the prosecution asking to whom Caesar passed the files. Böcker wanted to know more, like how the Office of the German Federal Public Prosecutor General got ahold of the pictures. Le Caisne said they got the pictures from Sami.

Böcker asked whether Le Caisne spoke about that with Sami. Le Caisne said she and Sami spoke about that once.

Böcker wanted to know whether Sami told Le Caisne if the [he added that he does not like the term “files” because they are actually pictures] files for the German prosecutor were the original ones or were modified. Le Caisne said she did not know.

Böcker recalled Sami’s statement to the BKA in which he said that the version of the files to which the BKA has access is the original one. The original version would be sorted the same way as the pictures were uploaded to google drive. Some might be double, and all the names and numbers would be the same as the original files. Böcker asked Le Caisne about google drive. Le Caisne said that she does not understand the question.

Böcker clarified that according to what Le Caisne just told the court, the files were uploaded and transferred via google drive. He then asked whether Le Caisne could provide more details as to how and where exactly the pictures were saved on google drive. Le Caisne said that Sami did not tell her the exact location of the files.

Böcker wanted to know whether Sami told Le Caisne anything about whether the names and numbers of the files were modified. Le Caisne said that since she is no expert, it is difficult for her to provide information on the technical aspects. She can only differentiate between high-definition photos and non-high-definition photos.

Böcker concluded that Le Caisne cannot remember anything regarding his previous question. Le Caisne said that Sami did not tell her how the files were given to the Office of the German Federal Public Prosecutor General.

Judge Wiedner recalled that the files were uploaded in a cloud via google drive and asked Le Caisne whether that was the same version or whether there were two different versions. Le Caisne said she does not know how the files were transferred. From what she understood, the files were uploaded in low resolution because the internet connection in Syria was “random”, so it was easier to transfer the files in low resolution.

Wiedner asked Le Caisne who told her that. Le Caisne asked whether Wiedner referred to the internet connection or the transfer of the files. Wiedner said “internet”. Le Caisne said she spoke to many people about the state of the country during the revolution. Sami told her that the internet connection was random, which sounded plausible to her.

Wiedner concluded that the files were transferred outside Syria in low-definition. Le Caisne affirmed.

Böcker asked whether the Office of the German Federal Public Prosecutor General consequently got the low-definition pictures. Le Caisne said Sami gave comprised pictures to the Office of the German Federal Public Prosecutor General.

Kerber asked Le Caisne whether she thinks that the Office of the German Federal Public Prosecutor General received compromised pictures. Le Caisne said that from her understanding, the Office of the

German Federal Public Prosecutor General got the high-definition pictures, so they were probably not compromised.

Böcker thanked Kerber and Le Caisne.

Al-Gharib's defense counsel Schuster recalled Sami's statement with the BKA in which he said that [Sami and Caesar] assumed that the revolution would last for 2-3 more months before Assad would fall, so they wanted to collect as much evidence as possible to use it in future trials. Sami further said that Caesar felt endangered by both the Syrian Army as well as the Free Syrian Army. Schuster asked whether this statement makes sense to Le Caisne. Le Caisne said that Caesar was attached to the regular Syrian Army.

Schuster clarified that [Caesar's fear of RSA and FSA] is what Sami said about Caesar. Le Caisne said that Caesar was part of the regime and has always been working for the regime. He decided to copy pictures from the regime, which meant that he secretly worked against the regime. However, in the eyes of the Free Syrian Army, he was a man of the regime. Le Caisne said Caesar was trapped.

Schuster asked whether Caesar told Le Caisne of what he was afraid. Le Caisne said that he was afraid of two things. First, that he would end up like the people in his pictures if the regime found out what he was doing and arrested him. Second, he was afraid that the opposition would arrest him because he was officially part of the regime.

Fratzky said that Le Caisne was in contact with Caesar and asked her what type of person he is [in terms of his character]. Le Caisne said he is a military man and "simple"—he did not look into the future. She said he was honest.

Fratzky asked whether this was her subjective impression. Le Caisne said that everything regarding his question would be subjective.

Fratzky recalled that Le Caisne said that Caesar was trapped between the regime and the opposition. He asked Le Caisne whether Caesar was in contact with opposition forces. Le Caisne denied saying that Caesar was only in contact with Sami.

Fratzky asked whether Sami was in contact with the Free Syrian Army. Le Caisne affirmed adding that Sami was a so-called activist engaged in the revolution.

Fratzky wanted to know about Sami's background and whether he defected. Le Caisne said that Sami was a civilian – an engineer.

Fratzi asked whether it was possible for someone to just leave. Judge Kerber intervened [due to translation issues and Fratzky's vague question] and asked if it was possible to quit if someone no longer wanted to work for the regime. Le Caisne denied, saying that if someone wanted to leave, he had to defect and ensure that his family was safe. She explained that the Syrian regime does not like defectors and if someone cared about his family, he would ensure that the regime could not reach his family.

Fratzky recalled Le Caisne's statement that Caesar was brought 50 kilometers south, and asked her what happened with Caesar's family before that. Le Caisne said she could not answer.



Schulz recalled Le Caisne's statement to the French police on 4 December 2015 where she said that the "report"<sup>11</sup> includes more than 1,000 victims, mainly Syrians. The French police then asked her if Caesar told her anything about French victims. Schulz wanted to know whether Le Caisne remembers her answer to that question. Le Caisne did not remember exactly but when France received a copy of the Caesar files, they were looking for their own nationals in the files. She said there was a rumor that some of the victims were French. Le Caisne did not know whether she spoke with the police about it but she remembered that they were looking for French nationals amongst the victims in the Caesar files.

Schulz recalled Le Caisne's answer to the question of the French police where she said that at no point did any witness tell her about French victims amongst the people in the Caesar files or victims with French nationality. Le Caisne did not understand Schulz' question. Judge Kerber intervened and asked if Le Caisne remembered that she gave the answer which Schulz just read out. Le Caisne said she could not remember since it happened five years ago, however if Schulz says so, it might be true. She said she was asked many questions.

Schulz concluded that the question about French victims never occurred to Le Caisne at the time of her questioning by the French police and asked her whether she had asked herself that question by now. Le Caisne said she asked the question to the French police who told her that there were no French victims.

Le Caisne was dismissed.

Proceedings adjourned at 2:45 pm.

### **Day 39 of Trial – October 28, 2020**

The hearing began at 9:30am with 7 spectators and 4 members of the press in the audience.<sup>12</sup> Defendant Al-Gharib withdrew his detention complaint.<sup>13</sup> Plaintiff counsel Kaleck was present.

Th German translation of a [report on the evidentiary use of the Caesar files](#) was read out. The report was issued in 2014 by the British law firm Carter-Ruck, and was compiled by forensics experts and experienced international prosecutors. The report is 30 pages long. It includes pictures, annexes and a table of contents. The report describes the pictures and does not provide any details about the technical aspects (metadata) or analysis.

The proceedings adjourned at 10:30 am.

<sup>11</sup> Note from the trial monitor: There was some confusion regarding the word "report" as well as the general translation. Judge Kerber had to intervene and Schulz clarified on Le Caisne's request that "report" means "Caesar files"

<sup>12</sup> Note from the Trial Monitor: No accredited Arabic-speaking journalists requested access to translation.

<sup>13</sup> One of Al-Gharib's defense counsels, attorney Kägebein, appeared 15 minutes late due to traffic.

**Day 40 of Trial – October 29, 2020**

The hearing began at 9:30am with 8 spectators and 3 members of the press in the audience. Plaintiff counsel Kaleck was present.

**Testimony of criminal chief inspector Deußing regarding the BKA's analysis of the Caesar files**

Admonitions were read out to Deußing, a 37-year-old criminal chief inspector from the German Federal Criminal Police (BKA) who already testified in court several times. He provided a PowerPoint presentation on the background of the [structural investigation](#) into Syria. The investigation began in 2019. It included witness interviews and an inspection of public reports, such as the Carter-Ruck report. The Carter-Ruck report was the first time Deußing was exposed to the Caesar files. Deußing provided his presentation to Judge Kerber and Wiedner, as well as to the parties of the case asking questions for clarification. After his presentation, Deußing testified about Sami's witness interview with the BKA, which Deußing led.

Deußing said that Ambassador Stephen Rapp informed the office of the German Federal Public Prosecutor General about the Caesar files in Liechtenstein. The files were provided to Liechtenstein via [name redacted] through Carter-Ruck and the Syrian National Movement (SNM). Deußing provided the following timeline:

13 November 2015	Mutual Legal Assistance (MLA) request to Liechtenstein.
4 February 2016	Handing over of two hard drives to the German Federal Criminal Police (BKA) and the German Federal Public Prosecutor General in Vaduz.
11 February 2016	Technical safeguarding and regeneration of the data by the BKA.
22 May 2017	Folder labeled "Sami" was given to the forensic division of the University of Cologne.

Kerber asked whether the BKA had two hard drives with pictures. Deußing affirmed, explaining that "Samsung Disk 1" was 16.75 GB, and included 56,185 files in 1,238 registers. "Samsung Disk 2" was 14.18 GB, and included 41,508 files in 1,971 registers. There were 97,693 files in total, of which 54,689 were duplicates. Overall, there was a high number of duplicates. Deußing provided an overview of the structure of the folders within the "Sami" folder:

Arabic name	German translation (which will be English in this report)	Number of files/pictures
الشرطة العسكرية	MP – Military Police	178
فرع المخابرات 215	Intelligence Branch 215	13,803
فرع المخابرات 220	Intelligence Branch 220	216
فرع المخابرات 248	Intelligence Branch 248	206
فرع المخابرات 216	Intelligence Branch 216	1,108
منوع	diverse	391
المخابرات الجوية	Air Force	1,115
غير معروف	unkown	601
فرع المخابرات 235	Intelligence Branch 235	482
فرع المخابرات 251	Intelligence Branch 251	446
فرع المخابرات 227	Intelligence Branch 227	8,003

Deußing said that this was also the folder given to the University of Cologne. He added that there were several excel sheets as well, one of which could not be opened. Deußing then provided an example of the structure within the folders using folder “251”:

Branch	Number of pictures	Number of people	Share in total pictures
251	446	99	1,49%

Deußing said they learned about this structure during their interview with Sami in November 2017 where Sami showed Deußing a chart which looked like the one that Deußing made. Sami then confirmed the structure and described how he structured the pictures. Judge Kerber said Deußing should first finish his presentation before talking about the witness interview with Sami.

Deußing went on to explain that Sami sorted all the pictures. First, he looked at the pictures when they were not sorted. Then, he changed the names of the files, put them into different folders and created the chart. Deußing explained this method with the help of two slides and said that he himself realized that the names of the files follow a pattern and allow for conclusions to be made on the content of the file. Numbers displayed in the pictures include: the detainee No., the branch No., and the examination No. The names of the file follow a similar pattern:

227-detainee No. [redacted]-462013(1)

Deußing explained that this code resembles a date,  
it was sometimes written as month/year: 52011

Kerber asked whether the last number was the examination number, allocated by the forensic experts. Deußing said no, explaining that only the detainee number is included in the file name.

Wiedner asked whether Deußing asked Sami what the series of 0s (00000) means at the end of some file names. Deußing thought about the structure and the meaning of the file names before he heard from Sami. He then asked Sami about it. Sami confirmed that the file names include the branch number, the detainee number, and the date. Sami sorted the files according to the names of the folders because he got them from Caesar in certain folders and then changed the names of the files

accordingly. Deußing asked Sami about the series of zeros. Sami said that they were already there and he did not include them, but he realized that whenever there was no death or record date, the series of zeros was put at the end of the file name.

Wiedner concluded that the series of zeros are substitutes for missing dates. Deußing affirmed, saying that the zeros were included when there were no clues about the death or record date. Deußing said Sami first assumed that the dates in the initial file names represented the dates of death. Considering the names of the initial folders, Sami then realized that these dates are actually the dates on which the picture was taken (record date). However, death dates and record dates would have been close together. Deußing further explained that whenever there is a number in brackets at the end of a file name, multiple pictures of the same person exist.

Wiedner asked why the examination number allocated by the forensic experts consisted of a number and a “b” at the end [e.g., 123/b]. According to Deußing, Sami said that the number from the forensic experts was only allocated when the order to take pictures was given. When the corpses arrived at the hospital, they only had two numbers. After the forensic experts arrived, the third number was allocated and written in a notebook. The numbers went until 5,000 and then switched to letters. Deußing provided an example where the number was “26/b” and explained that there must have been at least 5,025 corpses before this one. Deußing provided examples from different folders to illustrate his point.

According to Deußing, the hard drives include pictures of corpses and pictures of reports. He provided an example from the folder labeled “Kuwait” [كويت] which included a total of five pictures of reports. Deußing provided a translation of the document.

[Below is an incomplete recreation of the document provided by Deußing based on what the court monitor could hear and see in court. Missing portions of the document are marked with [...].]

<div style="text-align: right;"><b>Syrian Arab Republic</b> <b>General Commander of the Military and Armed Forces</b> <b>Military Police Division</b> [...]</div> <p>Report: No. 642/358</p> <p>Records of the photographer who took the pictures of the event.</p> <p>Event: Death</p> <p>Explanation of the event: In the context of the order provided to me by the General Military Prosecution, corpses of the detainees from Branch 215 of the intelligence service with the following numbers were photographed:</p> <p style="text-align: center;">2614/b, 2615/b, 2616/b, 2617/b, 2618/b, 2619/b, 2620/b, 2621/b, 2622/b, 2623/b, 2624/b</p> <p>on 24 May 2013 in the autopsy hall of the military hospital 601 by Sergeant [name redacted].</p>
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Deußing said that he provided this document as background information on the documentation process in Mezzeh Hospital 601.

Wiedner wanted to confirm where the document was found. Deußing affirmed that it was in the “Kuwait” [كويت] folder. Some pictures of reports were also found in the “Sami” folder.

Wiedner asked whether the translator from the BKA was sworn in. Deußing affirmed.

Deußing provided background on similar reports from the military intelligence which were not in the folder that the BKA got from Liechtenstein, but were given to the BKA by the Commission for International Justice and Accountability (CIJA) in July/August 2020 and were translated by the BKA.

[Below is an incomplete recreation of the document provided by Deußing based on what the court monitor could hear and see in court. Missing portions of the document are marked with [...].]

Syrian Arab Republic  
[...]  
[...]  
Intelligence Service – Branch 227  
Nr. 120460-22  
  
Date: 05 August 2013

[...] Hassan Said.

Re: Request to terminate proceedings regarding [name redacted] who died in custody. (mother [name redacted], born 1988 in Hay Al-Na'ura/Idlib) funeral at a place known to the Damascus military police.

He was arrested on 23 March 2013. On 31 July 2013 his health condition worsened as to why he was brought to hospital 601 where his condition further worsened and he eventually died on the same day, due to breathing difficulties and heart failure. 2655/0 was stored in a cooling chamber.

Deußing said one can see from the document how the military intelligence used the detainee number to assign a name and hospital number to the person. He further said that the “death certificate” that he showed before this document was used internally while this “death certificate” was handed over to someone. Deußing explained that a witness who identified the dead person in one of the Caesar pictures provided such a certificate to the BKA. When they translated the document, they recognized several characteristics, such as: place of death – Tishreen hospital (607); date of death – 30 May 2013. These indicators fit the file name, which states 4 June 2013 as date of record/death date, and that the date of record and actual death date would always be around the same time.

Wiedner asked how the BKA was able to assign the death certificate to a picture from the Caesar files. Deußing said the witness [name redacted] brought the picture to his interview with the BKA. He apparently found it online and recognized the person. The witness then confirmed that he knows the person from the picture and the death certificate was given to one of his relatives in Syria.

Weidner recalled that the BKA received documents from CIJA. He asked how CIJA got the documents. Deußing said CIJA did not tell them and BKA did not ask. He explained that it is CIJA’s mission to collect and analyze documents related to Syria. He did not know how exactly they got these documents, but the documents seemed authentic. Cardiovascular collapse and breathing difficulties as cause of death are identical to the documents from the Caesar files.



Wiedner asked whether the translation of the document showed by Deußing referred to a document which was typically given to relatives. Deußing affirmed that the witness said they got the certificate but could not see the corpse at Tishreen Hospital.

Deußing explained the structure of the “Kuwait” [كويت] folder.

folders	German translation (name stays the same)	Number of files/pictures
6-2011		[...]
8-2011		[...]
9-2011		[...]
[...]		[...]
14.8.2013		[...]

Deußing explained that the name of one folder indicated the year 2013, but the other names were less clear. This folder also included duplicates found in the “Sami” folder. Deußing further explained that Sami used the dates from these folders as the dates for naming the single files. The structure of “Kuwait” was more detailed than the structure of “Sami” because “Kuwait” included 80 to 287 sub-folders.

Wiedner asked who created the “Kuwait” [كويت] folder. Deußing recalled that Caesar called Sami one or two months after the start of the revolution and told Sami about civilian corpses and their causes of death. Caesar then brought some pictures to Sami’s flat where they looked at them together. This happened around May 2011. Caesar was the head of a group of seven photographers in Qaboun, and he copied the pictures to a USB stick and brought them to Sami’s place where Sami then transferred copies to his computer. The pictures were not sorted. The file names allocated by the military police included dates. “Sami” and “Kuwait” [كويت] can be differentiated by file names. For example, a name in “Sami” might be J-201-05211, while a name in “Kuwait” [كويت] is DSCM – [continuing number]. The file name in “Kuwait” [كويت] would be typical for pictures taken with a digital camera, so those file names are most likely the initial name of the pictures. The above-mentioned picture was saved in folder “5-2011” in “Kuwait” [كويت]. The corpse in the picture had the number 201 and the word “air force” [القوّات الجوّية] written on it. These factors yielded Sami’s methodology for sorting.

Kerber asked whether “J” for air force was added manually. Deußing assumed that Sami added that based on the names and structure of the folders in “Kuwait”.

Kerber said she was familiar with the “DSCM” code for pictures from digital cameras. She wondered whether the folders and naming of pictures was done manually. Deußing affirmed that it was not done by Sami, but rather by the military police. So the folder names in “Kuwait” [كويت] are the initial names given by the military police. Initially, Sami did not change these names. He uploaded them randomly before he exported them and started sorting them in Turkey.

Deußing went on with his presentation saying that some of the pictures are “oversight” pictures of the military hospital in Mezzeh. He used these pictures during his interview with [name redacted]. The witness was working with the military and transferred to hospital 601 after his basic training. He

confirmed that the picture was taken at 601 and he himself saw the corpses there. Deußing said he also showed another picture, which was publicly available, to the witness who confirmed that the person in the picture is an employee at 601, [name redacted]. It is not clear where this picture came from, so the BKA gave it to the German Aerospace Centre (DLR) to analyze where the picture was taken. They used satellite images and identified piles of either laundry or corpses on the premises of the military hospital in Mezzeh, Damascus. Other characteristics, such as trees and vehicles, on the satellite images were compared to the picture and it was confirmed that the picture was taken at hospital 601. Deußing went on to explain why the date modified on the pictures was more recent than the date of creation. This is an indicator that the original pictures were somehow modified, which can happen by copying, uploading, *etc.* Sami confirmed that four versions of the Caesar files exist:

1. Compressed data on google drive
  - Sami later used this version to sort the pictures: “Sami” folder.
2. Uncompressed data, later uploaded to google drive.
  - Sami told Deußing that Carter-Ruck asked for pictures with better quality, so the HD version was uploaded to google drive.
3. Compressed data
  - Safety copy from Sami’s computer to a hard drive then to a laptop. It was taken out of Syria by an intermediary.
4. Uncompressed data
  - Copied from Sami’s computer to a hard drive, still in Syria.

According to Deußing, the BKA has the compressed uploaded version as well as the HD uploaded version, which Sami gave to the Office of the German Federal Public Prosecutor General who in turn gave it to the BKA where the technical division assessed whether the higher quality would be of use for the work and report of the BKA.

Kerber concluded that the metadata exists but would be useless. Deußing confirmed that the metadata exists for the uncompressed files. The dates of when the files were last modified are more recent than the file names suggest because of the copying and uploading processes which changed the original metadata. Deußing has a chart with all the modification dates which shows that the closer to 2013, the more changes occurred to the initial data. He provided an example from Branch 227:

- Date of last change: June 2012
- Date in file name: June 2011

Deußing said this might be a typo, but the fact that the file was saved in folder 6-2011 and that [Sami and Caesar] started uploading them in 2012 makes it plausible that the actual date of creation was June 2011.

Kerber concluded that the date 4 June 2013 indicated that the picture is from 2011 or 2012. Deußing said there are no pictures from 2011. For 2012, there are several pictures of one person labeled as file “052012.”

Wiedner said that a file’s date of last modification is the most recent date. He asked Deußing what else the date of modification indicates. Deußing said it is dependent on the time/date setting on the

computer on which the file was processed. It generally indicates the last time something happened with this file. However, one cannot confirm the date and time without access to the original computer.

Wiedner wanted to know whether dates of last modification for the pictures of corpses from Branch 251 say 2011 or 2012. Deußing said that he did not see this date/file combination. However, there is a file for Branch 251 allegedly from May 2012 (052012) which was last changed in 2013. Sami told Deußing that Caesar and his colleagues were in charge of taking photos at Tishreen and Mezzeh hospitals, but there is also a hospital in Harasta, a suburb of Damascus, where Caesar did not take any pictures. Deußing's office has information from the International, Impartial and Independent Mechanism on Syria (IIIM) which indicates that guards said that Al-Khatib transfers people/corpses to the hospital of the Red Crescent where the cause of death is determined. From there, the corpses are brought to Harasta Hospital. Deußing recalled that Al-Gharib said that corpses from Branch 251 were brought to Mujtahid when they did not show signs of torture. If they showed signs of torture, they were brought directly to a mass grave in Najha.

Wiedner asked whether the German authorities got compressed files after their MLA request to Liechtenstein. Deußing affirmed.

Wiedner asked whether the German authorities later got uncompressed files. Deußing affirmed.

Deußing continued with his presentation saying that the files were created by the military police in Qaboun in Mezzeh and Tishreen between May 2011 and August 2013. He added that the pictures were taken for documentation purposes regarding deceased detainees. They were used by security authorities for reports and for their decision-making processes.

Böcker intervened saying that he did not understand how metadata got lost when files were copied. Deußing referred to a study by the FBI which says that one can make conclusions on the type of camera used by looking at the EXIF (Exchangeable Image File) data. However, the Caesar files only carried a small amount of data. The data got cut when the files were uploaded. The technical photo division of the BKA told him that there is no EXIF data in the uncompressed files.

Klinge asked Deußing whether one can tell from the totality of data available when the earliest files were created. Deußing explained that he could tell from folder "052011" [May 2011] located in "Kuwait" [كويت]. He could also tell from a file in "Sami" entitled "air force 2011" [المخابرات الجوية]). There is also a folder called "042011" (April 2011) consisting of corpses from Dar'a.

Klinge asked how many files are included in the May 2011 folder and which branch the corpses are from. Deußing said they are from the air force intelligence [المخابرات الجوية] directorate, but he has to check how many pictures it includes.

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[15-minute break in proceedings]

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Wiedner referred to a note from September 11, 2020, written by the BKA regarding documents received from CIJA. He asked Deußing how many documents the BKA received from CIJA and how they

were similar in content. Deußing said he is sure that they received four documents which were nearly identical with respect to content. They all refer to persons detained by the military intelligence directorate in 2013. The letterhead was identical, but some referred to Branch 227 and others to Branch 215. All documents described the reasons for death using similar wording: “health condition worsened,” “transferred to hospital,” “deceased at the hospital.” They also referred to the locations of the corpses and the decision-making processes behind deaths. According to Deußing, ¾ of all corpses were not given to relatives. Rather, they were buried at a place known to the military police.

Wiedner thanked Deußing for his explanation and referred to the conclusion of a report on the military police dated August 2020 which said that Caesar worked for the military police in Tishreen and Mezzeh hospitals. Wiedner wanted to know what this conclusion was based on. Deußing said it is based on reports by the military police, Sami’s testimony, witness’s [name redacted] testimony and death certificates.

Wiedner recalled the second part of the conclusion which stated that the process of taking pictures and filling out the documents was a procedure of the military police prior to 2011 that continued after 2011. Sami said that the reports were used by the military judiciary to issue death certificates and for other documentation purposes. Early on, supposedly one form was used per person, but later, one form was used for multiple people.

### **Defense Counsels’ Questioning**

Böcker asked if Deußing looked at the pictures from Branch 251 dated 2012. Deußing affirmed saying that there were four pictures which included 28 May 2020 in the file name. All pictures showed the same person. The numbering system was unidentifiable and 433 or 432 was the only legible number.

Böcker asked about signs of torture. Deußing said that he saw injuries on the corpse but could not explain the background or causes of these injuries.

Böcker asked whether Deußing came to any conclusions. Deußing said no, he is not a forensic expert.

Böcker asked how and why the files got to Liechtenstein. Deußing said SNM and [name redacted] trusted Liechtenstein and chose it for neutrality reasons.

Böcker asked Deußing which files the Carter-Ruck report includes. Deußing said he did not look at the report, however, Carter-Ruck only had access to an excerpt from the Caesar files while the BKA had access to more files.

Böcker asked why Carter-Ruck had access to files in the first place. Deußing said when Caesar and Sami left Syria, they were looking for support. Deußing was not sure why exactly Carter-Ruck got files.

Böcker asked Deußing about the relation between Qatar and Carter-Ruck. Deußing said the office never conducted any specific investigation regarding the Carter-Ruck report. According to Deußing they knew about this report as it was available online and used it as a first starting point for their own analysis and investigations into the Caesar files.

### Prosecutor's Questioning

Klinge recalled an MLA request by the Office of the German Federal Public Prosecutor General to the IIIM regarding a guard from Branch 251.

[Below is an incomplete excerpt of the BKA's note based on what the court monitor could hear and see. Missing portions of the note are marked with [...].]

*The request was issued on 15 February 2019 and the protocol of the questioning of the guard from Branch 251 was handed over on 9 May 2019. The questioning referred to cases of death within the Branch. The guard said that whenever a detainee died, the guards were informed. The corpse was then brought to the hospital of the Red Crescent [...] there a heart attack was officially declared, and noted on the death certificate and in the detainee's file. The death certificate was often thrown away. If the certificate was not thrown away, it was passed to the head of the general intelligence directorate. The corpses were transferred to Harasta where the forensic expert in charge had a log book tracking the number of corpses and the respective branch from which the corpses came, as well as the codes for those details. From 2013 onward, the codes were no longer written directly on the corpses. Around 50 to 60 corpses, the hospital was completely packed, so they called the intelligence service who then told the hospital to bring the corpses to mass graves. At the beginning of 2013 the corpses in Harasta were buried right away due to complaints about the smell.*

Klinge asked Deußing who the guard is. Deußing said he is a trustworthy source. Al-Gharib told the BKA about a guard named [name redacted]. Deußing saw a video in which [name redacted] presented documents. The IIIM provided the same documents alongside a source code. Deußing and his office came to the conclusion that the documents from the IIIM and the video are identical.

Klinge wanted to know whether Deußing had information about people who saw corpses at Harasta Hospital. Deußing affirmed. They got this information from the documents provided by the IIIM. One of the documents refers to Branch 251 and describes an internal proceeding regarding a complaint against a person/employee from the hospital who refused to accept corpses. This indicates that there have been corpses from intelligence branches at the beginning of 2013 if the report is correct. Deußing added that the former head of the hospital, [name redacted], said that there were corpses. He did not say where the corpses came from and why they were at the hospital.

Klinge recalled that Deußing previously mentioned a witness who identified a person from the Caesar files and wanted to know whether there are more people who identified someone from the files. Deußing affirmed saying that [name redacted], a lawyer, identified several people who were former colleagues. He said that one of them was arrested as he provided legal consultation to demonstrators. Deußing said the lawyer also identified people from his own family. Deußing further explained that all witnesses who identified people from the files said that none of them had connections to the armed opposition.

Klinge referred to the forensic report issued by the University of Cologne on behalf of the BKA and asked Deußing about the causes of death listed. Deußing said they are mentioned in a note, but he does not remember exactly.



Klinge asked whether the forensic report also mentioned unknown causes of death. Deußing affirmed.

Klinge asked Deußing about reports on the Central Crisis Management Cell (CCMC) and its tasks and structure. Deußing said his office knows about the CCMC from CIJA. CIJA provided reports from 20 April 2011 when the CCMC basically proclaimed a new level in dealing with the conflict. Deußing said members of the CCMC are high-ranking officials from the intelligence services, according to CIJA.

Klinge asked when the CCMC was founded. Deußing said the name “Central Crisis Management Cell” already indicated that the cell’s task is to manage the crisis on behalf of the Syrian state. According to Deußing, it was founded in March 2011.

Klinge wanted to know more about the analyses of the files by Carter-Ruck as well as by the FBI. Deußing said he already mentioned that the FBI inspected the files and tested their metadata and authenticity. The FBI examined the EXIF data and concluded that the content of the files was not manipulated. However, the number (of the forensic expert) which is written on the cards was made more visible on some pictures. These changes had no connection to the corpse and Deußing only saw pictures without any changes.

Klinge said since Deußing worked on the Caesar files, he wanted to ask Deußing whether he had any doubts about Caesar’s work and the authenticity of the files. Deußing said no, other witness statements confirmed the timestamp related to the file names. There are other congruent reports and satellite images especially of Mezzeh Hospital 601. Deußing concluded that so far, there are no facts indicating that the files are not authentic.

#### **Plaintiff Counsels’ Questioning**

Kroker referred to the death certificate which was provided by a witness and shown during Deußing’s presentation. Kroker wanted to know whether it was usual practice to give death certificates or if that only happened for individual cases. Deußing said it was for an individual case, however in this case the witness paid bribe money to get the certificate. Deußing further added that it was not always possible to identify the victims, so in many cases, no death certificate was issued. He went on to explain that many families only found out about their relatives through the Caesar files as they scanned through the website day and night.

Kroker asked Deußing how many death certificates he has seen. Deußing said he cannot provide an answer due to ongoing investigations.

Kroker wanted to know whether death certificates were the rule or the exception. Deußing said only a few death certificates were issued, so they are the exception.

Kroker asked if there was one particular point in time when a large number of death certificates were issued. Deußing said he knows about related public reports; however, he has not seen any document to verify this assumption.

Kroker asked about the precise point in time mentioned in these public reports. Deußing said that is only speculation.

Bahns referred to a report from September which dealt with decision-making processes [within the intelligence services] and asked who was involved in these processes and what exactly has been decided. Deußing said information was passed even to the head of the military intelligence directorate, however he is not sure whether this person actually signed any document.

Bahns asked whether these decisions concerned the return of corpses. Deußing said there was a proposal in the documents [in the burial order, for example]. However, it is not possible to assess whether these proposals were actually realized solely based on the documents.

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[65-minute lunch break]

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#### Testimony of criminal chief inspector Deußing regarding Sami's testimony with the BKA

Kerber asked the prosecution and plaintiff's counsel whether they have any news regarding Sami's appearance in court. Both said no.

Wiedner asked Deußing to describe the overall circumstances of Sami's testimony with the BKA before the judges try to "refresh" his memory concerning particular aspects by citing the BKA's minutes. Deußing said Sami's interview as a witness took place in the BKA's premises in Berlin in the presence of a translator from the BKA. Sami was asked at the beginning whether he understood everything and at the end of the interview asked to check the minutes. He had to sign every page of the minutes and had no difficulties understanding everything.

Wiedner asked whether the minutes were re-translated. Deußing affirmed.

Wiedner asked how long Sami was heard. Deußing said he was heard for two days.

Wiedner wanted to know about Sami's personal background. Deußing said he lived in the suburbs of Damascus which were controlled by the Free Syrian Army (FSA). He left Syria because he was afraid of being arrested. He left before Caesar.

Wiedner asked when Sami left Syria. Deußing said he left prior to 2014.

Wiedner recalled Sami saying that he left on [information redacted] 2013. Deußing affirmed.

Wiedner wanted to know where Sami went after leaving Syria. Deußing said he believes he went to Jordan.

Wiedner asked where he went before he went to Jordan. Deußing could not remember.

Wiedner recalled Sami saying that he legally entered Lebanon and then left for Jordan on 22 July 2013. Deußing affirmed.

Wiedner asked where Sami went after he left Amman. Deußing said he went to Turkey and is currently in a European country.

Wiedner again recalled parts of Sami's statement with the BKA where he said that after his stay in Amman he went to Istanbul on 14 November 2013 and then on 12 January 2014 he went to Qatar where he stayed for around three weeks before going back to Istanbul. Deußing affirmed.

Wiedner wanted to know more about the relationship between Sami and Caesar. Deußing said they were already in contact prior to the beginning of the conflict and knew each other since 1997. They stayed in touch after the beginning of the conflict. Sami told the BKA how Caesar called him to tell him about the corpses and that they then met around May 2011.

Wiedner asked what Sami told the BKA regarding Caesar's position before the beginning of the conflict. Deußing said according to Sami, Caesar worked as a photographer with the military police in [information redacted] where he was the head of seven photographers.

Wiedner recalled Sami saying that Caesar had to take pictures of soldiers, accidents, suicides etc. Deußing affirmed.

Wiedner recalled Sami saying that two months after 18 March 2011, at the end of May, Caesar called Sami to visit him because he saw civilian corpses and detected discrepancies between the conditions of the corpses and the official reports by the forensic experts. Wiedner asked Deußing in which hospitals Caesar worked. Deußing said Caesar worked in Tishreen and Mezzeh.

Wiedner asked about Harasta Hospital. Deußing said this hospital does exist, however Caesar did not work there.

Wiedner wanted to know what happened after Sami and Caesar met regarding the pictures. Deußing said Caesar told Sami about the corpses. When Sami asked for pictures, Caesar provided them. Deußing further said that according to Sami, Caesar wanted to defect but they jointly decided that it is important to collect evidence for the event of a possible overthrow of the regime. For that reason, Caesar smuggled pictures on a USB stick or SD card and the pictures were then saved on Sami's computer.

Wiedner went on to ask how exactly the USB stick was used in smuggling the pictures and if it was a new one for every instance. Deußing said Caesar always used the same USB stick. Sami copied the files on his computers as they were saved on the USB stick (same folder structure). The data on the USB stick was then deleted and the USB stick was used again.

Wiedner went on to ask how Sami dealt with the files. Deußing said at first, the pictures were saved in an unstructured manner on Sami's computer. In 2012, they decided to protect the data from the government (possible searches) and consequently uploaded a compressed version on google drive. Later three additional versions were created.

Wiedner concluded that the procedure described by Sami was repeated several times and asked Deußing about the number of files that were dealt with in that manner. Deußing said the number of files per day increased. At first, there were only several, then 20 to 30 and 50-70 towards the end.

Wiedner recalled that Sami told the BKA that the structure of the files/folders was not important. The pictures were saved on a standing computer, then a compressed version of files was uploaded onto google drive because the internet service was bad and they could only upload a compressed version. Also, they did not want to cause suspicion by uploading big amounts of data.

Wiedner asked whether the pictures were first put in some kind of order. Deußing said Sami started sorting them in Turkey.

Böcker intervened, saying that Sami's statement regarding the increasing number of pictures per day was not cited correctly. At first, he said there were 3 per day at the beginning, before he changed it to "several per day". Deußing affirmed that Sami changed his statement from "3" to "several per day".

Wiedner asked what happened next [with the files] and how they were passed to people abroad. Deußing said according to Sami, the files were sent to [name redacted] who then handed them over to Liechtenstein.

Wiedner recalled Sami's statement in which he said that they downloaded the compressed files in Jordan and [name redacted] handed over a compressed version to Liechtenstein. Wiedner asked which versions were compressed and which were complete. Deußing said Sami told the BKA that in order to reduce the volume of data due to the slow internet connection and to allow an unsuspecting transfer of data, they uploaded a compressed version of the files in Syria. Only after they left Syria, they were sent an HD version of the files.

Wiedner explained that the 250 KB files contain compressed data while the 1-1.3 MB files contain the original data, including original file names, and the uncompressed HD files were only uploaded once the FSA was in control [of the region from where the files were uploaded]. Wiedner then asked how the forensic experts [mandated by Carter-Ruck] got involved and which version they worked with. Deußing said Sami did not provide any details on how exactly the forensic experts came into play, however they were in contact with Carter-Ruck and had talks with them about the quality of pictures and eventually asked for "bigger" files to allow for a better inspection.

Wiedner asked about the connection between the files and the proceedings in Germany. Deußing said that the GBA was given an uncompressed version.

Wiedner recalled that the GBA got access to this version in September 2017. Wiedner asked Deußing which versions of the files exist. Deußing said there are four versions:

1. Compressed version which was uploaded and used by Sami in Turkey to sort the files and given to Liechtenstein by [name redacted].
2. Uncompressed version which was uploaded on a cloud and given to the GBA by Sami.
3. Compressed version which was copied from a Syrian computer to an external hard drive, smuggled out of Syria by the FSA, then transferred to a laptop.
4. Uncompressed version which is saved on an external hard drive and is still in Syria

Wiedner recalled Sami telling the BKA that they were afraid that they could no longer access the files [on the cloud] once they left Syria. This is why the FSA smuggled the files out of Syria. 98% of the files were uploaded on a standing computer. 100% of the files were uploaded as an uncompressed version. Sami said he uploaded and modified them from July until end of August 2013. When Caesar fled Syria at the end of August 2013, they had 5,100 pictures.

Wiedner asked Deußing about Caesar's emotional condition when he first met with Sami. Deußing said it was not safe to show emotions, but Caesar was upset about the corpses and false causes of death being recorded.

Wiedner recalled Sami saying that the version which was handed over to the GBA was sorted by him when people died from torture according to the intelligence branch. He sorted only the files from the military and air force. Sami further said that he no longer worked with [name redacted], so he does not know what [name redacted] did with the pictures before they were handed over to the GBA. Wiedner referred to the chart which detailed the structure of the relevant folder. Deußing said he already presented this chart in his presentation. Sami confirmed to Deußing that he made these changes by adding the branch number as well as the date to the file name.

Wiedner recalled Sami saying that there are three different kinds of pictures: detainees, martyrs and terrorists. According to Sami, that was how they were sorted by the regime, by Caesar himself because it was his job. Sami said that he only worked on the detainee pictures, however he also saw some of the martyrs' pictures, which included names of the dead persons. Sami said he was in a hurry, so he might have made some small mistakes in naming and sorting the files. Wiedner said that the BKA presented Sami with a sample file name for him to explain how he named the files:

xxx-xxxx-xxxxxx(1).jpg

Branch No.-Detainee No.-Date

Deußing said Sami confirmed to him what Deußing already realized: the first number indicates the number of the branch from which the corpse came, the second number indicates the detainee's number and the third number indicates a date. The number [in this case "1"] in brackets was inserted automatically by the computer and indicates that multiple pictures exist for one person.

Wiedner had a question regarding the date: Does it resemble the date of death or the date when the picture was taken, which would be shortly after the date of death as Deußing previously explained. Further, the folders were often named after the date of death. Wiedner also wanted to know what a series of "000" at the end of the file name means. Deußing said Sami told him that the series of "000" was inserted when neither a date of death nor the date on which the picture was taken was known.

Wiedner asked how the names and numbers of branches were allocated. Deußing said Sami told the BKA that he knew over 29 different branches, which he aligned with the pictures and then allocated the numbers accordingly. In cases where there was no number, the pictures were allocated to the air force using "J" or "JA" to indicate the air force intelligence directorate "jawiya" [الجوية].

Wiedner recalled that the BKA presented more pictures to Sami to ask him about the numbers on the corpses and cards. Deußing affirmed and explained the three-part numbering system which includes



the detainee's number, the number of the intelligence branch [where the corpse came from and where the detainee was detained] and the number given by the forensic expert. Deußing said that according to Sami, the first two numbers were allocated at the hospital once the corpses arrive. The third number was allocated by the forensic expert once the order to take pictures of the corpse was given. Sami identified [name redacted], a forensic expert, in one of the pictures.

Wiedner asked what else Sami said regarding the detainees' numbers. Deußing recalled Sami saying that the detainees' numbers are allocated by the intelligence services. However, Deußing could not say whether numbers were allocated right away or after detainees died.

Wiedner recalled Sami's statement with the BKA where he said that the branch number is allocated at the beginning. Deußing explained that the branch number refers to the branch at which the detainee died.

Wiedner once again referred to Sami's witness interview by the BKA during which Sami said that [name redacted] lived at Tishreen Hospital and was also in charge of "601" [Al-Mezzeh hospital] as a forensic expert in Damascus until 2014. He was in one of the long shots, which were actually prohibited. Deußing said according to Sami, Caesar said that taking these long shots was prohibited. However, at some point there were so many corpses that Caesar needed long shots to get a better view.

Wiedner asked Deußing which picture they showed Sami. Deußing said it was a picture taken at 601 Mezzeh.

Wiedner asked whether Sami made any further changes except changing file names. Deußing said he believes that Sami changed file names, relocated files into certain folders and created the chart.

Wiedner asked whether Sami provided any information on the letter "b" which was used behind the number of the forensic expert. Deußing said Sami explained to the BKA that the number allocated by the forensic expert always ended at 5,000. It was never higher than that, instead a letter was used to continue the counting.

Wiedner referred to a gap in the numbers contained in the Caesar files and asked whether this has something to do with Caesar's arrest. Deußing affirmed, adding that Caesar was detained for a short while which is why there is gap in numbers. Deußing said he does not know whether they later caught up in terms of numbers/continuing counting.

Wiedner asked whether files were deleted. Deußing said he does not think so, however Sami did not know whether Caesar deleted some.

Wiedner again recalled Sami's interview with the BKA during which he said that he is not sure whether Caesar had further pictures and that Caesar was detained for 25 days. The BKA then presented further pictures to Sami. Deußing said they showed him pictures from the military police which were sent to the military judiciary where they issued death certificates.

Wiedner asked whether the BKA presented any other pictures to Sami. Deußing said he could not remember.

Wiedner confirmed that Deußing's statement matched the BKA's interview minutes. Wiedner then recalled the process of documenting the death of detainees. At the beginning there was one file per person, then later "collective files" were used. [name redacted] was the one who took the pictures [for the death certificates], not Caesar. First the forensic expert came and allocated a number, then the photographer took the pictures, which Caesar copied to a computer. Then the file was created. Wiedner asked whether Deußing asked Sami about the reasons for this documentation procedure. Deußing said this procedure was already established [before the revolution] and was routine.

Wiedner asked whether there was corruption. Deußing said the documentation of corpses is also a way of showing the whereabouts of corpses to ensure that people who are dead are not being released in return for money or that people are being released for money but claimed to be dead.

Wiedner quickly recalled Sami's statement on this with the BKA where he said that some people told their bosses that a detainee died when the person was actually released in return for money. Wiedner then asked what happened to the corpses [after pictures were taken]. Deußing said if he remembers correctly, Sami said that the corpses were brought to mass graves.

Wiedner wanted to know whether Sami said anything about corruption and the search for missing persons as well as activists and families who identified people from the files. Deußing said there was an organization who tried to identify the people from the files, around 300 people were identified. According to Deußing, Sami also identified someone – a doctor.

Wiedner noted that some corpses were unidentifiable. There was a list of identifications and an offer to contact [the organization who provided the pictures online]. Wiedner then showed a picture of a man with a cigar, talking on the phone. Deußing said Sami identified him as forensic expert. It was always the same [person/forensic expert on all pictures].

Wiedner said toward the end of the interview, the BKA asked Sami whether he witnessed international crimes himself. Deußing said he cannot remember. Wiedner said Sami told the BKA that at the beginning [of the revolution] he himself witnessed people being shot death at demonstrations with no possibility of collecting their corpses. He also witnessed people being arrested at demonstrations, one time 40 people were arrested at once. Sami said that his house was raided on one occasion and his computer was confiscated. Luckily, he did not have any files saved on that computer.

Wiedner asked Deußing whether he asked Sami about google drive and whether [the uploaded version of the files] still exists. Deußing said he thinks that it was deleted, however he does not know when.

Wiedner wanted to know more details about how the files were uploaded and what happened to the uploaded folders. Deußing said a compressed version of the files was uploaded in 2012 by an intermediary. Wiedner added that Sami also told the BKA that he was requested to check another account on which the files were uploaded so that it could be deleted.

Wiedner asked Deußing about the atmosphere during Sami's interview with the BKA. Deußing said it was calm. Sami was willing to talk. That is why they heard him for two days. Sami told him during a break that he was grateful that the BKA appreciated the information he provided.

Wiedner wanted to know whether the interview was structured. Deußing said it was “normal.” It followed protocol and Sami was structured and focused.

Wiedner asked whether Sami was afraid and how they dealt with his codename. Deußing said the GBA made the decision regarding the use of a codename so they did not talk about it in the interview.

Wiedner asked whether Sami showed signs of fear. Deußing said he was afraid of providing personal information, that is why they kept this part as short as possible.

### **Prosecutor’s Questioning**

Klinge presented two pictures from the Caesar files. The first one showed two doctors. Deußing said the BKA showed this picture to Sami for identification of the two people. However, Sami could not identify them. Referring to the seal on their uniforms, Sami said that the picture was taken at Tishreen Hospital.

Klinge showed the second picture which showed two doctors in a hallway of what looked like a hospital with plastic corpses in the background. Klinge mentioned the file name: [information redacted]. Deußing said one can see from the file name that it is from April 2011.

Klinge asked whether Deußing at any point was under the impression that the person he was talking to was not Sami. Deußing said no. The person told him he was Sami and provided so much detail especially regarding the file names that Deußing never had any doubts.

### **Defense Counsels’ Questioning**

[The defense teams had consultations before they asked their first question.]

Fratzky wanted to know “what kind of guy” Sami is and what impression he made to Deußing. Deußing said he already told the court that Sami was very solid, calm and structured. He was never aggressive and always seemed to be motivated. He was always cooperative.

Fratzky asked about Sami’s educational level. Deußing said he does not know, maybe they did not talk about it for security reasons. However, from how Sami answered and reacted to the questions, Deußing was of the impression that Sami is educated.

Fratzky wanted to know about the connection between Qatar and London. Deußing said he and his office only built upon the public report [report by Carter-Ruck which was read out the previous day], however they wanted to get their own impression of the pictures and make their own findings. He said the report was only a beginning and they never tried to contact anyone involved in the creation of that report.

Fratzky asked whether they informed themselves about the connection [between Qatar and Carter-Ruck] anyway. Deußing said his office never conducted any financial investigation into Carter-Ruck solicitors. They wanted their own witnesses to confirm that these pictures were from Syria. The first witness, [name redacted], was heard after October 2015.

Fratzky asked why Sami was not [appearing before the court]. Deußing said maybe he is afraid. However, he can only speculate as he is not in contact with Sami.

Al-Gharib's defense counsel Schuster recalled that the files were initially divided in different categories (detainees, martyrs and terrorists) and asked whether there were any more division (such as reasons for detention). Deußing said Sami only worked on detainee pictures. Regarding the reasons for detention, Deußing and his office clarified that with the help of witnesses such as [name redacted] and [name redacted]. In general, people were arrested in connection to demonstrations.

Schuster wanted to know more about the category "regime/martyrs". Deußing said that Sami did not say anything on this. However, "Kuwait" [كويت] included pictures of crime scenes and suicides within the Syrian military. In these cases, there was often the name of the killed/dead person, while there was only a number for detainees. The term "terrorist" was allocated by the Syrian government. Deußing said it is known to the BKA that the term "terrorist" has a wide meaning for the Syrian government and is used for demonstrators and anyone opposing the government.

Schuster asked whether Deußing has any further recollection of those witnesses. Deußing said they heard many witnesses on reasons for arrests. With regards to dead people, he cannot answer that question.

#### **Plaintiff Counsels' Questioning**

Schulz asked Deußing whether he can evaluate if Caesar's real name is known to Syrians. Deußing said that Sami told the BKA that it is apparently easy to reveal real names.

Schulz wanted to know if other intelligence services provided information regarding Caesar's identity. Deußing said he and his office never tried to unveil their real names. He does not know how other services dealt with this matter.

Schulz concluded that it is easy to unveil Sami's real name. Deußing said that is the reason why they did not ask any questions about his identity.

Kroker referred to Schuster's question on information provided by witnesses and asked how many times witnesses spoke about accusations of terrorism by the regime. Deußing said he has to put this in context: of course, witnesses told them about such accusations as they came from certain regions, belonged to certain ethnicities or participated in demonstrations. It also happened that someone told the intelligence services something like that without having evidence for their accusations.

Kroker concluded that the label "terrorist" was similarly used as the labeled "heart attack". Deußing affirmed that the label "terrorist" was often used by the Syrian government and added that the German intelligence service (BND) also confirmed that.

Reiger asked Deußing whether the injuries in pictures regarding Branch 251 often indicated torture. Deußing said that Prof. Rothschild can provide more information on that.

Schulz again referred to the identification issue, mentioning that Caesar's or Sami's identity is known to the Syrian intelligence services. Deußing affirmed that it would be easy for them to identify Caesar

and Sami adding that Sami said “if they did not find out by now, they are idiots who do not do their job properly”.

Fratzky said that Sami was granted asylum on [information redacted]2014 adding that the BKA as well as the criminal police offices of the federal states often have a look into the files of the German Federal Office for Migration and Refugees (BAMF). Deußing said he cannot provide information on this matter.

Fratzky asked whether the BKA internally conducted investigations regarding the identity of Sami and Caesar. Deußing said they did not check anything regarding asylum-seeking procedures.

Judge Kerber provided administrative information on the hearings next week.

The proceedings adjourned at 2:15 pm.

Next hearings will take place on November 3, 2020.



**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 17

Hearing Dates: November 3 &amp; 4, 2020

*CAUTION: Some testimony includes descriptions of torture.***Summaries/Highlights:<sup>1</sup>****Trial Day 41 – November 3, 2020**

Prof. Dr. Rothschild, a 58-year old forensics expert from the University of Cologne, testified on the forensic analysis of the Caesar files which he and his colleagues conducted on behalf of the German Federal Criminal Police (BKA). He provided detailed explanations on the various injuries, possible signs of torture, and starvation, one of which he and his colleagues identified on almost every corpse in the Caesar files. His testimony paid special attention to Branch 251 and provided detailed insights into torture, as well as the devastating sanitary and overall detention conditions in Syrian detention facilities. Comparing other witness' testimonies, Dr. Rothschild shared the evidence of certain torture mechanisms based on the medical examinations he and his team could conduct through the photos.

**Trial Day 42 – November 4, 2020**

Mr. Hörl, a 22-year old criminal inspector for the German Federal Criminal Police (BKA), provided a short testimony on an electronic copy of a CV, which was found during the search of Raslan's flat in Germany. He identified the name and experiences listed on the CV, which was verified by the court translators. The judges also read out a report by the German Intelligence Service (BND) on the structure, tasks and hierarchy of the Syrian intelligence services. The next day's witness was summoned but chose not to testify, due to their relation to one of the defendants.

**Day 41 of Trial – November 3, 2020**

The hearing began 15 minutes late at 9:45 am with 8 spectators and 3 members of the press in the audience. None of the accredited journalists required access to the Arabic translation. There was no camera man recording before the beginning of the hearing, as usual. Attorney Arne Bodenstein was present as a replacement for Raslan's second Defense Counsel Fratzky. The prosecution was represented by Prosecutors Ritscher and Klinge. Attorney Foerster-Baldenius appeared as replacement for Plaintiff Counsel Mohammed.

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<sup>1</sup> 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.

Testimony of Prof. Dr. Rothschild

Admonitions were read out to Professor Dr. Markus Rothschild, even though he already addressed all aspects in his introduction. Rothschild is a 58 years-old German forensics professor, specialized in forensic morphology. He is the head of the forensics department of the University of Cologne. On behalf of the German Federal Criminal Police (BKA), he and his colleagues analyzed [26,938 files] the Caesar files and put them in the context of witness testimonies describing torture, sanitary conditions, food and water supplies, and the overall situation in detention facilities of the Syrian Intelligence Services.

Judge Kerber's Questioning

Judge Kerber asked Rothschild why he and his colleagues analyzed the Caesar files, what makes him competent to do so, and why they wrote a report on the analysis. Rothschild said he studied medicine in Berlin and pursued his doctoral degree in internal medicine. He specialized in ballistics and weapons and started as an assistant professor at the University of Frankfurt before becoming a full professor of morphology, toxicology, and DNA with a focus in forensic morphology at the University of Cologne.

Kerber asked what forensic morphology means. Rothschild said it includes "everything that you can touch. It is the classic forensics that you know from TV series."

Kerber said Rothschild's presentation will be printed out and attached to the case file. She went on to ask him how he received the mandate to analyze the Caesar files and how he got certain information and documents. Rothschild explained that he structured his presentation in three parts:

1. How he and his colleagues got the mandate to analyze the Caesar files and provided a report on it;
2. The plausibility-report regarding torture and detention conditions as well as combat actions (refers to a report by the BKA from November 22, 2017); and
3. Indicators for illness-related deaths and detention conditions at Branch 251 (refers to a report by the BKA from September 11, 2019)

1. Mandate and analysis of the Caesar files

Rothschild said Prosecutor Klinge ordered him and his colleagues to conduct a forensic analysis of the Caesar files. When Rothschild asked Klinge why he chose him, Klinge said he knows from the BKA that Rothschild provided forensic analyses and reports for them on several occasions. Rothschild explained that he and his colleagues were mandated on May 3, 2017. They received the files on May 22, 2017. On March 22, 2018, they received additional files and were asked to provide a short casuistic [analysis] for each person in the files. He said he and his team received sample files beforehand which were handed over by chief criminal inspector Kröger. Rothschild said he and his team created a report on every folder of the files as well as a single casuistic for each person. Their mandate included collecting:

- Short description for each person;
- General condition of the body;
- Indicators for mistreatment, torture and violence;
- Probable cause of death;
- Creation of a database;
- Allocation of certain results for specific branches of the Syrian intelligence services;

- Translation [of the numbers and writings on the corpses and cards on the picture] (Rothschild said they had no issues with translating at the beginning thanks to an Arabic-speaking colleague, however once she left, they had to reduce translations); and
- Document metadata as far as visible (Rothschild said it was clear that his institute did not have the technical capacities and knowledge to complete this task, as the files have been copied so many times).

Rothschild went on to describe that they used the following material:

- External hard drive
- Computer (stand-alone with only two people having access to it)
- LCD screen for text
- LCD screen for pictures
- Microsoft word and excel
- SPSS statistics (Support from the forensic statistics department of the University of Cologne)

Rothschild went on to describe the parameters which they used to label and categorize their findings:

- Case number
- Number of pictures per case
- Position of the body
- Surrounding on which the body was placed
- Clothes
- Signs of medical treatment
- Indicators for identification (tattoos etc.)
- Definite signs of death
- General condition of the body
- Type of injury
- Signs of fixation
- Indicators for external influence
- Special features

Rothschild added that he and his team faced certain limitations in conducting their analysis, including:

- Only one perspective (all pictures showed the front side of the bodies)
- Partially dressed (they could not see all parts of the body)
- Dust and sand on the bodies (covered certain parts/injuries on some bodies)
- Light and shadow (causing blind spots)
- Plastic bags and sheets (covered the bodies partially or even completely)
- Bad quality of the pictures
- Only one picture (in 40 cases there was only one picture per person)
- Turning around of the bodies wasn't possible (they had to rely solely on the pictures without any further inspection of the bodies)
- No internal or external examination possible

Rothschild said he and his team produced a total of 23 written reports: One for every folder of the files they received, one on the "Caesar files in total," and a plausibility analysis of a BKA report on detention conditions in facilities of the Syrian intelligence services. He went on to explain that he and his team

analyzed a total of 26,938 pictures which showed 6,812 different people, maybe less.<sup>2</sup>He provided a chart including the number of pictures and persons per Branch [the following is only an excerpt of this list].

Folder [Branch]	# pictures	# people
251	446	110
"air"	1,515	352
215	13,801	3,551

Rothschild said that some of the pictures show a panoramic view or overview of the yard in which the corpses were photographed. He said that they did not analyze these pictures as they don't show individuals. The name of such files would usually end with a series of zeros. He went on to explain the typical naming scheme of the files using an example: 251-120-3-2013(3)

The first number would be the number of the branch, the second would be the number given by the forensics expert [Rothschild later mentioned a different number as the number from the forensics expert which is also in line with what previous witnesses said. These witnesses identified the second number as the detainee's number]. Rothschild said the third number is either a date or as in this case, a year. The last number in brackets is an chronological number if there is more than one picture per person.

Judge Kerber wanted to know whether there was a relation between the number of the files and the numbers on the card in the pictures. Rothschild said he can only say that for pictures from the "air" [Air Force Intelligence] folder as it was obvious in these cases that the number from the card was also included in the file name.

Kerber further wanted to know whether there was a relation between the date and the numbers on the card. Rothschild said this was not the case for files from the "air" folder.

Kerber asked the translators about the relation between the numbers on the card in the picture shown in court and the name of the relevant file. The translator said that the card says: 120 "Ang" 694/b. Kerber concluded that the number 120 would also be in the file name.

Rothschild went on to explain that he and his team noticed inconsistencies in the numbering on the corpses. He said the numbers were written with markers either directly on the skin or on tape which was put on the corpses, usually, the numbers were found on the forehead. However, there was always a card which was either put on the corpse or held by someone [He showed a picture on which one could see the thumb of a person holding the card].

### **Pictures per Person**

Rothschild further provided a diagram which indicated how many pictures were available per person:

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<sup>2</sup> Note from the Trial Monitor: As known from the testimony of the BKA inspector, this is not the total number of the Caesar files. All charts and statistics provided during this testimony consequently only refer to this particular part of the Caesar files.

# of cases	# Pictures per Person
40	1
60	2
2,913	3
Most times	4

Kerber said that all of Rothschild's presentation is [visually inspected](#).

Regarding the number of pictures per person, Rothschild explained that usually there were 3 to 4 pictures per person, in some cases even 5 pictures. However, 6 pictures or more would be the exception. Usually, the pictures showed a "quartet": face, upper part of the body until hip, entire body, and (if there were 4 or more pictures) lower half of the body. He said that 6,820 people were male and only one was female. The female corpse was found in the folder [Branch] "215" and fully dressed - even her throat was covered.

### **Age**

Rothschild then went on to explain their findings regarding the age of the corpses in the pictures. He provided a chart on different age-ranges and percentage distribution among the persons from folder [Branch] "251".

percentage	age	definition
0	<18	no beard growth – very young
18.2	20-30	young
363	30-45	middle-age
19,1	45-60	old
9.1	>60	very old
17.3	undefinable	-

He explained that for some people he and his colleagues could not estimate an age as there was blood, dirt, vomit, or decay on their face. He further added that for all the pictures, 4.5% (ca. 300 people) were 18 years or younger while most were young or middle-aged. Regarding folder [Branch] "251" people were typically middle-aged or old (compared to the totality of pictures). Rothschild also provided age-related tendencies for the other folders [Branches]:

215, 216, MP [military police], diverse: rather young

248, 251, air: middle-age

220, 227, 235: middle-age and mostly old

### **People per Folder [Branch]**

Rothschild went on to provide another chart, this time detailing the distribution of people per folder [Branch]. He added, however, that one can only compare the findings on the different folders [Branches] to a limited extent, as some folders included many thousands of pictures, while others only included dozens.



folder [Branch]	# people
251	110
"air"	352
215	3,551
227	2,049
216	292
235	127
'unknown'	116
'diverse'	74
248	54
220	50
MP [military police]	46

Judge Wiedner wanted to clarify whether, regarding 110 persons for Branch 251, 446 pictures included the number 251 in the file name. Rothschild affirmed.

### Clothing

Rothschild explained the clothing of the people in the pictures by providing more charts.

clothing	percent total	Percent for 251
underwear only	57	ca. 33
Undressed	ca. 20	13.6
partially/entirely civilian clothing	ca. 20	ca. 50

He said the rest of them, a very small percentage, were wearing military clothes or hospital gowns. A third of the people were wearing inconspicuous clothes, a fourth of the clothes were dirty and in a fourth of the cases, the clothes were off-center. In the latter case, trousers were often pulled down, revealing the genitals. Rothschild further explained that the clothes were often slightly changed so they could be worn longer, such pieces that might not have belonged to the respective person in the picture. He showed two pictures, one from Branch 251 and one from Branch 215 in which jackets were worn as trousers. He added that many times ribbons were used instead of belts. He further provided a list with particular characteristics (accumulation of a certain type of clothing) of clothing among the different folders [Branches].

folder [Branch]	clothing
220, 235, "air"	civil
227	underwear
215	undressed
227, 248	very dirty
235	inconspicuous

Judge Wiedner wanted to know whether there were any accumulations of specifics for Branch 251. Rothschild denied, adding that however, about 50% of the clothes were normal and relatively clean with rough repairs.

### **Signs of Medical Treatment**

Rothschild explained that most of the people did not show signs of medical treatment but if they did, they usually had bandages indicating that they were done by people with a medical background. He added that people from Branch 251 notably often showed signs of medical treatment. He further provided a picture from “air” which showed a person with a vessel catheter and said that people from 215 showed the least number of signs of medical treatment.

### **Definite Signs of Death**

Rothschild went on to explain that certain signs provide a definite indication that a person is dead. These are: lividity, rigor mortis, transformations due to decay [he provided a picture from the Caesar files to demonstrate], and so-called injuries that are incompatible with life (such as decapitation [beheading]). Rothschild went on to explain the above-mentioned terms to the court, using pictures from forensics textbooks as well as from the Caesar files.

- **Lividity**

Rothschild explained that lividity appears when gravity pulls the blood to the bottom, usually to the ears when one lies on their back. The blood then stays there once it thickens. He provided three pictures from the Caesar files for further explanation.

284: Lividity was present on the front, which indicates that a person was lying on his stomach for hours after he died.

251: “Regular” lividity which, if not faked, is a definite sign of death.

215: Lividity that usually occurs after someone died of a heart attack or suffocated. However, one can only determine the exact cause of death with an autopsy, which was not possible for the Caesar files.

- **Rigor Mortis**

Rothschild used diagrams and sketches to explain to the court how rigor mortis works. He said that once a person died, all metabolic functions stop working. ATP (adenosine triphosphate), which is needed to relax the muscles is consequently no longer produced. Right after death, the body gets sluggish, as all available ATP is used. Once there is no ATP left, muscles start getting hard. He added that rigor mortis is dissolving, once the corpse “is not so fresh anymore.” Rothschild further explained that the facial expressions of a dead person are consequently incidental, so one cannot see what a person might have felt when he died. Rigor mortis can also be dissolved if a body is moved/stretched. To illustrate, Rothschild showed a textbook picture which showed “regular” appearances of rigor mortis. He then showed a picture from the Caesar files, to explain that there were many such pictures which indicated that a corpse had been moved after rigor mortis occurred.

- **Decay**

Rothschild explained that there are two different types of decay:

Autolyse: so-called self-dissolution which occurs when there is no more oxygen as the body stopped breathing; and

Heterolyze: so-called foreign dissolution due to bacteria.

Rothschild showed a textbook picture to explain that decay usually can be seen first in the right lower stomach, as the colon is closest to the abdominal wall. Decay starts there and then continues to the bloodstream. He also showed some pictures from the Caesar files. One was from folder 220 where one could see the typical green stain in the lower right stomach. Another one was from the “air” folder/Branch [Air Force Intelligence] where the entire body was green, so one could see that the decay had already significantly spread. Further pictures from “diverse” and the Military Police folder also showed bodies with signs of decay.

- **Injuries incompatible with life**

Rothschild explained that a typical injury of this category is a craniocerebral trauma. He showed an uncensored picture from “air” showing a person with an open brain and chest. He said that an explosion or a person being hit by a truck or vehicle could be a possible explanation for these kinds of injuries.

Rothschild further said that, overall, about 2/3 of the corpses showed lividity, while he and his colleagues were not able to identify definite signs of death for 11.4% of the cases.

Referring to Rothschild’s diagram on the signs of death, Judge Wiedner wanted to clarify whether they were able to identify definite signs of death in 90% of the cases regarding Branch 251. Rothschild affirmed.

Rothschild added that deadly injuries were particularly frequent in the “diverse” folder. He concluded that overall, 88.6% (6,042 people) showed definite signs of death, while 11.4% (779 people) did not show such signs. There would consequently be two different hypotheses for these numbers:

H1: These 779 people are dead as well.

H2: These 779 people were alive at the time they were photographed.

Rothschild explained that a person from the Caesar files is not automatically alive if the body does not show definite signs of death. For instance, the body can be partially covered, so it is not clear whether there are signs of death. The picture might be bad quality or heavy bleeding make it impossible to identify signs of death. The picture might also have been made close to the time of death, so signs of death would not yet be developed. Rothschild concluded that he and his colleagues had a strong tendency towards the first hypothesis based on the way the bodies were presented in the pictures, the fact that the people on the pictures did neither show interaction with their environment nor vital signs, as well as based on the overall context of the pictures.

Regarding signs of medical treatment, Judge Kerber wanted to know whether ECG electrodes shown on some pictures are actual signs of medical intervention or might have been used to “tease” someone with electric shocks. Rothschild said that the electrodes were located at the right places to be used for medical treatment.

### General Appearance of Bodies

Rothschild went on to talk about the general appearance of the bodies by using pictures from the Caesar files to illustrate certain appearances. [The below chart was amended by the trial monitor to structure Rothschild's presentation]

appearance	description/signs	Shares of total files analyzed	Shares of 251	Folder [Branch] of the picture used for illustration purposes
inconspicuous	[Rothschild said that relatively many corpses fell within that category]	33%	33%	215
reduced condition	different proportions, bandages with blood	25%	20%	211
reduced nutritional condition	sunken cheeks, sunken abdominal wall, salient ribs	20%	10%	251
severely reduced nutritional condition	entire skeleton visible	15%	20%	215
injuries	scratches, bloodshot eyes	10%	20%	215
reduced sanitary condition	no hygiene, dehydration, scales, scars, keratoses, dark colored skin	5%	5%	215
partially covered	covered with plastic bags	0.8%	1.8%	-

Rothschild went on to list folders [Branches] in which a particular event occurred very often:

235, military police, 248: severely reduced nutritional condition

248, military police: reduced sanitary condition

Diverse, unknown: injuries

### Enthrallment/Signs of Fixation

According to Rothschild, signs of fixation were often not openly visible. He showed three different pictures for illustration purposes: One from Branch 215, where one could see cables on the floor next to the corpse whose arms were tied behind the back; one from Branch 248 showing handcuffs; another one from Branch 215 where the corpse had bruises and scrapes on the on the wrist. These would only be indicators for fixation and no opens signs, according to Rothschild. A fourth picture from Branch 220 showed a corpse with swollen wrists which would also be an indicator for some kind of fixation. Rothschild went on to show more pictures from almost all of the branches with open signs or indicators of fixation. He summarized that no pictures from the MP [military police] and the 220 folders showed

open signs of fixation, however, both folders would be relatively small. Rothschild provided another chart to summarize the findings:

Body parts tied together	Share in 251	Total Share
wrists	9.8%	1.8%
feet	0.1%	-
both	0.1%	-
neither (even when partially covered in plastic bags)	90%	98,2%

### **Blindfolds**

According to Rothschild, 0.8% in total, and 1.8% of the corpses from Branch 251, were either blindfolded or showed signs of previous blindfolding. He said that the blindfolds were mostly dark grey and made from a rather rough textile. Some were camouflage. He and his colleagues assume that on some occasions, corpses were only blindfolded for the picture (those with camouflage blindfolds). He added that in general, the faces were always unveiled on the photos and showed three pictures, one from Branch 251 with covered eyes, one from “air” with a totally covered face, and the only picture from “diverse” with a covered face.

Judge Kerber asked whether Rothschild wanted to have a break. Rothschild said he did not need one. Kerber ordered a break so the translators could rest.

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[20 minutes break in proceedings]

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### **Injuries**

Rothschild went on to explain [if not self-explanatory] different kinds of injuries that could be found on the Caesar files:

blunt violence: hit, kick, downfall

sharp violence: stab, cut

ballistic exposure: shooting- or explosion- related (fragments)

soft part compression

electric or thermic exposure

He said that 90% of all injuries shown on the Caesar files were blunt violence, 47.8% of all files showed blunt violence. In total 3,509 out of 6,821 corpses were injured, for Branch 251 55 of 110 corpses were injured. In total 151 corpses showed ballistic trauma, 58 showed soft part compressions and 6 corpses showed unidentifiable injuries.

Judge Wiedner wanted to know whether this consequently means that 50% of the corpses from folder [Branch] 251 did not show signs of violence-related injuries. Rothschild affirmed.

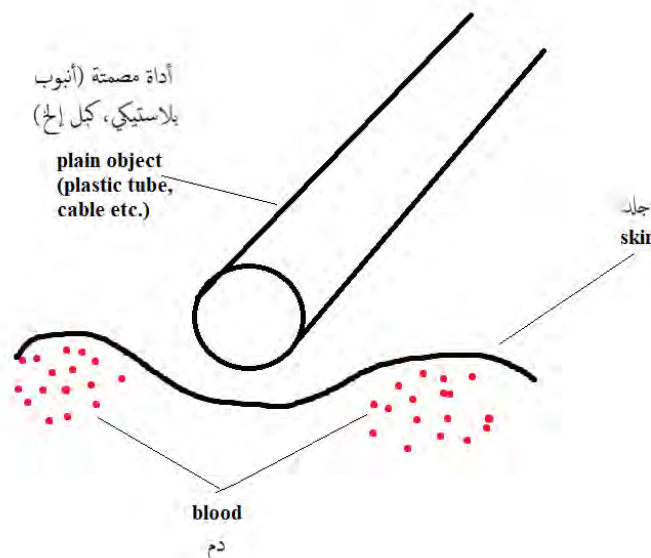
Plaintiff Counsel Scharmer asked whether this statistic consequently does not include nutrition-related findings. Rothschild affirmed.



He went on to name different signs of injuries: hematoma; double-weal injuries which occurred relatively often and require high impulsive powers; scrapes; lacerations; stab wounds; cuts; electric marks; burns.

- **Double-weal injuries**

Rothschild said that this was one of the most common signs of injuries from the Caesar files. It occurs when a person is beaten with a longish object. It requires much power and one has to strike out, “flail” like one plays tennis or golf. He said that through this high impulse, a lot of energy is set free which creates some kind of “imprint” of the object that was used to beat the person. Usually a slim, even object is used. He also showed a sketch to illustrate the “negative-picture”:



Judge Kerber wanted to know whether this might be done by using a cable. Rothschild affirmed, adding that this would be logical in many cases from the Caesar file where one could see that the injury follows the convexity of the body.

- **Formed injuries**

Rothschild said these injuries are not random but show certain patterns. etc. For example from a pipe, the end of a belt or if one was beaten with a tire or run over by a vehicle.

- **Grazes**

Before Rothschild went on to explain grazes, Judge Wiedner wanted to know whether any of these injuries were found on the soles of people’s feet on the Caesar files. Rothschild said he will elaborate on this later.

- **Dried-out skin**

According to Rothschild, the skin of dead bodies dries out if the upper skin layer “gets lost”. This occurs some time close to death, either shortly before, at the same time, or postmortem. He added that the cause of such dry-outs is not identifiable and a rather unspecific finding.

- **Stab injuries**

Rothschild said that this was a rather rare finding regarding the Caesar files.

- **Bullet wound**

According to Rothschild, such injuries are usually characterized by an entry and exit wound, or, if the bullets stay inside the body, only an entry wound.

- **Splinter injuries**

Rothschild said that for some pictures from the Caesar files, he and his colleagues could not identify whether it was a bullet wound or splinter injury.

- **Electric marks**

According to Rothschild, this kind of injury was relatively rare for the Caesar files as it is generally difficult to identify on a picture.

- **Burns**

Rothschild concluded that a total of 3,506 corpses showed one or more of the above-mentioned injuries. He said that hematomas were most common, followed by dried skin, other soft part injuries such as an open abscess, then grazes, and double weal injuries. He added that cuts and stab wounds occurred relatively rarely.

Judge Wiedner wanted to know whether it would be correct to conclude that 100% of the people at Branch 251 showed hematomas for Branch 251 would be correct. Rothschild affirmed.

Rothschild went on to explain that it was remarkable that injuries in the majority of cases occurred on the legs, followed by arms and feet, and more generally on the torso. He added that the genitals were rarely hurt, though it seemed as if the genitals were exposed on purpose for the pictures. He added that in some exceptional cases, 20 in total, injuries of the back were documented.

Judge Kerber said she “is curious to know” where [in which folders] the cases with back injuries were saved. Rothschild said mainly “air”, 215 and 227.

Prosecutor Klinge also had a question regarding diagnosed injuries and wanted to know whether the small number of back and bottom injuries was due to the way the corpses were documented, namely lying on the back. Rothschild affirmed, explaining that he and his colleagues assume that the corpses were not moved much, just put there so the photographer could take some pictures. In some pictures you could see a helping hand or people in camouflage standing in the background, however, it did not seem as if the bodies were significantly moved into position.

Rothschild went on to summarize the findings of different injuries, providing a chart with the most frequent findings for different folders [Branches]:

Folder [Branch]	Most Frequent Injuries
220, 227, “diverse”	multiple injuries
235, 248 “MP” [military police]	least injuries
“diverse”	severe bullet wounds
215, 216	compression of the soft parts
248, 251	thermic and electro-thermic injuries

Judge Wiedner asked whether “electro-thermic” injuries mean burns due to electric energy. Rothschild affirmed, adding that he would shortly explain a bit more about the limitations of this finding.

### **Causes of Death**

- **Starvation**

Rothschild showed a picture from Branch [folder] 215 to illustrate the “bird-like” face that is typical for deaths due to starvation.

- **Suffocation due to throat compression**

He showed more pictures to explain that the mark on the throat of most corpses indicates suffocation due to strangulation rather than hanging as there is no highest point of the mark. Rothschild added that considering the pattern of the stamp and the fact that a v-belt lied next to one of the bodies, he and his colleagues assume that in many cases, a v-belt was used to strangle people. He showed another picture to explain that in cases in which the entire throat is dark violet or black something was pressed against the front throat or it was beaten with an object like a stick. Another picture showed a corpse with blood running from the nose and mouth. Rothschild said this is a typical sign for an injury of the larynx, caused by someone standing on the throat or even jumping on it.

- **Bleed to death**

Rothschild said that due to the position of the bodies, he and his colleagues could not identify entry points of bullets at the back, however, if a person [like the one shown in the picture in court] is very pale, one can assume that they bleed to death.

- **Pulmonary fat embolism**

He showed another picture from the Caesar files to illustrate typical signs of pulmonary fat embolism. The front of the corpse was completely blue and the eyes were swollen. Rothschild explained that this is caused by opened blood vessels and squeezed fat cells. This causes drops of fat to move into the capillaries of the lung, so the blood can no longer be infused with gas [oxygen]. Eventually, the person suffocates. Rothschild said in light of the extent of blue color, it seems as if the corpses were “rather fresh”. He added that one can therefore diagnose pulmonary fat embolism as the cause of death.

- **Traumatic brain injury**

Rothschild said that regarding the Caesar files, almost every traumatic brain injury was of a ballistic nature.

- **Polytrauma**

He further explained that polytrauma include open fractures, weals, open injuries, and massive blunt violence. According to Rothschild this can be caused by a fall from a certain height or jumping on someone. However, he and his colleagues cannot say with certainty what has caused the polytraumas they diagnosed in the Caesar files.

Rothschild summarized that from all the cases they examined from the Caesar files, they could identify a certain cause of death in 954 cases. Most of the people died from starvation (8.2% in total and 7.3% in 251).

Judge Wiedner wanted to know whether it is correct that, according to Rothschild's diagram, a certain cause of death was only identifiable in 15 of the 110 cases in Branch 251. Rothschild affirmed, adding that suffocation due to compression of the soft parts did not play a role regarding the cases in Branch 251 and most of them died from starvation. He went on to provide another chart with the most frequent findings per folder [Branch] regarding causes of death:

Folder [Branch]	Cause of Death
216, 235, 248, "MP" [military police]	starvation
215, 216	suffocation due to compression of the soft parts
220, "air", "diverse"	Bleeding to death/bullet wounds

Rothschild summarized that for all the cases they examined from the Caesar files [6,812], he and his colleagues were able to diagnose a certain cause of death in 14% of the cases. In 86% percent of the cases, they were not able to identify a cause of death with certainty. He showed a picture from folder [Branch] 251 to explain possible causes of death in cases in which they were not able to identify one with certainty. Explanations in cases with unobtrusive corpses include:

External causes of death:

- poisoning
- electric marks (when electric energy is conducted through water, one cannot see electric marks on the body of the person [this answers Wiedner's previous question])
- inner bleeding
- suffocation due to drowning
- suffocation caused by a lack of oxygen
- suffocation due to covering respiratory tracks with a soft object (e.g. pillow)
- "positional suffocation" caused by a forced position of the body (hanging with arms above the head, crucifixion, hyperextension)

Health-related causes of death (acute):

- heart attack
- pericardial tamponade (blood inside the heart sac)
- ruptured main artery
- cerebral infarction
- ruptured aneurysm
- status epilepticus
- status asthmaticus
- pulmonary embolism

Health-related causes of death (symptoms for weeks):

- pneumonia
- intestinal blockage
- blood poisoning
- pleurisy
- liver cirrhosis

[Rothschild showed different pictures from the Caesar files to illustrate possible liver cirrhosis or malnutrition and jaundice due to blood or liver issues.] He added that these exaptational circumstances occurred rather often.

Plaintiff Counsel Dr. Oehmichen wanted to know whether jaundice would exclude death from starvation. Rothschild said it is not excluded, often a combination of different factors is possible.<sup>3</sup>

## **2. Plausibility-report regarding torture and detention conditions**

Rothschild went on to explain the findings of their plausibility report regarding torture and detention conditions as well as combat actions (refers to a report by the BKA from November 22, 2017). He said that his presentation includes examples of typical witness statements from the BKA report [he also showed a few pictures from the Caesar files for every description to explain his findings].

### **“welcome parties”**

Description : Detainees were beaten on arrival at the detention facilities.

Forensic Analysis: Plausible: signs of random beatings all over the body identified on the files, signs of kicks (pattern of shoe soles) also found, these findings were in general very similar to each other.

Judge Kerber intervened, saying that Rothschild’s entire second presentation is visually inspected by the court.

### **“Sexualized violence”**

Description : Tied up penises, people were forced to bite each other’s penises.

Forensic Analysis: Incomprehensible as injuries of the genitals rarely occurred on the Caesar files, no indication for targeted violations of the genitals found

Plaintiff Counsel Dr. Kroker intervened, asking whether the bodies from the Caesar files were naked or dressed. Rothschild said they were mostly naked or barely dressed. He added that in some cases one can see blood in the genital area, however, the genitals would not be hurt. This indicates that the blood might come from the anus. Rothschild concluded that “sexualized violence”<sup>4</sup> would not be entirely exclusionary, however, there are no concrete findings.

### **“beatings without tools”**

Description : People were beaten by the guards using their bare hands or walls/floor etc.

Forensic Analysis: Plausible, injuries often indicated that people were beaten with fists, heads were hit against a wall, etc.

### **“beatings with tools”**

Description : People were beaten with sticks, belts, billets and green plastic tubes.

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<sup>3</sup> Note from the Trial Monitor: After reassuring, Judge Kerber said Rothschild shall provide the first of his two pending presentations before a lunch break.

<sup>4</sup> Note from the Trial Monitor: For a discussion between Dr. Kroker and Rothschild about the meaning of “sexualized violence”, see below at “Plaintiff Counsels’ Questioning”.



Forensic Analysis: Plausible: injuries like the double weals indicate that people were beaten with plastic tubes (though he cannot say anything about their color), hoses, police batons or broomsticks.

Judge Kerber intervened saying that many times signs of such beatings would be horizontal on the body and asked whether this indicates that the victims were laying down. Rothschild explained that this indicates that the bodies either lay on a table and the person beating moved downwards or that the victims hung from the ceiling and the people beating stood next to them.

#### "stabblings"

Description : People were beaten and stabbed in the stomach five times.

Forensic Analysis: Such cases were amongst the Caesar files (stab wounds), Rothschild added that when he read such witness' statements he immediately had pictures from the Caesar files in mind.

#### "Falaqa"

Description : People were beaten on their feet [a sketch illustrating this practice was shown in court].

Forensic Analysis: Bodies on the Caesar files were photographed while lying on the back, so foot soles are in most cases not visible. There were many pictures with severe blunt violence centered at the legs. In general, the legs were hurt most frequently.

#### "Doulab (tire)"

Description : People were put in a tire and then beaten [a sketch illustrating this practice was shown in court]<sup>5</sup>.

Forensic Analysis: Not really assessable, however sometimes it seemed as if people were "folded" as if they were forced to sit in a tire. Descriptions of "tire" are generally not precisely assessable

#### "torture using electroshocks"

Description : People were tortured receiving electric shocks.

Forensic Analysis: No indications (neither excludable nor certainly identifiable). Thermic or electric impacts possible

Judge Kerber intervened, asking whether the electric medical patches can be used to torture people with electric shocks. Rothschild said it is generally possible to create electric shocks with such patches as electric energy enters and leaves the body.

Judge Kerber asked if such shocks were "worth it" (a sufficient torture method). Rothschild explained that such shocks cause pain and muscle contractions.

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<sup>5</sup> For sketches, see [SJAC's eleventh Trial Report](#).

*“standing for hours”*

Description : Detainees had to stand for hours due to overcrowded cells.

Forensic Analysis: Plausible: corpses from Branch [folder] 251 often showed extremely thick lower legs, which indicates venous insufficiency. The blood stays in the leg and stops circulating, most times only one leg was affected, as described by witnesses.

Rothschild added that they also found indicators for forced kneeling (hematomas and grazes of knees), however, that did not occur often.

*“Shabeh (hanging)”*

Description : People had to hang from the ceiling with their arms above the head for hours [a sketch illustrating this practice was shown in court].

Forensic Analysis: No direct findings, however conceivable considering signs of fixation at the wrists of many corpses, hematomas oftentimes in combination with random signs of beatings across the entire torso as well as dislocated shoulders as found in some of the pictures could have been caused by “Shabeh”.

Rothschild further explained that it is conceivable that people had to hang upside down or freely with arms above the head, as this severely hinders breathing. Diaphragmatic breathing is especially hindered by long-lasting hanging as the stomach is stretched and the position of the shoulders makes it hard to inflate the breast. He added that this causes a lack of oxygen and constitutes lengthy suffocation.

*“German chair”*

Description : People were tied to a chair so that their back was overstretched and their spine consequently broke [a sketch illustrating this practice was shown in court].

Forensic Analysis: No concrete indications found in the Caesar files.

*“flying carpet”*

Description : People were fixated to a board/gadget with hinges and then beaten.

Forensic Analysis: No direct indications, however many times particularly parallel weals were found, indicating that the victim had to be somehow fixated and beaten with a stiff object.

*“use of chemicals”*

Description : Use of certain acids to burn the skin.

Forensic Analysis: Not exclusionary in light of burns found on corpses from the Caesar files.

*“burning”*

Description : Use of gasoline and cigarettes to burn the skin of detainees.

**Forensic Analysis:** There were cases amongst the Caesar files in which one can assume that gasoline was used to cause burns, maybe poured on clothes and then inflamed (some pictures showed pieces of burned textile). Some pictures also indicate that gasoline was poured over the persons' lap and inflamed. Some people seem to have inhaled smoke before their death.

Plaintiff counsel Scharmer wanted to know whether people were dressed or naked when gasoline was poured in their lap and inflamed. Rothschild said that in these instances, there were no burnt textiles on top or next to the corpses. It is possible they were either naked or covered with very thin cotton, which completely burnt.

*"dragging finger and toe nails"*

**Description :** Witnesses said that fingers and toenails were dragged as means of torture.

**Forensic Analysis:** Only one instance from the Caesar file where toenails were dragged; seemed relatively fresh and indicates that the nails were dragged violently.

*"torture in context of medical treatment"*

**Description :** Piece for piece amputations and targeted beatings on injuries.

**Forensic Analysis:** Piece for piece amputations cannot be assessed from the Caesar files. In general, partial amputations are not necessarily medically condemnable.

Signs of mistreatment and medical treatment were found on the same individuals (chicken or egg dilemma). One cannot say from the pictures whether these people were first mistreated and received medical treatment afterward or if they received medical treatment and were beaten afterward. However, some signs of beatings are "relatively fresh" while the surgical wounds of the same individual are older. Generally, there were some "strange combinations" of signs of medical treatment and signs of beating.

*"psychological torture"*

**Description :** Wooden stick was pressed against people's throats and then released. This procedure was repeated several times.

**Forensic Analysis:** One cannot see from the pictures whether the stick was pressed and released repeatedly. However, there are pictures in the Caesar file which indicate that peoples' throat was beaten with a stick or a stick was pressed against the throat. Releasing and pressing the stick repeatedly would also be a possible explanation for these signs. It is also possible that a bicycle chain was used to strangle people, in light of certain patterns on the throats

*"inedible food and drinks"*

**Description :** Food at the detention facilities was often rotten and drinking water was dirty as detainees had to get it from the toilet.

**Forensic Analysis:** The quality of food is not assessable from the pictures. Maybe one loses weight due to inedible food and drinks, however not every underweight person indicates that the food was inedible.

*“executions and leaving people to die”*

Description : Guards left detainees in the cells or on the hallways to die. Some detainees were executed.

Forensic Analysis: It is conceivable that people were left to die considering the state in which several of the corpses were in. It seems as if they were “left adrift”.

Regarding executions, Rothschild explained that from the witness’ statements he imagined that people were detained and then an order was given to execute certain people. Generally, the pictures show indications of killings such as cuts on the throat or fixations and stabs on the same individual, however, this would be the exception. Rothschild said that the bullet wounds found on corpses from the Caesar files are rather atypical for military combats, as those are usually found in the breast area. One individual showed a gunshot in the mouth, in light of the many other injuries of that individual, it seems as if the person was hurt in military combat and then received the finishing shot from someone else, rather than killing himself. Nonetheless, one cannot say that with certainty, execution and a finishing shot are both plausible explanations. Rothschild further added many corpses indicate extreme violence targeted at the throat. However, if this impact was made to kill someone, it would be an unusually intense form of execution. He added that the effect of this impact was obvious during the act and one was aware that what he was doing “cannot go well”.

*“indicators for military combat”*

Description : The BKA wanted to know whether injuries shown in the Caesar files could be a result of military combat.

Forensic Analysis: In general, one can see corpses with military clothing, bullet wounds, and fixations on the Caesar files. One picture [Rothschild showed it as part of his presentation] shows splinter injuries which might be caused by a grenade during military fighting, other explanations would be that someone threw a grenade into a prison cell or the victim stepped on a mine which caused an explosion and buried the person.

Judge Wiedner wanted to know whether Rothschild can say anything about the consequences of overcrowded cells with no oxygen. Rothschild said he will talk about that in more detail later.

Plaintiff Counsel Dr. Kroker asked about the number of possible victims of military combat. Rothschild said that 53 individuals showed the consequences of an explosion, which could have occurred during military actions. Around 100 people had bullet wounds, which could be caused by military actions or executions.

Al-Gharib’s defense counsel Schuster intervened, saying that according to BKA Inspector Deußing, the three folders of the Caesar files were labeled ‘martyrs’, ‘terrorists’, and ‘detainees’. Prosecutor Klinge intervened, adding that the partition they got from Sami [which was analyzed by Rothschild] also included the folder “diverse”. Schuster concluded that this would consequently only include detainees. Klinge affirmed.

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[65 minute lunch break]

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### **3. Indicators for illness-related deaths and detention conditions at Branch 251**

Rothschild explained that the BKA report on which the following forensic analyses are based mainly deals with general detention conditions at Branch 251. He said he will present short summaries of the main aspects of the report and then provide his and his colleagues' forensic analysis of these issues using pictures from the Caesar files as explanations.

#### **"size of the detention rooms"**

Description : Overcrowded cells: either two people in tiny rooms or 160 people in 4x5m cells, people had to stand (on one foot) for days, "elephant legs" were the result.

Forensic Analysis: Pictures from Branch [folder] 251 clearly indicate that the different thickness of legs was caused by standing on one foot for a long period. However, this is not the so-called elephant-syndrome (Elephantiasis), as the latter is related to the lymphatic system.

#### **"cell of the dead"**

Description : Many detainees died within a short period in their cells as there was not enough oxygen.

Forensic Analysis: One cannot affirm this with certainty from analyzing the pictures, however, it is generally possible. Rothschild and his colleagues first thought that the mushroom of foam, which could be seen around the mouths and noses of bodies from all Branches [folders], was caused by waterboarding. However, the bodies were dry. According to the BKA report, it is plausible that water entered the lungs after suffocation due to a lack of oxygen in cells. Nonetheless, this is only an indicator and not proof.

#### **"general hygiene"**

Description : Blankets provided in the cells smelled of urine and were contaminated with fleas; people had to wear the same clothes for years.

Forensic Analysis: There are indirect indicators regarding the clothes, as many trousers, etc. in the pictures showed rough fixes, many pieces were worn inside out and pullovers and jackets were used as trousers. However, these are only speculations and indications but there was no proof.

#### **"toilet situation"**

Description : People were not allowed to use the toilet or they only could at certain times of the day.

Forensic Analysis: No differentiated assessment possible. However, some corpses from Branch [folder] 251 seem to be daubed with excrement.

#### **"parasites and hygienic circumstances"**

Description : No access to hygiene; cells, blankets, etc. contaminated with parasites.



Forensic Analysis: Pictures from Branch [folder] 251 as well as from other folders show so-called vagabond's disease, which is dark and thickened skin due to lice and fleas' wounds. These pictures also indicate that people scratched these wounds with dirty fingers, which causes scabbed skin.

Prosecutor Klinge wanted to know how long it takes for the vagabond's disease to develop. Rothschild said it usually takes weeks, approximately 9 weeks. This would be something that does not develop within only a couple of days. He added that, as can be seen in the pictures, it typically starts at the feet and legs as fleas and lice reach these body parts first. Such wounds which were opened with shards or fingernails by the detainees themselves were categorized as "diverse injuries of the soft parts" in the forensic report.

#### "body hygiene"

Description : Heterogeneous witness statements: some said they were allowed to take showers, some said they were allowed but did not want to, others said there were no showers at all.

Forensic Analysis: Hygienic condition of bodies from Branch [folder] 251 was "rather OK"; however, in general corpses were often in a bad hygienic condition.

#### "nutrition"

Description : Heterogeneous witness statements: some "complained on a high level" as they simply said that the food did not taste good; however, others said that they only got food twice a day or even only once a day, some said they got food regularly but not a sufficient amount, e.g. one potato for 20 people and one bottle of water to share.

Forensic Analysis: The latter would definitely not be enough to survive. Some corpses from Branch [folder] 251 "look good from a nutritional perspective." This might, however, be due to the fact that they did not stay at the Branch for long. Others from Branch [folder] 251 are emaciated.

Judge Kerber asked how long it takes to get in such a shape [referring to the picture of an emaciated body from Branch 251]. Rothschild said it depends on how much food one gets aside from the main meals (bread, olives, potatoes). Generally speaking, he added, it takes 4-6 weeks. Rothschild further explained that the heterogeneous witness statements fit with the heterogeneous forensic findings from Branch [folder] 251. He also said that there are pictures of malnourished bodies from every Branch that indicates that these people died from starvation. It would seem somehow "systematic".

#### "hyperkeratosis"

Description : Referring to statements on malnutrition from above.

Forensic Analysis: Rothschild said he did not learn about hyperkeratosis in his 45 years of experience until he worked on the Caesar files. He explained that hyperkeratosis describes an extremely long-lasting vitamin deficiency. He added that as a European doctor one would only know this from past wartimes. However, there were no findings on hyperkeratosis in Branch [folder] 251.

“drinking supplies”

Description : Heterogeneous witness statements including dirty water from the toilet, one bottle per 10 detainees, irregular drinking supplies, etc.

Forensic Analysis: No findings regarding the lack of drinking supplies in Branch [folder] 251. However, pictures from other Branches [folders] show characteristic crinkles in skin that indicate exsiccosis (dry out).

“medical treatment”

Description : Heterogeneous witness statements: no doctor at all, military doctor was called and provided some basic treatment, detainees were transferred to military hospitals or public hospitals, some medication was provided, no access to medication at all.

Forensic Analysis: As a fact, pictures from Branch [folder] 251 particularly show many signs of medical treatment.

Judge Kerber wanted to know whether electrodes were consequently used as medical treatment or to cause electric shocks. Rothschild said that in these cases [Branch 251] electrodes were placed correctly to provide medical treatment. He added that to cause electric shocks, they need to be placed differently.

Rothschild further explained that regarding Branch [folder] 251, as in other folders, one could also identify bandages as signs of medical treatment. However, these bandages were not changed or taken care of in any way after they were first applied. Rothschild further explained that some bandages were rather “primitive self-made” ones. Rothschild also showed a picture from Branch [folder] 251 which showed an external fixator with dirty splints, indicating that some medical treatment was provided, however, no follow-up care was evident.

Rothschild provided the following concluding assessment of his and his colleagues’ forensic findings regarding the Caesar files:

- all pictures show corpses
- many bodies show signs of mistreatment
- many bodies show signs of neglect
- many of the people died from mistreatment and neglect
- some few injuries can be explained by military fighting
- many pictures do not show conclusive findings
- witness statements from the BKA report are plausible from a forensic perspective
- certain differences in quantity and quality between different Branches
  - there are tendencies and trends, nonetheless, apparently similar things are often actually different
  - predominant similarities: blue legs, malnourishment, and beatings with sticks
  - seems as if all Branches have the same “basic equipment of sticks and plastic tubes” (same toolkit) which runs like a golden thread through all Branches
- similarities between most common findings
- seems as if things were conducted in a systematic manner

Judge Kerber asked whether there were many corpses without eyeballs. Rothschild responded that indeed eyeballs were often loose or missing. However, there was almost no blood. He explained that there is a lot of blood if someone removes the eyeballs of a person that's still alive. He concluded that one has to assume that the eyeballs (he showed one of 200 pictures with missing eyeballs) were either removed postmortem or the pictures were manipulated. He said that he and his colleagues assume that the eyeballs were solely removed postmortem as there were often traces from seagulls next to the corpses or wasp-like insects surrounding the eyes and nose.

Judge Kerber said that according to witness Deußing, there was only one file with the number "2012" in folder 251 [the picture was shown in court]. Raslan's defense counsel intervened, asking about the proposed procedure regarding questions, etc. Judge Kerber said that Rothschild shall explain the cause of death regarding this particular file before he can be questioned by the parties. She asked Rothschild to elaborate a bit more on this file or to refer to the short report if he remembers. Rothschild said he cannot remember exactly considering the number of files in total. He said if he remembers correctly, the cause of death was a ballistic trauma-series followed by blood loss.

Judge Wiedner cited from the short forensic report saying that "the corpse shows gun wounds on the torso and arms, the person is rather old, there are no signs of medical treatment, there are injuries incompatible with life, the cause of death is blood loss, a non-natural cause of death". Judge Kerber added that the numbers [2012] were also included in the file name. Rothschild said that they only had the file names, but no metadata.

The prosecutors had no further questions for Rothschild.

#### **Defense Counsels' Questioning**

Raslan's defense counsel Böcker recalled that after an individual examination, and with the highest diligence possible, the forensic expert diagnosed a bullet wound. He then asked Rothschild whether he can also say something about the bullet. Rothschild said that he already mentioned different firearms earlier. He added that in this case, he cannot define the firearm with certainty, as this depends on many parameters. Further, the injuries on the lower arm of the corpse cannot be explained with certainty.

Böcker asked about the possible shooting distance and kind of firearm. Rothschild said it can either be a 9x19mm Luger or a long arm, shot from a certain distance. Böcker asked whether both would be possible. Rothschild affirmed.

Böcker said that in general, gun wounds and blood loss could be explained by military fighting and asked whether this would also be the case for this picture. Rothschild said that it would be possible in general, however, signs of enthrallment would argue against that. He further added that there were no signs of enthrallment in this case.

Böcker recalled the short forensic report which found an "unobtrusive bodily condition" and asked whether the corpse showed signs of torture. Rothschild denied, adding that he also assumes that the body was not enthralled.

#### **Plaintiff Counsels' Questioning**

Plaintiff Counsel Dr. Kroker asked Rothschild to explain the different colors of the corpse's upper body [still relating to the picture indicating the year 2012 from folder 251]. Rothschild said it hints at the corpse lying on its stomach. A head-down position could also be a possible explanation.

Judge Wiedner intervened, asking whether it is correct that with relation to people showing signs of medical treatment, one cannot determine a timely order for medical treatment and injuries. Rothschild affirmed, saying that it would be a “chicken or the egg question”.

Plaintiff Counsel Dr. Kroker referred to the clothing on corpses and asked about the number of cases in which the genital area was uncovered. Rothschild said that it was remarkable that most corpses were undressed and in cases in which the upper body was dressed, the underpants were pulled down on purpose. He added that there was only one case where this did not happen and another one where one could even see someone’s hand pulling the underpants. Rothschild said he and his colleagues found this practice useless.

Dr. Kroker wanted to know why these instances were not quantified. Rothschild said that from a forensic perspective, these instances were irrelevant. Once he and his colleagues realized that this was a common practice, they did not want to go back through all the files to reassess them as it has no forensic value. He added that there are several pictures in which the card with the different numbers was put on the genitals as if the photographer wanted to cover the bareness.

Dr. Kroker concluded that the latter was however only speculation about reasons that Rothschild does not know. Rothschild affirmed.

Dr. Kroker asked Rothschild about typical signs of sexualized violence. Rothschild said that would be injuries of the primary and secondary private parts such as penis, testicles, nipples, and anus. However, the latter was not visible on the Caesar files. He added that there were only 30 pictures of rumps showing “only” beatings from sticks which were also found across the entire back. This was why they were not categorized as sexual violence.

Dr. Kroker cited from the forensic report saying that “genitals were not hurt primarily, when they were hurt, it was to inflict pain”. Rothschild affirmed, saying this is the only reason why he earlier showed the picture of the corpse with beatings across the entire back and sensitive areas. These beatings were targeted at all sensitive body parts, not only the genitals.

Kroker asked Rothschild whether he thinks that sexual violence only covers violence targeted at sexual organs directly, rather than more general violence. Rothschild said that for him, violence is considered sexualized if it is directed at the genital area or caused to humiliate someone. Kicking someone between one’s legs, from his understanding, does not count as sexual violence, whereas biting someone’s penis does. Nonetheless, regarding the Caesar files, violence affecting genitals and private parts would be of a more general nature.

Dr. Kroker recalled that Rothschild and his team received a second batch of Caesar files and asked whether there were any differences. Rothschild said this was in 2017 when they got around 400 additional pictures, but he cannot remember any more details. He said that he and his team were not surprised when they got these “Sami” files.

Dr. Kroker referred to “signs of death” and wanted to know at which point after someone’s death these signs would be visible. Rothschild said that livor mortis starts after 15-20 min and after 2.3 hours the corpse is stiff, they are clearly visible on the torso. He added that, at room temperature, decay usually starts 24 hours after the death.

Dr. Kroker wanted to know whether Rothschild can provide any conclusions regarding actions against females. Rothschild denied, adding that amongst the files he and his colleagues analyzed, there was only one female corpse, which was mostly covered.

Plaintiff Counsel Scharmer asked Rothschild, if possible, to estimate, based on his experience, when the photographic documentation of the corpses took place. Rothschild said that he cannot estimate. He and his colleagues always asked themselves whether there were certain cooling facilities. He said that corpses from all Branches [folders] “looked rather fresh”. They were either photographed in the afternoon or the following day or stored in a refrigerator in-between. He concluded that an estimation of the timeframe between death and the picture depends on the cooling of the bodies.

Plaintiff Counsel Reiger recalled that Rothschild mentioned that one can suffocate from hanging due to the position in which he is forced to stay. Rothschild affirmed. Reiger asked whether there are more ways of suffocating. Rothschild said one can also suffocate from the “flying carpets” and “German chair” when forced to stay in that position for hours.

Reiger asked about any other “possibilities leading to suffocation”. Rothschild said it depends on the body and how exactly it is positioned. He added that, in general, these [referring to the methods described in the BKA reports and assessed earlier] are all “treatments” that can lead to a lack of oxygen.

Presiding Judge Kerber thanked Rothschild for his “impressive expert report”.

Prof. Dr. Rothschild was dismissed as witness and expert witness.

Proceedings adjourned at 3:05 pm.

#### **Day 42 of Trial – November 4, 2020**

The hearing began at 9:35am with 6 spectators and 2 members of the press in the audience. The prosecution was represented by Prosecutor Klinge. Attorney Foerster-Baldenius appeared as a replacement for Plaintiff Counsel Mohammed.

#### **Testimony of criminal inspector Hörl**

Admonitions were read out to Mr. Hörl, a 22-year old criminal inspector from the German Federal Criminal Police (BKA), who testified on the content and discovery of an exhibit.

Judge Kerber asked Hörl to explain how he and his colleagues discovered and analyzed the exhibit. Hörl said he was assigned by criminal Chief Inspector Deußing to evaluate the exhibit, a CD and accompanying handwritten note, which was found during the search of Raslan’s flat in Germany. He said he examined it together with a translator, who confirmed that the file name of the only file on the CD was identical to the handwritten note. It said [information redacted]. Hörl said that according to the translator, it was probably a CV. However, it was written in single, disconnected letters, written from left to right. Once the translator got a right-aligned version, she confirmed that the document was indeed a CV. [Copies of the original file, the right-aligned version, and the German translation were shown in court]. Hörl said it first mentioned personal information: [name redacted], date of birth, mother’s name, and place of birth. He further explained that the CV was written from a first-person perspective. The career-path was described as follows: middle-school, university, military service, General Intelligence Directorate, political science studies, dissertation in Tehran, lecturer at the General Intelligence Directorate, and office for public service. Hörl went on to explain that according



to the CV, the person was in contact with the opposition, was detained in Branch 285 in July 2012, and deserted after his release. Hörl said if he remembers correctly, it said that the person fled to Jordan and made his desertion public via two Arabic TV channels. The CV further said that he is seeking asylum and he and his family would be in danger as the refugee community would be infiltrated. According to Hörl, the CV also mentioned personal data of the alleged wife and dates of birth of the alleged children, as well as contact details such as the Skype name of the author of the CV. Hörl explained that he checked the information about this person and heard a witness in March, after the search [of Raslan's flat]. This witness said that he was in contact with [name redacted] and a similar person in Jordan in 2013/14. According to Hörl, the witness further said that he put this similar person and Raslan in contact and organized a phone call between the two of them. Hörl said he found out that two short term visas were issued for this similar person in 2016 with the destination listed as Switzerland. He added that the CV is similar to Raslan's vitae, which was also confirmed by the German Intelligence Service.

Judge Kerber asked about the name of the witness. Hörl said he is called [name redacted].

Judge Kerber said copies of the original CV, the right-adjusted version, and the German translation were visually inspected. She asked one of the court translators to confirm Hörl's statements on the content of the document. The translator said it says [name redacted]: overview, and career and confirmed what Hörl just said.

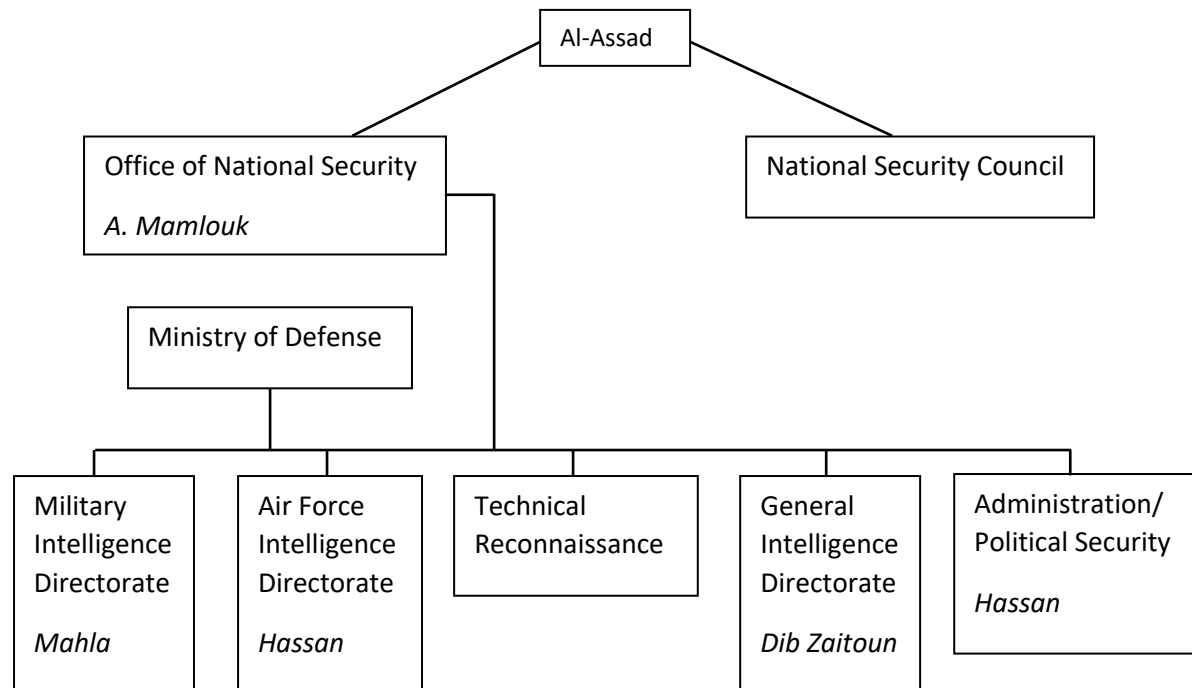
Hörl was dismissed as a witness.

Raslan's Defense Counsel Böcker had a question regarding the picture dated 2012 from Branch 251, which was amongst the Caesar-files. He asked the court to have a look at it again and asked the translators to explain what exactly is written on the paper shown in the picture. The translators said it says 428 [one number could also read 421, When Judge Kerber asked the translators to clarify, both of them agreed that it reads 428] in all 5 lines.

Judge Kerber continued to read out a report from the German Intelligence Service (BND) from June 2016 which is in the case file. The report referred to the investigations of the German Federal Criminal Police (BKA) regarding the Syrian civil war. It contains findings from the BND and BKA about the structure of the Syrian Intelligence Services and militias. The first part of the reports includes correspondence between the BND and BKA while the second part, in form of annexes, includes eight diagrams of the Syrian Intelligence Services and 15 diagrams of militias. The preface of the report explained that there were changes of personnel in leadership positions to explain why some names of leading figures are unknown. Judges Kerber and Wiedner began to read out the report while the respective diagrams were shown in court [please note that the following diagrams and descriptions are not an exact replication of the BND report, but based on what the Trial Monitor was able to note while the report was read out in court; all information as of 2016 if not otherwise indicated]:

As of February 2016: Structure of the Syrian Intelligence Service and its tasks in Germany and the EU:

- 1) Military Intelligence Directorate
- 2) General Intelligence Directorate
- 3) Administration/Political Security
- 4) Air Force Intelligence Directorate
- 5) Technical Reconnaissance



Relationship of positions:

Two Intelligence Directorates and the Technical Reconnaissance are subordinate to the Ministry of Defense, while the General Intelligence Directorate is subordinate to the President and one of the Intelligence Directorates is subordinate to the Ministry of Interior. The Office of National Security and the National Security Council are the control mechanisms of all Intelligence Services.

Mandate:

All Syrian Intelligence Services are tasked to fight activists who are 'hostile' towards the regime, terrorism and extremism. There are consequently overlapping competencies, however, certain areas of focus are visible. Main target abroad are the Muslim Brotherhood and the Kurdish community. Since the start of the revolution, Syrian Intelligence Forces are increasingly targeting regional and domestic aims. Since the beginning of refugee movements from Syria, Syrian Intelligence Services are also increasing their spy activities in Germany. The concept of 'terrorists' especially in a domestic context, has a very broad definition.

1) General Intelligence Directorate

Subordinate to and controlled by: President directly

Control Mechanisms : Office of National Security and National Security Council

Head : Mohammed Dib Zaitoun since July 24, 2012

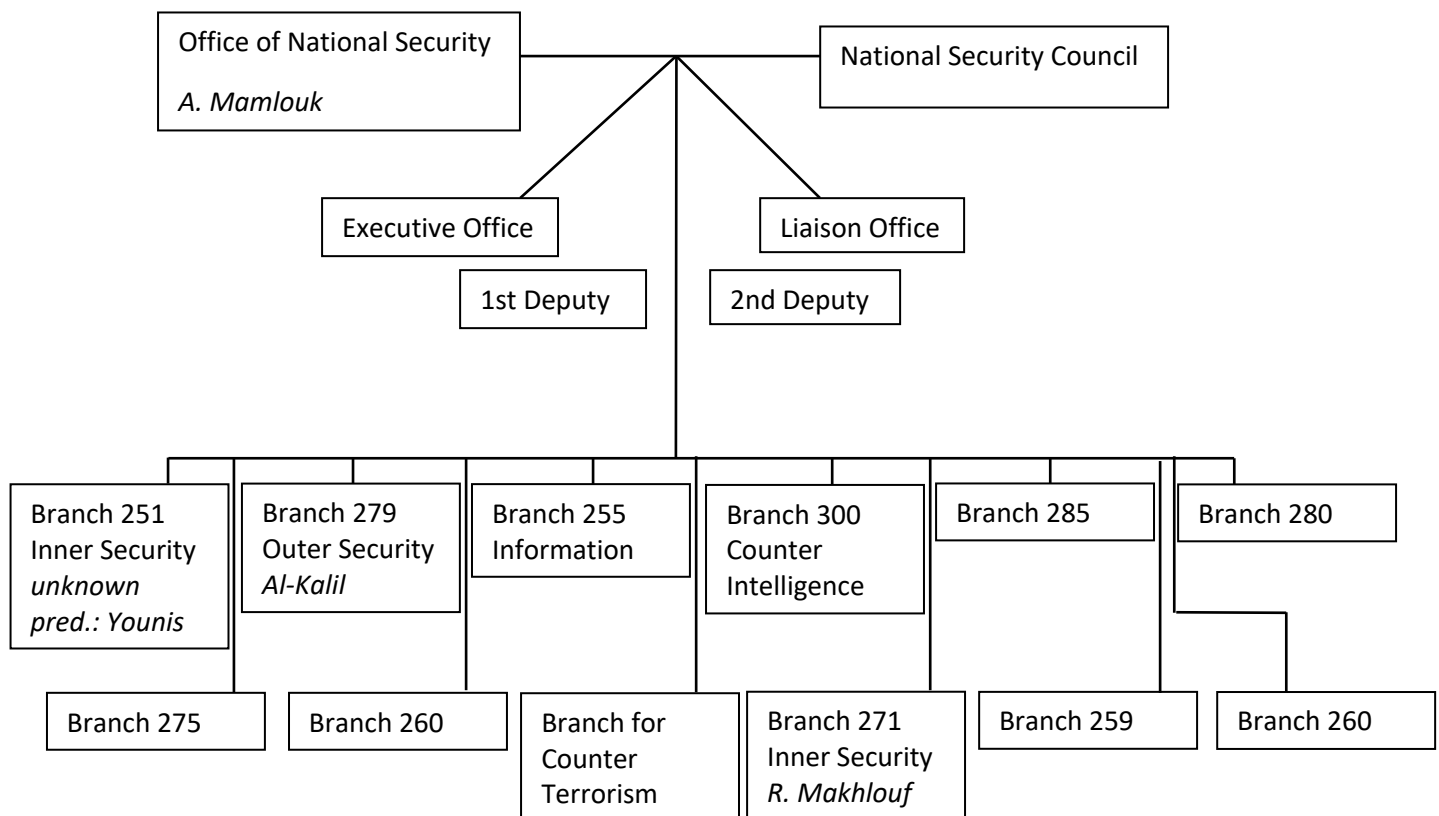
Predecessor : Ali Mamlouk from 2005 – 2012

Mandate : focus: general espionage and counter-espionage, domestically and abroad; fight against terrorism; executive powers

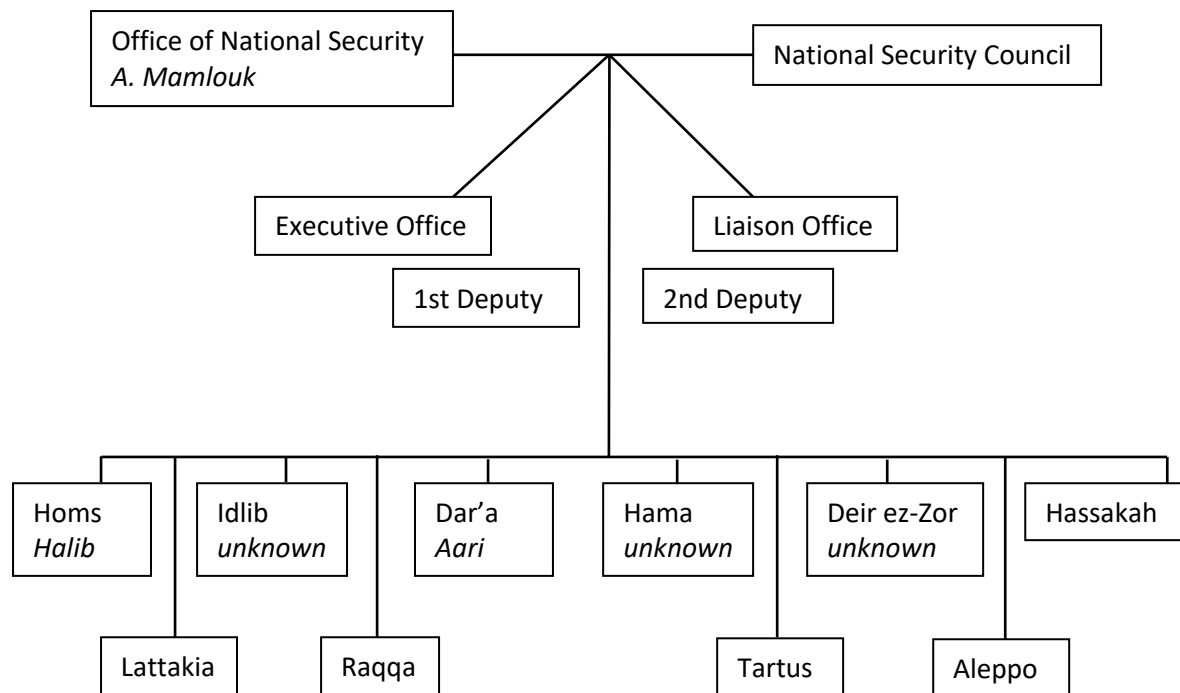
Capacity : ca. 8,00 – 10,000 people

Structure : central organizational division, followed by regional organization structure with field offices in different governates

Structure of the General Intelligence Directorate:



Regional Structure as of November 2015:



2) Military Intelligence Directorate ("Al-Askari")

Subordinate to and controlled by: General Staff of the Ministry of Defense

Control Mechanisms : Office of National Security and National Security Council

Head : Mohammed Mahalla since March 2015

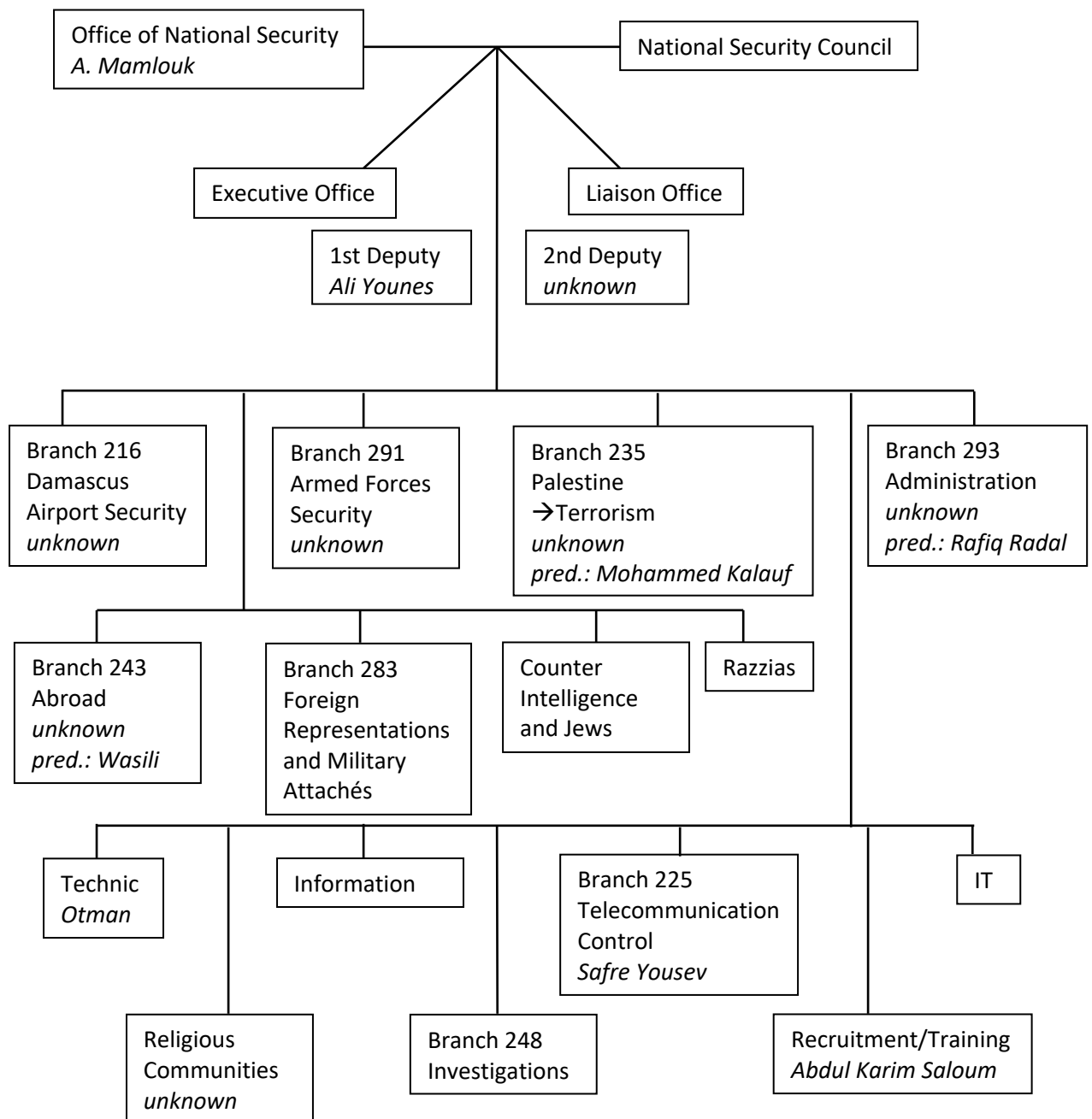
Predecessors : Rafiq Shahadah from July 2012 – March 2015;  
Shafiq Masa from July 2009 – July 2012

Mandate : focus: fights against terrorism, mainly through "Palestine Branch" 235; foreign mandate initially only Lebanon, now more general; counter-espionage; security of armed forces; represented in embassies

Capacity : 8,000 – 10,000 people

Structure : regional structure, combining multiple provinces

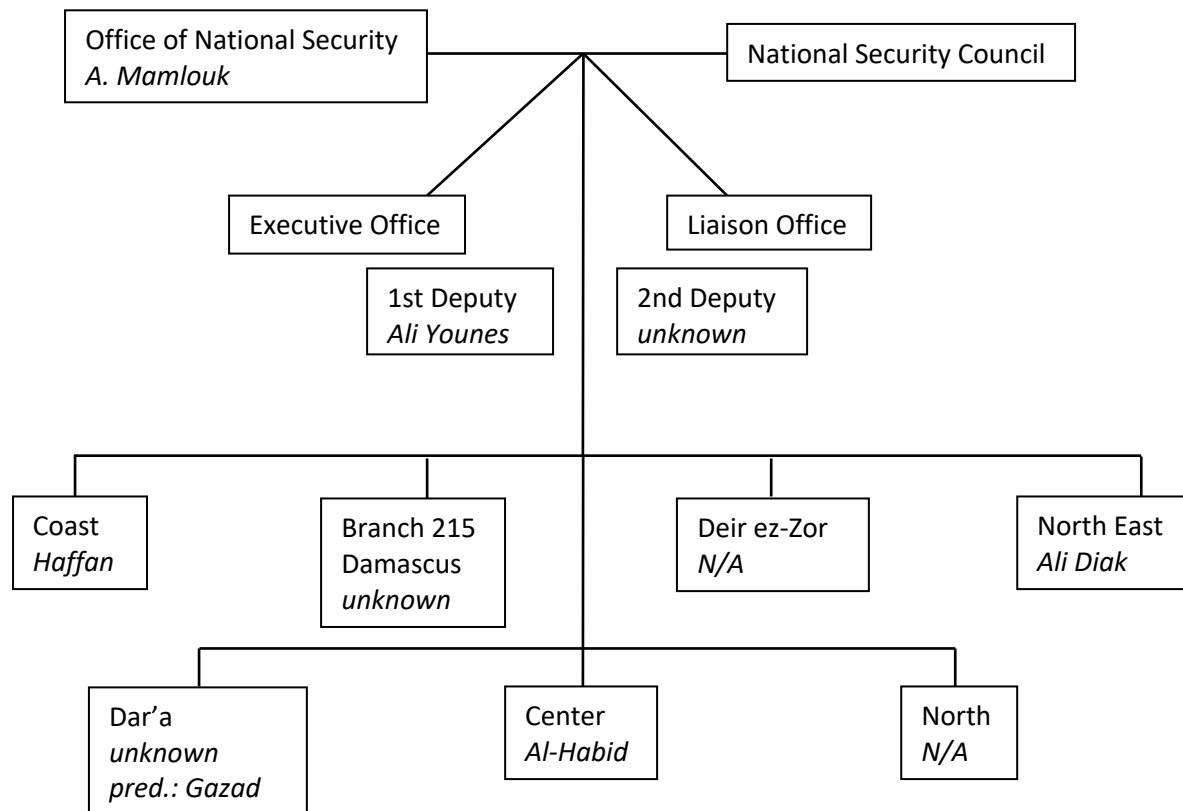
Structure of the Military Intelligence Directorate:





### Regional Structure:

Regional structure might slightly differ as Damascus 218 was closed after withdrawal from Lebanon and allegedly combined with Branch 215 in 2009.



### 3) Political Security

Subordinate to and controlled by: Ministry of Interior and the President

Control Mechanisms : Office of National Security and National Security Council

Head : Naziih Hassoun (maybe Zuhair Hamad)

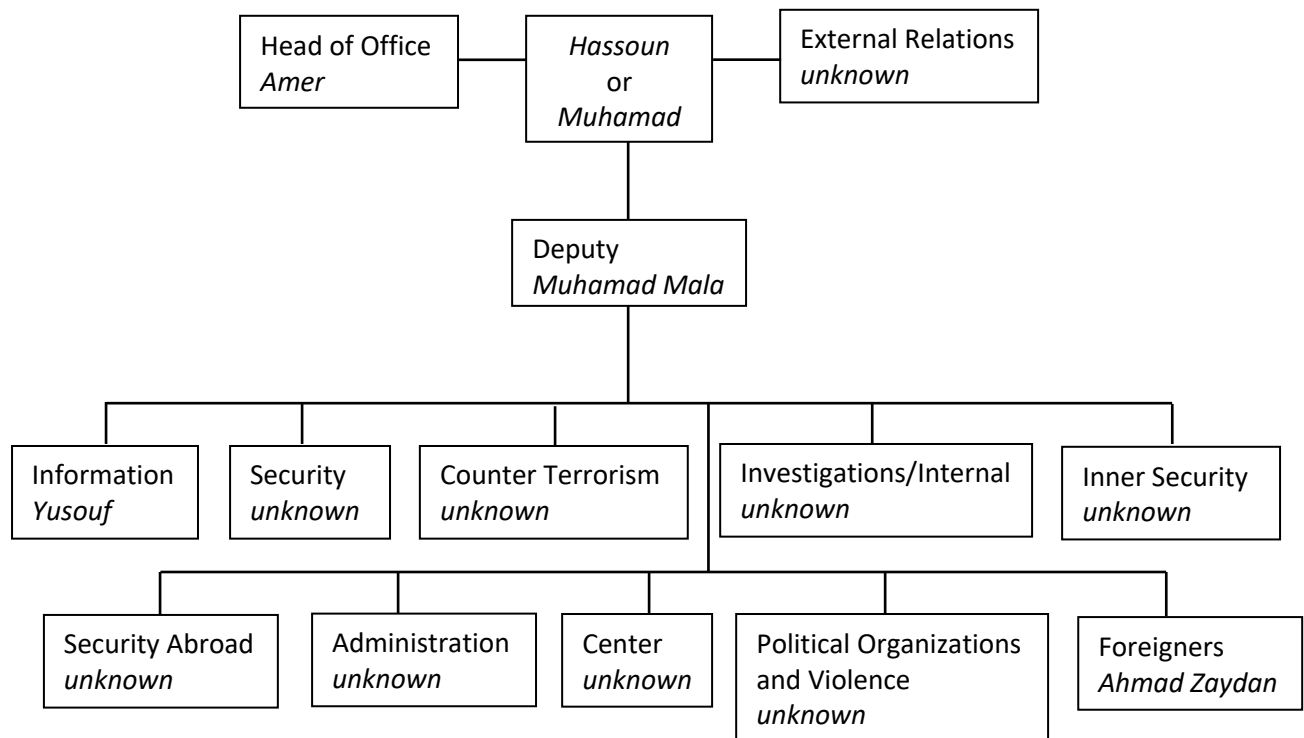
Predecessors : Rostom Ghazali from June 2012 until April 2015 when he died in an attack; Mohammed Dib Zaitoun from 2009 – 2012

Mandate : politically relevant topics e.g. Surveillance of general situation, parties/organizations, students, preachers, events, public service; fight against terrorism

Capacity : 5,000 – 6,000 people

Structure : organizational structure not definite, regional structure as well

Structure:



4) Air Force Intelligence Directorate

Subordinate to and controlled by: general Staff of the Ministry of Defense

Control Mechanisms : Office of National Security and National Security Council

Head : Jamil Hassan since 2009

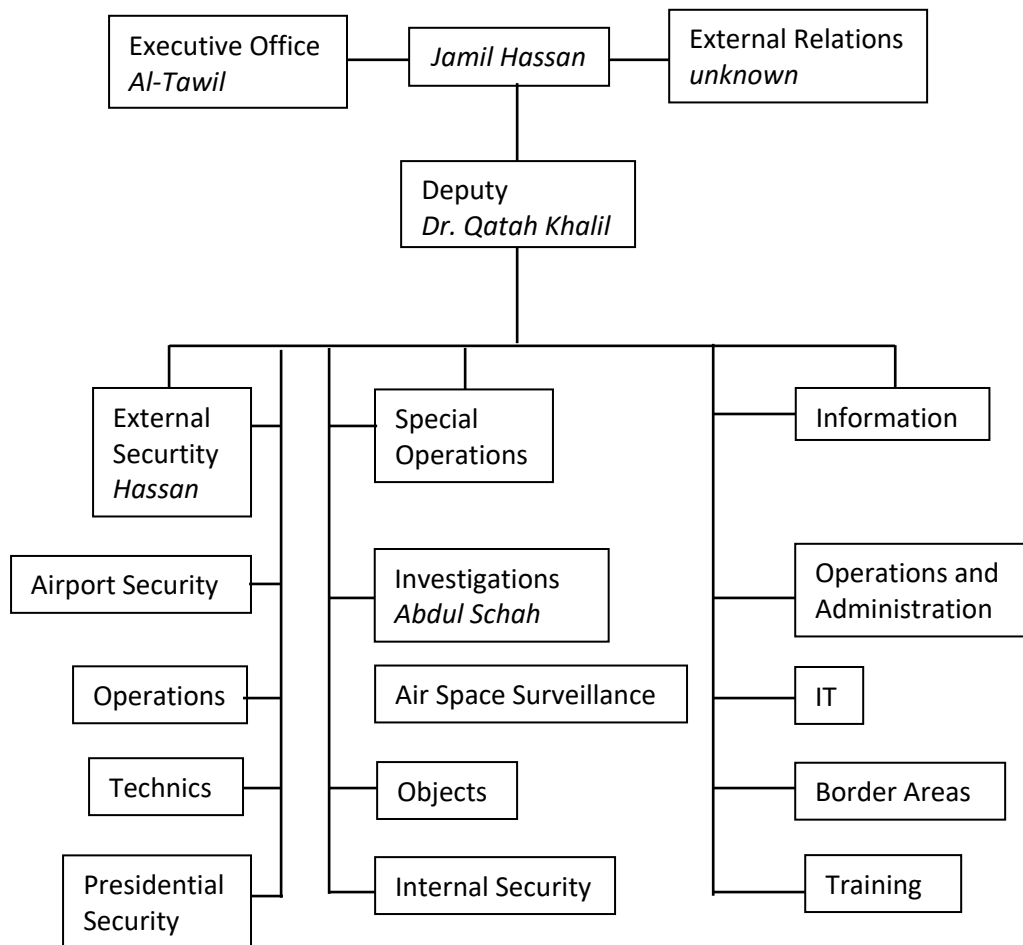
Predecessor : Abdel Fattah Suleiman from April 2006 – June 2009

Mandate : focus: safety of air traffic, airports and security personnel of the Syrian Arab Airlines, massive defense of armed oppositionist

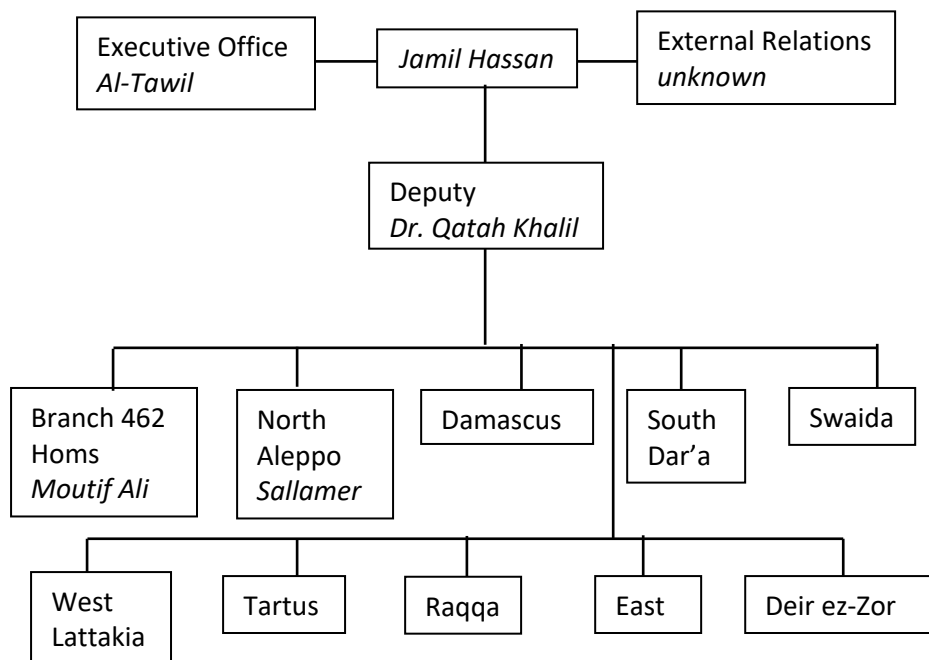
Capacity : 5,000 – 6,000 people

Structure : central organization with regional structures, according to airports

Structure as of November 2013:



Regional Structure as of August 2013:



#### 5) Technical Reconnaissance

Was founded in 2011, the BND has only rudimentary knowledge about this Directorate. Its main tasks are communication intelligence and consolidation of different services. The precise competencies based on the person heading the Directorate, are unknown, due to certain self-comprehension.

#### Militias affiliated to the Regime:

Personnel capacities of the military were reduced, since 2013 militia structures are increasing, the BND assumes that there are three different types: **NDF**, which is paid by the Ministry of Defense and closest to a state-affiliated militia; **Intelligence Service militias**; **private militias**, which are often composed by an inner circle surrounding the leading figure, often financed by businessmen, high decision-making powers.

**NDF** : Members of the NDF are usually from the regional population. The ethnical composition therefore depends on the respective region. They are equipped with AK47 Kalashnikovs, heavy machine guns and ZU-23 anti-aircraft guns. Members are paid according to their tasks. The NDF is considered as the “first row” regarding pillages. They are allegedly taking bribes from buses at check points. Many state employees join the NDF due to attractive payment options.

**Private militias:** Private militias are led by Rami Makhlouf, affiliated with SANA TV channel and Samir Darwish aka. Dr. Samir. Members of private militias are usually Alawites. The militias are affiliated to the NDF, however, receive more money thanks to Rami Makhlouf

**Shabiha** : The term derives from the Arabic word “Shab” which means ghost. *Shabiha* is a loose network for organized crime, which after 2011 steadily developed into people’s militia. It was integrated to the “people’s committee” and sponsored by Rami Makhlouf and incomes from different criminal acts. *Shabiha* is composed mainly from Alawites and Christians and acts as an unofficial arm of state-cronyism. It remains unclear who is giving orders. Their treatment of opposition members shows that their acts are still not entirely compatible with the regime. The *Shabiha* started to merge with all other militias. The actual dissolving is not confirmed.

After the report was read out, Judge Kerber ordered a short break to call the witness who was scheduled for the following day, but did not respond to the summoning.

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[10 minutes break to call the witness scheduled for tomorrow]

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Judge Kerber announced that the judges were able to contact the witness, who was at home and did not know whether he would make it to the court in time. The witness further said that he wants to use his right under German law, which allows him as a relative of one of the defendants not to testify. Judge Kerber cancelled the session of the following day.

The proceedings adjourned at 11:00am.

Next hearings will take place on November 17, 2020.

**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 18

Hearing Dates: November 17, 18 &amp; 19, 2020

*CAUTION: Some testimony includes descriptions of torture.***Summaries/Highlights:<sup>1</sup>****Trial Day 43 – November 17, 2020**

Christopher Engels from the Commission for International Justice and Accountability (CIJA) testified as an expert before the Court. He explained that CIJA has collected evidence of crimes committed by parties in the Syrian conflict to use at future international criminal investigations. The material includes testimony from seven witnesses who confirmed that Anwar Raslan was the head of the Interrogation Unit at Branch 251 - “the most effective, dangerous, and secretive Branch.” Engels explained how CIJA acquires, corroborates, and preserves evidence, as well as the organization’s involvement with the trial in Koblenz.

**Trial Day 44 – November 18, 2020**

On the second day of Christopher Engels’ testimony, he discussed two reports compiled by CIJA pertaining to Anwar Raslan. Throughout the reports, which were requested by German authorities, Raslan was referred to by a codename: the Czech. Engels elaborated on the CIJA’s preparation of the reports, and also explained the hierarchy of Branches under the Syrian government.

The Court announced that the trial against Eyad would be separated on Feb. 17 with a final verdict to be delivered on Feb. 24.

**Trial Day 45 – November 19, 2020**

The witness, P19, was a 43-year-old female journalist from Damascus. She helped organize demonstrations across the city. As a result, she was detained in various security Branches, including Branch 251. The witness recounted the night when security forces stormed her family’s home, found medications she planned to send to activists in Homs, then detained her and her siblings. She described how security personnel perpetrated sexual violence against women, and told the court about the methods of torture she witnessed which resulted in the death of other detainees.

**Day 43 of Trial – November 17, 2020**

Bessler appeared for Reiger. Mrs. Köhler was the German-English translator. Scharmer asked if the witness could have headphones to hear better. Kerber said that the headphones were for Arabic translation, but Arabic translation was not provided during this session.

The proceedings began after 9:00AM. There were around five spectators and two individuals from the media in the audience.

**Testimony of Christopher Engels**

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<sup>1</sup> 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.



The witness was 45-year-old Christopher Engels who works for the Commission for International Justice and Accountability (CIJA), an NGO that collects evidence from conflict zones for future international criminal law investigations. Questions were posed in German and the witness testified in English.

Note from the Court Monitor: Translation inaccuracies were discussed several times.

#### **Judge Kerber's Questioning**

Kerber asked Engels if he worked for CIJA. Engels confirmed and noted that he works in the Netherlands.

Kerber asked Engels if he was related to either of the accused by blood or marriage. Engels said no.

Kerber noted that Engels sent a PowerPoint to the Court, then asked Engels to tell the Court about his background. Engels explained that he is an American lawyer who studied in the United States and has two master degrees. He acquired international experience in the Balkans where he worked with international and local experts to establish a court in Bosnia and Herzegovina to deal with war crimes. This was a big step for international criminal law. Prior to that, he dealt with tribunals in Bosnia and Herzegovina and in the Hague. However, when they built a court in Bosnia and Herzegovina, he decided to stay there before they gave it to local lawyers. Afterward, he became an advisor on war crimes and was engaged in different regions. For example, he worked as an advisor in Afghanistan with Afghani legal teams, as well as in south-east Asia and in Iraq.

Kerber asked Engels about CIJA. Engels asked if he could use the PowerPoint [which he started using]. Engels explained that he had been working with CIJA for six years as the Director of Investigations and Director of Operations, and he oversees the work at CIJA. CIJA began working in 2011 on issues pertaining to the situation in Syria and the Syrian regime. It was established as an NGO because it saw a gap in international criminal law investigations: The most important evidence is collected after a conflict, not during it because there is no court of law. The goal was to fill that gap since evidence was either lost or people disappeared. They worked with Syrian colleagues and collected evidence that could be important.

Kerber asked if CIJA began to work in 2011. Engels confirmed it was toward the end of 2011.

Wiedner asked if [the work undertaken in the beginning of CIJA] was also regarding Syria. Engels confirmed and noted that to accomplish this goal, CIJA worked with Syrian colleagues and provided them with its expertise, then made sure to hold the information until needed. They thought that it would be a short-term project (maybe a year) then give the information to a court. Unfortunately, that did not happen. Since 2011, CIJA has collected material and has interviewed people. The original thinking changed from working with an international court to domestic courts. It conducted investigations related to Syria and court procedures. It allied with other authorities related to criminal procedures. Some European agencies started to ask CIJA about information it had. The purpose was to support international justice and, on a smaller scale, to support investigations and so, they did it gladly. Later, they became proactive and prepared a document whenever they heard about a person in Europe or North America.

Scharmer corrected the translation and said that he did not contact the person. Instead, he filed a dossier about this person.

Wiedner asked if those dossiers were about people who came into consideration as possible suspects. Engels confirmed, pointed to the PowerPoint and explained that CIJA has a detailed scope of work.

The primary focus is collecting material. The second focus is interviewing witnesses. The third focus is collecting secondary material. CIJA has more than 800,000 documents from the Syrian regime (mostly from the intelligence services and the Syrian military) that CIJA smuggled out of Syria. When the material was outside of Syria, it was scanned, copied and stored. CIJA worked on the digital copies not to harm the original versions and to make the work efficient. It was important to them to answer to others, so a key point was to make the material searchable (for names, locations, *etc*). Engels said that CIJA wanted to preserve material so it was not lost, but was also [securely protected]. He explained that when one party leaves a conflict area, CIJA's people enter it and collect evidence. They package the material and move it to a safe location. They do not review the material there. They package it and securely move it elsewhere before they can get it outside of Syria. When the opportunity arises (it may take days or a year) to get the material outside Syria, it is brought out of the country. Then they scan the documents and store the originals in archive boxes. Each page is barcoded and examined afterwards by an analyst. No assessment is done about which documents belong together (*e.g.*, if five pages belong to the same document). They do not make assumptions, which is important to preserve the work. Generally, that is how they handle the material. They also have other means of collecting evidence that are used less often: (1) collecting documents from a person with knowledge (*e.g.*, if a person was there and left, then CIJA collected it), (2) interviewing people who handed over the material, and (3) an electronic format through electronic devices like laptops (but none of the material regarding the trial was collected that way) or electronic devices on which someone else collected material, then CIJA acquires the device, scans it, and gives back the devices (no material regarding the trial was collected this way).

Kerber asked if the documents were given barcodes. Engels confirmed that the documents were given barcodes and numbers. Every translation has the same number. CIJA conducted more than 2,500 interviews with witnesses, including: eyewitnesses, former regime members and victims (over 1,000 detainees). CIJA saw the need to speak with witnesses. The problem was that they often talked to a witness years after an incident occurred. CIJA is an NGO and not a government. Anyone working for CIJA has experience in the past with international organs and governments. CIJA does not write down the statements from witnesses word-for-word. Instead witnesses told stories to CIJA who accepted the information as a third party. The reason why CIJA was involved was so that witnesses can be helpful in several ways. First, documents showed information that was supported by the information from interviews. Second, information from witnesses helped fill the gap in evidence. Third, witnesses gave background information about the conflict. Some drew images of where and how the crimes happened which was important information for colleagues who were investigating. Finding witnesses is the key purpose of their work, because the vast majority are still in Syria which means that they do not have access to European authorities and their voices are not heard at all. Law enforcement authorities are not available to speak directly with witnesses during a conflict.

Kerber asked if CIJA informs witnesses of their rights or if it is simply a conversation between two persons privately. Engels confirmed that CIJA has a protocol for speaking to witnesses. CIJA staff members participate in mentor programs and are trained on how to speak with witnesses. The focus is whether the information is sensitive and not to ask leading questions. They explain to witnesses who CIJA is and why they are speaking to them. They say clearly that the witnesses' information may be used, then ask if they have any security concerns or if they talked to others. They guarantee that witness names will not be used without approval, otherwise names are redacted. If anyone wants to speak with a witness (*e.g.*, prosecution authorities), CIJA asks why. CIJA noticed that there was tension between the court and the witness. For example, an investigator might tell the witness to testify in the Hague and when it does not happen, the witness loses faith in justice.

Wiedner asked if the documents of the witnesses were all anonymized due to security concerns or because witnesses did not approve. Engels confirmed and explained that open-source material would

not be part of today's presentation. In this part, he wanted to attempt to clarify the structure of the military and other intelligence services, like political security and the Air Force Intelligence Services. It is important to understand that the main bodies are responsible and coordinate with each other. Engels expanded on the following:

1. National Security Bureau (governmental authority): Head of the single panels. Highest level panel regarding the coordination of intelligence services.
2. Central Crisis Management Cell: Ad-hoc panel that includes everyone from number 1 and other ministries. It was established to manage the crisis. Afterwards, it became the highest-level security body. First document was from March 2011 and the last from July 2012, which was the main period CIJA focused on. It was established by Al-Assad and informs decisions. It dictates the policy for other procedures.
3. Security committees in the regional governorates.

Kroker highlighted a mistake in the translation: "governorate" does not mean "government" but "province". Engels said that one can use "governorate" or "province" and that each governorate has their own security organizations.

Engels said that this slide was a summary. It showed how the collection of information escalated quickly in April 2011. The regime started using language like "the time for tolerance is over" and "use force against them." On August 05, 2011, the regime ordered more arrests and the use of the paramilitaries to control the situation.

Wiedner asked if CIJA had the relevant documents. Engels confirmed. He did not have the originals with him. They are archived. He only had copies. All of the scans have a number at the top left corner with "Et" (English translation). There is a barcode. Under the barcode is the number and the English translation. On the slide, the key point was the first highlighted line that said "18 April 2011" and "CCMC". The top left said "military intelligence." The document was exclusively for the head of the Branches. It said (1) "Time for tolerance is over. Time to use all means of weapons," (2) "Confrontation with demonstrators as follows: No release of detainees." There was also a point to train selected personnel to use weapons. Civilian party members were included. At the end of the document, there was the signature of the head of the military intelligence services, and a directive that the message should be sent to all Branches. It was indeed sent to all authorities in the country.

Wiedner asked if "party members" refers to the Al-Ba'th Party. Engels confirmed. He pointed to a slide on the PowerPoint which had a snapshot of the document from CCMC that was from April 20, 2011 and contained the phrases "new stage to fight conspiracy", "use of force", "orders to make plans", and "in coordination with the military apparatus."

Wiedner asked from where Engels got the document. Engels said that he would talk about it later.

Judge Kerber asked if Engels has hard copies of the document. Engels confirmed that he has hard copies of all the documents that are included in the slides. The first document was from April 18 [no year mentioned] and was collected in March 2015 from the office of the military intelligence in Idlib. In 2016, it was transported from Syria to Turkey. In March 2016, a colleague personally handed it over to the team. On May 23, CIJA received it among a collection of boxes. They had six boxes of material from the same day and location.

Wiedner asked if they took the original as a paper from the office. Engels confirmed.

Klinge asked if Engels has more information about the person who collected the six boxes. Engels said that the person who collected the boxes cooperated with CIJA for years. He was a Syrian and was at that location, which is why he had access to the office. He was responsible for handing the box to someone else in Syria.

Klinge asked if the person worked with the regime intelligence services or if he was there coincidentally. Engels said the person was only able to access the office after the regime left Idlib.

Wiedner asked about the document dated April 20, 2011. Engels said that the document is from the bundle (box number = SY.P013).

Wiedner asked if it was brought out of Syria the same way. P said yes, as part of the same bundle.

Kerber asked if Engels wanted a break. Engels said yes, after 10 minutes. Engels continued that “new phase, engagement of the army” lays out the idea that the regime was responsible for the detention. A document from August 5, 2011 from the National Security Bureau was sent to the security committees in the provinces and shows how the Bureau says that they should engage in collective security campaigns and on whom to focus, then defines what they see as the problem (generally, opposition of the regime). Here, it specifies the targets: people who finance the demonstrations, members of the coordinating committees, people with communication abroad and foreign media. The documents say what to do after getting control by joint committees and that the National Security Bureau should be informed.

Wiedner asked how it entered their possession. Engels said that it was collected in Ar-Raqqa at the military security detachment in Tal Abyad [تل أبيض] directly from the intelligence office, then personally carried to the headquarters to be scanned on November 18, 2013.

Wiedner asked if the person was a member of the regime. Engels said no, it was collected after the regime left the location.

Kerber asked if Engels had copies of these three documents with him. Engels confirmed.

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[20-minute-break]

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Engels explained that the next slide was a summary of another longer slide. Bigger circles represented CCMC. Smaller circles represented the National Security Bureau.

Judge Kerber read out the document which included the names:

- Mohammad Sa'eed Bekhtyan محمد سعيد بخيتان
- Hasan Turkmani حسن تركماني
- Dawoud Rajha داوود راجحة Minister of Defence
- Mohammad Ash-Sha'aar محمد الشعار Minister of Interior
- Mohammad Deeb Zaytoun محمد ديب زيتون head of political security
- Hisham Bekhtyar هشام بختيار head of the National Security Bureau
- Ali Mamlouk علي مملوك
- Abdelfattah Qodsiyya عبد الفتاح قدسية head of military intelligence
- Jamil Hasan جميل حسن head of the Air Force intelligence

Engels said that [these people were involved in] a chain of messages [that was forwarded] from the National Security Bureau (NSB) to the provinces, and from superiors to their subordinates. The key point here is that the messages were sent down.

Next were examples confirming that the messages were sent from the Branch level to members, starting with the NSB to heads of the Branches, then from the Branches to lower levels. The message said that “you are requested to arrest inciters/financers/who speak with foreign parties/members of coordinating committees.” Wiedner asked from where they got the original. Engels said that this document is from the detachment in Ar-Raqqa.

Next was an example of the response, which came from the head of the Political Security Branch in Ar-Raqqa (with his signature) and was forwarded to his superior. It informed him how the Branch “worked as requested, and arrested inciters and demonstrators.” The [original physical copy of the] document went from the Political Security Branch on April 5, 2013 to Turkey then to CIJA headquarters in March 2014. The original was scanned and archived.

Next, Engels showed a document with the instructions that were given to local-level authorities. For example, interrogators were instructed to ask the following questions: “You have photos in your phone from the demonstration, what did you do there? What was your role? Was it uploaded online? Was it shared with foreign media? Tell us who demonstrated and who incited others? Who are the members of the coordinating committees?” Engels said that the redacted information in the document was because [the detainee] was asked to mention names during the interrogation. The document was collected from the east region from a colleague, then came to CIJA.

[Oehmichen pointed out that the translation of “colleague” was wrong. He asked if “colleague” actually meant “team member.” Engels confirmed. It is from a team member.]

The next slide was an example of a wanted list from the Military Intelligence Service sent to the military commanders. It contained the names of wanted individuals. If someone was wanted, it was because his name was mentioned by someone else during an interrogation. The head of the Intelligence Branch gave instructions for the military commander. The document was handwritten and signed.

Wiedner asked from where Engels got the document. Engels said the document went from Dar’a, to Brigade 38’s headquarters in Sayda [صيدا] then to CIJA (after the regime withdrew from Sayda). Engels mentioned that a witness was detained in the Political Security Branch in Deir ez-Zor and was named in the document. CIJA interviewed 16 witnesses whose names appeared in the documents. CIJA knew the document was a list of detainees because one of the witness’s names appeared there. The document was received from the Political Security Branch in Deir ez-Zor and sent to the headquarters of CIJA. It is still there.

Engels described detention in the Political Security Branch, including the conditions there—solitary cells, no lights, general abuse, abuse during interrogations, forcibly signing and fingerprinting papers without reading them, and transfer to other Branches.

Engels then explained how statements of the witnesses were corroborated with information. In the Caesar photos, there are numbers indicating the Branch where the person was detained. CIJA was able to tie photos to the relevant numbers in four documents. Engels showed an example in which authorities said that the person died from heart failure or respiratory failure. The body had a number indicating that he was in Military Intelligence Branch 227.

Kroker asked about the translation of death certifications. Engels said that this is a report of Military Intelligence Services about the interrogation and death of a person, in addition to a document that certified the death, and a number. But this is not an official death certificate.



Kroker asked if Engels knew of similar documents. Engels confirmed. The origin of that document is the Military Intelligence Services in Idlib. It then went to CIJA headquarters.

Next, was a reference from a Caesar photo was shown.

Then a map was shown that displayed the movement of 200 detainees by the Military Intelligence Services. There is evidence that other intelligence services did the same. The map shows that the witness's description was consistent with the contents of the document. They were arrested and interrogated locally, and when needed, they were transferred to Damascus. This document also generally mentioned injuries. CIJA talked with 1,000 detainees who revealed that the patterns of abuse by the Intelligence Services were the same across Syria. It is important to clarify the widespread and systematic abuse from different offices [authorities] with the same purpose.

Kerber asked if a lunch break should be issued. Engels said whatever the best for the court.

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[Lunch break]

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The next slide was about the General Intelligence Directorate (GID) - Branches 251, 285 and section 40.

The head of GID:

Ali Mamlouk 2006 - 2012 (member of CCMC + NSB)

Mohammad Deeb Zaytoun 2012 - 2019

Hosam Louqa 2019 – Today

Kerber asked if Branch 251 was a regional Branch. Engels said Branch 251 is for Damascus and the surrounding area.

Engels said that CIJA has: 13,000 internal regime documents, around 180 linked interviews, 60 insider interviews, 100 victim interviews. They have around 600 documents that are linked to Branch 251 (showing how the regime's "opponents" were detained, and describing interrogations and periodic updates). They conducted interviews with 13 former Branch employees. Seven witnesses mentioned Raslan as the head of the Interrogation Unit in Branch 251. Branch 251 was described as the most effective, dangerous, and secretive Branch. It was responsible for Damascus and its surroundings. It has several sections. One of them is the Investigation Section. It has external sections, like the notorious Section 40. Branch 251 is responsible for interrogating detainees, as well as other responsibilities in different regions (e.g., checkpoints, search and raid campaigns, arrests).

Engels showed another example of documents from March 28, 2011 regarding Branch 255. It said, "in case found, kindly arrest the driver and refer him to us alive." It was signed by the head of GID. Similar requests were issued.

Engels then showed a document from 2012 in which the Military Intelligence Branch in Ar-Raqqa advised on the search for a person, then requested the person is referred to Branch 251. Similarly, another document requested a referral to Branch 285 for the person to be interrogated.

Kerber asked what the goal was for sending someone to Branches 251 or 285. Engels said that both Branches interrogated people who were perceived to be important. 285 is a central Branch with continuing interrogations. 251 is not only geographically allocated to Damascus, but also conducts further interrogations [of detainees transferred] from other Branches. Based on documentation from

all over Syria, 251 searched for information and referred to other Branches. For example, if someone was searched for in Idlib, the information was shared by GID to all Branches.

Kerber asked if there is a central organ and a regional one. Engels confirmed. It is important to see that actual decisions were made. In this report, you could see the words: “From the head of Branch 251 to the head of GID... We found no evidence and recommend release... We found evidence against others and transferred to Branch 285.” The document came from GID in late 2016, then went to CIJA in June 2017.

Next, GID/251/Section 40 pertaining to city section of Al-Jisr Al-Abyad [جسر الأبيض]]. It has a reputation for being powerful and notorious. It is headed by Hafez Makhoul [حافظ مخلوف]. Normally, documents come from the head of the Branch, not from the head of the section. Therefore, it is rare to find documents from a section. The head of Section 40 would send information to the head of Military Intelligence Services (which is not usually the case), then to the head of the Branch.

The next document was sent by Branch 251 to the head of military intelligence. At the bottom, the document was signed by the head of Section 40. It had information about future attacks. The document went from Idlib in March 2015 to Branch 271, then to the headquarters in November 2016 where it was scanned.

Wiedner asked if there is information about the responsibilities of Section 40. Engels said that there was no direct evidence, but it was indicated from documents and insider witnesses that Section 40 has special independence. They did not attend all Branch meetings and could act before being given orders. There is “information about [Section 40’s] reputation”. But there is no information about the specific tasks because of the relationship between the head of Section 40 and Al-Assad.

Wiedner asked if Section 40 had their own locations/detention centers. Engels said that because it is a section, there is limited information. The types of abuse performed at Section 40 included: beating with sticks and cables; tied to chair/flying carpet and beaten; suspended in Shab and beaten; fingerprints and signing papers without reading; death in detention. There are 145 Caesar photos linked to Branch 251. The data is from 2011 – 2012 and focuses on detention in this period.

Wiedner asked if there is information about deaths and what happened to corpses. Engels said no, he did not have information on that.

Klinge asked about a report from July 19, 2018 and quoted “witness reported about a guard called [name redacted] who said that many died from suffocation from overcrowding and were then brought to Harasta [حرسا]. It seemed as if they died in the hospital. They had 50-60 corpses/week that were brought to the mass graves in Najha [نحها] by trucks.” Engels said he confirmed this information from a person whom he interviewed.

Klinge asked about the Shab torturing method. Engels described it as hanging someone, and there are variations. Sometimes toes touch the floor or sometimes the person is completely hung. People were also hung from their arms during interrogation.

Böcker asked when the conversation with the witness took place. Engels asked if the number was 218. Böcker said yes. Klinge said that was the footnote and provided the number [there was some discussion about the right number and footnotes, and p said eventually:] on March 1, 2018.

Böcker asked if the conversation happened as Engels previously described, and that there was no instruction of rights. Engels confirmed.



Kroker recalled that “detainees who died during detention in 251 were piled up and showed signs of torture. Some were so defaced that their facial features could not be recognized anymore.” Engels thought it was important to explain the difference between two points: [the document referenced] says “death in detention,” but people who CIJA talked with said that they saw corpses in the Branch. Only one witness used that example.

Branch 285 was discussed next. CIJA has approximately 300 documents about the role of this Branch. They received interrogation reports and some detainees were interviewed there. They conducted 12 interviews with insiders who mentioned Branch 285. Three people mentioned Raslan. 16 witnesses were detained there. 285 is a central Branch. It is operational rather than a field Branch. Some of its functions were stated in the documents. Its main purpose is interrogation and referral of detainees from other Branches who are then transferred to military or civil courts. An example was then shown of a document with the signature of the head of the Investigation Unit of Investigation Branch 331 in Idlib. It suggested the transfer of a detainee to Branch 285 to complete the interrogation.

Wiedner asked Engels to tell in his own words which cases were transferred to Branch 285. Engels said that there are two general scenarios: (1) the person was searched by Branch 251 and was transferred to 285 (when someone is wanted, he is sent to Branch 285), and (2) people in the field decide that a person is important enough to be transferred. The document is from the GID Branch Idlib. It was found in 2016, brought to Turkey, then to CIJA headquarters in June 2017.

Next, an investigation report was shown from Branch 285. It was sent to the head of GID. Raslan’s name was in it, in addition to the names of officials. It said “interrogations by conciliation committee.”

On the left side of the next document [in Arabic], Raslan’s name was visible. The name was replicated on the right name of the document. The document was not signed. Two other documents were signed. All had a similar structure. Engels wanted to show these because they corroborated the interview. The two signed documents are from GID in Idlib. The last one was collected from another person. They were found in March 2015 and were handed over to CIJA in 2016.

Next was an example of a person who was interviewed. There was a discrepancy between what the witness said and what was in the document. The witness said that he was detained in Aleppo while he carried a flag and a weapon given to him by his father. But the document said that he sold weapons to armed groups in Aleppo. There was also no mention of abuse in the document, though the witness described how he was abused during interrogation. The methods of abuse that were mentioned included: Shabh, fingerprints, multiple interrogations by that, beating upon arrival, kicking and beating with sticks and whips, tied to chairs/flying carpet, suspended in Shabh; Doulab [tyre] and forced confessions.

The proceedings were adjourned at 2:45PM. The next trial will be November 18, 2020 at 9:30AM.

#### Trial Day 44 – November 18, 2020

The proceedings began at 9:30AM. There were four spectators and two individuals from the media in the audience.

#### Continued Testimony of Christopher Engels

#### Judge Wiedner’s Questioning

Wiedner asked how CIJA prepared its report from July 19, 2018. Engels said that it was compiled in a similar way as other reports. First, information was requested, then CIJA initiated procedures when it had information in which the judiciary was interested. For this specific report, the authorities were interested in Raslan and CIJA had information. CIJA looked at their material and decided what was relevant to the case. They also gathered information from witnesses about the related Branches. The documentation related to Damascus did not actually come from Damascus—the Syrian regime did not leave Damascus; therefore, the information was from other Branches. CIJA took the information and worked with Arabic-speaking analysts. They then made the report for the authorities.

Wiedner asked if Raslan was code-named “Czech.” Engels confirmed.

Wiedner recalled that Engels referred to “insider witnesses” and asked what that means. Engels said CIJA utilized insider witnesses who formerly worked for the regime (CIJA does not engage with individuals who currently work for the regime). Information from insider witnesses was sometimes not supported by documents.

Wiedner asked if there was a chain of hierarchy. Engels confirmed. He explained that the background of the reports describes how there were massive efforts by the regime to arrest members of the opposition throughout Syria who were interrogated in various Branches. Each Branch has its own section responsible for interrogations. Branches 251 and 285 are examples of where interrogations were held.

Wiedner asked if releasing detainees was the decision of the head of the Branch. Engels confirmed that this was the case in Branches across Syria, including Section 40.

Wiedner asked if Engels was speaking of the head of the GID, not about 251 and 285. Engels said that the regional Branches had more independence from the head of the Branch, and they were responsible for giving information and making decisions.

Wiedner asked if there was knowledge about Ali Mamlouk. Engels confirmed.

Wiedner asked if Raslan was ever assigned specific tasks (related to abuse or detention) in the documentation. CIJA found evidence that Raslan was in charge of the interrogation units for Branches 251 and 285. These Branches were responsible for interrogation where abuse was happening, but the documents did not directly assign Raslan these tasks.

Wiedner asked Engels if he remembered his answer to the question of whether Raslan committed abuse. Engels did not remember, so Wiedner recalled Engels’ testimony that “yes, Raslan was the head of the interrogation unit in the Branch where abuse happened.” Wiedner said that he took that answer to mean that there was abuse in the Branch. Engels confirmed.

Wiedner asked about the independence of Section 40. Engels said that, based on information from witnesses and documents, Section 40 had independence, which means that it did not work under normal circumstances.

Wiedner asked if Section 40 was playing the role of the “commando.” Engels said yes, this was relayed by insider witnesses.

Wiedner asked about Section 40’s tasks. Engels said that Section 40 has its own missions – it was somewhat independent and worked alone. It conducted its own interrogations and made release decisions without higher level approval. Members of Section 40 did not attend meetings.

Wiedner recalled Engels' testimony from the day before that detainees were transferred to Branch 285 when their previous Branch was full. Engels confirmed.

Wiedner pointed to a footnote that said that many people died in Branch 251, and that two witness saw corpses whose faces were unrecognizable in June 2011. [Name redacted] said that in 2012 the cells were overcrowded and corpses were transferred to Harasta حرسا. Detainees died in the cells and they were transferred to Najha نجه during the weekend. Engels confirmed this information.

### **Prosecutor Klinge's Questioning**

Klinge asked how CIJA was funded. Engels explained that CIJA was funded by (the ministries of foreign affairs of) States interested in these projects. The states include Germany, Canada, US, UK, and the Netherlands. These States do not have influence over CIJA and CIJA does not take money from States who interfere.

Klinge asked about the staff members and their training/education. Engels said that CIJA has approximately 150 staff members, most of whom worked on international justice issues. They have a large diversity of experience. Some are lawyers, analysts, etc. The majority of the staff worked internationally in locations like Yugoslavia, Rwanda, Cambodia, Sierra Leone, and the Balkans. Regarding projects in Arabic-speaking countries, CIJA has team members who studied Arabic and are able to engage directly with the texts. It is hard to translate all the documents. Another group who is the backbone of CIJA's work is in Syria. They collected the documents and the work would have been impossible without them. Some of them have legal backgrounds, and are lawyers and judges.

Klinge asked if Engels is in contact with them. Engels said that the majority of the contacts were from 2011 – 2012. It is a slow process and they worked with people on the ground. Broad networks are efficient for understanding the process and, as long as they were objective and motivated, it does not matter if they were Syrian or others.

Klinge asked if Engels has contact with other organizations. Engels is in contact with IIIM and the UN Commission of Inquiry.

Klinge asked how CIJA and IIIM cooperated. Engels said that IIIM has asked it to collect information on Syria. CIJA has allowed IIIM to access its database. The Commission of Inquiry is different.

Klinge asked about collecting information regarding Raslan and CIJA's cooperation with the Federal Criminal Police Office (BKA). Engels said that the one thing he got from all his contacts was that the person is in Europe and CIJA searched if they have information about him.

Klinge said that the prosecution had information from CIJA and asked Engels if CIJA worked on the matter before that. Engels said that the report in which "Czech" was used was done before the request. CIJA continued working on it. When CIJA finished the process, they answered the request about Raslan with the information they had. Raslan was in Germany at this time. This was confirmed by CIJA.

Klinge asked why CIJA used the name "Czech." Engels explained that one of his colleagues suggested it while they were thinking of a code-name unrelated to Raslan.

### **Defense's Questioning**

Böcker asked if CIJA was founded in 2011. Engels confirmed that CIJA started in 2011 in relation to Syria work. The idea came to expand to the world when the organization changed its name in 2012.



Böcker asked if the evidence was secured in 2011 and if the system [of barcodes and number labels] was used from the start. Engels confirmed and added that the basic concept of the system is to collect evidence and store it so it can be used in 10 – 15 years. Evidence management set up the system based on their past experiences.

Böcker asked when Raslan was first referred to as “Czech.” Engels did not know. Böcker recalled Engels’ answer to the police about this question in which Engels said “mid 2017.” Engels said that he could “say with confidence” that his answer was based on documentation.

Böcker noted that Engels said he did not know who “Czech” was in the first version of the report, but that he addressed Raslan by name in the second report. Engels clarified that CIJA produced different drafts because of the updates from the BKA about Raslan. Then they answered with the name of the person the BKA was looking for. Böcker clarified that he was referring to the report from April 13, 2018. Engels said that he wanted to search the reference.

Böcker said that Engels could take a break.

Kerber asked about the number of the report. Böcker said the reports were from July 19, 2018 and April 13, 2018.

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[15-minute-break]

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Kerber said that the last question was about the development of the reports. Engels said that there are two version as far as he knew.

Böcker said that he had two versions: one with “Czech” and one with “Raslan.” Engels said that what CIJA has is the original request from December 24, 2017, a draft for the BKA on January 01, and the updated version from April 13. Then they continued their internal work to finish this project on July 19 and maintained the same name. They produced the reports and evaluated them, unlike the request from the BKA.

Böcker asked why they did not simply use “Raslan.” Engels said that he could say that the report from July 19, 2018 is the final product.

Böcker said that the report from April 13 was changed. He asked Engels about the States that finance CIJA and if Qatar was one of them. Engels said Qatar is not one of them.

Fratzki asked if the documents were lost and found in other locations. Engels said that the documents were not collected until the regime left the location.

Fratzki asked if Engels’ staff found the document in the building. Engels confirmed. Some of CIJA’s colleagues went to the location and took the documents. In general, there are other documents CIJA received from insiders who took the documents with them when they left Syria, but those documents were not part of this presentation. Documents were not collected from Damascus. In the early days of the conflict, CIJA had to explain to the opposition that the documents were important for future cases, so CIJA cooperated with them. This is what CIJA had to do to go inside the buildings.

Linke asked if Russia also funded CIJA. Engels said no.

Schuster asked if the information about GID was provided by insiders who worked with the regime. Engels said that CIJA corroborated documents through insiders and witnesses. There is not a formula for corroboration. But if they take a document from an insider, it holds the same value.

Schuster asked about witness protection and if insiders have concerns about testifying. Engels said that CIJA asks, during the witness interview, if the person has security concerns. Because CIJA does not offer witness protection, they only speak with people who do not have security concerns. The trust of the witness is taken seriously. Names are not shared.

Schuster asked if insider witnesses had concerns. Engels said yes, there was a fear of reprisal from the Syrian regime and sometimes concerns for the witness' family if he is from the opposition. But the dynamics changed enormously. Some witnesses were happy to talk in 2011 – 2013, but now they have concerns. So, “we” ask them again if they have concerns before publishing the information.

Schuster asked about insiders. Engels said the majority who left the regime left in 2012 – 2013 (general statement). Very few have left the regime over the last two years. Engels thought this was because: (1) many people already left (2) some people thought that “the regime is now winning, so there is no point to leave now.”

Schuster asked about the consequences of leaving the regime. Engels said it is clear that the regime is sending messages to people who seek out the opposition and who might be suspects. A document from a high-ranking official said that if people do not do their job, then they should be reported.

Schuster asked Engels why he laughed when Böcker asked whether Qatar funded CIJA. Engels explained that he laughed because Qatar finances other projects, not theirs.

#### **Plaintiffs' Counsel Questioning**

Schulz asked if there is transparency about who funds which project. Engels said that he did not know about public relations with the donors.

Schulz asked which projects Germany is funding. Engels said that Germany funded the discussion today. More specifically, Germany provided support for the technical elements, like scanning and copying material.

Schulz noted Engels' testimony that CIJA has videos. Engels confirmed there are around 400,000.

Schulz asked if there are video or audio recordings linked to this process. Engels said no. Audio is not possible to obtain. Material is from early and open sources. The reason video and audio are collected is because they are taken down and have metadata.

Schulz asked if there are videos or audio records linked to Raslan. Engels said that there is no documentation with Raslan's name or videos with metadata linked to him.

Schulz asked if CIJA has facial recognition technology. Engels said no.

Kroker asked if one can contact the witnesses. Engels said yes, CIJA wants to keep up with contacts so that they get contacts' approval before publishing information.

Kroker asked if witnesses are in Syria. Engels said that in general, the majority are in Syria or neighbouring countries, but a few are in Europe. CIJA focuses on the ones inside Syria not in Europe.

Kroker asked if Raslan contacted CIJA directly or through insiders. Engels said that he had no knowledge of this.

The Court Monitor could not hear Kroker's question, but Engels stated that all regime apparatuses coordinated the oppression. A checkpoint belonged to one apparatus, but the people who worked at the checkpoint were from another apparatus. At the beginning, one problem was that a person could be detained by one apparatus/location, but then released from another.

Kroker's next two questions were unclear, but Engels noted January 18, 2018 and Branch 251.

Kerber said that Engels mentioned that he had documents for the court to add to the minutes.

Schuster asked if the PowerPoint presentation would be included, too. Engels explained the documents that he brought, including the presentation.

Böcker quoted a report and asked Engels if it pertained to Branch 251. Engels confirmed and noted that the Branch was responsible for some checkpoints in Damascus and that it is difficult to disconnect Section 40 with Branch 251 because the section is a division of the Branch.

Böcker asked if more defectors were described in the report than just one. Engels read from the report that "eight defectors from GID were described."

The witness was dismissed.

Kerber said that the trial of Eyad will be separated on February 17, 2021. A final verdict for him will be announced on February 24, 2021. The timeline could change because of COVID-19. Starting January 2021, the trial will be moved to the building of the Higher Regional Court. The room is being built to maintain the COVID-19 distancing instructions, but has fewer seats for the public. For important sessions, the proceedings will be held in the current courtroom.

The proceedings were adjourned at 12:20 PM. The next trial will be November 19, 2020 at 9:30AM.

#### Trial Day 45 – November 19, 2020

Bodenstein appeared for Fratzki and Wessler appeared for Reiger. The witness entered the courtroom with her attorney Dr. Kroker.

The proceedings began at 9:30AM. There were six spectators and three individuals from the media present.

#### Testimony of P19.

P19 is a 43-year-old female journalist from Damascus who was called by Dr. Kroker. She is unrelated to the accused by blood or marriage.

#### Judge Kerber's Questioning

Kerber asked P19 to talk about her background, her detention, and how she came into conflict with the regime.

P19 was raised in Damascus. She attended preparatory and secondary school, then studied mathematics and informatics at Damascus University. Before the revolution, she was a math teacher. Previously, she was not associated with the regime because the status quo in Syria was to be fearful and Syrians were not able to say anything. Her family was especially cautious because, when P19 was 10-years-old and in fourth grade, her father told her about an incident involving the regime. P19 told the story to her friends who then told their families. Afterward, the security forces came to school. They summoned her father and after that, her family was cautious. However, with the start of the revolution, she thought about being non-biased, not with the regime, not with the opposition. When the incidents started in Dar'a and two people were killed on the first day, she decided to be against the regime. She knew her stance would put her in a difficult position because she could get detained or die. She did not think that she would leave Syria. She was detained for participating in demonstrations several times. The first time was during a demonstration in Damascus in November 2011. The second time was on February 4, 2012 when she was taken to Al-Khatib Branch, then she was transferred to the General Intelligence Services. She did not remember the exact date of the third time, but it was for one day in 2012. She was also detained later in 2012 for two days. The last time she was detained was on June 9, 2013 and it was for ten months. After that experience, she decided to leave the country.

Kerber said that they were interested in the second detention. Kerber asked P19 to describe her first and second detention.

P19 said that her first detention was after a demonstration. Demonstrations on Fridays had more people than other days. P19 was in Al-Amara العمارة. The first minute [of the demonstration], there was a large number of security forces and they detained many people. Her group of detainees consisted of seven people and there was another bus with detainees [P19 did not know the number of detainees on the second bus]. The reason for her detention was that she and two other women saw security forces beating a small child. The child was around 12 or 13-years-old. P19 and the other women thought that because they were females, the forces would not approach them and they wanted to take the child. The security forces detained the women and the child. Then the forces took them to a police department in Al-Amara where there were members of the Air Force. P19 was there for six hours. The forces wearing military clothes were different from normal police. She and the six others were put on the floor and stepped on. After six hours, they transferred the group to the criminal police for three days and then to a court where she was released on a court decision.

Kerber asked about P19's detention in February 2012.

P19 said that on February 4, 2012, there was intense shelling by the regime on Homs, especially on Al-Khaleidiyyeh الخالدية. Her friends who were activists from Homs talked with her and said that there was a high number of injuries and not enough medicine. She had a friend who had another friend who could transport medicine through the Red Crescent if she gathered some. A group of six people, including P19, brought medicine from their homes, bought medicine from pharmacies, and collected medicine. P19 took everything home with her. She arrived home between 11:00PM-12:00AM and started sorting the medicine. Around 1:00AM, there was heavy banging on the door and it was slammed open. More than 20 forces entered the house from the first floor (P19 lived on the second floor and her flat had four rooms next to each other). Wherever P19 looked, she saw forces. Her brother woke up and they took him to their car while he was still in his pyjamas. After that, they searched every small corner of the house for an hour. Then they took P19 and her two sisters in a big car. Her brother was next to the driver while P19 and her sisters were in the back along with a staff member.

Kerber asked if P19 was on a mini-bus. P19 said that in Syria, it is known as a 7-passenger car. Later, P19's neighbours told her (they were blindfolded) that there were several cars and one was a DShK-mounted one. The forces took them to a place that P19 did not know at the time. She later learned she was at Al-Khatib. They arrived at 3:00AM. P19 stayed there for three days. She was interrogated each of those days. She was then transferred.

Kerber asked P19 if she wanted to talk more, or if she wanted questions. P19 said "as you would like".

Kerber asked if they were blindfolded. P19 confirmed.

Kerber asked how P19 knew that she was at Al-Khatib and what happened.

P19 said that when she got out of the car, she was blindfolded. She remembered being in a corridor, then the group was separated. She did not know where her siblings were. The forces wanted to search her, but they did not find a woman to do so. They waited about 30 minutes until they could bring a female to perform the search. P19 thought the woman was a nurse from the Red Crescent. When the nurse searched P19 in a room, she asked P19 to take off all her clothes. One of the male personnel opened the door to the room and told the nurse to search P19 well. The nurse closed the door and did not let him in. The nurse also told him that P19 was menstruating. P19 thought the nurse was not nice, but that this was a nice act. After she was searched, P19 was taken to the solitary cell.

Kerber asked if P19's brother was taken too. P19 said no, just her and her sisters. P19 never saw her brother [in detention]. Usually, they do not put males and females together. The sisters slept and then were taken to interrogation.

Kerber asked about the interrogation. P19 explained that the first day of interrogation was about the medicines and how she acquired them. When the interrogator opened her laptop, he found out that P19 was a member of a political party ("with us, for a democratic Syria" movement / "حركة" معنا من أجل سوريا ديمقراطية). The interrogator's interest shifted toward the movement. Each of the interrogations were relatively long (2 – 4 hours). The first day, P19 could not see the interrogator because she was blindfolded. The second day, the same interrogator instructed her to remove the blindfold. The third day, P19 was interrogated by a different person who asked her detailed questions. She was unable to hide details because he had her laptop. The interrogator then told P19 that he wanted to take her to another place. Usually, when someone is blindfolded, they can see a bit from the bottom of the blindfold, but she could not because her blindfold was tied tightly. The interrogator was not really interrogating, but rather was accusatory. He said "what have you done to the country? You sabotaged the country. You divided the country". The interrogator asked P19 why she did not go live with her brother who was in the Emirates (as if he was saying "why don't you just leave Syria and stop being our problem"). Because the interrogator knew about P19's siblings, she feared something dangerous would happen to them. The interrogator told P19 that she would be released the following day. But the next day she was transferred to another Branch.

Kerber noted that there were two people present during the interrogation and asked if there were more people there. P19 said that one or two military personnel escorted her to the interrogation and then the interrogator told the military personnel to leave. The door [of the interrogation room] stayed open and there were people passing by.

Kerber asked P19 if she was beaten or threatened during the interrogation. P19 said she was not beaten by an interrogator. However, she was beaten (1) in the car when she was taken from her house to the Branch, (2) when she was taken from the solitary cell to interrogation, and (3) when she was taken to the toilet. In any "route," there was beating. Even when one of the personnel brought her to



the interrogation and hit her in front of the interrogator, the interrogator told him not to hit P19. But the personnel hit her again when he returned P19 to her cell after the interrogation.

Kerber asked P19 if she sensed that there was hierarchy between the interrogators. P19 thought that the first interrogator might have been a legal person and that the second one was “responsible” [a colloquial word in Syria to describe a high-ranked/important person. “Responsible” can be equated to “official”].

Kerber asked how P19 knew that the second interrogator was an officer. P19 said that a staff member told her that she was going to see an officer.

Kerber asked P19 if she saw the officer. P said no. The blindfold was tied tightly.

Kerber asked if P19 recognized the interrogator’s dialect. P19 thought the interrogator was a Kurd, but she was just assuming because his dialect was from the eastern area. In Syria, people usually speak a “white dialect” (joint dialect). However, he had some words he spoke that made her feel that he was a Kurd. What confirmed her feeling was that he asked her about a Kurdish oppositionist who was famous to Kurds and to oppositionists. He asked P19 about the Kurdish oppositionist with a kind tone - not as though he hated the person, so P19 felt that he was a Kurd.

Kerber asked P19 to describe the general conditions in detention, such as the cell, the food, etc. P19 said that on the first day, she and her sisters were in a narrow cell (1.4 meter or 2 meters).

Kerber asked if there were three people in the cell. P19 confirmed. After the interrogation, she was in a cell alone. In the solitary cell, there were two beds and blankets that smelled. P19 knocked on the cell door and told the staff member that it is impossible for one to bare these conditions. He replied that she should manage that herself [*i.e.*, it was her problem to deal with].

Kerber asked about the size of the cell. P19 said that it was approximately the same size as the room where she was put with the others—it was 1x2 meters. There was a corridor and toilets near the cells. The toilets were in bad condition. Regarding food, there was enough but it was not good. Bulgur with red broth. Dinner was a loaf of bread with potato.

Kerber asked how many times food was served. P19 said three times, but she did not eat in the morning.

Kerber asked about liquids and water. P19 said that they were allowed to go to the toilet three times. She drank when she went there.

Kerber asked if P19 heard sounds of torture or screams. P19 said that the corridor between the solitary cell and the toilets or the interrogation room was where the staff members were because that was where they used to sleep. It was also the place where they tortured detainees. The sounds of torture were heard all the time, except at night. It started in the morning at 5:00AM, then was all the time. Usually, the sounds were from more than one person being tortured at the same time. In the corridor near the toilets, detainees being tortured were always in the squatting position.

Kerber asked if P19 meant in the corridor or in the cells. P19 meant the corridor near the entrance to the toilet. She had to pass through the detainees. What drew her attention was that their ages were between 18 – 25 years-old. One time, security forces were torturing someone. She could hear the detainee’s voice but then it vanished suddenly. On the same day when P19 went to the toilet, there were traces of blood. She didn’t know if the blood belonged to him, or if he passed out or died. But she knew that his voice/sound stopped.

Kerber asked about the condition of the detainees who were in the corridor (nutritional state, bruises, etc.). P19 said that they were wearing shorts. They appeared exhausted and had signs of beating. They were shaved bald.

Kerber asked about the signs [of torture]. P19 said that there were no signs of beating with cables/whips, but there were bruises. She noted that the space was dark; they were all in a basement, so it was hard to differentiate details. However, what drew her attention was that the detainees stayed in the corridor for 4 days.

Kerber asked what happened after that. P19 said that her sisters were released on the third day because they did not do anything wrong. The second interrogator told P19 that she would be released. They took her in a van in which she was the only female and the rest were young men. P19 thought they were going to take her home or at least away from the Branch, but she found herself in another Branch: the general intelligence. She stayed there for 21 days. During the first 15 days, no one asked her a question. After that, they interrogated her like before. Then she was referred to the military jurisdiction and to the civilian jurisdiction. The day before she was released, she was taken to a civilian prison. In the morning, she was presented before the judge and was released.

Kerber asked if P19 identified anyone at the court. P said no.

Kerber asked P19 to look to her right and if P19 recognized one of the accused. P19 said no.

Kerber asked whether P19 saw the accused in the Branch. P19 said that she did not see him in the Branch. She saw a “white” person who was wearing glasses.

### **Judge Weidner’s Questioning**

Wiedner asked if P19’s first detention was in November 2011. P19 confirmed.

Wiedner asked if it was because of the demonstration in which she participated. P19 confirmed.

Wiedner asked around when P19 started to participate in demonstrations. P19 began to demonstrate around July.

Wiedner asked how the regime reacted to the demonstrations. P19 said that the demonstrators used to organize “flying demonstrations مظاہرات طيارة” [demonstrations that abruptly began and didn’t last for long, usually 5 – 10 minutes]. When they planned the demonstrations (P19 became one of the demonstration planners), their purpose was to annoy the security forces. They did not want the government to think that nothing was happening in Damascus. They wanted to convey that the demonstrators were active. P19 clarified that she was talking about the centre of Damascus: Al-Midan الميدان, Al-Amara العمارة, and in sensitive locations like Al-Jisr Al-Abyad الجسر الأبيض where the Makhlof Branch is located. At most of the demonstrations, the security forces came in the middle and pursued the demonstrators. It was like a marathon. The ones who were captured were detained. There was a funeral in Al-Midan and there was shooting. P19 was injured in her hand/arm [same word] by a [hunting rifle]. At a funeral in Al-Qadam القدم, there was shooting. If the security forces captured someone, they beat the person a lot. In general, they were more violent with young men than with girls. In further away locations (closer to the rural areas/countryside), the detentions were violent and the shooting was violent. P19 participated in demonstrations in Barzeh برزة and Qudsayya قدسيا in 2011. In Barzeh, several people died.

Wiedner asked what time P19 was referring to. P19 said June 2011 to 2012 when most of the demonstrations took place. She remembered a demonstration in Barzeh. She was in the demonstration and saw that they detained people in a violent way. She went back home after the demonstration, only to find out that the security forces / pro-regime media filmed other places in the area to make it look like people were living normally and the birds were chirping [they filmed a calm/peaceful area and showed it on TV to make it look like nothing was wrong].

Wiedner asked if there was live shooting on the demonstrators. P19 said that in the center of Damascus, there was no direct shooting except with “metallic balls” [referring to the ammunition of BB guns خردق]. There were shootings in Al-Qadam and rural Damascus.

Wiedner recalled P19’s comment about how someone died at a funeral. P19 said the death happened in Al-Qadam. It was a strange funeral. The demonstrators wanted to hold the funeral in Al-Midan because the person who died was killed at a demonstration in Al-Midan. The security forces wanted his corpse (as a way to prevent the funeral from happening), but his family refused. His friends decided to hold the funeral in Al-Qadam. P19 looked behind her and saw that one of the forces [عنصر] fired. A demonstrator was injured in his leg, but she fled. Back then, the forces used gas or smoke bombs.

Wiedner asked if the forces wore uniforms. P19 said that they were not ordinary police. She assumed that they were security forces because they wore military clothes (like the ones stationed at the checkpoints). They used to chase the demonstrators.

Wiedner referred to P19’s first detention and asked if torture happened. P19 said that among her group were two girls with criminal charges. They were tortured, as well as the young men. There were always sounds of torture. P19 went to around 5 Branches and there was always torture.

Wiedner recalled P19’s statement to the police in March 2019 that “after they were tortured, the detainees had to step on water. There were always sounds of torture. The men were brought back to the cells and they were not able to walk”. P19 confirmed the statement. She did not know why the prison guards instructed the detainees to step on water. Later, she learned that they were tortured by Falaqa and the prison guards made the detainees step on water so that the detainees did not suffer. A female detainee with P19 said that she also stepped on water after Falaqa so the pain does not increase. In the Criminal Security Branch, torture did not happen in the corridors. It was in the interrogation rooms. This surprised P19 who thought that the Criminal Security Branch was [better], but it was actually bad [torture also happened there].

Wiedner asked if it was correct that P19 was not beaten during her interrogation in Al-Khatib Branch – only on the way to the interrogator. P19 confirmed. The interrogators’ treatment was better than she expected, especially because she could not lie because they had her laptop and email.

Wiedner asked if there were signs of beating on her body when she was taken to the interrogation room. P19 said that she had clothes on, so even if there were signs, the interrogator would not be able to see them. Neither Falaqa nor Doulab [tyre] were used on her. She was beaten with the prison guard’s hand or with a stick. He hit her hard on her head. Twice when P19 went to interrogation, there was someone who deliberately came close to her. He did not grab her from her hand/arm, but from [her waist]. Although there were many people, he always came next to her. P19’s sister said the same thing.

Wiedner asked if there were insults or verbal abuse of a sexual nature. P19 could not remember if she was called by her name once. [The least offensive term she was called] was “who\*\*”. There were always insults, like “your mother...”, “your sister...”, “I’ll do this with you...”. Even when they detained

her and her siblings and then took them to the car, the security forces talked to P19's brother about his sisters in an [inappropriate way], like "you are taking your sister to sleep with the rebels!?"

Wiedner asked if P19 was threatened sexually. P19 confirmed. The forces said "I'll do this with you, or your mother, or your sister...". She was explicitly threatened with rape in all of the Branches.

Wiedner asked if P19 was threatened or insulted [during interrogation]. P19 said the second time, after the interrogator told the guard عنصر not to hit her, the guard told her to "confess, otherwise you don't know what will happen to you." (This was the same person who got close to her in the corridor).

Wiedner asked if she took that seriously. P19 said yes, she was uncomfortable.

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[15-minute break]

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Wiedner asked how P19 knew she was in Al-Khatib Branch. P19 learned her location for certain later. But when she and her sister entered the Branch, her sister (who was a lawyer) told her that they were most probably in Al-Khatib. Also, when she was transferred to the other Branch, there was a girl who told P19 that most of the girls in Al-Khatib were transferred to the general intelligence directorate. When P19 was released, her sister confirmed that they were in Al-Khatib.

Wiedner asked how P19 knew the second Branch was Branch 285. P19 said that a girl there told her that she was in Branch 285. She suddenly remembered something regarding the court's earlier question about how she knew that the forces who shut down demonstrations were from the intelligence services. P19 explained that on one of the 21 days when she was in the general intelligence directorate, there was a heightened alert in the Branch because P19's cell had a window that overlooked a big square. There was a gathering of armed forces. P19 saw them leave the Branch. When she was released, she learned there was a demonstration in Al-Mazzeħ المزعة that day. Wiedner asked if P19 was talking about Branch 285. P19 confirmed.

Wiedner recalled P19's statement that she was in a solitary cell in Al-Khatib Branch. He asked about the size of the cell. P19 said 2x1 meters.

Wiedner asked where the interrogation was conducted and if it was on the same floor [as her cell]. P19 said that she had to go up one flight of stairs, walk through a small corridor, then upstairs.

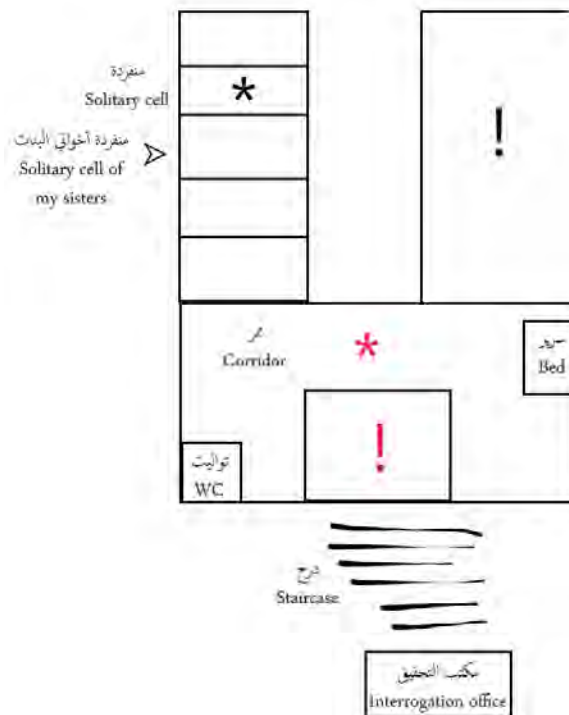
Wiedner asked if she went up one or two floors. P19 said one.

Wiedner asked if she was interrogated in the same room. P19 confirmed.

Wiedner recalled P19's statement earlier that she heard detainees scream from torture. He asked if she could tell where [the screams] came from. P19 said that as far as she remembers, the solitary cells were "here" and "here" was a hall and there was one downstairs. The torture was in this place [P described by using her hands].

Wiedner asked if P19 meant the basement. P said yes, in the same place where she was.

Kerber showed a sketch on the screen.



P19 said that there were many solitary cells. The three of them were together, then P19 was transferred to [marked with black\*]. At [marked with red!] were the members/personnel and the detainees. P19 was once going to the toilet and her blindfold was not tied well, then she saw a picture of Hafez Al-Assad حافظ الأسد. [marked with red\*] is the corridor where she saw the signs of blood [of the man whose voice went away when he was beaten]. She thought [marked with black!] was the men's cell, but she did not see it because she and her sisters were the only girls in the Branch. At least, she did not hear voices of other girls, but it had been seven years since she was detained, so she mentioned that this might not be accurate.

Wiedner recalled P19's statement that she heard screams. P19 pointed to the corridor where the screams came from, then pointed to where the detainees were naked [marked with red!].

Wiedner asked if the sounds of torture could be heard in the staircase or the interrogation room. P19 confirmed she could hear the sounds when she was in the interrogation room.

Wiedner asked if she heard the sounds during the interrogation and if the door of the interrogation room was open. P said yes.

Wiedner said that P19 mentioned a man during the police questioning and that his voice (which was coming from the basement) vanished. P19 said the voice was clearly close to her in the corridor.

Wiedner said that during police questioning in March 2019, P19 was asked about that person. Wiedner asked if P19 remembered what she answered. P19 said that his voice just vanished. Maybe he fainted, died or was taken to another place.

Wiedner reiterated that P19 only heard that [sound]. P19 confirmed.

Wiedner asked where she saw the traces of blood. P19 said in the corridor on the floor and maybe on the wall. But she did not know if the blood was old or recent. It was dark and she was blindfolded. She only saw the floor and up to the knees of the prison guard.



Wiedner asked if she was talking about the basement. P19 confirmed.

Wiedner asked if P19 saw corpses. P19 said not in that Branch, but she did in the general intelligence directorate and in the Air Force Branch. In the general intelligence directorate in 2012, she was on the first floor but the men's cell was in the basement (she thought). The windows were usually open when there is an incident. One time, the windows were open. Four personnel carried a dead body on a blanket. P19 was struck by how they carried the corpse but talked about a totally different topic. As they walked downstairs, the corpse's head knocked against each step. It was as if they weren't carrying a human being. The corpse showed signs of torture and was thin. She could see because the place was lit and it was during the day. It was clear that the person died from torture.

Wiedner asked if this incident occurred during her first or second detention in Branch 285. P19 thought it happened during her second detention because she was in the Air Force Branch and was transferred. But it definitely happened in the general intelligence directorate. Wiedner noted that P19 gave the same answer during police questioning.

Wiedner asked if this could have happened in 2013. P19 said maybe. She was transferred there twice: one time from Al-Khatib to the general intelligence directorate and another time from the Air Force Branch to the general intelligence directorate.

Wiedner asked if P19 remembered whether there was torture in Branch 285 during her first detention. P19 explained that her cell was far from the other detainees. It was closer to where detainees handed over their belongings [when they arrived]. When the forces brought new detainees, they beat people at a "welcome party" before they even took the detainees belongings. She could hear the sound of people's heads being hit against the wall of her cell.

Wiedner said that P19 mentioned more methods of torture in Branch 285. P19 said the "welcome party." In the corridor near where she was interrogated, there were people being interrogated. They were tortured by beatings and Falaqa. When P19 was in the interrogation room in Branch 285, someone was tortured so he would mention a specific thing. The interrogator told him: "say that you raped Alawite women." The person told the interrogator: "I raped nine." The interrogator told him: "no, say four." It was clear that people were tortured to confess something they did or did not do.

Wiedner asked if there was air or windows in Al-Khatib Branch. P19 did not remember windows, but there was air. In general, the conditions were bad, including the health care. She did not get sick, but she asked for a painkiller. [She did not say whether they gave her the painkiller.] When P19 asked for sanitary napkins, they told her to manage her situation.

Wiedner recalled how P19 described the clothes of personnel during her second detention in February 2012. P19 said that some of the personnel were in full military clothes and some were wearing normal t-shirts and military pants. But almost all of them were heavily armed.

Wiedner asked if she was taken directly to Al-Khatib. P19 confirmed.

Wiedner asked P19 to look to her right and if she remembered one of the accused. P19 said that she remembered, but not from the Branch. [Eyad laughed]. P19 said his appearance was familiar. Maybe she saw him somewhere other than the Branch.

Wiedner asked if P19 could specify where she saw the accused. P19 couldn't because many forces came to her house, and in the Branch, she only saw the interrogator in the dark.

### Prosecutor Polz's Questioning

Polz recalled P19's statement that there was a young person in her first detention, then asked if P19 knew why he was beaten. P19 thought he was with her at the demonstration, but she wasn't sure if he actually participated. Demonstrations often started near the mosque, so among the demonstrators were people praying.

Polz asked if P19 thought the boy was armed. She said no. They were in a working-class area with a market and a mosque. In Damascus, there are many checkpoints. If he was armed, he would have been killed, not beaten. Also, at that time, the demonstrations were peaceful and people were careful to avoid violence with the police.

Polz asked if P19 knew what happened to the child. P19 said no.

Polz recalled P19's statement that the intelligence services came to her house and detained her and her siblings. Polz asked if P19 knew to which Branch the forces belonged. She didn't know then that specific Branches wore specific uniforms, but she was sure they were intelligence services.

Polz asked P19 how she categorized Al-Khatib (*e.g.*, if it belongs to the general intelligence services). She thought [it belongs] to the general intelligence services since direct transfers take place there.

Polz apologized in advance. He asked P19 if she was a victim of sexual abuse in Al-Khatib. P19 said that she was not raped, but faced verbal abuse of a sexual nature and was harassed. Her breasts were touched deliberately. She was searched by a female, but when a male opened the door, he saw her naked (the man who opened the door was not the same man who took her interrogations – she saw the first man, not the second).

Polz said that P19's sisters were released, then asked about her brother. P19 clarified that all of them were released after two days.

Polz asked if P19's brother was tortured in Al-Khatib. P19 said no. She understood that the focus was on her. Her brother did not tell P19 details, but the torture was only at the "welcome party" and when he was on the way to interrogation. "It was not torture torture" [*i.e.*, not 'real torture']. Her siblings were interrogated and it was clear from the beginning that they had nothing to do with the medicine. P19 was careful to say that the medicine was for her and for the political party.

Polz recalled P19's statement that men were treated differently than women by the forces at demonstrations in Damascus. Polz asked if the treatment was different in Al-Khatib, too. P19 said that nobody was treated politely, but they were harsher with men. For example, women were detained and brought to the bus, whereas for men, 5 – 6 people would beat one male detainee who could die between their hands. Even in the Branch, they tortured men more. Maybe it had something to do with numbers. In the Air Force Branch, there were around 50 girls, but maybe 100,000 men (estimate). Men were always accused more often of carrying weapons. That did not mean that women did not get tortured. But in comparison, men were tortured more often.

Polz asked if P19 knew about the divisions in Al-Jisr Al-Abyad or Hafez Makhoul حافظ مخلوف. P19 said that there was another Branch that belonged to Al-Khatib (or they were related to each other). It was called Hafez Makhoul Branch, and he was its head.

Polz asked if P19 had more knowledge about it. P19 said that one of her colleagues was detained there for two months and was tortured. When he was released, he died. He was a champion bodybuilder in Syria.

Polz wanted to confirm that P19's colleague was the body builder, not Makhlof. P19 confirmed.

Polz asked if that division/Branch was in Al-Jisr Al-Abyad in Damascus. P19 said yes.

Linke asked if the interrogations in Syria were conducted like in Germany. P19 explained that there was always a signature, but nobody could see what they were signing.

Linke asked when P19 had to sign documents. She said that she signed something (she didn't know what it was) when the interrogation ended and she was transferred. She also signed a blank paper in the general intelligence services.

### Plaintiffs' Counsel Questioning

Scharmer mentioned the names Ahmad Nauh أحمد نوح and Abdelmon'em An-Na'san عبد المنعم النعسان and asked P19 if she knew them or if one of them was her interrogator. She did not remember the names. Only one person interrogated her and she did not know his name because personnel did not mention their names in the security [apparatuses]. They only go by "Abo [name]" and nicknames.

Scharmer said that P19 mentioned criminal security, criminal police and intelligence services. He asked about the differences. P19 said that criminal security is under the Ministry of Interior. The intelligence services could theoretically be under the Ministry of Interior or the military apparatus.

Kroker asked if P19 heard about other cases of sexual abuse in the intelligence services. P19 said that she heard of other cases from women who were detained in the Air Force Branch, general intelligence directorate and in the civilian prison at Adra عدرا. She met many girls at Adra and more than one said she was raped. One girl told P19 that she was raped in the National Defense Branch, which is not an official Branch. It is actually part of a militia connected to the regime. Detainees there were transferred to other Branches. The girl told P19 that they were occupying a villa in Sahnaya صحنايا in rural Damascus. They raped women and engaged in prostitution. The girl specified the villa (it belonged to a person from the opposition but they occupied it). Even the forces [عناصر] had to pay 50 – 100 if they wanted to sleep with a girl. There were many cases of rape in Homs, mainly during raids and at checkpoints, even by the normal police. It happened to a girl who was with P19 at the police station: he haggled with the woman and told her that she could talk with her children if she slept with him. P19 considered this rape, even if the girl technically consented. In Adra, P19 met many girls and heard their stories. During the 4 – 5 year period of the revolution when P19 was in Syria, rape was systematically used to humiliate men. One woman from Homs was raped in front of her husband to make him confess.

The witness was dismissed.

Kerber said that a witness claimed not to receive the summoning to testify in court, but the witness could still participate. Kerber may consider inviting the witness again depending on the schedule.

Kroker and Scharmer read aloud a 40-minute-long statement explaining that the sexual abuse/violence/threats/ were systematic and should be charged as crimes against humanity and not just domestic crimes. They gave examples from plaintiffs' statements, witnesses' statements, and international reports. The following is a summary of the submission based on what the Trial Monitor was able to hear.

Submission of plaintiff counsels Dr. Kroker and Scharmer regarding a change in legal reference under §265 (1) StPO in the proceedings against Anwar Raslan, submitted to the court on November 19, 2020.

Request:

In light of the indictment in form of the opening order and the facts detailed therein, a conviction based on the fulfillment of the element of the crime under §7(1) Nr. 6 VStGB<sup>2</sup> is considered suitable.

This request is based on two contexts:

1. The plaintiff counsels argue that the prosecutor charged Raslan with killings, torture and deprivation of liberty as crimes against humanity under §7(1) VStGB. This indicates that the prosecutor already considered the general existence of a systematic, widespread attack against the civilian population through systematic unlawful detentions at Branch 251 of the Syrian General Intelligence Directorate (GID). Based on the fundamental findings of the investigation, complicity in sexual violence, with which Raslan is charged under German criminal law (§177(1), (2) Nr.1, (3) Nr.1 StGB [old version]), must be in context of the systematic and widespread attack and consequently charged as a crime against humanity.
2. The plaintiff counsels further argued that in addition to the facts already known from the case file, the introduction of evidence during the main proceedings indicated that the crime of complicity in sexual violence in the form of rape and sexual assault were committed in the context of a systematic and widespread attack against a civilian population.

On the legal evaluation of rape as crime against humanity (§7(1) Nr.6 var. 2 VStGB):

- Several witnesses which were already heard during the main proceeding,<sup>3</sup> spoke about rape which they either had to experience themselves or witnessed while in detention at Branch 251 as well as other detention facilities of the GID.
- Reports which were read out in court<sup>4</sup> during the main proceeding further detail systematic rape at detention facilities of the GID, committed between April 2011 and September 2012.
- Witnesses which were not yet heard in the main proceedings but whose testimony is on the case file also detailed rapes at detention facilities of the GID by vaginal and anal penetration of men, women and minors. Other witnesses as well as protocols of questionings by the UN Independent International Commission of Inquiry on the Syrian Arab Republic (COI) directly refer to rapes committed at Branch 251.
- Citing international case law, the plaintiff counsels argued that the search of body openings performed on detainees was incompatible with international standards: they were performed as a routine, without reasonable ground for suspicion, as a means of humiliation, in groups and unnecessarily violent.

On the legal evaluation of sexual assault as crime against humanity (§7(1) Nr.6 var. 2 VStGB):

<sup>2</sup> The translation of the German Code of Crimes against International Law (VStGB) can be found [here](#).

<sup>3</sup> See SJAC Trial Monitoring Reports: [TR#4, days 10 and 12](#); [TR#14, day 34](#).

<sup>4</sup> HRW, [“We’ve Never Seen Such Horror”: Crimes Against Humanity by Syrian Security Forces](#); AI, [“It Breaks the Human”: Torture, Disease and Death in Syria’s Prisons](#); HRW, [“Torture Archipelago”](#); OHCHR, [“Open wounds: Torture and ill-treatment in the Syrian Arab Republic”](#).

- Sexualized torture:
  - During the main proceeding, witnesses testified on sexual violence in Branch 251 and other detention facilities of the GID, which they witnessed themselves or were committed on relatives: detainees were forced to drink water while their penises were tied off; detainees were forced to rape each other; detainees were forced to bite each other's penis; guards threatened male detainees to cut off their penis while tying a yarn around their penis.
- Forced sexual touches:
  - A female witness testified during the main proceeding<sup>5</sup> that she was subjected to forced sexual touches, witnessed that women were ripped naked and ripped off their hijab, threatened to be raped, insulted as a 'whore'. She further explained that former female detainees who were victims of sexual assaults and rape are considered disgraceful and isolated by society. Another witness told the court during main proceedings about sexual touches during body searches.
  - Witnesses whose testimonies are on the case file further said that they were subjected to forced sexual touches which they had to experienced themselves or witnessed.
- Other sexual acts of similar gravity:
  - Several witnesses told the court during the main proceeding<sup>6</sup> that forced nudity was a widespread practice at Branch 251 as well as other Branches of the Syrian Intelligence Services, especially during so-called 'welcome-parties'. Witnesses in the main proceeding also spoke about forced nudity in combination with violent searches of body openings or interrogations.
  - Similar indications are also found on the case file in form of witness testimonies.
  - Citing to case law from the ICTY as well as domestic case law from the German Federal Court of Justice (BGH), the plaintiff counsels argued that forced nudity at Branch 251 as described by various witnesses qualify as element of the crime against humanity.
- Verbal and other sexual abuse:
  - Two witnesses told the court during the main proceeding that female detainees were threatened to be raped at every possible occasion.
  - Witnesses whose testimony is on the case file, explained that they were threatened themselves to be raped or that family members would be raped. Other witnesses testified that they witnessed such threats against other detainees or were forced to watch rapes.
  - Reports from the COI, FIDH and HRW, which are also included in the case file deal with threats of rape at Branches of the Syrian Intelligence Services as well.
  - Citing to case-law from the ICTY, the plaintiff counsels argued that threats of rape constitute sexual torture.

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<sup>5</sup> See SJAC Trial Monitoring Reports: [TR#6, trial day 15](#); [TR#14, day 34](#).

<sup>6</sup> See SJAC Trial Monitoring Reports: [TR#4, day 10](#); [TR#6, trial day 15](#); [TR#7, trial days 19 and 20](#).



- The counsels further argued that in combination with the above-mentioned forms of sexual violence, verbal and other sexual abuse as described also meet the threshold of similar gravity and are consequently considered as sexual violence.
- Criteria of similar gravity:
  - Citing to German domestic case law as well as the intention of the drafters of the German Code of Crimes against International Law to 'better capture the specific injustice of crimes against international law as this was previously the case under regular German criminal law', the plaintiff counsels argued that sexual violence as described above, requires particularized assessment in light of the patriarchic society structure in Syria.
  - They further elaborated on the consequences of detention and rape in detention, particularly for women and girls, citing different NGO reports as well as proposing to hear an expert on this matter.

§7(1) Nr.6 alt. 2 VStGB in context of a widespread and systematic attack against the civilian population:

- The plaintiff counsels argued that the judges, in form of their rejection of Al-Gharib's detention complaint, already found that evidence on the existence of a widespread and systematic attack against the civilian population in Syria from April 2011 until far beyond 2012 is corroborating. The judges also found that this attack was taking place through arbitrary detentions and torture at detention facilities of the different Syrian Intelligence Services.
- Referring to witness statements, expert-witnesses, reports read out in court as well as by summarizing their previous arguments, the plaintiff counsel argued that sexual and gender-based violence at detention facilities of the Syrian Intelligence Services are part of a widespread and systematic attack, as found by the prosecutor in the indictment.
- In light of the above, the plaintiff counsels request the translation and public read-out in the main proceedings of the following reports:
  - [1st report of the Commission of Inquiry on the Syrian Arab Republic - A/HRC/S-17/2/Add.1; 23 November 2011](#), paras 66-68.
  - [7th report of the Commission of Inquiry on the Syrian Arab Republic - A/HRC/25/65, 12 February 2014](#), paras 62-69.
  - [12th report of the Commission of Inquiry on the Syrian Arab Republic - A/HRC/33/55, 11 August 2011](#), paras 104-108.
  - [“‘I lost my dignity’: Sexual and gender-based violence in the Syrian Arab Republic”: Conference Room Paper - A/HRC/37/CRP.3, 15 March 2018](#), paras 27-42, 43-50.
  - [“‘They have erased the dreams of my children’: children’s rights in the Syrian Arab Republic”: Conference Room Paper - A/HRC/43/CRP.6, 16 January 2020](#), paras 59-65.
  - [Forestier, Marie \(2017\) You want freedom? This is your freedom: rape as a tactic of the Assad regime. LSE Women, Peace and Security Working Paper Series \(3/2017\). Centre for Women Peace and Security, London School of Economics and Political Science, London, UK.](#)

- [Lawyers and Doctors for Human Rights: “The Soul Has Died”: Typology, Patterns, Prevalence and the Devastating Impact of Sexual Violence Against Men and Boys in Syrian Detention, March 2019](#), pp. 4-9, 16-52.

Procedural remarks:

The plaintiff counsels clarified that the request for a change in legal reference only refers to a clarification by the judges regarding the application of §7 (1) VStGB [crimes against humanity] for an act already included in the indictment. The duration of a possible sentence remains the same, as a possible sentence for crimes under §7 (1) Nr. 6 VStGB (5 – 15 years imprisonment) is the same as for the charges already included in the indictment.

The plaintiff counsels Dr. Kroker and Scharmer further noted on behalf of the plaintiffs whom they represent, that the main aspects of the submission are not the possible consequences regarding the sentence for Raslan. They rather think that findings by the senate on sexual violence as systematic instrument of power of the Syrian regime, are of ‘immense importance’ regarding the scope of the accused’s acts as well as the evaluation of the systematic persecution of the civilian population in Syria. At the same time, they acknowledge the difficulties in evidence gathering relating to sexual crimes, due to cultural and gender-specific aspects. However, they expressed their hopes that witnesses willing to testify on these matters will be heard by the court. According to the plaintiff counsels, sexual violence “is one of the most cruel, grievous and at the same time deliberately concealment-orientated, facts of crimes against humanity, committed by the regime which would be assessed during a criminal proceeding for the first time.”

The proceedings were adjourned at 1:15PM.

The next trial will be on November 25, 2020 at 9:30AM.



**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 19

Hearing dates of November 25 and 26, 2020

*CAUTION: Some testimony includes descriptions of torture.*

**Summary / Highlights:<sup>1</sup>**

**Trial Day 46 – November 25, 2020**

P20, a former detainee at Al-Khatib, testified about his experience being treated for an injury and shared the conditions injured detainees were forced to endure without any proper medical assistance. During his two detentions in Al-Khatib, P20 was interrogated by an officer who he describes as “elegant,” and having distinctive features and a mole. However, P20 could not remember the interrogator’s accent. P20 made two sketches mapping out the interrogator’s office and the detainees’ chamber, noting the juxtaposition between the calm office and the overcrowded conditions in the chamber. P20 said that state detentions are secret and like abductions, as his family and friends were not informed of his whereabouts or if he was alive. After leaving Syria, P20 recognized the photo of Raslan during French and German police questioning. P20 recognized Raslan from an interrogation when his blindfold had shifted up and stated that he was “90% positive” that Raslan was his interrogator. During proceedings, P20 pointed at Raslan and said he was confident that he was the same man who interrogated and hit him in Al-Khatib.

**Trial Day 47 – November 26, 2020**

P20 continued his testimony clarifying the details of when he recognized Raslan’s photo during police questioning. There was concern that P20 felt under pressure during the court session, however, he stated he was willingly taking part in the trial. He did share that his first police questioning in France reminded him of Syria, but his second questioning was shorter and led to his identification of Raslan. Translation errors during court proceedings led to miscommunication and confusion over both the timeline of P20’s police questionings as well as over whether the interrogator, whom P20 named as Raslan, wore a uniform.

**Trial Day 46 – November 25, 2020**

The proceedings began at 9:30 am. There were four spectators and two individuals from the media present.

Plaintiff Counsels Dr. Patrick Kroker and Dr. Anna Oehmichen did not attend. Deputy Plaintiff Counsel Charlotte Foerster-Baldenius appeared for Khubaib Ali Mohammad.

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



P12 attended and sat among the plaintiffs' representatives.

P20 entered the courtroom accompanied by his counsel attorney Mrs. von der Behrens and another unidentified woman.<sup>2</sup>

Judge Kerber said that if the woman would like, she can sit in the front, next to the witness [She followed these directions and sat at the front next to the witness and his attorney.]

Von de Behrens said that the witness fears for his family in Syria and does not want to give personal information. Defense Counsel Michael Böcker asked about the woman who accompanied the witness and inquired about the consequences of his testimony in Syria. Von de Behrens said that the situation is problematic and P20's name could cause his family problems. Judge Kerber said that she received a fax the prior day regarding the request to not share this information. Böcker said that he would like to have a look at that fax [Judge Kerber distributed copies of the document].

Von de Behrens asked if the accompanying woman could get a headset [she was given a pair of headphones].

Judge Kerber requested that spectators and media personnel leave the courtroom until the court takes a decision.

At 10:55 [after around 5 – 10 minutes] the spectators were allowed back in the courtroom.

Judge Kerber announced that P12 will be allowed to cover his face and abstain from giving personal information.

Instructions were read out to P20 and he was informed about his rights as a witness.

#### Testimony of P20

Judge Kerber asked if P20 wanted to indicate if he was related to the accused by blood or marriage. P20 responded, no, he is not.

Judge Kerber asked P20 to tell the court about his CV. She explained that the court knows that he was detained and wanted to know the reason why and how he came into conflict with the regime. P20 said that he will talk in general about his detention in Al-Khatib, where he was detained twice. P20 pointed out that he did not prepare anything, regarding his memory and numbers [he meant that numbers/dates could potentially not be very accurate]. The first detention was from March 25, 2011 until April 1, 2011. The second one was from April 5, 2012 through July 10, 2012. The reason for the first detention was participation in a demonstration in Duma (دوما), rural Damascus. The security forces began to attack along with militias and "order-preserving forces" [Most likely, he was referring to "riot control forces"]. They were beaten brutally and were taken in mini-buses to Al-Khatib. On arrival, there was a welcome party, like in other branches, where detainees are brutally beaten without being charged. P20 was beaten in the square/yard and the mini-bus - ten times on his eye with the baton/stick

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<sup>2</sup> In accordance with § 406f StPO victims to a crime are allowed to be accompanied to their questioning by an attorney (paragraph 1), as well as another person the victim-witness trusts (paragraph 2) for psychological support.



suffering serious injuries and broken teeth. Inside Al-Khatib, he was kicked by the member/personnel [عنصر] causing two rib fractures. He fell to the ground and was not able to breathe. P20 was carried up four steps and was brought, along with 70 detainees, inside a room with an iron ceiling, which was approximately 70m<sup>2</sup>. It was overlooked by interrogation rooms and administrative offices. The big dormitory/chamber [cell] looked as if it was recently/freshly painted white (behind the white was red blood). A few hours later, paramedics from the Red Crescent entered to succor the wounded and suture the wounds, which was done in an unhygienic way. After that, one of the paramedics registered P20's name and requested that he get transferred to the hospital. P20 was transferred there (to the hospital) along with five other people. They were tied to wheelchairs. They entered Al-Mojtahed (المجتهد) hospital and the emergency department [ER] where there were other people and visitors. There were five armed members [عناصر] with P20, who were telling people that P20 was a sniper. He was insulted and spat on [by people] in the hospital. After that, the doctor asked P20 for his name. The member intervened and requested that a triple-digit be registered (it was known to the public that if one dies, no name would be available). P20 was treated violently by the doctor and in the emergency department. If P20 needed to get up, the security member violently pulled him up. A chest x-ray was done and P20's eye was examined. He was told that he would not be able to see with that eye anymore. P20 was taken back to bed and was given an injection. On the bus, an Al-Khatib personnel member tore the prescription throwing insults at P20 saying that he and the other detainees should die.

Judge Kerber asked if P20 was told whether he had a chest problem after the x-ray. P20 said that he did not know, he was given medicine and a prescription which was torn up.

Judge Kerber asked if he had fractured ribs. P20 responded that he had fractures in two ribs.

Judge Kerber asked how he knew that. P20 said that he later went to Hamdan hospital (مشفى حمدان) and they told P20 that for some reason they could not examine his eye, because the doctor of Al-Mojtahed... [P20 was interrupted].

Judge Kerber interjected, "and now?" P20 said that it was a false piece of information. After six months of treatment with medicine, he was able to see again.

P20 continued saying that he went [was taken] back to Al-Khatib (after leaving the hospital) and was hit with rifle butts despite his health condition. P20 was summoned the following day for the interrogation. P20 does not know if it was on the second or third floor because he was blindfolded. P20 entered a room that was different from normal rooms. There was an officer with a suit [sometimes بدلة was translated to "uniform" and understood as "military uniform," which is not accurate as "military uniform" is بدلة عسكرية. This caused some misunderstanding later on] and glossy dress shoes. He [the officer/interrogator] asked P20 about his connections to one of P20's relatives saying [indirectly] that he [the family member] is affiliated with the [Muslim] Brotherhood. The officer/interrogator accused P20 of being part of an Islamic fighting group. It was somewhat of a shock, but P20 felt that it was a joke. P20 told him to ask logically because his family is completely non-religious atheists. The interrogator slapped P20 twice, hitting his abdomen with his knee. P20 was able to recognize/distinguish him. P20's eye was not alright and he was staggering, but the blindfold was pushed up a bit. The interrogator stood a distance from P20, but as he raised his head, P20 saw him and recognized/identified him. P20 said that





he can assert 90% [he is 90% sure] that he [the interrogator] is the same person in the picture that was published in the media about Raslan.

Böcker wanted to make sure that he understood and asked if the witness said that he recognized the accused. [The translator repeated P20's above answer].

Judge Kerber asked what happened after that. P20 said that he was taken downstairs by members/guards [عناصر] to the same big dormitory/chamber [cell] with the iron ceiling. The following day, he was interrogated about participating in a demonstration in Duma (considering that he came from a different area) and he was tortured with Falaqa.<sup>3</sup> Within half an hour [it was not clear if P20 meant that he was tortured for 30 minutes, or if the whole interrogation plus the torture lasted that long], P20 went back to the room [cell]. He did not confess to participating in a demonstration. He was beaten two or three times. Later, P20 confessed to participating in a demonstration. They were released from detention after they were forced to sign a blank paper and another paper - a pledge to not demonstrate again. They were taken by bus to the Duma municipality square [and released]. That was everything concerning the first detention. Regarding the second one, an office was stormed on April 05, and he was detained along with...

Judge Kerber interrupted asking what year this occurred. P20 responded 2012. Five people were taken to Division 40 and beaten violently. There was an interrogation and violent beating because there were photos against President Bashar al-Assad on the laptop. The interrogation was violent. The following day, P20 and the other four were transferred to Al-Khatib to the same place (the same big chamber). Before that, they stayed in the corridor (that leads to the chamber) for a week. After a week [of sitting/staying there], the manager of the prison (this is a known term, but P20 didn't know who that person exactly was) let them enter the place. In the big dormitory/chamber [cell], there were around 350 detainees. P20 was not sure but counted approximately this many people. There was no place to walk – simply, one had to step on others or fall over them. After two weeks in that place (P20 was beaten several times by Abu Ghadab أبو غضب and Memati ميماتي), P20 was punished by being transferred to a dark room where there were 50 other detainees. He stayed there for five days, before being transferred back again to the big chamber. After four days, they [P20 and the four others he was arrested with] were taken for interrogation. They did not have the laptop and the accusation was obvious (when they were detained in Division 40, they took the laptops). The interrogator asked P20 why he came there and for the reason of his detention. P20 and the interrogator talked about the first detention and P20 said that he was from the honest opposition and that he supports the democratic dialogue with the president. Based on that, he [the interrogator] acknowledged P20's and the honest opposition's position that accepts Bashar Al-Assad ["Honest opposition" is a Syrian term referring to people who support Bashar al-Assad but publicly say they oppose the government. It is a nuanced term signifying that a person does not support the "Opposition," but they are not outwardly Assad loyalists]. Then, P20 was taken back to the chamber [cell]. He stayed there for 21 days in total. Four days after that interrogation, he was transferred along with four others to the General Intelligence Directorate in Kafar Souseh, كفرسوسة, which is a different story.

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<sup>3</sup> Falaqa is a torture practice where detainees are beaten on the soles of their feet.



Judge Kerber asked P20 how he and his eye are today after that experience. P20 said that regarding his eye, he had a six-month treatment. He fixed his teeth and is breathing, but he suffers psychological problems. He shared that he does not have the guts to go to a doctor and tell his story, but he has gotten better and he draws [sketches/paintings].

Judge Kerber asked if P20 sleeps well or has nightmares. P20 replied no, he always has nightmares.

Judge Kerber asked if he continued his study. P20 replied that he studied and graduated, but he still has psychological problems, stress and panic attacks.

Judge Kerber asked if he works. P20 answered that he works from home.

Judge Kerber asked how he works. P20 said that he works on computers from home.

Judge Kerber asked when P20 participated in the demonstration in Duma. P20 replied that it was on Friday that preceded March 25<sup>th</sup>. They were in Duma (maybe March 19 – 20), which was the first demonstration in Duma.

Judge Kerber asked about the time between his first demonstration and first detention. P20 said that the question was not clear. Judge Kerber repeated the question. P20 responded that it was one week.

Judge Kerber said that she has different information. In the transcript, it says that P20's first demonstration was on March 25 and he was detained on April 1<sup>st</sup>. P20 said that the difference is that there were two successive Fridays. They finished a demonstration and prepared for the next one.

Judge Kerber asked if P20 was detained on March 25<sup>th</sup> or April 1<sup>st</sup>. P20 replied, March 25<sup>th</sup>.

Judge Kerber asked how P20 knew that it was Al-Khatib. P20 said that Syrians and activists, in general, know the names of the branches, especially Al-Khatib due to its location inside a residential area.

Judge Kerber asked if P20 was able to see while he was transported. P20 said that he was able to estimate/guess because he lived in the area for seven years. He saw the Red Crescent hospital branch at the corner of Al-Khatib. He has no doubt [that it was Al-Khatib].

Judge Kerber asked if he was blindfolded while transported. P20 said no, not on the way.

Judge Kerber asked how many times P20 was interrogated during his first detention. P20 said it was two or three times, aside from going upstairs to the office.

Judge Kerber said that she understood that it was four times in total. P20 replied, "ok."

Judge Kerber said that it is not about what she thinks, but rather what he experienced. P20 said that by "interrogation," he meant Falaqa with members/guards [عناصر] questioning him. Regarding the office, it was a question and two slaps.

Judge Kerber asked if P20 could remember when he went to the office for interrogation for the first time. P20 said after he came back from the hospital, he went to the office on the third floor, and there, he saw the officer that he recognized. That was the first time.

Judge Kerber refreshed P20's recollection saying that he had said in the police questioning that "I went to the office at 7:00 am for the interrogation, was tortured with Falaqa, then was brought back to the cell." Judge Kerber asked if P20 was tortured with Falaqa before he was brought back. P20 said that it happened [that he indeed told that the police], but now he remembers that he went upstairs to him [the interrogator] and the beating was the following day. Later on, he was summoned and interrogated because he participated in the demonstration and he was beaten.

Judge Kerber asked if P20 wanted a break. P20 responded, no.

Judge Kerber asked how P20 knew it was the second or third floor. P20 explained that he was on the staircase seeing the steps in front of him although he was blindfolded.

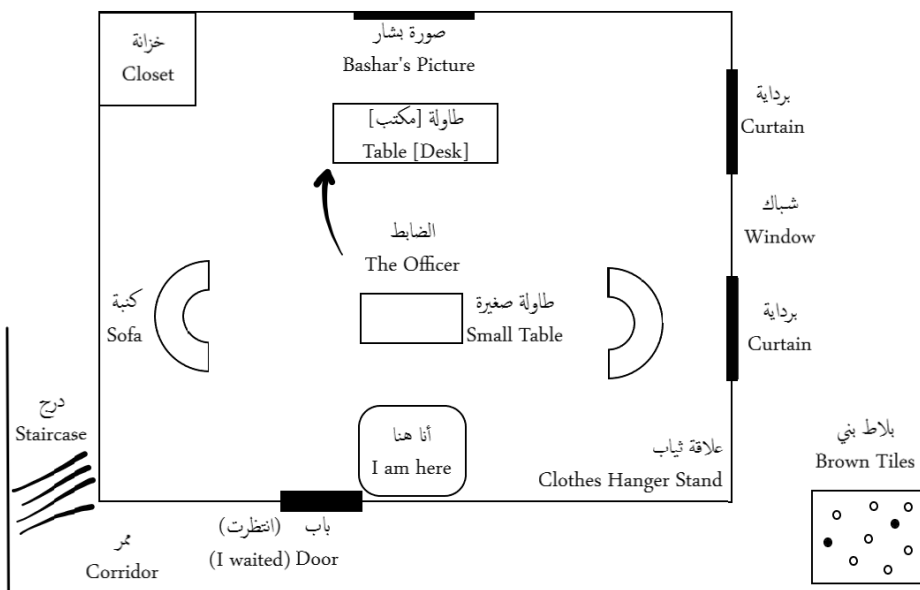
Judge Kerber asked how many steps he went up. P20 said he did not know.

Judge Kerber asked P20 to describe the office where he saw the interrogator. P20 said he sketched it for the French and German police. There were two sofas on the side, a wooden desk and a clothes-hanger-stand. The granite tiles [this was translated as "floor tiles," hence the next question] were brown with white dots. There were plants and a brown- or black-leathered chair.

Judge Kerber asked if the floor was wood. P20 said that it was not wood but granite tiles.

Judge Kerber asked if there were any pictures. P20 replied that, of course, all offices [in Syria] have pictures of Hafez al-Assad and Bashar al-Assad that he saw from a distance, but he remembers the flooring, window, and plants well. The window was to his right when he entered.

Judge Kerber showed a sketch on the projector then removed it as P20's attorney said that they wanted to check if there was a name on it. P20 and his attorney went to the judge's panel and checked the sketch and covered the signature. It was shown once again [and below].





Judge Kerber asked P20 to describe/explain what was on the sketch. P20 [explaining the sketch] said, "I waited at the door. I was taking a glance around when the interrogator was looking back at his table [desk]." P20 said the last time he looked, the interrogator came up to him and he could identify his face.

Judge Kerber asked P20 about the height of the interrogator. P20 said a bit taller than himself.

Judge Kerber asked whether he was taller or shorter than P20. P20 repeated that he was as tall or taller. It is not precise, because he was far away until he was provoked, then he came and hit P20. P20 cannot say precisely.

Judge Kerber asked P20 to give his height. P20 replied, 175 cm.

Judge Kerber asked if the interrogator had a beard. P20 said no, only a mustache. He was elegant and P20 smelled the scent of perfume.

Judge Kerber asked if there was a distinguishing feature on his [interrogator's] face. P20 said that he does not remember, but regarding the mole, it was 100% distinguishable. However, his facial features are also distinguishable, for example, his eyes, nose...etc (the mole was not everything).

Judge Kerber asked if he is the same person sitting to the right [Raslan]. P20 replied, "I am certain."

Judge Kerber asked which one. [P20 pointed to Raslan] P20 said, the person in the black jacket.

Judge Kerber asked if P20 was on his knees or standing up. P20 said he was standing up the whole time.

Judge Kerber asked how he hit P20 in the stomach. P20 said it was with his knee and before that he slapped P20.

Judge Kerber asked P20 if it was in the stomach or the abdomen. Judge Kerber said that she finds it hard to picture how he was able to hit P20's stomach with his knee. P20 replied that he finds it strange as well, but that is what happened.

Judge Kerber responded, "but on your abdomen." P20 affirmed.

Judge Kerber asked if the interrogator spat on P20. P20 said he did not remember at that moment [it was unclear whether P20 meant that he did not remember if he was spat on at that particular time or if he did not remember at that moment in court].

Judge Kerber refreshed P20's recollection and quoted the police hearing transcript from August 18, 2016 [The court monitor recorded this as 2017 previously, so it is unconfirmed whether the police hearing took place August 18, 2016 or August 18, 2017] "I was tortured with Falaqa, then beaten, blindfolded and taken to an officer in an office who accused me of being an Islamist". P20 responded that he was talking about the same interrogation.

Judge Kerber repeated the question of whether P20 was spat on. P20 repeated the same answer ["I do not remember at that moment"].

Judge Kerber asked what the interrogator was wearing. P20 said a suit.



Judge Kerber refreshed P20's recollection and quoted from the second French police hearing on April 2, 2019, "I was beaten on the way and was blindfolded and went upstairs to the second or third floor. I waited half an hour. He accused me of being an Islamist." P20 said this was correct.

Judge Kerber continued, "He punched/hit me in the jaw." Judge Kerber asked if it was a punch or if he was kneed. P20 said he was hit with the hand and the knee.

Judge Kerber asked if P20 recalls if the officer had a certain dialect. P20 said he did not remember.

Judge Kerber asked if P20 remembers his answer concerning the question about the dialect in the Federal Criminal Police Office hearing. P20 said, "At this moment, I do not remember my answer."

Judge Kerber quoted from the hearing transcript, "It was an Alawite dialect." P20 responded no, he does not recall that it was an Alawite dialect.

Judge Kerber asked if it was a Damascene dialect. P20 said he did not remember.

Judge Kerber asked if it was a dialect which everybody understands, similar to standard German. P20 said perhaps he [the officer] had a "white dialect" [This is the same term used by P19], but he does not remember. But he remembered that it was not an Alawite dialect.

Judge Kerber asked if P20 saw corpses during his first or second detention. P20 said he saw some in the second detention. P20 mentioned the sketch of the cell, saying he was not sure if it was available. In the toilet, there were some blankets that were in bad condition. In a small corner was an injured person who was bleeding from his abdomen. The blood turned orange in color and his legs were infected. P20 remembers that there were worms on his leg because of the infections and pus. The injured individual was unable to climb on the toilet seat and "made it on himself" [defecated/wet himself]. He was brought outside the dormitory/chamber and they [the detainees] told the prison guard that he died. The prison guard told the people [detainees] to throw him [the injured/dead] outside. Also, P20 remembered two people who died under torture. Moreover, there were two under-aged (15 or 16-year-olds) who were in that cramped place and their condition was very bad. In general, in that place [where the injured individual was, near the blankets] were the people whose condition was the worst, because if one could move, one would not stay there.

Judge Kerber asked if the two people died under torture, or if that was a guess. P20 said his memory is connected to several branches, so he cannot remember if it was in Al-Khatib or another branch.

Judge Kerber asked if P20's second detention was in 2012 or 2013. P20 replied, 2012.

Judge Kerber said that in the August 18, 2016 hearing P20 had said that it was in 2013, in the middle of June. P20 said that he thinks that there was a memory mistake, as sometimes his memory fails him. His detention was documented by VDC [Violations Documentation Center] and he asserted that his second detention was in 2012, not in 2013.

Judge Kerber asked if it was May or April. P20 replied, April.

\*\*\*20-minute-break\*\*\*





Judge Kerber said that the court will continue for an hour, then take a lunch break, and continue afterward.

Judge Wiedner asked if P20 recognized the officer whom he described as Raslan, when he was asked in the Federal Criminal Police Office. P20 said at the beginning he answered that he [Raslan] was just an officer. A group/collection of photos of different people were shown to him. He thought that they were detainees who were with him in Al-Khatib. He put Raslan's photo among the photos of people he recognized. It was very likely that he identified Raslan in that first moment. Later, P20 remembered that this person is indeed the person he saw [during the interrogation].

Judge Kerber said that she wanted to show the photos from the minutes of the April 2, 2019 hearing. She asked P20 if she should cover his signature on them. P20 said that he does not know if it was his signature or his initials. Judge Kerber said that she would cover the signature.

[2 photos were shown, one was Raslan's]

#### Questioning by Judge Wiedner

Judge Wiedner asked if P20 remembered the photos that were shown to him. P20 said a group/collection of photos were shown to him by the French and the German police. These were from the German police.

Judge Wiedner asked if P20 remembered what he said in the police hearing about how "the officer was taller than me." P20 said he remembered saying it.

Judge Wiedner asked if P20 saw pictures of Raslan before the questioning/hearing. P20 said no, the first time was during the questioning by the French and German police.

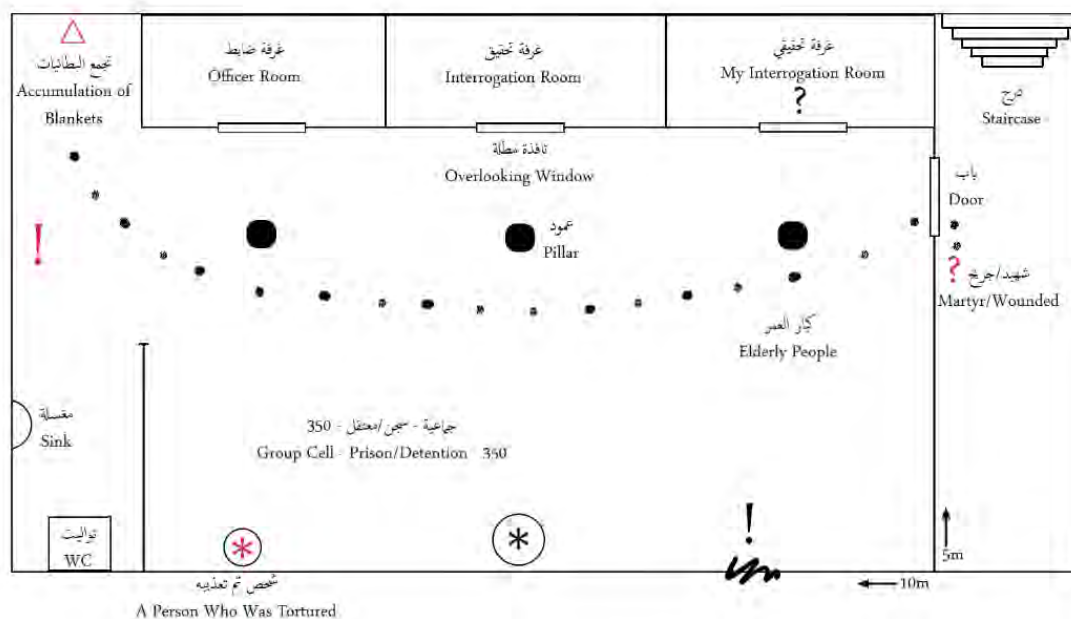
Judge Wiedner said that he meant before that. Böcker interrupted saying that he did not understand the answer. P20 explained that he was saying that these pictures were first shown to him during the police questioning.

Judge Wiedner asked if P20 saw pictures of Raslan before the police questioning, for example on the internet. P20 said he did not see any picture of Raslan on the internet.

Judge Wiedner reiterated that P20 said the same thing in the questioning. Judge Wiedner said that P20 mentioned the name Raslan in the Federal German Police Office questioning and asked P20 how he knew the name or related it to the photo. P20 said the name was not related at the beginning. He [Raslan] was just the officer who hit him (the question P20 was asked was similar to: "Have you seen these faces, has anyone of them tortured you or hit you?").

Judge Wiedner said that he was asking because Raslan's name was mentioned in the German police questioning. P20 said this was what happened at the French police questioning: He was shown photos and he said that he might know this person [Raslan]. However, it happened [mentioning the name "Raslan"] later at the German police. The news afterward [after the French police questioning] on the internet was that Raslan was caught [arrested] and his name was circulated. Talking about Raslan had been done with the German police.

[The part that is supposed to show the signature was covered and the sketch was shown].



Judge Wiedner asked how big the window was. P20 said it was 1.5 x 2 meters.



Judge Wiedner asked if it was opened or if one could see through it. P20 said there was glass and iron [bars/mesh], but one could not clearly see through it.

Judge Wiedner asked if they got air inside the cell through the door. P20 confirmed.

Judge Wiedner asked if there were other sources of ventilation. P20 said he remembered that here [marked with black!] was a gap between the iron ceiling and the wall. We [the detainees] could differentiate day from night [through it], but it was not a source of ventilation.

Judge Wiedner asked if the cell was underground in the basement. P20 said that the place was [originally] a garden, but it was a bit lower than ground level.

Judge Wiedner asked if it is correct that at the top left [of the sketch] is where the person died. P20 said that the question was not clear. Judge Wiedner repeated the question. P20 confirmed.

Judge Wiedner refreshed the recollection of P20 by quoting that he had said that the hygiene was bad and that detainees easily contracted infections. P20 said yes, due to the high temperature, any small wound turned into inflammation/infection in one or two days. One time, P20 and other detainees did a small operation: they took a piece of the paint and incised a toe of a person, because it was so inflamed/infected. He was in a lot of pain. P20 and the other detainees were forced to hold the man down to make the incision. There was no medicine and they were not able to get medicine or disinfectant.

Judge Wiedner refreshed P20's recollection quoting that he had said that the person who died remained next to the door for days. The corpse stank and they were not able to go to the toilet. P20 said yes, he used to wet himself.

Judge Wiedner quoted P20 saying that he had said that next to the door it stank. P20 confirmed.

Judge Wiedner quoted "they put the person near the toilet. It was damp and molding. The person was wounded." P20 responded, correct.

Judge Wiedner refreshed P20's recollection quoting, "when he died, he was carried out and relocated." P said yes, a number of people struggled to carry/relocate the body.

Judge Wiedner once again refreshed P20's recollection that P20 had said that "It was difficult to see through the windows. P20 was interrogated in the room to the right." P20 said yes, in the first detention he was interrogated there. It was difficult to see, but P20 remembers that when he was in the room, he was able to see the inside of the [cell].

Judge Wiedner asked if that happened in 2011 and if it was in the first, second or the third interrogation. P20 said it was the second or third.

Judge Wiedner said that P20 had answered the question, "how he knew that the person was dead" by saying that "the detainees said that and he had wounds in the abdomen that looked like a gunshot wound." P20 replied that he cannot affirm that it was a gunshot, but based on the color of blood and there was a spot that looked like it. Therefore, it was possible that it was a gunshot wound.

Judge Wiedner asked if the person got help. P20 said he never did, but he was bandaged.



Judge Wiedner asked if the personnel were informed that the person needed help. P20 said that the officers and members/personnel/guards [عناصر] could always see the person as he was next to the door [marked with the red question mark on the sketch]. It was clear that there was a wounded person. It was difficult to see him when he was in the area with the blankets, but here [marked with red] he was clearly noticed. His condition became bad and the member/guard [عنصر] was like "he [the person] is stinking and has to be relocated inside."

Judge Wiedner refreshed P20's recollection saying "P20 did not speak with him and he was stowed inside." P20 confirmed.

Judge Wiedner once again quoted, "there was an elderly detainee in the second detention." P20 confirmed.

Judge Wiedner recalled that P20 stated, "there was no medical care until he died. P20 was asked how he knew that the person died. P20 answered that people said that and carried him. P20 witnessed them carrying him." P20 said that he does not have anything to add.

Judge Wiedner asked how big the external cell was and how many detainees were there. P20 said I think that it was five or six meters by ten meters. The distance between the pillars was three meters. With that logic: if one can estimate that between two pillars there were 75 people, then the total number would be 350 people. People were literally on top of each other.

Judge Wiedner asked if P20 had a place to sleep. P20 said no. The problem was that if one wanted to sleep, another person would sleep on top of him and then another person...after half an hour, one could not breathe because there were three people on top of him.

Judge Wiedner asked if P20 heard something from the rooms overlooking the cell. P20 said that he does not remember hearing anything or anyone speaking.

Judge Wiedner said that P20 said in the police hearing that he used to constantly hear the screams of detainees. P20 said they used to always hear the torture sounds. In a certain room, sometimes the sounds were so close and it seemed that they came from here [P20 pointed at the sketch, though the court monitor could not see which area he pointed to]. But, the Damascene person, for example, they heard his voice coming from a more distant place.

Judge Wiedner asked about the general condition of the rooms, the detainees, and the injuries. He also asked if the food was sufficient and about P20's body condition. P20 said that, in general, the situation was bad in comparison to other branches. P20 stated that he can say that being at Al-Khatib during his second detention period, was very bad. There was no medical care nor medicine. Food consisted of a piece of potato, a piece of bread, and cucumber. At night there was tahini halva or a piece of bread with olives. It was bad. For anyone who had wounds or inflammations, it was very bad. If one entered the blanket area, it was hell - the end/terminal point. In short, it was hell.

Judge Wiedner asked what torturing methods P20 witnessed or was told about by other detainees. P20 said the ones he saw/witnessed were the normal sticks; the "tire stick" (made from tires) was too thick.



Judge Wiedner asked if P20 experienced being beaten with it himself. P20 said yes, Memati hit me with it.

Judge Wiedner asked if P20 experienced other methods of torture or if he heard about them. P20 said he did not know [if he heard about] torturing methods other than sticks.

Judge Wiedner asked about getting hit on the feet with sticks. P20 said yes, Falaqa: a belt was tied to a stick and wrapped around the legs to fixate them. Perhaps the method of torture is changed to a device that fixates the legs for the beating.

Judge Wiedner asked if P20 witnessed or was told about hanging someone from the hands. P20 said that personally no, not in Al-Khatib. It happened with him in other branches.

Judge Wiedner repeated, asking about Al-Khatib. P20 reiterated that in Al-Khatib he was not hung.

Judge Wiedner asked if P20 heard if anyone experienced it. P20 replied that right now, he does not remember.

\*\*\*Lunch break\*\*\*

Judge Wiedner said that he understood that P20's first detention was in March 2011. P20 replied, correct.

Judge Wiedner asked how long it lasted. P20 said one week, until April 1, 2011.

Judge Wiedner asked how long P20 stayed in Al-Khatib in his second detention. P20 said approximately 21 days.

Judge Wiedner reminded P20 that he had said that the second detention was in 2012 and asked if P20 could confirm that. P20 confirmed, yes in 2012. There was a celebration of the anniversary of the Syrian revolution and other personal details, e.g. Al-Houla الحولة massacre happened when he was in prison in 2012. There were incidents in Syria and some personal things that P20 relates to that time [to his detention].

Judge Wiedner asked P20 to talk about it in general. P20 said that after his release, the Al-Houla massacre was a shock because it was a massacre in an area that he knows. There were also personal events in 2012 [P20 counseled his attorney] regarding a person. It concerns where P20 comes from and it can identify him.

Judge Wiedner asked if the Al-Houla massacre happened before or after P20's detention. P20 said he got the news when he was in detention. There was a new detainee who told the other detainees that. Additionally, the activist Basel Shehadeh باسل شحادة was targeted by the Syrian regime and was killed in Homs in 2012. Some detainees who entered the prison had participated in the memorial prayer of Basel, but P20 was in the military police services.

Judge Wiedner asked how the name of the mentioned person [Basel Shehadeh] is written. [The translator spelled out the name].





Judge Wiedner asked when P20 left Syria. [P20 counseled his attorney] and said he left Syria in July 2014.

Judge Wiedner said that he was asking because P20 specified the date to the French police. [P20 counseled his attorney] P20 replied that frankly, it is related to the memory and the years, it is connected to a certain event. When the questioning is in a normal context, he remembers the event better, unlike when it is in a direct question (when did you leave?). It has to be in a certain context to remember it.

Judge Wiedner asked if P20 did not think about it now. P20 said yes, he did not think about it. He cannot say which day exactly, but most probably, it was July 16<sup>th</sup>.

Judge Wiedner recalled that P20 went to another place after Al-Khatib in his second detention. Judge Wiedner asked when that was and how long it lasted. P20 said what he remembers is 21 days in Al-Khatib; one day in Division 40 (before Al-Khatib); three weeks in the General Intelligence; two weeks in the political security in Al-Maysat الميسات and Al-Fayha' الفيحاء (near the stadium).

Judge Wiedner asked if the General Intelligence Directorate was in Kafar Souseh. P20 confirmed.

Judge Wiedner asked when that was. P20 responded that he thinks it was on July 5, 2012.

Judge Wiedner recalled that P20 mentioned Basel Shehadeh and asked if P20 was in the military intelligence services when the incident happened. P20 said he was in the military police services before the transfer to the military jurisdiction.

Judge Wiedner asked whether it was the military police or intelligence. P20 said the [military] police.

Judge Wiedner asked where that was. P20 said in the military police in Al-Qaboun القابون.

Judge Wiedner recalled that P20 said that his second detention was in Division 40 and asked how P20 knew that it was Division 40. P20 said he knew by the way they took them from As-Salehiyyeh الصالحيّة to Division 40. There are places/locations that the public know well. There is a detail related to Division 40: as a result of the crazy beating, P20 thought about committing suicide and jumping from the fourth floor. There was an iron staircase or a door. He was tied near that place. It was clear that there was a sound coming from a window and he was not blindfolded. He looked through the window and saw Al-Jisr Al-Abyad, الجسر الأبيض, which he knew. It was a crazy thought and P20 abandoned it.

Judge Wiedner asked if P20 was transferred to Al-Khatib a day later. P20 said yes, with a group of people.

Judge Wiedner asked if the personnel who transported P20 to Al-Khatib stayed in Al-Khatib. P20 said he cannot specify that [he does not know].

Judge Wiedner wanted to go back to P20's first detention in March 2011. Judge Wiedner said that P20 participated in two demonstrations. Judge Wiedner asked what P20 experienced in them and if there were injuries or death. P20 said that on the Friday that preceded his detention, he was in Duma. When the demonstration emerged, it was attacked (the civilians) and a group of people was detained. The demonstration continued and there was a sit-in at the municipality square. The security [forces]



stormed the people and beat them at night/in the evening. In the demonstration that led to P20's detention, there was violent beating and he heard that 11 people from Duma died. Their funerals were on the same day.

Judge Wiedner asked whether P20 saw the dead, or heard about them. P20 said they were being detained and after that, they opened fire on the demonstrators. Later, after he was released, P20 knew about what happened and watched videos (that are still available today) that show the shooting on the demonstrators.

Judge Wiedner asked if P20 witnessed that himself. P20 replied no, his friends told him that and he watched videos, one of them was filmed by his friend. He also participated in the funeral of 11 people on the third day, April 3 or 4 [It is unclear if he meant the 11 people who died during the demonstration, as the timeline of his arrest does not indicate that].

Judge Wiedner asked if that was before or after P20's detention. P20 replied after he was released.

Judge Wiedner recalled that P20 said that he saw security forces attacking the demonstration and watched videos. Judge Wiener asked what P20 witnessed and if he can specify which security forces they were: e.g. soldiers, Shabiha, Intelligence services. P20 said he saw security gatherings (in Duma) during the demonstration. Some of them had the uniform of the riot control police (oil-green color) and were alone in a set place. On the other side, there were security forces with their cars with the street between them. A few meters away was another group who started beating [demonstrators]. Next to them were security cars, which were known from their numbers [license plates] and the pictures of Bashar and Maher [al-Assad] on their rear windows. There were Shabiha on the sides who were carrying chains without weapons. The civilians were attacked and some of the people who were beating them in the square took people to Al-Khatib and some of them stayed with the demonstrators there.

Judge Wiedner asked if P20 saw weapons or shooting. P20 said they had Kalashnikovs.

Judge Wiedner refreshed P20's recollection that in the French police hearing he had said that there was systematic beating in the first detention. P20 said the question is not clear.

Judge Wiedner said that P20 mentioned a person who was beaten. P20 said that there were security forces who brought them and were inside Al-Khatib branch. While the detainees were in the corridor, one of the forces kicked P20 fracturing P20's ribs. There were witnesses and security forces were with them.

Judge Wiedner said that he meant something else. Judge Wiedner said that P20 mentioned in the French police hearing that a person fell on the ground and perhaps died. P20 replied that he does not remember now.

Judge Wiedner refreshed P20's recollection quoting, "some detainees fell on the ground and P20 thought that one of them fell and P20 was not sure if he died". P20 said that in the "welcome party," some people died. His friend died under torture in Homs during the "welcome party" and something else could have happened to P20 [in another scenario] and he could have died. He lost his breath [was not able to breathe well] until the evening.



Judge Kerber asked if P20 wanted a 10-minute break. P20 said, ok.

\*\*\*10-minute break\*\*\*

#### Questioning by Prosecutor Polz

Polz asked if P20's family or friends were notified about P20's detention. P20 said never, there was no notification from the authorities to his family.

Polz asked if P20 was able to communicate with them. P20 said never, the communication [with the outside] was through the new detainees. In both detentions, the authorities told [P20's family] nothing about his situation, although his family tried to communicate and find out about his fate, there was no answer.

Polz refreshed P20's recollection stating that he was asked during the French police questioning whether his family was notified and P20 said "no, they knew through my friends, but the authorities did not notify them. The detainee has no right to communicate and the detention was secretive." P20 responded, correct.

Polz asked if it is true that the detention was secretive. P20 said, exactly. In Syria, it is a secret and there is no information about the detainee. The more correct term is abduction. His example is relatable: in both detentions, there was no charge and if the detainees asked a question about the reason for the detention, there would be no answer. And there is no right to communicate with the outside, nor whether the outside knows about us. Sometimes, [body] searching the detainee by the security [personnel] is done at the beginning, so that the family does not get information [It was not clear what P20 meant by this statement. The court monitor conjectures that maybe P20 meant that security searches are done at the beginning so that one's phone is taken away to avoid calling].

Polz said that P20 mentioned Falaqa and asked how many people were there during the procedure. P20 said essentially two people tie the feet and each one holds the person down on each side. One asks the question and the other one beats. Sometimes, the one who asks the question beats.

Polz asked which occurred with P20. P20 said the one who was asking, also beat him.

Polz asked if P20 could tell if there was hierarchy between the individuals. P20 said that usually in Al-Khatib, there are personnel/members [عناصر] and then people who could be officers (but for sure not a regular member/personnel). This person [who might be an officer] hit P20 twice. In other branches, an officer would be with a member/unit [عنصر] and the officer hit. He knew the hierarchy because of the title/form of address "Sidi."

Polz asked who addressed whom. P20 responded that the lower in command addressed the higher in command saying "Yes, Sidi [yes, sir]."

Polz asked if P20 was exposed to sexual abuse in Al-Khatib. P20 said no, he was not.

Polz asked if P20 heard from other people or if someone told P20 about sexual abuse against men or women. P20 said yes, he heard about it but asked Polz if she meant in Al-Khatib or other places?



Polz said that she is interested in Al-Khatib at the moment. P20 said no one told him personally about Al-Khatib.

Polz asked if in general this was known in Syria. P20 said, in general in Syria, this method exists. At least, he heard from [female] friends about verbal sexual abuse.

Polz asked if P20 also heard about physical in addition to verbal. P20 said he does not have any information.

Polz said that Judge Wiedner asked P20 about torturing methods and mentioned Falaqa and Tire. Polz asked if P20 saw people who were tortured like that. P20 said that within his testimony he mentioned the person from Damascus, who had blood from his fingernails and toenails.

Polz recalled that in the Federal Criminal Police Office hearing P20 said "There was a person with long hair who was taken outside the cell for an hour and the detainees heard screams. When he returned, the detainees could not recognize him, he was bruised and his fingernails were extracted." Polz asked if P20 remembers that. P20 confirmed he remembers.

Polz asked if the person was transferred because of his injuries. P20 answered that he does not remember that he was transferred, but remained in his place and did not move. P20 talked about a person who lost his mind and did not sleep for four days. He was standing on his feet for four days. They [P20 and other detainees] requested that the security personnel help this man (his name was most probably Khaled خالد or Abu Khaled (أبو خالد)), saying that there is a problem happening with this person. On the fifth day, he started to talk to himself and wet himself.

Böcker said that he had two questions.

Judge Kerber said that they will take a five-minute break.

Böcker said that the questions are short.

Judge Kerber said that they will continue after five minutes.

\*\*\* 5-minute break\*\*\*

Judge Wiedner asked if the person who could not sleep was in P20's first or second detention. P20 replied that it was in the second one.

Judge Wiedner asked if it is correct that P20 had not seen a picture of Raslan before the photo-array in the police questioning. P20 confirmed. He did not see any pictures of Anwar Raslan.

Judge Wiedner asked if the French police showed P20 any photos. P20 said that they showed him a large group of pictures of different people.

Judge Wiedner asked if Raslan was identified at that hearing. P20 said at that questioning, Raslan's name was not raised. They showed me pictures and asked me if I can identify officers. The question was "Have you seen these people in the branch?"

Judge Wiedner asked whether P20 recognized Raslan in the French police questioning or just in the German one. P20 said he remembers that one person was a probable [suspect]. He told them that it was



probable that he had seen this person. There was a group of photos with people he had probable cause to believe he had seen. In the German police questioning, P20 directly said that he knows him [Raslan].

Judge Wiedner asked if P20 did not recognize Raslan during the French police questioning. Judge Kerber clarified the question. P20 answered, "About Anwar, I said, 'this person, I have seen him.'"

Judge Kerber asked, "without a name?" P20 confirmed that he knew without a name.

Judge Kerber asked if the person P20 recognized back then is the person (Raslan) P20 recognized in the courtroom. P20 confirmed.

Klinge said that there is another accused and asked if P20 recognizes him. [P20 looked at Eyad A.] P20 replied, no, he has not seen him.

Böcker said that he had questions for later. Judge Kerber asked if he had any clarifying questions. Böcker said no.

Judge Kerber dismissed P20 and announced that the hearing would be carried into the following day.

Böcker asked von der Behrens if she could stay in the courtroom.

[Von der Behrens talked with P20 before the latter left.]

Böcker said that he had a problem regarding the second police interrogation in 2019. Böcker does not know whether P20 recognized Raslan before the photo-array in that interrogation, because nobody knows which photos were shown in the French police questioning.

Judge Kerber said that these photos are not available in the files/records, as far as she knows.

Böcker asked if the court can get these photos. Judge Kerber said that they will try.

The proceedings were adjourned at 3:00 p.m.

The next trial will be on November 26, 2020 at 9:30 a.m.

#### **Trial Day 47 – November 26, 2020**

The proceedings began at 09:30. There were four spectators and two individuals from the media present.

Mrs. Friedrich appeared for Oehmichen. Mrs. Foerster-Baldenius appeared for Mohammad

Judge Kerber asked the lady who accompanied P20 who she was. She answered that she is [name redacted] P20's fiancée.

Judge Wiedner said that they contacted Deußing to find out whether the French police could send the photos they showed the witness in the questioning, but the French police are not willing to share them. These photos however were not identical to those used in the Federal Criminal Police Office questioning.





Judge Kerber asked if P20 was understanding the translation. P20 said not that much. Yesterday, he had slight problems, but he thinks today is better.

Judge Kerber said that P20 was shown photos in the interrogation and asked whom he recognized. P20 asked if Judge Kerber was asking concerning the French or the German questioning.

Judge Kerber clarified she was referring to the photo-array in the French police questioning.

Böcker said that P20 was interrogated twice in France.

Judge Kerber asked P20 to confirm that. P20 confirmed.

Judge Kerber asked if he was shown photos in both questionings. P20 said no, only in the second one.

Judge Kerber asked whom P20 recognized in that questioning. P20 said he just wanted to point out that the conditions of the questioning were very bad. During the previous times, the questioning was too long with no clear reason. He [presumably the interrogator] opened an interrogation about the incidents in Syria. The interrogator was from the military, which caused a lot of psychological pressure during the first interrogation. He asked questions in a violent way that reminded P20 of interrogations in Syria. P20 shared this experience with many friends who had the same experience as well. P20 told the officer that he did not want to carry on the interrogation because of the officer's behavior. The last French police questioning, before showing the photos of the people, P20 wanted to refuse to follow through because of their behavior. So, they said "ok, last thing" with these photos. They showed a large group of photos of different people from yesterday [P20 seemed to be referring to the previous day in court (as they showed photos in the courtroom)]. They questioned whether P20 knew or had seen any of these people. P20 pointed to the people whom he probably knew. That was everything.

Judge Kerber asked if P20 recognized someone for certain. P20 said no, not 100%.

Judge Kerber asked if Raslan's photos were among the photos during the French police questioning. P20 said he does not remember.

#### Questioning by Defense Counsel Böcker

Böcker said that it was not comfortable for P20 during the French questioning and asked P20 if he was feeling well today. P20 responded that he is in a good health and very well and feels no pressure. No law forces him to come [to court in Germany].

Böcker clarified that he meant is if the atmosphere in court is good or is it similar to what P20 experienced in France. P20 said yes, it is very good.

Böcker stated that they have a problem with the photos from the French police and recalled that P20 said that the second questioning in France was too long and the behavior was bad reminding him of Syria. Böcker asked P20 if the atmosphere during the second questioning was bad. P20 said he did not say that the second questioning lasted too long, only the first one. He took a position during the second questioning as a result of the first one. P20 refused to continue and at the end, they showed him the photos.



Böcker stated that the first questioning lasted four hours. P20 said it was short, he does not know if was four hours, but it did not feel to be that long [There was confusion over which police questioning Böcker was discussing].

Böcker said that he and his colleague [Fratzki] heard that P20 said that the questioning was long and then they showed the photos. Böcker asked P20 whether he heard P20 wrong. Von der Behrens said that P20 did not say that, but rather that “There was pressure in the first questioning, then they showed the photos” and that “He was taking a position in the second questioning because of the pressure in the first one.”

Böcker asked if the first questioning lasted for 3 hours and 47 minutes. P20 said the first one lasted longer than this. He did not know about the second one, but it was shorter.

Böcker asked if the second questioning was longer than the first one or shorter. P20 replied that he does not remember exactly.

Böcker recalled that P20 said, “longer, shorter...”

Judge Kerber interrupted wanting to clarify the question. Judge Kerber asked P20 if the first questioning was longer than the second one. P20 replied that the first questioning was “long”.

Judge Kerber said that in the transcript, it is mentioned that it started at... [The court monitor could not hear what time was stated]. Judge Kerber asked what happened then. P20 said he handed over his mobile phone and went and waited for the translator. They went to a far-out location in Paris. He did not have the phone on the way to check the time. He handed over his belongings and when he went outside [after the questioning], P20 saw the time. P20 does not have information about the complete time.

Judge Kerber said that means that the questioning ended at 3:55 pm. Judge K asked if it was longer than this. P20 said he felt that it was longer than that.

Judge Kerber asked Böcker if his question was answered. Böcker confirmed that it was.

Böcker recalled that P20 said that he did not see photos of Raslan on the internet. P20 said never, he did not see the photos of Raslan and Al-Gharib.

Böcker asked if, before the questioning on April 2, 2019, P20 had the name Raslan in his mind. P20 said never, he did not have information about the name, nor any detail. However, during the interrogation, they said that the interrogation was concerning Raslan and Al-Gharib.

Böcker asked if, before that, P20 was using the internet. P20 said he was working at home.

Böcker summarized that the questioning atmosphere in France was bad, P20 shared that with his friends who told him the same, P20 works on a computer, and P20 says that he did not know about Raslan before the questioning. Böcker said that he is wondering whether P20 is certain of that, although Raslan’s name was available and known on the internet for years.



Klinge said that he should be specific and not say “years.” Böcker argued that it was indeed years. Klinge asked since what date. Böcker said 2014. Klinge asked where one can find that. Böcker said that he can get the picture from the internet.

Von der Behrens interjected that they do not know what Böcker wanted [Von der Behrens talked with P20]. P20 said he understood the question. In short, the mere existence of a name does not mean an association to a case. If he heard the name Raslan in 2011, he would not have associated it with Al-Khatib. On the internet, there are many names that P20 could not know them all. However, in the German police questioning, it was mentioned that Raslan was an officer in Al-Khatib. It was the first time P20 heard his name and saw his picture.

Böcker said that P20 was asked yesterday about the photos and P20 said that they reminded him of this person and the court now understands that P20 is saying that a photo from the French police questioning reminded him of Raslan. Böcker stated that P20 is saying something different today. P20 said that the error/mistake is first that the French photos are not available, which pointed people in Al-Khatib without context. The second time when they showed the pictures during the German police, he recognized them [the photos].

Böcker recalled that P20 said that it was bad that the photos were not shown, but now P20 said that he recognized the photos. Böcker asked if he misunderstood P20.

Von der Behrens said that they did not understand the question. Böcker repeated his question and asked whether P20 said something different. P20 responded, “I think that you [Böcker] did not understand me.”

Böcker asked if it is correct that P20 said yesterday that he recognized Raslan. P20 responded that he is saying that Raslan’s photo might have been in the French police questioning and he recognized it in the German police questioning.

Böcker said it is clear now. Von der Behrens asked Böcker to differentiate between his statements and questions.

Böcker said that during the questioning by the Federal Criminal Police Office on April 2, 2019, P20 was shown eight photos and said that he did not know seven and recognized one (photo number two). Böcker said that P20 also said that Raslan is taller than him. P20 responded that he remembers that the answer was that he does not know the number of the photo.

Böcker said it was number two. P20 responded that he said that this is Anwar and he was wearing a suit; he was thin/slim not overweight; he was P20’s height or a bit taller. P20 can not specify the height.

Böcker said, regarding the uniform, P20 said that he did not see a uniform in Al-Khatib. P20 responded that he did not understand the question. Böcker repeated the question. P20 asked Böcker if he could shorten the questions.

Böcker said no, but he would try. Böcker repeated that P20 said that he did not see uniforms.

[Scharmer objected, but Scharmer’s reasoning was not clear to the court monitor]



Böcker said that P20 was asked what the personnel was wearing and P20 replied that they were wearing t-shirts and jeans and he saw no uniforms. Böcker asked about the difference between the official uniform and the military uniform. P20 replied that he will repeat what he said, "In Al-Khatib, the security personnel whom I saw and recognized later as Raslan, was wearing a suit [there was a lot of mistranslation of "suit" and "uniform"] with a tie, however, the guards were wearing civilian clothing, like jeans and t-shirts. There were no military uniforms." [After saying it in Arabic, P20 also said "uniform" in English.]

Böcker recalled that in the police questioning, P20 said that "There was a high-rank officer on the third floor. P20 knew that he was an important person from his clothes. Today, P20 does not remember his face. When P20 sees photo number two, it reminds P20 of him." Böcker asked if P20 said that in the questioning.

Von der Behrens objected. P20 asked if Böcker meant before or after he was shown the photos.

Böcker said after. P20 answered, "I said that I remember the face of this officer Raslan, he was with me (I was asking myself)." [It is unclear what P20 meant by that].

\*\*\*10-minute-break\*\*\*

Böcker asked if P20 said that when he saw photo number two, it reminded P20 of the accused. P20 said yes, he remembers.

Böcker said that P20 was asked how he knew Raslan and quoted P20. [The court monitor did not understand the quote]. P20 answered that he does not remember precisely.

Böcker quoted P20, "He [Raslan] was with the opposition, and I talked about him with my friends." P20 responded that he does not remember precisely.

Böcker recalled that P20 said, "My friends were in Al-Khatib and think that..." [The court monitor did not understand the full remonstrations]. P20 said he does not remember precisely. He does not remember the transcript of the questioning, but he does remember the things that he lived and the situations, details, feelings... he does not remember 100 or 200 pages.

Böcker said that he had no more questions.

#### Questioning by Plaintiff Counsel

Plaintiff Counsel Reiger referred P20 to his first detention in Al-Khatib and asked where P20 was directly before the interrogation happened (if he was in a corridor). P20 said he was always in the big chamber/dormitory that was in the sketch. He was interrogated twice in a room that overlooks the big chamber/dormitory. The conditions were very bad. Many of the detainees were wounded and P20 remembers that there was blood on the walls. When the doctors from the Red Crescent came, he remembers that the detainees hid their wounds, because it was obvious that it was not medical care and to avoid problems [complications]. The situation was bad from day one.

Reiger asked if P20's name was called before that. P20 said yes, they called my name to get out/exit.

Reiger asked P20 if he was told where he was taken. P20 said no, never.



Reiger asked if P20 remembers what he said in the questioning about the floors and the officer's room. P20 answered that he remembers that the discussion was about the staircases and he said that it was the second or the third floor. When one smells the fresh air, then one knows that he is in a good place, in addition to the quietness, one feels that it is a place for officers. When one enters an office and smells a scent of perfume and sees glossy dress shoes, then they knew that they were in front of an officer, not a normal member/personnel/unit [عنصر].

Reiger said that Raslan mentioned in his defense statement that his office was 3x3 meters, but a simple one. Reiger asked if P20 had that impression as he entered Raslan's office.

Böcker said that it was the interrogator's office. P20 answered that he entered an interrogator's office. To be precise, [he entered] the room where this officer was.

Reiger asked when the Al-Houla massacre happened. P20 said he cannot remember the date, but he thinks it was in June or July 2012. Probably in June, because he had just celebrated his birthday with the detainees. He saved a loaf of bread [back then, for the celebration]. The following day, we [the detainees] knew about the massacre – children were slaughtered with knives. P20 has a relation with this city [Al-Houla] and visited it several times.

Reiger asked if there was an improvement of treatment within the branch after the massacre took place. P20 said the behavior in Al-Khatib never changed, not even once. He visited [was detained in] it twice. The treatment was bad both times and there is no medical care.

The witness was dismissed.

[There was a brief discussion between Scharmer and Böcker about plaintiff [name redacted]]

The proceedings were adjourned at 10:55 a.m. The next trial will be December 1, 2020 at 9:30 a.m.



**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 20

Hearing Dates: December 1 &amp; 2, 2020

*CAUTION: Some testimony includes descriptions of torture.***Summaries/Highlights:<sup>1</sup>****Trial Day 48 – December 1, 2020**

P21, a 55 year-old former employee of the Syrian General Intelligence Directorate (GID), who worked at different Branches for almost 30 years, testified on the hierarchy and structures of the GID. He said that Raslan as head of the interrogation division at Branch 251 signed orders to torture detainees. P21 was very hesitant in providing answers. His answers in court often contradicted previous statements he made with the German police. At one point, P21 told the judges that he will have to pay a high price for his appearance in court, explaining that three letters from the court were opened in his mailbox. Journalists appeared at his door requesting interviews and friends gave him “advice” not to testify. Presiding judge Kerber said that unfortunately, the court cannot do anything about P21’s current situation and he has to continue his testimony. She further warned all journalists and people in the audience to be very careful about the information they publish. [This report has redacted the witness’ personal identifying information]

**Trial Day 49 – December 2, 2020**

P21 continued his testimony, which included contradictions between his testimony in court and his interview with the BKA as well as contradictions between what he said this day and the previous day.

Hannah Hille, a 30 year-old employee of the German Federal Office for Migration and Refugees (BAMF) testified on P21’s interview with her Office. The Defense Counsels questioned her on the policies of conducting interviews and forwarding information at the BAMF.

**Day 48 of Trial – December 1, 2020**

The hearing began at 9:30 am with 4 spectators and 2 members of the press in the audience. Neither of the accredited journalists required access to the Arabic translation. There was no camera man recording before the beginning of the hearing. The prosecution was represented by prosecutors Klinge and Polz. Attorney Foerster-Baldenius appeared as replacement for plaintiff counsel Mohammed.

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<sup>1</sup> 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.

Presiding Judge Kerber announced that due to a change of rooms, the hearings scheduled for January 20 and 21, 2021 will be cancelled and the trial will take place at a different building from January 27, 2021 onward.

### Testimony of P21

P21 was accompanied by his counsel, Ms. Roth. Instructions were read out to P21 and Presiding Judge Kerber reminded P21 that he has the right to not provide an answer if the answer would incriminate himself. She added that, if necessary, he can consult his counsel at any time and asked him to briefly provide some personal information.

### Judge Kerber's Questioning

After reassuring that P21 is from Syria, Judge Kerber wanted to know which job P21 had in Syria. P21 said he worked for the General Intelligence Directorate (GID) for 30 years.

Kerber wanted to know in which Branches P21 worked. P21 said he worked at Branch 251 for 13 years, at the 'storming Branch,' at a Branch in Dar'a and the information Branch in Damascus.

Kerber asked P21 whether he wanted to tell a bit more about his duties and what exactly he did. P21 consulted his counsel and said that he did not want to elaborate on this.

Kerber asked P21 what he can say about Branch 251. After P21 consulted his counsel, Judge Kerber asked him about the tasks of Branch 251 and whether "they" had a prison, P21 said that "of course" they had a prison and that there was a "center for collation of information" which dealt with interrogations and investigations. P21 asked what else he should tell the court.

Kerber wanted to know whether Branch 251 was responsible for interrogations. P21 affirmed.

Kerber further asked whether the Branch had a sub- division. P21 again affirmed.

Kerber wanted to know the name of this subdivision. P21 said it was the Interrogation Division. When asked about the number of this Division, P21 said he could not remember.

Kerber asked P21 who the head of Branch 251 was. P21 said there was more than one and asked Judge Kerber about which date or time frame she was talking.

Kerber said she was referring to 2011/2012 when the revolution started. P21 said he thinks that Major General Younes was the head of Branch 251 at this time.

Kerber recapitulated that Branch 251 had a prison, which P21 affirmed again, and asked P21 whether "they" consequently interrogated people. P21 affirmed.

Kerber wanted to know who the head of the interrogation division was, clarifying on P21's request that she was again referring to 2011/2012. P21 said it was Colonel Anwar Raslan.

Kerber wanted to know what tasks the head of the interrogation division had. P21 said regarding the head of Branch 251, there were several sub-divisions. However, in practice, Makhoulf, the head of Sub-division 40 was the head of Branch 251.

Kerber asked whether Branch 251 consequently belonged to Division 40, whether it was subordinate to it. P21 said that in practice, Makhoulf is the actual head of the GID. He explained that even though he saw that Mamlouk was the head of the GID, Mamlouk came down from his office to greet Hafez Makhoulf.

Kerber asked about specific instances or changes regarding the hierarchy. P21 explained that Hafez Makhoulf is related to Bashar Al-Assad and was in practice the actual decision-maker.

Kerber wanted to know whether he [Makhoulf] assessed individual detainees and made a decision in their cases or whether he rather dealt with a bigger structure. P21 said he does not think so [that Makhoulf assessed individual detainees].

Kerber asked what he [Makhoulf] decided. P21 explained that one can say that Raslan or any other member of the GID cannot make a decision without the approval of Hafez Makhoulf, when he was there.

Kerber wanted to know whether Hafez Makhoulf dealt with individual detainees. P21 denied, explaining that there were general guidelines which everyone had to follow.

Kerber asked P21 to provide an example. P21 said for example arrests of demonstrators or duration of detention.

Kerber asked whether this happened for every detainee individually. P21 denied, adding that there were for example orders to arrest several demonstrators.

Kerber said she wants to understand how such orders looked like, whether they were rather general or including names or framed like "get everyone you can". P21 said that the first arrest where he was also personally present was at Ar-Rifa'i mosque. They had the order to arrest all people and surround over 1,000 people.

Kerber concluded that Makhoulf [she initially said Mamlouk, which plaintiff counsel Scharmer corrected] was responsible for the bigger structure. P21 affirmed.

Kerber wanted to reassure that the head of sub-division 40 was involved in the bigger structures [of the GID]. P21 affirmed.

Kerber went on to ask P21 about the daily work and tasks of Raslan. P21 said that when someone was arrested, he was brought to Raslan, who had to interrogate the person.

Kerber wanted to know whether Raslan could decide freely and how things went. P21 said that Raslan could not make decisions but proposals.

Kerber wanted to know what kind of proposals P21 was talking about. P21 said he was talking about proposals on whether someone gets detained or not.

Kerber asked whether Raslan was free in deciding how to conduct interrogations. P21 said that in general, there was always someone who worked on this information and made conclusions. He added that Raslan's assistant was directly appointed by Hafez Makhoul. He thinks that his [assistant's] name was Taleb Hassan. According to P21, he was the person who wanted all the information, regardless of how.

Kerber asked when Taleb Hassan was appointed/deployed. P21 said it was when Raslan was transferred to the Inner Branch [Branch 251].

Kerber asked which Branch P21 is talking about, which number this Branch has. P21 said he referred to Branch 251.

Kerber concluded that since Raslan was at Branch 251, Taleb was there as well. P21 said he thinks so.

Kerber asked P21 whether he saw documents which were signed by Anwar Raslan.

P21 turned to the translator sitting next to him. The translator said that P21 wanted to talk to him but that he told P21 that he is only the translator and he should consult his counsel.

Judge Kerber told P21 to consult his counsel Dr. Roth and that the work with documents would be of no harm. She asked P21 whether he needed a break.

After a short consultation between P21 and his counsel, Kerber asked again whether P21 saw any documents, which were signed by Anwar Raslan. P21 said that he worked in the Information Branch of the GID, so he saw documents.

Kerber asked P21 what he did there, whether he inspected documents. P21 said that due to his work at the information Branch, he received different documents from the head of the interrogation division. However, P21 said he was not informed about the content of these documents. He said that his Branch was rather an archiving division and he himself was never present at demonstrations. He added that he has knowledge about "these things" only from his work at the Information Branch.

Kerber asked whether P21's Branch collected documents. P21 affirmed.

Kerber went on to ask P21 about the rough content of these documents. P21 said he cannot remember.

Kerber wanted to know where the documents went to. P21 said the documents were passed on to the center for collection for information.

Kerber asked whether they stayed there. P21 affirmed, adding that this was the IT division and the documents were stored on a generally accessible computer at the Information Branch [255].

Kerber asked P21 if he knows where the building of Branch 251 is, since he worked at Branch 251. On P21's request, Kerber clarified that she wants to know whether Branch 251 had a separate building. P21 said "of course" it had its own building.

Kerber wanted to know whether P21 was there. P21 said he worked for almost 13 years at the Inner Branch [Branch 251].

Kerber wanted to know how the building looked like, whether there were any special details. P21 said it is at Baghdad Street next to the Al-Hilal hospital with two buildings.

Kerber asked whether the buildings were modified at some point. P21 said it was the headquarters of Branch 251, adding that several sub-divisions in and around Damascus belong to Branch 251.

Kerber wanted to know whether there were two or one buildings belonging to Branch 251 on Baghdad Street. P21 said there were two buildings.

Kerber wanted to know whether the buildings were renovated at some point. Raslan's defense counsel Böcker interrupted and asked during which period P21 worked at Branch 251 for 13 years. Kerber passed the question on to P21 who said that he worked at Branch 251 from [REDACTED].

Kerber asked P21 whether the building was modified in any way since 2011. P21 said as far as he knows, the prison was extended.

Kerber asked P21 whether he could describe this in more detail. P21 denied.

Kerber went on to ask at which floor the offices of the interrogation officers were situated. P21 said they were on the left side of the building on the ground floor. The head of the division has one office upstairs and one downstairs at the prison.<sup>2</sup>

Kerber asked where the offices were in 2011/2012. P21 said what he just described was the location of the offices in 2011/2012.

Kerber wanted to clarify what P21 meant by "upstairs", which level he was talking about. P21 said there [REDACTED]. Another office is in the basement in the prison.

Kerber asked whether there are also offices on the second and third floor. P21 affirmed.

Kerber concluded that these offices would not be the ones of the head of the division. P21 affirmed, explaining that the offices on the second and third floor are for example archives or offices that are used when needed.

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<sup>2</sup> Note from the Trial Monitor: For the purpose of the Trial Monitoring Reports and in accordance with German language (and the reassuring of the judges whenever witnesses talk about levels and buildings), the following order is used (low to high): basement, ground floor, first floor, second floor, third floor etc.



Kerber went on to ask P21 whether the name [REDACTED] [see [TR#15, days 35 and 36](#)] sounds familiar to him. P21 said this person was a doctor in residency at the Al-Moujtahed hospital in Damascus.

Kerber wanted to know what happened to him. P21 said he was detained at Branch 251.

Kerber asked whether P21 ever heard about him again. P21 said he was at Branch 251 in 2011/2012.

Kerber asked whether [REDACTED] was released. P21 denied.

Kerber wanted to know whether P21 can provide more detail. P21 said he followed up until 2012 and did not get information after that.

Kerber asked P21 about religious affiliation within the administration and wanted to know whether it played any role. P21 said it was the case “during the events” [affiliation was of relevance].

Kerber asked P21 to describe the role of religion. P21 said that with the start “of the events” people were allocated according to their confession. People with a lower rank could command a big group because of their confession. He added that a single confession seized power.

Kerber gave the example of a Sunni colonel with an Alawite subordinate to him and asked P21 whether the Alawite could give orders to the Sunni. P21 said “of course” he can. However, in general no one can make a decision without the approval of an Alawite. According to P21, this means that an Alawite also cannot make a decision without the approval of the respective head.

Kerber concluded that every Alawite has to ask the respective leading person for permission. As P21 was confused by this question, Kerber asked him to explain the ranking of religions he provided during his interview with the German Federal Criminal Police (BKA). P21 said that the Alawites were “biggest for sure”.

Kerber further recalled that P21 told the BKA that the religions initially lived together more or less in peace. P21 said that there was no other group below/close to the Alawites [for some rankings before the other religions that were below the Alawites].

Kerber wanted to know how the ranking would then look like and where the Ismailites would be ranked. P21 said Ismailites and Druze would be at the same low rank, as they would be the same in the eyes of the Alawites.

Kerber asked about Christians. P21 said they would be on the same low rank, adding that “when the events started” Alawites seized power and had no trust in other people.

Kerber wanted to know about people [non-Alawites] with a high rank and other people, asking whether they were able to continue their work or if they were somehow restricted. P21 said such people existed of course. He added that everyone was able to continue his work, however, under surveillance by Alawites. P21 said he can assure the court that Raslan was afraid of Taleb Hassan, even though Hassan was far below him.

Kerber recalled that P21 told the BKA a slightly different rank. P21 said that back then, he just answered the BKA's questions as they were put to him.

Kerber said that is fine and she just wants to make sure that she got his ranking of religions right. Kerber cited from P21's interview with the BKA during which he was asked whether "Sunnis were treated differently in the Intelligence Services." He told the BKA that "earlier, they were not treated differently but with the beginning of the conflict, decision-making positions were only given for certain confessions. Alawites were always favored, followed by Shiites. 'They' got all the senior positions in the Intelligence Services." P21 said this is a correct recollection of this interviews and the answer he gave back then was his honest opinion at that time.

Kerber continued recalling P21's interview with the BKA where he further said "people from other confessions also got some positions, however, the head was always an Alawite. They were followed by Christians, Sunnis, Druze and Shiites and the Ismailites were at the very bottom." P21 affirmed that this was how he saw things at the time of his interview with the BKA.

Kerber asked him whether he thinks differently today. P21 said that after the experience he made, he thought like that.

Kerber wanted to know how he thinks today. P21 said that his view of thing completely changed and that he sees things [ranking of religions] as he just explained to the court.

Kerber concluded that in P21'S current opinion, Alawites are at the top while all other religions are way down below. P21 affirmed.

### **Judge Wiedner's Questioning**

Judge Wiedner recalled P21 telling the BKA that he worked at the archive and asked him what exactly he did there. P21 said there were several offices, his office was responsible for scanning and archiving information from different Branches.

Wiedner wanted to know the number of the Branch at which P21 works. P21 said it was Branch 255.

Wiedner asked when he worked there. P21 said he worked there from [REDACTED].

Wiedner asked whether P21 had a leading position or was rather one of many. P21 said he was in a "normal" position. He said he was working as an administrative officer who was responsible for a certain group of people. According to P21, there were several computers and people in his office. Their task was to scan and archive information.

Wiedner asked about his rank. P21 said he was a [REDACTED].<sup>3</sup>

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<sup>3</sup> Note from the Trial Monitor: The translators now have a list with military ranks and their respective German and Arabic translations.

[P21 had issues with his headphone and turned down the volume. Presiding Judge Kerber said he can adjust the volume anytime and let the court know if he has difficulties. She added that P21's face already looked distorted with pain]

Judge Wiedner recalled P21 telling the police that 20 people were assigned to him. P21 denied, explaining that 20 people were not assigned to him but that he "had certain responsibilities".

Wiedner wanted to know what kind of documents P21 reviewed and where they came from. P21 explained that the GID has several Branches and that the information came from the GID. He added that when information came on paper from the provincial Branches of the GID, they were digitalized at his office.

Wiedner asked P21 about the content of the documents. P21 said that they got "tons of information and documents" and that it is impossible to know their content. According to P21 he scanned around 1,000 sheets per day.

Wiedner said that according to the minutes of P21's interview with the BKA, he provided more information on that to the BKA and asked P21 if he remembers. P21 wanted to know which minutes Wiedner was talking about.

Wiedner said that according to the BKA's minutes of his interview, P21 saw reports from interrogations of detainees at GID prisons. P21 said that they had a difficult time and lived in fear. He said he planned his departure from Syria. He said that everything inside him broke. P21 explained that he has been learning German for three years now, but cannot remember a single word. He stressed again that "everything inside us" broke, adding that what he wants to say is that he has difficulties with his memory.

Wiedner asked P21 to remember his interview with the BKA a year ago. He asked him whether he can remember interrogation protocols from Branch 251. P21 said that during the three years he just mentioned, more things inside him broke than during the previous seven years in Syria. He said sometimes he thinks that he might forget his own name.

Wiedner said that a year ago, P21 was able to remember a specific protocol from Branch 251.

P21 turned to his counsel.

Plaintiff counsel Scharmer requested a break to allow P21 to consult with his counsel.

Presiding Judge Kerber ordered a 10-minute break, telling P21 to consult his counsel Dr. Roth, who is an expert with a lot of experience in witness counseling in court.

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Note from the Trial Monitor: The translations of ranks are based on what has been said in court in German. The German terms are then translated to US and UK rank, according to the [official NATO code](#). Whenever the Trial Monitor is able to hear the original Arabic term from the witness, the Arabic term will be used as a base to get the most appropriate translation.

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[10-minute break in proceedings]

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Presiding Judge Kerber said she hopes that the break was sufficient and that P21 had time to recollect.

P21's counsel Dr. Roth said her client is under pressure and tries to suppress things. He is in fear for his family in Syria.

Plaintiff counsel Scharmer requested a break to consult with all parties.

Presiding Judge Kerber ordered an interruption of the main proceedings.

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[10-minute break; all journalists and members of the audience had to leave the court room]

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Once the "publicity of the trial was resumed" the main proceeding continued.

Judge Wiedner asked P21 what kind of documents passed his desk and if there were documents from Branch 251. Wiedner added he cannot spare P21 this question. P21 said most of the information was related to arrested people or wanted persons.

Wiedner asked whether that was also related to Branch 251. P21 affirmed.

Wiedner asked P21 whether he can remember the content of these protocols. P21 said it was "actually most times" dealing with opposition demonstrations or "simply opposition". It included statistics of people participating in demonstrations.

Wiedner asked whether it also dealt with how people were questioned. P21 said it also dealt with what people did [committed], how much influence they had and whether they should be arrested.

Wiedner asked whether it also dealt with how and if people should be interrogated. P21 said that was "actually by application of any means and methods".

Wiedner wanted to know if P21 read such a phrase. P21 affirmed, adding that Branch 285 would be the Interrogation Branch.

Wiedner asked whether this [phrase regarding application of any means during interrogation] also referred to Branch 251. P21 said he already said that such documents existed.

Wiedner wanted to know more about Branch 251. P21 said there was a "god", the main leading figure and decision maker. He made decisions that were binding for everyone.

Wiedner asked for the name of this "god". P21 said it is Bashar Al-Assad.

Wiedner asked about the role of the heads of the Branches. P21 said they were "one of the angels".

Wiedner recalled P21's interview with the BKA during which he said that "Branch 251 had special competencies. It was usual that protocols were circulated within the Branch. However, what he wants to say is that protocols from Branch 251 always came [to P21's office] very late. Proposals etc. only reached P21's office when everything was completed. Usually, proposals were issued to the Branches by the relevant interrogation divisions." Wiedner asked P21 whether he can remember and if this would be correct. P21 said it is correct.

Wiedner asked what kind of proposals P21 was talking about. P21 said they were proposals to either arrest someone or "extend" the interrogation. Sometimes they also proposed to transfer a detainee to a different Branch.

Wiedner wanted to know whether "extending the interrogation" included torture. P21 said that from time to time an "extension of the interrogation" was proposed.

Wiedner cited from P21's interview with the BKA during which he said that "it was not explicitly written that torture methods were meant but simply said 'methods to gain information', which is a code for torture methods that everyone knew." P21 further added that "actually, it was not necessary to mention that as people were tortured constantly, anyway." P21 affirmed his previous statements.

Wiedner wanted to know how many times the release of a detainee was ordered. P21 said he did not understand the question. Wiedner recalled that P21 said that sometimes the release of a detainee was ordered. P21 said this was the case from time to time.

Wiedner again cited from P21's interview with the BKA during which he was asked if "protocols from Branch 251 more often ordered/proposed the 'extension of information-gaining' or the release of a detainee". P21 told the BKA that "a release was rather rare; however, this could also mean that someone was transferred to another Branch or, relating to 2011/12, that one was put on trial". P21 affirmed, explaining that sometimes many people were arrested at the same time. Depending on what these people did, such proposals were issued right after they were "captured". He said that once one was in detention, it was difficult to get out.

Wiedner asked P21 whether he remembers that he drew a sketch during his interview with the BKA. P21 said he remembers.

[the sketch was shown in court; below is a recreation of the sketch]

<p>General Intelligence Directorate Branch 251</p> <p>On interrogation of XY: It was determined that the above-mentioned person XY/XYZ participated in demonstrations.</p> <p>Sheets for the person's file.</p> <p>Proposal: Extension of detention/arrest.</p> <p>_____ unreadable signature</p> <p>Head of the Interrogation Division</p>
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P21 explained that Branch 251 had far reaching competencies regarding interrogations, without reassurances from the main administration. He added that the conclusion would only be two lines.

Presiding Judge Kerber asked who would make the conclusion. P21 said usually the investigator would make it for the head of the interrogation division.

Judge Wiedner asked whether Raslan signed the protocol. P21 said he already mentioned that Raslan did not sign with his own name but with “head of the interrogation division”. Based on the date, one can see who was the head of the interrogation division at that time.

Wiedner did not understand and asked again whether Raslan signed the document. P21 said that “of course he did”. Based on the date, e.g. 2011/12 they knew who was the head of the interrogation division.

Wiedner asked whether the name Raslan appeared somewhere on the document, P21 denied.

Wiedner recalled that the BKA asked P21 whether the document was signed by Raslan and proposed torture. P21 said that there were no proposals for torture.

Wiedner wanted to reassure whether there was a code for torture as P21 just mentioned. P21 affirmed, adding that torture was not explicitly mentioned. It rather said gaining of information by whatever means.

Wiedner said that in answering the above-mentioned question by the BKA, P21 said that “this was often the case” He added that he “cannot remember but can make a sketch”. P21 said remembers that as well.

Wiedner said that P21 told the BKA that Raslan personally signed these documents. Wiedner further said that in repetition of his previous question, he wants to know how P21 knew that Raslan signed the documents. P21 explained that everyone knew that Bashar Al-Assad is the president of Syria. So, it would be obvious that every signature from 2000 until 2011 by the president would be Bashar Al-Assad.

Wiedner again cited from the minutes of P21’s interview with the BKA during which he said that he can “generally remember documents from Branch 251.” He further said that he “knows that Raslan was the head of interrogations, it must have consequently been him who signed. However, his name was never written in full length. The signature next to the title of the position was unreadable.” P21 affirmed that this is correct.

Wiedner wanted to know whether P21 ever had contact with Raslan in person and knows him. P21 said that he knows him from his position as an officer within the administration, however, not in a private capacity.

Wiedner asked P21 to turn to his right [defendant’s bench] and tell the court whether he knows one of the people. P21 said it is “the brother over there”<sup>4</sup> whom he already identified on the internet.

Wiedner asked whether P21 was questioned by Raslan. P21 affirmed.

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<sup>4</sup> Note from the Trial Monitor: The translators immediately clarified that the expression “brother” was used by the witness to avoid saying “the guy over there”.

Wiedner wanted to know the reason for this questioning, adding that this would not incriminate P21, so he could answer. After a short consultation, P21's counsel Dr. Roth said her client refuses to answer.

Presiding Judge Kerber said that this only applies when P21 would incriminate himself or members of his family. Dr. Roth said that she told P21 that.

Wiedner referred to P21's interview with the BKA during which he was asked to provide more detail on the circumstances under which he was questioned by Raslan. P21 told the BKA that "in the information division I mainly worked on the computer. Sometimes, we were told to quell demonstrations. This is the reason why I was questioned. I was questioned by different people, one time by Raslan himself". On Wiedner's request, P21 affirmed that this is correct.

Wiedner wanted to know P21's reasons for refusal. P21 said he was, in principle, for change and transformation. He was not willing to seek confrontation with anyone.

Wiedner asked how P21 knew that "it was Anwar Raslan". P21 said he knows from the internet. He saw his face and picture on the internet. He added that he knew Raslan but not his face, so he searched for him on the internet.

Wiedner recalled that P21 told the BKA that [when P21 was questioned about his refusal to quell demonstrations] Raslan introduced himself by name and that P21 did not have to wear blindfolds. P21 affirmed.

Wiedner said he is surprised that P21 openly spoke about being against the regime and that it was accepted. According to Wiedner, P21 told the BKA something different.

Judge Kerber asked P21 what reasons for his refusal he told the administration. P21 explained that he was once shot in his legs and the bullets are still inside his right thigh. That "saved him". At that time his wife was in Germany while his two children were living with him in Syria. P21 said he could not leave them alone and that he had issues with his leg.

Kerber asked whether Raslan accepted this excuse. P21 said Raslan did not ask him about that.

Kerber wanted to know what other topics Raslan questioned him about. P21 said it was about participation or non-participation [in quelling demos] but not about his leg.

As P21 was confused when Kerber asked him whether he apologized to Raslan, she instead asked whether it is correct that P21 was questioned by Raslan one time. P21 affirmed.

Kerber went on to ask P21 what he told Raslan. P21 said he told him that he was injured but did not talk about details.

Kerber wanted to know how Raslan reacted, whether it was alright with him or if he kept arguing with P21. P21 said that since he was not directly assigned to Raslan, the latter reacted positively towards him.

Kerber summed up that they "will leave this matter as well as it stands."

Judge Wiedner went on to ask P21 whether he knew or heard of people dying in the prisons of the Intelligence Services starting in 2011/12. P21 said that "of course" there were prisons and wanted to know what the question would be about.

Wiedner asked P21 if he knows of people that died in these prisons. P21 affirmed, saying “of course” he knows.

Wiedner asked about people that died in the prison of Branch 251. P21 said he knows about that from Branch 285 which was the interrogation Branch. He said he “saw it”. P21 added that he also saw the cooling trucks, which carried the corpses. They collected the corpses from all Branches and brought them to the administration center. According to P21, whenever someone died at a Branch, the corpse was brought to Branch 285.

Wiedner cited from the minutes of P21’s interview with the BKA during which he said that “one chats with his colleagues and hears about the many cooling trucks from Branch 251.” He further said that he himself “never saw them.” As he assumes that “they drove at times when no one else was working.” P21 also told the BKA that they “only knew about Branch 285 at the beginning and only later knew about all the corpses.” P21 confirmed his statement to the court, adding that he did not see the corpses but everyone knew about it. He further said that dead bodies were seen in different Branches and the yard where the interrogations took place. He himself saw one or two corpses which were to be transported.

Wiedner wanted to know what yard P21 was talking about. P21 explained that Branch 285 was the general administration, where he himself was located. He said it was next to Branch 251.

Wiedner asked whether, since the beginning of the conflict, P21 saw any trucks from Branch 251 and at which date he saw them. P21 said he is surprised when he hears “conflict”. That would be a wrong translation and he always said “revolution”. He further said that it was March 2011.

Wiedner wanted to assure whether that was the date when P21 saw trucks from Branch 251. P21 affirmed.

Wiedner asked whether, as an archiving officer, P21 knew about deaths at Branch 251 from documents. P21 said that when he told that to the BKA, he did not know that he has to tell all that in front of a court. He said he will “have to pay” for his presence today. P21 further said that he knows the structures of the Syrian regime for more than 30 years, especially during 2011 until now. He added that there “was revenge” against his acquaintances and friends, against children, families and women. According to P21, there was a lot of revenge. He said that his brother was of a different opinion only once and consequently detained for one year. Three years ago, his sister’s husband was summoned by the state security in Hama and also questioned about him [P21]. Apparently, he was questioned in a “friendly” way. According to P21, the officer who conducted the questioning and another person told his sister ‘let’s put a shoe on [P21’s] mouth and remind him that his siblings are still here’. P21 said he knows the composition of the regime; they take revenge on everyone. He said he knows that very well, as he himself was part of the regime. He further said that friends in Germany as well warned him and told him not to talk. Lawyers also told him not to talk as he has to pay a high price for that.

Presiding Judge Kerber asked P21 whether he was explicitly threatened. P21 said he was threatened via friends.

Kerber concluded that intermediaries were used to threaten P21. P21 affirmed.

Kerber wanted to know what they told P21. P21 said it was rather advice from his friends, however, with some threats. He said he knows friends in Syria who paid a high price. P21 said he reminds the court that he will have to pay for his presence here. He explained that since he was in a sensitive position, “they” think that I will disclose information.

Kerber concluded that ‘they’ are people other than P21’s friends and asked him whether someone threatened him not to testify in this trial, tried to tell him what to say or threatened him that he should be cautious of what he says. P21 said he received advice which carried a threat, as he knows the influence of the regime on his family. He added that his sister’s husband has been in detention for eight years and that his sister was threatened. Since he left Syria, he has received letters from her.

Kerber wanted to know whether only Syrians ‘gave him advice’. P21 affirmed.

Kerber asked whether they are fighters of the militant opposition. P21 denied, saying that they were opposition but not fighting.

Kerber further wanted to know whether P21 knows every single person who ‘advised’ him. P21 affirmed.

Kerber asked whether they were Syrian, Lebanese or Iraqi. P21 said they are Syrian.

Kerber wanted to know whether they are members of any militant organization. P21 said as far as he knows “they are only opposition”.

Kerber asked whether any of them is affiliated with the FSA, Hezbollah, ISIS or the SNA. P21 said they are definitely not affiliated with any of these groups.

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[65-minute break]

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[When the defendants re-entered the court room, Eyad Al-Gharib was handcuffed. One of the court guards who accompanied him went to the judge’s office]

Presiding Judge Kerber said she heard that there were difficulties with Al-Gharib during lunch break and offered him to have a chocolate bar from the judge’s office in order to be fit to stand trial. Al-Gharib’s defense counsels kindly turned down the offer.

Witness counsel Dr. Roth said her client told her that P21 found three letters from the court open in his mail box. He told her that it seemed as if they were opened and copied and that he told Anwar Al-Bunni about it. According to Dr. Roth, several journalists appeared at P21’s home after that and requested an interview. P21 also told her that a former Syrian officer threatened him in Greece. In Germany, threats were more general, but in Greece, P21 was openly threatened. Dr. Roth then questioned if a testimony from P21 is actually feasible.

Presiding Judge Kerber said that P21 still has a duty to testify in court, so she cannot spare him his testimony. She also gave a stern warning to all journalists and everyone in the public gallery to be very cautious about which information they publish. She concluded that the court is well aware of possible dangers of witnesses and finds itself in a position that she does not like, but there would, right now, neither be a way out of this situation. Kerber said they will continue P21’s testimony and questioning by the parties.

Judge Wiedner continued his questioning by asking P21 whether he had knowledge of deaths at Branch 251. P21 said he knows for sure of two people, [REDACTED] and [REDACTED].

Wiedner asked P21 what makes him believe that [REDACTED] died at Branch 251. P21 said he has no certain information; however, he once saw a letter from Branch 251 to hospital 601 (Al-Mezzeh hospital) which said that [REDACTED] was transferred to the hospital in bad condition. That would be everything P21 knows.

Wiedner asked P21 about [REDACTED] professional occupation. P21 said he was a resident at Al-Moujtahed hospital.

Wiedner wanted to know what P21 knows about [REDACTED] arrest. P21 said he was arrested and interrogated by Branch 251.

Wiedner asked why he was arrested. P21 said he was arrested because he openly gave his opinion.

Wiedner asked who interrogated [REDACTED]. P21 said it was certainly during Raslan's period.

Wiedner wanted to know whether P21 knows for sure who interrogated [REDACTED] or if he concluded from documents. P21 said he is sure that it was Raslan.

Wiedner asked how he came to that conclusion. P21 said, after all, he would know who was the head of the interrogation division at that time. No one else was allowed to conduct interrogations.

Wiedner wanted to know whether P21 consequently made conclusions based on Raslan's position or whether he has knowledge that it was in fact Raslan who interrogated [REDACTED]. P21 said there was explicit information and that he was in constant contact with [REDACTED] brother and sister and kept them informed about all news.

Wiedner wanted to know where Raslan's name appeared. P21 said he was the head of interrogation.

Wiedner asked whether other people at Branch 251 also conducted interrogations or how P21 knows that it was Raslan himself. P21 explained that the head of interrogations gives orders on all interrogations. Regarding gaining information and "other things", Raslan would always "be there", according to P21.

Wiedner wanted to know whether Raslan would 'be there' in the interrogation room or only on paper. P21 said he is referring to all documents. They are all signed by the head of the interrogation division, who, one can say, supervises all interrogations.

Wiedner recalled that P21 previously told the BKA that he could remember [REDACTED] as he was from the same village as P21. He saw from documents that Raslan himself interrogated [REDACTED]. He later died from torture. Wiedner stressed that P21 said "Raslan himself". P21 said that he does not know whether it was Raslan himself in person, but that he was in contact with [REDACTED] family. [REDACTED] was transferred to the hospital in bad condition. The family was informed about his death and told to pick up his corpse.

Wiedner asked whether P21 consequently knew about [REDACTED] death from his family. P21 denied, explaining that he told them.



Wiedner referred to the same section from P21's interview with the BKA as above, where P21 further said that as head of the archive, he had access to documents which said that [REDACTED] was arrested by Branch 251 and that he was interrogated by Raslan himself and there were several interrogations. P21 affirmed.

Wiedner again stressed that P21 told the BKA that Raslan himself signed these documents. P21 explained they were signed by the head of the interrogation division.

Wiedner asked whether P21 meant the same signature as previously. P21 affirmed.

Wiedner once again recalled that P21 told the BKA that he was sure that Raslan conducted the interrogation. Wiedner went on to recall additional parts from P21's interview with the BKA where he said that after an interrogation, Branch 251 requested information regarding a doctor from Al-Moujtahed who allegedly delivered medicine to the opposition and was himself a member of the opposition. This request from Branch 251 was related to several persons, among them [REDACTED]. P21 affirmed.

Wiedner referred to the other dead person that P21 mentioned earlier. P21 said he is sure that this person is dead as well.

Wiedner asked what happened and why P21 is sure that this person is dead. P21 explained that usually information stays within Branch 251, information relating to interrogations as well. The information would only get out once things are finished. That is when information is passed to the administration. According to P21, whenever a person dies, the person gets listed in a register of deaths. This register usually says that one was interrogated and died due to "a crisis".

Wiedner asked whether the person was consequently arrested by Branch 251. P21 affirmed.

Wiedner wanted to know what P21 knows about dead people in general and whether he has seen files that document deaths. P21 said that his office usually received lists with ten or more names and the note that their file will be closed. Sometimes, another Branch requests information on a certain person, that is when his office would tell that Branch that this person is dead. P21 said that the Branches do not exchange information between them.

Wiedner asked whether these lists also say a cause of death. P21 said it usually only states that people are dead without providing a reason.

Wiedner asked if relatives of these people were informed about their death. P21 said this was sometimes the case.

Wiedner recalled P21 telling the BKA that one was cautious that nothing about the deaths of detainees would become public. Lists that were shown to the families of dead detainees usually said that they died a natural death. P21 affirmed.

Wiedner said that sometimes families who did not know about the whereabouts of their loved ones would come to the prisons to search for their family members. He asked P21 whether there were orders to ignore or deny such requests. P21 said they sometimes received such requests. In such cases they had the explicit orders not to provide any information. Usually, their existence was simply ignored. He said that he only learned about his brother's arrest from documents at work.

Wiedner said the BKA further showed P21 a picture of a corpse. P21 said he does not remember.

Wiedner said the BKA asked him about such corpses, especially in relation to military hospitals. P21 affirmed that he saw corpses at Harasta Hospital. They were lying on the floor and in the hallways. P21 said he already wondered why they put the corpses in the sun. He first thought that they would be transferred with cooling trucks but they actually lied in the sun for hours. He said that he saw signs of torture on one of the corpses and most of them only wore shorts.

Wiedner asked when P21 saw these corpses. P21 said it was at the end of 2012, definitely in 2012.

Wiedner wanted to know whether P21 has knowledge of such things in other hospitals as well. P21 said he knows about such things at 601 (Al-Mezzeh hospital). A friend of him was there as well.

Wiedner asked about Tishreen. P21 said he only knows from Al-Mezzeh.

Wiedner asked P21 whether he knows if mistreatment in prisons of the Intelligence Services increased during the revolution. P21 said that his office got a lot of information - digital and analog. He knows of many people who were tortured and the torture was brutish. He said that it already started with the arrest. When people were arrested at the Ar-Rifa'i mosque [he mentioned that instance at the beginning] they were beaten on the entire way from the door of the administration office to the interrogation division at Branch 285, which was around 200m. P21 said that some people even died on that way. They were beaten with rifle butts, batons and metal poles. He said he saw more than 15 people who died and were then kicked aside, covered in blood.

Wiedner wanted to know when that happened. P21 said it was in 2011.

Wiedner wanted to know when exactly. P21 said it was at the beginning of the uprising. He added that people were carried away as they were dead and lined up next to each other against the wall. Many of them died before their interrogation. P21 said he saw that every day.

Wiedner asked if there was an order from the very top to “take drastic measures”, to be more violent. P21 said he knows that with the beginning of the revolution, the order was to be very harsh and strict. Some officers tried to be milder but the order was to apply the highest level of violence, particularly at the Military Intelligence Directorate and the Air Force Directorate. He added that the GID was actually not so harsh as before the revolution, they were rather Sunnis. P21 explained that due to the composition of the administration, the head of the GID usually was a Sunni. He added that he refers to the administration of the GID.

Wiedner wanted to know who exactly was a Sunni. P21 said all heads [of the GID administration], or at least most of them. The Air Force Intelligence was rather led by Christians, the Military Intelligence by Alawites solely and the administration of the GID by Sunnis.

Wiedner said he will leave it like that and asked P21 which date he means when talking about the ‘beginning of the conflict’. P21 said it is the revolution/uprising and he is talking about March 15, 2011.

Wiedner asked whether P21 knows if there was more torture at the Branches since the revolution. P21 affirmed, adding that the order was to apply more violence.

Wiedner recalled that when the BKA asked P21 about torture at Branch 251, he said that people were tortured to death only since the conflict. Before that, according to P21, people were not tortured to that extent. He added that he knows of many people who were released and told him that. P21 affirmed.

Wiedner went on to ask about Raslan's function and competencies. P21 said "Mr. Anwar Raslan" was the head of the interrogation division at the Inner Branch [251], but in that position assigned to Hafez Makhlof. P21 added that in his opinion, Raslan was not able to do anything on his own without asking Hafez Makhlof. He added that with all respect towards Raslan, he thinks that Raslan was afraid of the lowest member of the Alawites.

Wiedner recalled that P21 told the BKA that Raslan was the deputy head of the Branch [251]. P21 affirmed, adding that one is not always the head of the interrogation division. Sometimes, one is the deputy head if the Branch and sometimes the head of the interrogation division.

Wiedner further recalled that P21 told the BKA that he does not know Raslan's exact competencies but that the head of the interrogation division would be the second powerful person after the head of the Branch. P21 affirmed that this would be the case for Branch 251.

Wiedner again cited from P21's interview with the BKA during which P21 said that there was an official deputy but actually, the head of the interrogation division was more powerful. P21 affirmed that this is true if there is an interrogation division.

Wiedner wanted to know where Division 40 belonged. P21 said administration-wise, it belonged to Branch 251. However, as Hafez Makhlof was the head of Division 40, he was the actual head of Branch 251, so that Tawfiq Younes could not do anything without asking Hafez Makhlof. P21 said the same was true for the head of the administration; Makhlof was always the actual head. He added that Makhlof had several militias with thousands of people as opposed to the hundreds of people at the Branch.

Wiedner asked whether Division 40 had its own prison. P21 affirmed, adding that this was the case when "the events" began.

Wiedner asked whether there were interrogation offices in the basement of Branch 251. P21 said that there were offices indeed.

Wiedner further asked where Raslan's office was. P21 said it was in the basement.

Wiedner asked whether that was Raslan's only office or if he had another one. P21 said his main office was upstairs and the interrogation office was in the basement.

Wiedner wanted to know what exactly 'upstairs' means. P21 said he already mentioned that there were four steps upstairs from the ground floor and the office was on the right side upstairs of these four steps. The other office was on the left side of the basement, down the stairs.

Wiedner wanted to know whether Raslan used his office in the basement. P21 said he saw him there.

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[15 minute break]

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### Prosecutors' Questioning

Prosecutor Klinge recalled P21 talking about lists of dead people. He requested to visually inspect and read out a document, which was already shown in court on trial day 35.

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[Below is a recreation of the structure of the above-mentioned list with names which was shown in the courtroom.]

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No.	No.	Time frame	Name	No.
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Klinge asked P21 whether he once saw something like that. P21 said he saw something similar.

Klinge asked what exactly he saw and where he saw it. P21 said he saw a document with numbers, names and dates behind it, where detainees were listed with numbers.

Klinge asked whether that could be a list of dead people. P21 said he thinks so.

Klinge further asked whether one of the names sounds familiar to P21. P21 said he knows the name [REDACTED].

Klinge wanted to know whether he knows about [REDACTED] from his brother [REDACTED] of if he saw the name somewhere else as well. P21 said that might be the case.

Klinge asked him if he was sure. P21 asked whether Klinge wanted to know if he saw this explicit list. Klinge affirmed. P21 said he did not see this particular list.

Klinge showed another document.

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[Below is a recreation of the structure of the above-mentioned list which was shown in court.]

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	No. refrigerator compartment	No. <i>unreadable signature</i>	date of death	Name	No.
	17	2312	10/21/2012	[name redacted]	1
	18	[...]	10/20/2012	[name redacted]	2
	20	2317	10/23/2012	[name redacted]	3
	21	2308	10/27/2012	[name redacted]	4
	24	[...]	10/29/2012	[name redacted]	5
	23	3323	10/29/2012	[name redacted]	6

P21 said this looks familiar, however without the number of the cooling element on the left side.

Klinge asked what P21 meant by "cooling element". P21 said that the corpses were put in refrigerator compartments.

Klinge wanted to know if one can tell from this list the date of death of certain persons. P21 said the list includes name, detainee number and death number.

One of the translators read out the list on Klinge's request and confirmed what P21 said.

Klinge asked from which Branch the list would be. P21 said he thinks it is from one of the hospitals, as on "our"<sup>5</sup> lists it usually only said name, date and detainee number.

Klinge asked P21 whether he has seen such lists before. P21 denied, adding that he only saw lists without the number of refrigerator compartments.

Klinge asked the same question referring to the first list he had just shown in court. P21 said he did not see this exact document. "Our" lists only included name, date of arrest, sometimes the date of death and the detainee number. He said that these would be the only information his office would get. P21 said in [REDACTED] case for example, the list said that he died. People were then put in special death registers so they would no longer appear on warrant lists.

Klinge asked him if he knows where these lists are from. P21 said that every Branch sent lists.

Klinge wanted to know whether P21 knows where the lists he had just shown came from. P21 said that they came from one of the Branches. He added that the administration got lists from the Branches.

Klinge asked again about the specific lists he had just shown. P21 said they came from a hospital.

Klinge concluded that P21 was talking about the first of the two lists. P21 said he thinks it came from a hospital.

Klinge wanted to know to what extent Raslan was responsible for torturing detainees at Branch 251. P21 said it fell in his responsibility, adding that he is not sure what else to say. He said he is not sure if Raslan directly dealt with torture. Sometimes P21's office got requests regarding certain people and whether they carried arms. The "people" would gather information about that. P21 said he does not think that Raslan himself tortured anyone to get information from that person.

Klinge asked whether Raslan ordered torture. P21 said he thinks so, however, he is not sure as his office only got complete information.

Klinge cited from the minutes of P21's interview with the BKA during which he said that "Raslan as the head of interrogations, was directly responsible for interrogations and torture. He ordered all of them. Others conducted interrogations as well, however, Raslan signed all the protocols." P21 said he thought Klinge was talking about whether Raslan personally tortured people.

Klinge asked P21 whether what he told the BKA would be correct. P21 said he does not think that Raslan tortured people with his own hands, but he was responsible for interrogations.

Klinge again asked whether P21's statement with the BKA would be correct. P21 affirmed.

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<sup>5</sup> Note from the Trial Monitor: P21 often referred to "us" or "our" when talking about his work at Branch 255.



Klinge went on to ask P21 about the reasons for Raslan's defection and asked him to provide some context. P21 said that at the beginning of the revolution, many people were not convinced of the regime's reaction, as it was so brutish. P21 said "we" were in a difficult situation and therefore forced to leave. He added that "we" were against killings and torture.

Klinge said that P21 told the BKA something different. He recalled that when P21 was asked about the reasons for Raslan's defection, he told the BKA that "it was known. When someone worked for the Intelligence Services it [defection] was usually top secret." However, according to P21, "there was much speculation. According to rumors, Raslan got help from men from the opposition." P21 further told the BKA that "such cases existed; I saw such documents". Klinge asked if P21 remembers that statement. P21 affirmed.

Klinge asked him whether he has further insights. P21 said that many officers defected and re-joined the regime. Regarding Raslan, people speculated about that. There was information about contacts between Raslan and "the Branch".

Klinge wanted to know if P21 knows more details. P21 denied.

Prosecutor Polz had another question regarding the death register and asked P21 whether people were listed in such registers in order to not appear in warrant registers. She further asked whether such registers were only used by the regime and employees or to provide information to relatives as well. P21 said that the registers of death were solely used by the administration. It included names of people who died "outside" (during fights etc.), so that the Branches would know they were dead and not search for them.

Prosecutor Klinge concluded that the relatives could not ask any questions. P21 affirmed that they had no options.

Judge Wiedner also had another question regarding Raslan's escape and asked P21 to remember when the BKA asked him about his own escape. P21 said that at the beginning, he was worried about his son and wanted to get him out of the country first. He said his son was in danger and the arrest of his brother was the evidence thereof. He further explained that it was his only son, so he brought him out of Syria and then brought his wife to Germany. His wife then requested a family reunification for their daughters. P21 said, since he knows the regime, he was afraid to leave before his children were safe. Only when they were safe, he left as well.

P21 said he is still being threatened and therefore has a question: he got three letters from the court. Two days after they arrived, journalists appeared at his door, saying that they know everything. Every time that happened, he called a friend, who is a lawyer. His friend then told the journalists not to talk to P21. P21 said he sees this as a direct danger to him. At least four journalists appeared after the letters, who allegedly knew everything. P21 said, after all, he knows the regime from 30 years of experience. He added that many people are pro-regime for a long time. Syrians in Germany who saw all the destruction are still in contact with the regime.

Presiding Judge Kerber asked whether that was again "advice" from journalists and friends. P21 said he found the journalist appearing after the letters as a direct threat.

Kerber said they also do not know where the journalists got their information from, the court did not leak any information or parts of the file. Kerber added that she vouches for the prosecution as well.

She said there are many parties to this case that are neither the court nor the prosecution, and that she does not know what any of them are doing. Kerber added that there are many things going on in the background, people requesting a list of witnesses and that the position of the court would not be heard in the public discussion.

Raslan's defense counsel Böcker said that the defense did not leak any information.<sup>6</sup>

Plaintiff counsel Scharmer added that, speaking on behalf of all plaintiff counsels, of course, none of them leaked any information either.

P21 said he wants to explain: his friend is Anwar Al-Bunni. Every time journalists knocked on his door, he called Al-Bunni. He added that the journalists called him and came to his home.

Presiding Judge Kerber said she understands P21's concerns and at least it is good that his friend can help him.

Judge Wiedner continued with his questions regarding defection and escaping from Syria. He wanted to know what role money plays when one wants to leave Syria. P21 said he sold his house after his son and wife left Syria. He sold all his belongings as well and then left Syria.

Wiedner recalled that P21 told the BKA that he continued working because he was organizing his escape and did not have enough money, so consequently money would play a role. P21 said that would be true and the reason he sold his house.

### **Defense Counsels' Questioning**

Raslan's defense counsel Böcker said P21 just mentioned Anwar Al-Bunni and contacts to the press. He wanted to know if it was always Al-Bunni who spoke to the press. P21 said he is the only one he knows.

Böcker wanted to know whether the press people introduced themselves. P21 affirmed.

Böcker wanted to know who they are and whom they are working for. P21 said he does not have their names right now.

Böcker wanted to know if it is right that Al-Bunni was able to contact them. P21 said that every time they came, he immediately called Al-Bunni who then spoke with them directly and told them that P21 will not say anything.

Böcker asked if these calls always happened when P21 was present, so when the journalists were still at his door. P21 affirmed.

Böcker went on to ask P21 about his escape and wanted to know what he meant by "needed time to prepare the escape" as he told the BKA in answering the question why he kept working despite 'things happening'. P21 said it does not really mean "preparing". He explained that first, he had to collect money and then needed time and security so his wife could get out. He said it took 1.5 years for the family reunification to happen.

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<sup>6</sup> Note from the Trial Monitor: Plaintiff counsel Scharmer replied without switching his microphone on, saying "of course". As Judge Kerber did not hear Scharmer's reply, she offered him to provide a statement if requested.

Böcker asked whether the 1.5 years was the time between him making the decision to leave and eventually leaving. P21 said that he was worried about his family, revenge and their living, already at “the beginning of the events”. He was forced to get his family out first.

Böcker wanted to know which period the 1.5 years covered. P21 said he does not exactly know.

Böcker recalled P21’s interview with the BKA during which he said that he did not want to fight. “As a former member of the Intelligence Services who deserted, one always has to fight in the opposition”. P21 further told the BKA that “in the end, we are one people.”. Böcker wanted to know whether this means that there was actually no possibility for him to stay and live in Syria. P21 said at least for him, it was impossible. He was forced to fight for the regime as requested and stay.

Böcker recaptured that P21 first brought his son and wife out of Syria. He wanted to know whether that remained undetected or if he was questioned about his family leaving Syria. P21 affirmed that he was questioned, adding that most of the officers from his division brought their families out of the country.

Böcker recalled that Judge Wiedner asked P21 several times about interrogation protocols from Branch 251. In answering these questions, P21 said that he is in fear and has difficulties with his memory since he lived in Germany, he would...

Plaintiff counsel Scharmer intervened, saying that P21 used the present tense of the word ‘living’, Böcker, however, used the past tense. After a short discussion between the defense and plaintiff counsels about the correct tense, Judge Kerber intervened and asked P21 whether he lived or is right now living in fear. P21 said ‘lived’ in past tense.

Raslan’s defense counsel Böcker asked P21 to explain how he felt as an employee of the Intelligence Services. P21 said as a member of the Intelligence Services, he lived in fear his entire live. Raslan would be in great fear as well. P21 said he was aware that he can be questioned at any time. He is sure that Raslan feared that as well.

As there were no more questions for the moment, Presiding Judge Kerber ordered to continue P21’s testimony the following day.

Proceedings adjourned at 3:15 pm.

#### **Day 49 of Trial – December 2, 2020**

The hearing began at 9:30am with 4 spectators and 2 members of the press in the audience. The prosecution was represented by Prosecutors Klinge and Polz. Attorney Foerster-Baldenius appeared as replacement for plaintiff counsel Mohammed.

#### **Continuation of P21’s testimony**

Instructions were again read out to P21 and he was informed about his rights as a witness.

### **Defense Counsels' Questioning**

Raslan's defense had no further questions.

Al-Gharib's defense counsel Schuster asked P21 whether he was once detained. P21 affirmed. When Schuster asked him about the reasons for his detention, P21 replied that he does not know what he is supposed to answer.

Schuster again asked P21 why he was detained. P21 said most people in detention are members of the opposition.

Schuster asked P21 what was the case with him. P21 did not understand Schuster's question. The latter then asked if there were concrete accusations against P21. P21 said that his brother was detained at the administration where P21 was working. He explained that his brother was detained because he participated in demonstrations. P21 said that consequently the attitude towards him was rather negative from time to time and he was questioned because of his brother several times.

Schuster wanted to know whether P21 was tortured. P21 affirmed.

Schuster asked P21 to explain that in more detail. P21 said he thought that he enjoys some trust as a member of the security forces. When he was put in solitary confinement, he was surprised about that. He said he started yelling and cursing, the guard then beat him up, even though they were actually colleagues.

Schuster asked whether any concrete questions were put to P21. P21 said he was questioned about his brother.

Schuster wanted to know when that happened. P21 said he was questioned about his brother several times at the beginning of 2012. He was then detained in 2015 and 2014, once for ten days and the other time for 20 days.

Schuster recalled that P21 told the BKA that his own cousin was tortured and killed at Branch 285 which was just next door [to P21's workplace], but P21 could not do anything about it, as he would have died as well. P21 affirmed.

Al-Gharib's second defense counsel Linke asked P21 whether it is correct that he worked at the archive from [REDACTED]. P21 affirmed.

Linke wanted to know what exactly P21 did there. P21 said they received paper files which they had to scan.

Linke asked what happened to this data afterwards. P21 said "nothing happened, what should have happened?".

Linke recaptured that P21 and his colleagues scanned documents which were then saved on a computer and asked whether this computer was part of a network or connected to the internet. P21 said that "a net[work] was in play" and that his division was also the office responsible for saving files.

Linke asked whether it is correct that P21 had 20 subordinates. P21 said it is correct that there were around 20 people, maybe more. However, he was supervising them, not responsible for them.

Linke asked if he nonetheless, had a superior position. P21 said he had no rank or position. He said it [supervising role] was due to his experience as he had been working there for a long time.

Linke asked whether he had access to the data. P21 said of course he had access.

Linke wanted to know what happened next to the data, how it was processed. P21 said that paper documents from regional Branches came to “us”. His office had the task to save these names on the computer.

Linke provided the following example: When he was in his office, his secretary or “even” he himself scanned documents, which then appeared as a file on the computer. The file is then re-named as it previously only had a short description. Linke went on to ask what exactly P21 and his colleagues did with the files of the scanned documents. P21 explain that all case files had numbers and names. He was consequently able to search for casefiles using a name or number and then added the relevant sheets to the case file.

Linke asked whether they consequently processed the data. P21 affirmed.

Linke asked where the database is and who has access to it. P21 said that the technical Branch 285 [most likely Branch 280, as stated at a later point] was responsible for the database.

Linke wanted to know whether P21 himself had access. P21 affirmed, adding that he and several other people had the code for the database and were able to access it.

Linke asked whether P21 was then able to search for particular names e.g. “Ali Osman”. P21 affirmed.

Linke concluded that P21 added new data to the database and directly allocated that new data. P21 affirmed.

Linke asked where the database was. P21 said it was at the general administration as they had the Technical Branch 280 (correcting his previous answer that it was Branch 285).

Linke wanted to know whether the scanning division and the database division were in the same building, city etc. P21 said he does not know what Linke gains from such questions as to why he does not want to answer.

Linke asked whether the scanning division and database division were located in the same building. P21 denied.

Linke asked whether they were in the same city. P21 affirmed.

Linke wanted to know how the divisions were connected; via cable or internet. P21 said he does not want to answer technical questions.



Presiding Judge Kerber told P21 that she can object to certain question, however, he cannot. She added that she leaves the defense “a wide field”. Kerber further said that P21 has to answer the question if he can and does not incriminate himself.

Linke repeated the question on P21’s request, asking whether the scanning division and Branch 280 were connected via cable or internet. P21 said it was certainly a cable, noting that he is not familiar with technical aspects.

Judge Wiedner had additional questions about the questioning that P21 “had to endure himself” due to mistrust and to intimidate him. P21 said that was not directed against him but that he was only questioned to put pressure on him because of his brother.

Wiedner asked whether there was mistrust towards P21 due to passing information. P21 denied, saying that was not the case at all. It was rather the case that he was supposed to pressure his brother as he was in places where he had influence on the opposition.

Wiedner wanted to know whether the opposition contacted him in Syria regarding his defection. P21 affirmed.

Wiedner asked whether the opposition asked him to leak information to them. P21 affirmed.

#### **Plaintiff Counsels’ Questioning**

Plaintiff counsel Schulz asked whether it is correct that P21 worked at Branch 250 [251] for 13 years. P21 affirmed that he worked at Branch 251 for 13 years.

Schulz wanted to know if he had to undergo trainings. P21 affirmed, explaining that they did not take place at the same Branch but at the Patrols Branch 290 [خَفَر].

Schulz recalled P21 telling the BKA that his initial training lasted 8 months, after that there were several additional trainings. Schulz asked P21 whether all of the trainings took place at Branch 251. P21 denied, adding that his initial eight-month training was conducted at the training Branch which was specialized in providing trainings. He added that special trainings existed, however, not within Branch 251.

Schuster asked who conducted the trainings, if the trainers were Syrians. P21 affirmed.

Schuster asked whether there were non-Syrian trainers as well. P21 explained that for his initial training before he was deployed, all trainers were Syrians with some Lebanese officers. For the following trainings, there were Iranian trainers as well.

Schulz asked whether that is everything. P21 said that when one is hired, he has to complete the training. Once one started working, during the employment, there are several trainings in all kinds of areas e.g. photography.

Schulz asked whether P21 paid a high price for emigrating. P21 said of course he did.

Schulz asked what his motives were to do so [emigrate despite the high price]. P21 said he worked for the GID for 30 years, five of them during “the events”. He saw revenge against friends of him. Some of them were detained, some died. Many of them tried to separate [from the regime] and suffered revenge. P21 said that people died from torture at their Branch and many families of employees of his Branch were detained.

Schulz asked P21 if that would be his answer. P21 said he does not know.

Plaintiff Counsel Dr. Oehmichen recalled that the BKA asked P21 whether the recommendations regarding torture or release on interrogation protocols, which he mentioned, were related to protocols in general or protocols from Branch 251. Dr. Oehmichen wanted to know if P21 remembers his answer to that question. P21 said it was generally, respectively related to all Branches, particularly those with interrogation divisions.

Dr. Oehmichen said that P21 told the BKA that it [recommendations] were related to Branch 251. P21 said, maybe the BKA’s question referred to Branch 251 in particular.

Dr. Oehmichen repeated the citation from P21’s interview with the BKA. P21 again said that maybe, the BKA’s question was related to Branch 251.

Presiding Judge Kerber asked Dr. Oehmichen whether she has further questions or if she wants to leave it like that. Dr. Oehmichen said she will leave it like that.

Plaintiff counsel Scharmer recalled that P21 mentioned the previous day that the administration of the GID was mainly composed of Sunnis and asked him which religion Ali Mamlouk, the head of the GID, belonged to. P21 explained that “before the events” no one thought in such categories. Mamlouk should be a Sunni, however, he thinks Mamlouk is rather Shiite.

Plaintiff counsel Reiger wanted to know in which year P21 was questioned by Raslan. P21 said that Raslan did not ‘question’ him. He said he was officially questioned after his arrest at the interrogation division at Branch 285. P21 explained that at any other point, any officer was able to ask him questions about why he did not do certain things.

Reiger asked whether P21 was at Raslan’s office at Branch 251. P21 said he was there once.

Reiger wanted to know how the office looked like. P21 said it was the main room in the basement.

Reiger clarified that he did not mean the building but Raslan’s office. P21 said there were two rooms next to each other. The room on the right had a desk, while the room on the left was empty. Raslan sat opposite to him, with a telephone in front of him. Behind that was an office desk. P21 said it was basically a second office in this room. He said there was another room with a door to the first office. That room might have been a relaxation room.

Reiger wanted to know whether there were sofas in that room. P21 said there was only a chair on which Raslan sat.

Reiger mentioned the second office in the basement and asked P21 if he knows why Raslan had a second office in the basement. P21 said maybe it was used to relax from time to time.

Judge Wiedner asked P21 when he was questioned/interviewed by Raslan. P21 said it was at the “beginning of the events” in early 2011, he cannot remember the exact date.

Wiedner asked how P21 knew that it was Raslan. P21 said at that time the entire administration of the GID knew that it was Anwar Raslan.

Wiedner recalled that P21 previously said that he knew it was Raslan, as he introduced himself by name, they were colleagues after all. P21 said he did not say that. Raslan did not introduce himself. There was a captain working for Raslan, who spoke with P21.

Presiding Judge Wiedner intervened, recalling that P21 told the court the previous day that Raslan introduced himself and he saw him as he did not have to wear blindfolds. P21 said that is correct, but he needs to explain a bit more. He added that in the administration, everyone knew where they were going anyway. There was also a captain who told him that it was Raslan. Nonetheless, “we” [people from the administration] knew that it was Raslan’s office anyway.

Kerber asked whether there were three people in the room. P21 affirmed, saying that he [Raslan] was there first when the two of them [P21 and the captain] entered the room.

Plaintiff counsel Scharmer said that from P21’s testimony the previous day, he understood that this took place in Raslan’s office in the basement. P21 affirmed.

Scharmer recalled that P21 yesterday told the court about visits of journalists and asked P21 whether he was able to find out who those people were and name them to the court. P21 said he has to look at his phone.

Scharmer told P21 that he can write the names down. P21’s counsel Dr. Roth said they will write down the names. Böcker asked whether they were talking about names or phone numbers. Dr. Roth said it is one name and one number.

Scharmer said P21 can also tell the names.

Presiding Judge Kerber ordered a short break for P21 to look for the names and numbers in his phone and write them down.

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[5 minute break]

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Presiding Judge Kerber asked whether the sheet in front of her is the list of names and numbers. P21’s counsel Dr. Roth affirmed, explaining that there were more people, however P21 changed his phone, so some of the names or numbers are lost.

Kerber added the sheet to the case file and ordered to note it in the protocol.

Raslan's defense counsel requested to have a look at the list.

Judge Kerber ordered another break to allow all parties to have a look at the list.

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[5 minute break]

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Al-Gharib's defense counsel requested to make a ["comment on grounds of § 257 II StPO"](#): he already wondered during the testimonies of the BKA inspectors about the criteria for opening criminal proceedings in Germany.

Prosecutor Klinge said, Linke should have a look at § [152 \(2\) StPO](#).<sup>7</sup>

P21 was dismissed as a witness.

Hannah Hille, a 30 year-old employee of the German Federal Office for Migration and Refugees (BAMF) appeared as witness to testify on her interview with P21 during his asylum-seeking process. Instructions were read out to Hille.

#### Testimony of Ms. Hille

#### **Presiding Judge Kerber's Questioning**

Presiding Judge Kerber wanted to know how many times Hille interviewed P21. Hille said she interviewed him once.

In answering Kerber's question about the time, Hille said it was in 2018.

Kerber clarified that it was on June 6, 2018 and asked Hille if she remembers the interview situation. Hille said P21 was calm but nervous and she felt that it was burdening him. She added that P21 got along well with the translator and there were no communication issues. According to Hille, P21 had a dizzy spell the day before the interview.

Kerber asked Hille what P21 told her about his journey to Germany. Hille said he came via Greece where he was when his wife requested family reunification. He then went from Greece to Germany.

Kerber also wanted to know what P21 told Hille about his work with the Intelligence Services. Hille said he worked for the Intelligence Service since 1985 at different Branches, the last Branch he worked at was Branch 255.

Kerber asked Hille whether she had a look at the protocol of the interview before her testimony. Hille affirmed.

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<sup>7</sup> Note from the Trial Monitor: This is the basic norm obliging the public prosecutor to start prosecutions, given that "there are sufficient indications" that a person committed a crime. However, this leaves the prosecutor with a considerable margin of discretion, regarding the practicability and fairness of proceedings.

Kerber wanted to know whether P21 told Hille anything about his injury. Hille said she read that when she had a look at the protocol and remembered that she found it strange when he told her. He said that a friend wanted to show him a weapon when a shot discharged and hurt his hand and leg.

Kerber asked about P21's relation to the regime. Hille said that P21 spoke very diplomatically, nevertheless his position became clear and he was rather distant to the regime.

Kerber asked whether P21 told Hille about imprisonment. Hille said he told her that he was detained twice for short periods but she did not really understand the reasons for these detentions.

Kerber asked whether he told her more about his detention and questioning. Hille said she cannot remember exactly but he told her about a talk before he left Syria.

Kerber wanted to know whether P21 told Hille about his reasons for leaving Syria. Hille said he told her that he did not want to fight. He was under pressure "from both sides".

### **Judge Wiedner's Questioning**

Judge Wiedner asked Hille if she can remember the Branch numbers. Hille said the last one was 255 and he worked almost 20 years for Branch 251.

Wiedner cited from the protocol of P21's interview with the BAMF/Hille where he said that he worked at [different branches]. Hille said that would be correct.

Wiedner wanted to know what P21 did at Branch 255. Hille said she asked him many questions about that. As far as she understood, P21 and his colleagues collected and forwarded information which have also led to arrests of people. She added that he maintained a low profile on these questions.

Wiedner asked whether P21 said something about being "caught between two stools". Hille said he clearly explained the pressure coming from the opposition who wanted information from him. He also told her that the regime questioned him about his departure. Overall, he described a reciprocal pressure.

Wiedner wanted to know whether P21 said anything about his participation in the armed conflict. Hille said that he told her that he always used excuses as he did not want to participate and escape participation.

Wiedner further asked about P21 speaking about corpses and dead bodies that he saw. Hille said he told her that the number of corpses on the side of the streets on his way to work as well as in the building [workplace] increased, already at the beginning of ....

Wiedner again cited from the protocol of the interview, where P21 said that the situation got even worse. At the prisons from Branch 285 which he saw from the building of his office, he could witness corpses and executions. He further added that he did not see the executions but trucks carrying corpses out of the prison. He said this increased from 2011/12 on. Hille said that is indeed what he told her.

Wiedner asked whether P21 told her that he himself was detained. Hille said he told her that he was detained for a rather short period, 1-3 weeks, but the reason for that was not plausible. She said it was apparently some kind of pressure to force people to stay.



Wiedner again cited from the protocol of the interview, during which P21 told Hille that he was detained twice, once for 10 days, and another time for 20. He was detained due to the arguments he brought forward to excuse his non-participation in quelling demonstrations. He said that once his children left, he could no longer use them as an excuse. Hille said that is correct.

Wiedner referred to P21 talking about people being executed and asked Hille whether he mentioned names of certain people who died. Hille said she remembers that P21 told her about a doctor from the same village as his mother. The doctor had a “disagreement” and was reported dead at the prison.

Wiedner said his name was [REDACTED]. Hille said that is correct.

### **Defense Counsels’ Questioning**

Raslan’s defense counsel Böcker asked Hille whether as part of her duties, she received orders regarding crimes and questioned whether they were too much focused on names. He asked Hille whether she told P21 that the protocol of the interview would not be given to third parties. Hille said protocols are not forwarded to non-parties to the proceeding [asylum-seeking proceedings].

Böcker said and yet, he got the protocol. Hille admitted that she certainly did not explain it perfectly to P21.

Böcker asked her if she conducted more such interviews prior to that particular interview. Hille affirmed.

Böcker asked whether other people were involved in forwarding the protocol. Hille denied.

Al-Gharib’s defense counsel Schuster recalled that P21 told Hille that he has the choice between dying or being killed by the opposition and asked her if she remembers that. Hille said she cannot remember every single sentence but thinks that it is correct.

Schuster wanted to know whether BAMF interviewers have a set of numbered questions that they ask or ask non-numbered questions as well. Hille said they have templates with questions number 1-13. Other questions are asked by the interviewer as well.

Schuster asked about the criteria of choosing questions. Hille said it is all about checking the asylum-seeking process.

Schuster wanted to know whether there are guidelines concerning Syria-related questions. Hille denied, adding that it depends on the person.

Schuster asked about criteria of reporting interviews. Hille said there are different criteria e.g. Crimes against humanity.

Schuster asked who sets these guidelines. Hille said she cannot say that, but there would be a reporting system in place.

Schuster wanted to know whether she reported this particular interview. Hille said she thinks so.

Schuster wanted to know to whom she reported it. Hille said they are reported to the security office.

Al-Gharib’s second defense counsel asked Hille how long she has been with the BAMF in 2018. Hille said she started in 2016.



Fratzky wanted to know how many of such interviews she conducted between 2016 and 2018. Hille said she did countless interviews, usually 1-3 per day.

Fratzky asked her about her professional training. Hille says she holds a master's degree in sociology.

Fratzky wanted to know whether she got some kind of introductory training at the BAMF. Hille said all employees receive trainings on the legal basics regarding asylum law.

The proceedings adjourned at 11:00am.

Next hearings will take place on December 9, 2020.



**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 21

Hearing Dates: December 9 & 10, 2020

*CAUTION: Some testimony includes descriptions of torture.*

**Summaries/Highlights:<sup>1</sup>**

**Trial Day 50 – December 09, 2020**

The court heard the testimony of 38-year-old, P22, who was a doctor in Syria. He recounted the day when he was detained by two plain-clothed officials at the hospital where he worked and accused of organizing his friends to demonstrate. He spent 77 days in Al-Khatib Branch, then was transferred to Kafar Souseh. P22 described the physical conditions of his fellow detainees and his inability to address their medical needs as a detainee himself.

Defense Counsel Schuster read a statement from Eyad Al-Gharib in which the defendant said he was filled with “pain and grief” after seeing photos from the Caesar Files during the court session on November 4, 2020. He explained that his only option for defecting was to wait until the Syrian/Jordanian border opened and he could flee with his family.

**Trial Day 51 – December 10, 2020**

The witness was P23, a 31-year-old who managed a carwash/repair shop in an area of Damascus frequented by government officials and their families. He emotionally recalled the brutality he faced throughout his detention: from the 10th Division in Qatana to Al Khatib Branch to the Military Hospital in Harasta. Shortly before P23 was thrown into the street by officials and found by a taxi driver, he had been chained to a bed where he laid in excruciating pain caused by relentless beating.

**Trial Day 50 – December 09, 2020**

The accused arrived late and the proceedings began at 9:40AM. There were five spectators and two individuals from the media present. Plaintiff Counsel Kroker did not attend. Attorney Foerster-Baldenius appeared for Plaintiff Counsel Mohammad.

Defense Counsel Böcker read aloud a statement about the alleged death of P17’s brother. It included statements from [P17](#), [P18](#), and [P21](#). He then requested: (1) a translation of a message from P18, (2) that the interrogator from the Federal Criminal Police (BKA) be summoned as a witness, (3) that the BKA officer who analyzed the letter/Facebook chat be summoned as a witness, and (4) a translation of the Facebook chat.

Testimony of P22

P22 is 38-years-old and was a doctor in Syria. He was accompanied by his attorney, Dr. Anna Oehmichen.

Judge Kerber asked if she should address P22 as Doctor [redacted]. Oehmichen clarified that P22 is not yet an accredited doctor in Germany.

Instructions were read, and P22 was informed of his rights as a witness.

Judge Kerber said that P22 was questioned on May 1, 2020. She asked P22 to say who he was, how he was detained, and his experience in detention [in Syria]. P22 explained that he studied medicine from 2001 to 2007 in Damascus. After that, he specialized in urology at Al-Mojtahed المجتهد Hospital until [redacted]. Then he worked in the nephrology surgery department at Ibn An-Nafis ابن النفيس Hospital until he was detained.

Judge Kerber asked how, when, and for what reason was he detained. P22 said that he was detained on [redacted]. He was working in the emergency department of the nephrology unit at Ibn An-Nafis Hospital. Judge Kerber interrupted to ask which year P22 was referring to. P22 clarified 2011. He was summoned by the [female] hospital manager. In the office [of the manager], there were two people wearing civilian clothes. They told P22 that he participated in the operation of a [female] patient who died, and her family filed a complaint. He knew about this [female] patient whose name and story was known throughout Al-Mojtahed Hospital, but he did not participate in the operation. The two authorities told P22 “yes, you did. Some doctors said that you participated and we want to question you for a quarter of an hour. Please come with us!” There was a car 50 meters away from the hospital. In the car, there were two people, one of whom had a Kalashnikov. They took P22 without tying up his hands. He sat between them in the backseat, and they told him that they were going to a criminal security branch. In Damascus, everyone knew that there were two criminal security branches: one in Bab Mosalla باب مصلى and another in Customs Square ساحة الجمارك. P22 anticipated a certain route. They went down from Ibn An-Nafis Hospital [unclear to the Trial Monitor if the witness meant down from the hospital or the street]. P22 thought they were headed to Bab Mosalla in the direction of the Al-Thawra الثورة Tunnel.

Judge Wiedner asked if P22 was blindfolded. P22 said no. When they arrived at Al-Thawra Street, they took another route [toward the street on which there was a well-known mosque] at a roundabout. P22 had a feeling [that something was wrong] and asked the authorities where they were going. They said that it would not take long [to reach the destination]. After that, they took the Al-Adawi العدوي [Street] route and arrived at a building that P22 did not know. Outside the building there were many military people and guards. P22 got out of the car [he was not blindfolded or tied up at this point]. The authorities told him to climb down the steps [the Trial Monitor did not know if the steps were inside or outside of the building]. An authority [downstairs] asked the authorities [who detained P22] how they brought P22 [to detention] without blindfolding him. One replied that they “[just] took him [referring to P22].” At the end of the stairs to the right, there was a small room. A person came in, frisked P22, and took his belongings. P22 stripped down to his underwear. The authority screamed at him and told him to take his [underwear]

off. Another authority held P22 by his neck and lowered his head downwards, then took him to a solitary cell. P22 remembered that there were one or two military blankets (as they were known in Syria). He waited two or three hours, then was taken to his first interrogation after they tied his hands and blindfolded him. He heard the interrogator, but could not see him. The interrogator started with general questions (name, age, etc.). The interrogator said, "if you want to study medicine in Jordan (a neighbouring country), how much would you pay?" P22 responded that it might cost half a million Lira/pounds. The interrogator said, "then this means that Mr. President gave you a certificate of six years for 3 million Lira/pounds as a gift, and after all of that, you talk bad about the government?!" The interrogator explained what P22 had discussed with [redacted] and [redacted]. P22 initially denied everything. He was very afraid because he was standing in front of an [interrogator] who could do anything [to him] and because he did not want to implicate other people. The interrogator told him that he would not do anything [to P22] and then [ordered guards to take P22 back to the cell]. As far as P22 remembered, the second interrogation was on the second or third day [there were many details that P22 said he did not remember precisely]. As always, he was blindfolded and his hands were tied. The interrogator said, "you met with [redacted] and [redacted] in the cafeteria of the university [dormitory] and told them that they must protest." The demonstrations had only started in Dar'a درعا at that time. The army was there. P22's friend was from Dar'a and wanted to do something for his family. The interrogator mentioned details that P22 did not remember [during the interrogation]. He then told P22 to lay down on the floor and raise his [feet] upward. The interrogator beat P22's feet. P22 did not see what was used to beat his feet, but he thought it was a cable. During the interrogation, the interrogator asked P22 which contacts he had outside of the country. The interrogator mentioned Borhan Ghalyoun برهان غليون (a known [opposition figure](#)). P22 told the interrogator that he did not know Borhan or have contact with him. [Before he was detained] P22 talked with his friends and told them that anyone who was detained would inform on the others [under torture]. They established small cells, each with only a few [members], so that if one person was caught, he would not inform on [everyone else] under torture. The interrogator told him that P22 came up with this idea. P22 did not know how they knew this. The interrogator said that these were ideas from outside [the country] and from the Israeli Mossad. When one says Mossad, it is a big [accusation]. [The authorities] try to make a big accusation so that one says "no, I am not. I only participated in a demonstration." After the beating, the interrogator ordered P22 to be taken back to his solitary cell. P22 remained there for a few days. His friends were detained, but he did not know that until after he was released. [The interrogator] had interrogated each one of them separately to collect information. P22 did not remember how many times he was interrogated. Perhaps it was 6 – 10 times. On the 25<sup>th</sup> day, they transferred him to the group dormitory/chamber. The solitary cell was like a grave. There was no contact with others. In the solitary cell, he heard other prisoners (also in solitary cells) talking to each other. P22 did not have the guts to talk to them because he would be beaten [by the guards] if he was heard. There was someone who always insisted on talking to him. P22 thought the man was in [cell] number 25. But P22 was afraid. When he felt that nobody was around, he spoke with the man who told P22 that he was part of the [redacted] family and was a relative of [an opposition figure]. In another solitary cell, there was a person named [redacted] from Duma دوما (P22 could only hear his voice). Most of the detainees in Al-Khatib were from Az-Zabadani الزبداني, Madaya مضايا, Duma and Harasta حرستا. [Redacted] was well-known to the demonstrators. He told P22 that this was his fifth detention. P22 noted that there were



usually around 25 [detainees] in the group dormitory/chamber which was considered a low number of people. When they brought people from demonstrations, the number was 35-40 detainees. During the time when P22 was in this dormitory/chamber, he was summoned for interrogation two or three times. During the interrogations, he was beaten. One time, they asked for his Facebook account password. In fact, he forgot it. During the interrogation, he was sitting on his knees and the [soles of his feet were upwards]. When he said that [he did not know the password], [the interrogator] hit P22's feet. P22 remembered the password, then gave it to the interrogator. He was taken back to the chamber. The new detainees said that there would be a resolution from the president to terminate the state of emergency in less than 60 days. [They were hopeful that in] 60 days the torture and the interrogations would end. Around day 61 or 62, P22 was summoned to interrogation. [In the interrogation room,] he faced the wall. The officials were interrogating someone. P22 recognized the person by his voice: it was [redacted]. [Redacted] confessed that they were participating in demonstrations. At the end of [redacted] interrogation, [the interrogator] said: "did you hear that [redacted], [redacted], and [redacted]?" (as if the interrogator was speaking to P22 and the others). After that, P22 was not interrogated. He had a feeling that it had been 61 – 62 days [since he was detained] and that something would happen, but he stayed 77 days in Al-Khatib Branch, then they transferred him to a state security Branch in Kafar Souseh كفر سوسة. When P22 was in the solitary cell, he asked about his whereabouts and was told that he was in Al-Khatib Branch. In the group cell, a detainee said that he was a journalist (P22 was not sure whether to mention the journalist's name, so he did not). It was around the middle of September [2011]. The journalist told the other detainees that there were statistics about the number of people who died under torture in different branches and, according to him, only one person died in Al-Khatib Branch in comparison to other branches. P22 saw many people who were detained.

Judge Kerber asked if P22 was interrogated up to 16 times. P22 said no.

Judge Kerber asked how many times he was interrogated. P22 said that he could not remember exactly because of [the fear he experienced while he was detained], but he thought 7 – 10 times.

Judge Kerber asked if P22 was blindfolded. Oehmichen asked when Judge Kerber was referring to. Judge Kerber clarified that she meant during the interrogation. P22 said that he was blindfolded during all interrogations.

Judge Kerber asked if P22 could see anything while he was blindfolded. P22 said no, his head was always downward. Maybe he could see a bit from [the bottom of the blindfold], like the tiles or the floor.

Judge Kerber asked if P22 saw the interrogator. P22 said no.

Judge Kerber asked if P22 was interrogated by the same person each time or by different interrogators. P22 said it was always the same person, but the interrogation about his Facebook account could have been another person.

Judge Kerber asked if P22 was always interrogated by Abu Ghadab. P22 clarified that all the prison guards were called Abu Ghadab.



Judge Kerber asked what the name Abu Ghadab means. [The interpreter explained this. In English, the literal translation is father of anger/rage]. P22 said the detainees could hear [the guards] voices and knew where the guards were from based on their dialect.

Judge Kerber asked about the dialect of the interrogator. P22 said the interrogator was not from the coast. He was likely from Damascus or Homs.

Judge Kerber asked whether the interrogator hit P22 or if another person hit him. P22 said that sometimes [he was hit by] the interrogator and sometimes by the prison guard. One time, the interrogator questioned P22's friend (this was funny). P22's friend had bought a new mobile phone that did not use Arabic. An SMS appeared in symbols, not in Arabic. The interrogator wanted him to confess that it was an English code. He [the Trial Monitor was unsure if P22 was referring to the interrogator or the prison guard] beat P22's friend with a cable. Then the friend told the prison guard that the cable was not [hurting him] and asked the guard to bring "wood." The position during beating was always laying down on the floor. When the guard hit with wood, the floor shook.

Judge Kerber asked how P22 knew this. P22 noted that he was blindfolded, but he heard [the conversation and the hitting].

Judge Kerber asked if P22 was in the same room. P22 confirmed. There was another person who was being interrogated and beaten.

Dr. Oehmichen explained what P22 said.

Judge Kerber asked if P22 was always on his knees when he was being interrogated. P22 said that sometimes he was on his knees and his feet were backwards. Sometimes his feet were upwards. Sometimes his face was to the wall.

Judge Kerber asked if P22 was hit on an area other than the feet. P22 said he was only hit on his feet.

Judge Kerber asked how many times P22 was beaten. P22 said he was only beaten once.

Judge Kerber asked if P22 was slapped. P22 said he was slapped one time. The interrogator had asked him a question and P22 did not answer.

Judge Kerber asked about the general conditions in detention and the condition of the detainees. P22 said that the solitary cell was like a grave, but you could sleep there. Whereas in the group cell, this was not always the case. In the group cell, the number [of detainees] was high. One night, they brought many detainees and no one could sleep on their back. P22 lost weight. The quantity and the quality of food was bad, especially when the number of the detainees increased.

Judge Kerber asked about the health conditions. P22 said that he was detained in August. There were some blankets (two or three in the dormitory/chamber). When it was cold [later during his detention], [the guards] brought blankets with lice, then the detainees all got lice.



Judge Kerber asked if there were signs of torture on the detainees. P22 said that the people who were beaten in Al-Khatib Branch returned from interrogations with redness on their arms/hands and legs/feet. He saw many people beaten outside at the checkpoints. In Al-Khatib Branch, there was only beating/hitting. He did not see more than that (*e.g.*, he did not see people with wounds or who were hit on the head). Maybe they were beaten outside. One time, he saw a “psychopath” beaten in the group cell. The person’s behaviour was not balanced. He used to scream and put his feet in his food. He did not let the other detainees rest. Two or three prison guards came, laid the detainee on the floor, tied his hands and feet to the back and started to beat him. His head was on the floor and they beat him.

Judge Kerber asked how the detainee was beaten. P22 said he was beaten with a cable on his feet/legs and with the guards’ hands.

Judge Kerber asked if P22 saw corpses in Al-Khatib Branch. P22 said no.

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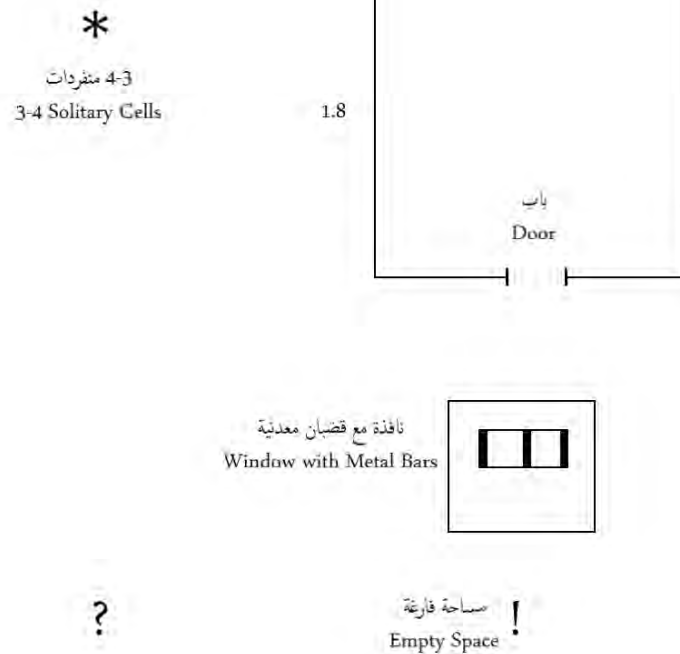
[15-minute-break]

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### **Judge Wiedner’s Questioning**

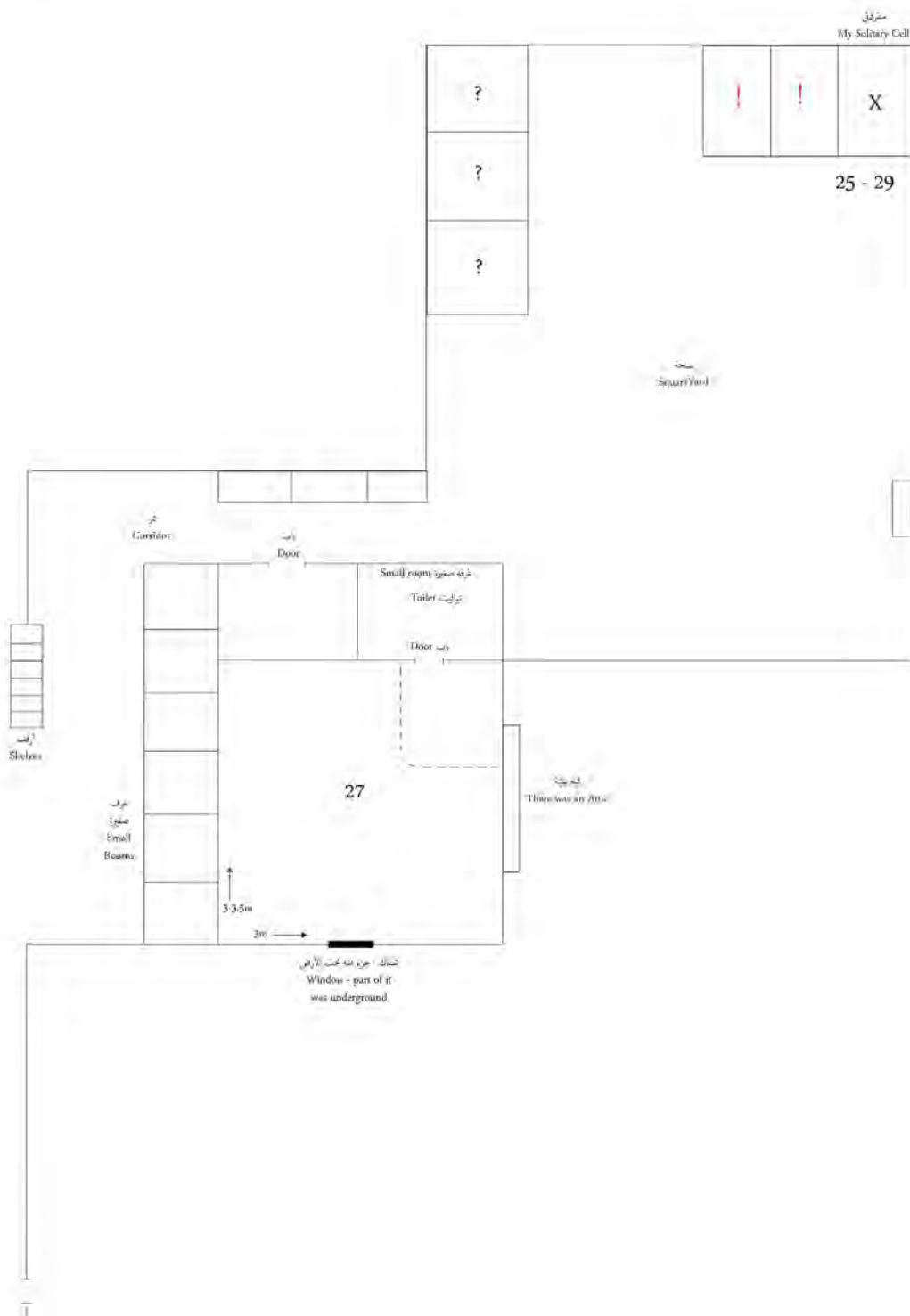
Judge Wiedner asked about the solitary cell and its size. P22 said the cell’s length was 160-180cm and its width was 80-100cm. It had a metal door. At the top of the door, there was a small [hatch]. Outside, there was a yellow light that was on for 24 hours. The light reflected onto the metal bars on the door.

Judge Wiedner asked whether P22 remembered that he drew a sketch when he was questioned by the police. P22 confirmed.



P22 said there were three or four solitary cells with prisoners to whom P22 talked [marked with black \*]. The sketch showed that the length of the cell was 1.8 meters, but P22 thought that he could lie down and stretch his legs. He thought there was a TV whose sound he used to hear [marked with red\*]. Perhaps it was a resting area for the prison guards and whenever new detainees were brought, that area was empty. P22 showed the spot where he was first detained [marked with ?], before they told him to go downstairs. The external cell had a window, part of it was above ground [level].

Judge Kerber asked what the shape [in the sketch] under the cell indicated. P22 said the shape indicated the cell door so he could show the window/hatch.



P22 said that the window had a sill that was used to climb up to an “attic” where some detainees laid down. He used to talk with people in cells [marked with?]. The dashed-line showed where P22 thought the toilet was located.



Judge Wiedner asked about ventilation in the solitary cell and in the group cell. P22 said that ventilation was better in the solitary cell because the person was alone. In the group cell, ventilation was initially bad because of the number of detainees and their sweat. There was only a fan on the window. Then a ventilation system (turbines) was installed, so it got better (the detainees could hear the workshop).

Judge Wiedner recalled that P22 mentioned an incident during [BKA] police questioning regarding a short circuit. P22 said the detainees were using the fan. They had no clothes except the ones they were wearing. They would wash their clothes, hang them on the window, and use the fan to dry them. Some of the young men were electricians and knew how to switch the fan on using the wires. They could hear the Azan [prayer call] sometimes and knew the time. One time, at dawn, a person washed his clothes and wanted them to dry. He connected the wires, a short circuit happened, and the alarm was triggered. The prison guards moved in a terrifying way. They wanted to know what happened. They opened all the rooms until they reached P22's cell. They smelled the odour and knew [the problem came from] his cell. No one confessed. Around 7:00 – 8:00AM, "Abu Ghadab" ordered all [the detainees in P22's cell] to bend their knees, face the wall with their backs to the door, put their hands behind their heads and raise their buttocks [as if they were half-way squatting]. They formed two lines. The guards took two people from the back line outside the cell and beat them to confess. Then it was time to for the guards' shift rotation, so the punishment stopped.

Judge Wiedner asked how long the punishment lasted. P22 said it lasted from 1-1.25 hours.

Judge Wiedner recalled P22's statement during [BKA] police questioning that the punishment lasted for two hours – until 8:00AM. P22 clarified that he could not estimate the time [back then]. Some of the men urged, "come on guys, confess."

Judge Wiedner asked P22 how the detainees slept. P22 said they slept in a well-known position called "Tasyeef" تسيف ["swording"- the term was used in TR#09]. You lay on your side with one arm under your head and the other arm on the side. They slept in two lines and their legs were interlocked (a line near the wall and a line opposite to it).

Judge Wiedner asked if people slept while sitting. P22 confirmed that sometimes new detainees slept while sitting with their backs against each other for support if there was no place for them to sleep.

Judge Wiedner asked about signs of torture and malnutrition from P22's point of view as a doctor. P22 said that most of the wounds belonged to people who were tortured outside of Al-Khatib Branch, but care for wounds was poor inside of Al-Khatib Branch. One person entered [prison] with a fractured hand that went untreated. Another person from Az-Zabadani الزبداني had Type 1 Diabetes. He was taken outside to get insulin. It was his second detention. He told P22 that he had complications (ketoacidosis) during his first detention and was transferred to the hospital, then he went out [the Trial Monitor did not know if "went out" referred to leaving the hospital or being released from prison]. A 19/20-year-old had a severe toothache and [the guards] gave him a cup of water and salt (to alleviate the pain). The detainees could not trim their fingernails, so they used their teeth and scraped their nails against the wall.



Judge Wiedner asked P22 if there was medicine. P22 did not remember. He mentioned something that he thought might be irrelevant: in the state security directorate, there were people with chronic diseases like blood-pressure, etc. Those detainees used to routinely stand by the window so the guards could give them medicine. One person had pain in his abdomen and asked for a doctor several times. When a doctor came, they took the person to him. P22 was unsure if he mentioned this during [BKA] police questioning.

Judge Wiedner asked about nutrition and recalled P22's statement that he lost weight in prison. P22 said of course. The quantity of food was better in the solitary cell. In the group cell, nutrition changed according to the number of people in the dormitory/chamber. It was not enough. [The guards] used to bring a plate that was only enough for five or six people. It was insufficient. Some people hid pieces of bread, which was prohibited. Food came at 6:00AM and 6:00PM. If the detainees were hungry, the guards sometimes gave them pieces [of bread]. If one dared to ask [for more], sometimes the guards gave more, like lentil soup (it depended on who the prison guard was).

Judge Wiedner asked about the nutritional state of the other detainees. P22 said that he did not see people who stayed [in detention] for a long time. He became the oldest one [the person there for the longest time]. Other detainees were in and out.

Judge Wiedner recalled a line from the police transcript which said that "food was insufficient. P22 lost 12 kg, but did not see extreme cases of other detainees." P22 confirmed the statement and reiterated that other people went in and out, but he stayed. After he was released on [redacted] [2011], P22 weighed himself. His pants were loose, so he fixed them with a [plastic] bag.

Judge Wiedner asked if this was the case for other detainees too. P22 referred to himself personally.

Judge Wiedner asked if P22 heard screams or the sounds of abuse. P22 said yes, several times.

Judge Wiedner asked how often he heard this. P22 said he heard this daily - during interrogations and sometimes at night when [the guards] brought new detainees to the yard at the "welcome party" which took place in front of the dormitories/chambers. He heard the voices of the prison guards insulting [the new detainees] and beating them. One time, he heard what sounded like [redacted] voice in front of the dormitory's/chamber's door. During the interrogation, he heard sounds from other rooms, including screams.

Judge Wiedner asked if P22 was beaten on his way to interrogation. P22 said no.

Judge Wiedner asked if there was beating in the chamber. P22 said no.

Judge Wiedner asked about the toilet. P22 said there was no toilet in the solitary cell. He had a certain amount of time to run to the toilet with his head downward. He had to put his plate in a certain place, then go to the toilet and drink water. There was no water inside the solitary cell.

Judge Wiedner recalled P22's statement during police questioning that "we were allowed to go to the toilet twice a day. If one wanted to go to the toilet [at a different time], [the guards] insulted him on his way to the toilet and hit him on the back of his neck." P22 said that the guards normally told them "quickly!" [to make him hurry up]. During the day, other than these two times, one had to ask several times to use the toilet.

Judge Wiedner said that P22 mentioned a story about someone who had a relative. P22 said that he would mention the story if he recalled it.

Judge Wiedner asked if there were beatings. P22 said there were no beatings inside the chamber, only during interrogation. Perhaps there was one time when someone knocked several times on the door and then the guard opened the door and kicked him in the chest.

Judge Wiedner recalled P22's earlier statement that a journalist mentioned an incident of death in Al-Khatib Branch. Judge Wiedner asked if P22 knew how the journalist got that information, if it was official for example. P22 did not know. He thought the journalist was a legal activist who heard that information from somewhere, but he did not know from where.

Judge Wiedner asked if, as a doctor, P22 thought there were detainees who needed immediate medical intervention. P22 said no. There were no [detainees with severe conditions] who needed immediate treatment.

Judge Wiedner recalled P22's testimony that he was hit on his feet. Judge Wiedner asked P22 if he meant on the soles of his feet. P22 confirmed. The guards told people to run in place [to control] the swelling.

Judge Wiedner asked if this was the case for P22. P22 said [a guard] only beat him one time, then told him to run in place. P22 went one step forward or backward [he was not running in the same spot], so the guard told him "it seems that you haven't done your military service."

Judge Wiedner asked if [running in place] relieved the pain after the beating. P22 said of course.

Judge Wiedner asked if P22's relatives were informed of his detention. P22 found out after his release that his family tried to find him. Through connections and money, they figured out where P22 was held. He was detained during Ramadan (he did not remember when exactly, but the Eid [feast] was soon). P22 was in Damascus and his family was in the village. They wanted to know where he was. They called and P22 did not answer, but somehow, they were able to connect.

Judge Wiedner said that [communication with P22's family] was not official. P22 said no.

Judge Wiedner asked how long P22 stayed in Al-Khatib Branch. P22 asked if Judge Wiedner meant the whole period of his detention. Judge Wiedner said yes. P22 said he was detained on [redacted]. After that (it was the time of Eid Al-Adha [Al-Adha feast]), he was transferred to Kafar Souseh one day before Eid Al-Adha, around [redacted] [a note from the Trial Monitor: the first day of Al-Adha feast in 2011 was on November 6].

Judge Wiedner asked what happened after that. P22 said he and others were transferred to the state security branch in Kafar Souseh. They were gathered, their hands were tied behind their backs, and they were taken on a small bus. They were blindfolded, but someone on the bus told the military person to [remove the blindfolds]. Outside was the "welcome party". On the first day, the detainees took off all their clothes except for their underwear. They were then blindfolded and left standing there. From beneath their blindfolds, the detainees could see that the floor had tiles and that there was water [on the floor]. [The weather] was very cold. It was 9:00PM – 10:00PM. They sat on their knees with their hands tied behind their backs until around 11:00AM – 12:00PM the next day.

Judge Wiedner asked how long P22 stayed in Kafar Souseh. P22 said 15 days.

Judge Wiedner asked what happened and how P22 was released. P22 said that he was interrogated once in Kafar Souseh. The conditions in Kafar Souseh were more difficult than in Al-Khatib Branch. Sometimes, the detainees could sleep during the day in Al-Khatib, but that was impossible in Kafar Souseh. They woke up at 6:00AM (the guards banged on the door), then they went into sitting position until they were told to sleep [at sleeping time]. The guards looked at the detainees [checked on them] every two minutes, but that did not happen in Al-Khatib. Also, in Kafar Souseh, if one's voice was louder than a whisper, then the detainees faced collective punishment. Al-Khatib was more comfortable.

Judge Wiedner asked if P22 was released on [redacted] [2011]. P22 said correct. After 15 days in Kafar Souseh, he was transferred to Adra Prison where he stayed another 15 days until he was released.

Judge Wiedner asked P22 if he could recognize the accused to his right. P22 said no.

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[60-minutes break]

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### **Prosecutor Klinge's Questioning**

Klinge said that P22 was brought to Al-Khatib Branch and had to take off his underwear. Klinge asked P22 if he knows why he had to do that. P22 had no idea, but he heard that one could hide a sharp object or an object used to commit suicide [in his underwear].

Klinge asked P22 what he had to do. P22 had to take off his clothes so the guards could see if there was anything there.

Klinge asked if P22 thought this was humiliating. P22 said of course.

Klinge asked why P22 was initially in the solitary cell before being transferred to the group cell. P22 thought this happened to prevent him from having contact with his friends and so he and his friends could not agree on something specific [to collectively say].

Klinge asked if P22 joined his friends in the external cell. P22 said no, they were separated.

Klinge said that P22 was interrogated in the presence of other people who could have been his friends. Klinge asked if P22 knew why. P22 thought this happened so that his friends would be put on the spot and confess if they heard P22 confess to something. Maybe his friends had denied something to which P22 was confessing.

Klinge asked if there was abuse during the group interrogation. P22 said the only time there was abuse in the group interrogation was when [the guards] beat [redacted] with a cable and wood. This happened during the second interrogation.

Klinge asked if P22's friend was beaten in front of them. P22 heard the beating, but could not see.

Klinge recalled P22's statement that, after a few hits, one does not feel anymore. Klinge asked how long P22 was beaten. P22 said the beating did not exceed one or two minutes, around 15 – 20 [hits].

Klinge asked if it was painful. P22 said of course.

Klinge asked P22 if his feet were swollen. P22 said they were red and lightly swollen.

Klinge asked if it was painful when P22 stood up afterwards. P22 said yes.

Klinge asked how long the pain lasted. P22 said that [the pain] was not easy. It lasted one or two hours. When he returned to the external cell, he massaged his feet and put them on the floor tiles which were a bit cool.

Klinge asked if there was a difference between the interrogator and the prison guard and how they interacted with each other. P22 said that there was an interrogator and a prison guard. The guard followed the orders of the interrogator.

Klinge asked if other detainees talked about torture. P22 said of course.

Klinge asked what methods of torture the detainees mentioned. P22 said "the same thing, on the feet." One person from Duma was accused of "carrying arms." According to him, they beat his whole body, not only his feet.

Klinge asked about other methods of torture, like the German chair and the flying carpet. P22 said he did not hear about those in Al-Khatib Branch. In Kafar Souseh, he heard about Doulab [tire]. Regarding the German chair, it is generally known in Syrian society that it exists.





Klinge asked if there were other group cells in Al-Khatib other than the one P22 was in. P22 said that the detainees in his cell knew there was another group cell. [They got the information from other detainees.] They heard sounds when the guards opened the door and took people to interrogation.

Klinge asked if P22 knew about the conditions there. P22 said no.

Klinge asked if P22 had the impression that he was privileged and was treated better than others. P22 said yes, perhaps because he was not accused of “carrying arms” like others.

Klinge asked if P22 saw or heard sexual violence. P22 said no.

Klinge asked about the psychological condition (like fear) in detention. P22 said the condition was psychologically difficult. He [had a total mental breakdown]. The detainees always thought about what they said [during interrogation] or if someone informed on them. They thought about their families and how their mother or father felt. Parents knew that, when someone was detained by the intelligence services, no one knows what will happen to him. In Syria, pardons were usually granted by the president during the holidays. P22 was detained during Ramadan, so there was Eid Al-Fitr [Al-Fitr feast] and Eid Al-Adha. The two holidays were separated by two months and ten days. P22 and the other detainees anticipated a pardon and expected to be released. The prison guards played with the detainees’ emotions. When the detainees asked the guards if pardons would be issued, they said yes. There was always hope and fear.

Klinge asked what the detainees were afraid of. P22 said that they did not know how long they would be in prison or when they would be released. This was especially the case for political detainees because [the accusations facing them were] against the government.

Klinge asked if P22 was subjected to insults. P22 said yes. He was called a “traitor” and other insults.

Klinge asked if P22 was subjected to threats. P22 recalled that the interrogator once asked him about P22’s medical specialty, to which P22 said urology. The interrogator asked if P22 was married. He said no. The interrogator then asked P22 “don’t you need children?” P22 was afraid because he perceived the interrogator’s question to be an indirect threat that he would cause damage to P22’s genitalia and P22 would not be able to have children.

Klinge asked if P22 was afraid. P22 said of course. He was intensely afraid.

Foerster-Baldenius asked if P22, as a doctor, helped other detainees. P22 said that other detainees asked him what to do when they had abdominal pain, a sore throat, etc. But P22 did not have the tools to help them. He helped by reassuring them that [the issue] was not bad or serious. He advised the young man with the toothache to speak with the guards so they would do something.

Foerster-Baldenius asked if P22 was afraid to talk to the other detainees and advise them. P22 said that one time, he advised someone (he forgot what was the person's problem). The person asked [the guards] for help. He spoke with the guards and told them that P22 talked with him. A guard came to P22 and nicely told him not to give people advice.

Oehmichen showed a document.

Document 1 [was shown in Arabic]

بيان

20/11/2011 تاريخ [redacted] تحقيق أول بدمشق. موضوع الادعاء رقم [redacted] بالرجوع إلى الإضبارة رقم أساسي ، بجرم النيل من هيبة الدولة وإذاعة أخبار كاذبة من شأنها أن 1983 بحق المدعى عليه [redacted] والدته [redacted] تولد ولا 2011 [redacted] وتم إخلاء سبيله بتاريخ 2011 [redacted] توهن من نفسية الأمة وللتظاهر ، علما أنه تم توقيفه بتاريخ تزال الدعوى قيد النظر

21/12/2011  
أديب الأحمد

القاضي أحمد السيد

Notice

With reference to [case]file basic No. [redacted] first Investigation in Damascus. The subject of case/lawsuit No. [redacted], dated November 20 2011, against the defendant [redacted], his mother, [redacted], born in 1983, of the offense of undermining the prestige of the state and broadcasting false news that would undermine the psyche of the nation and for demonstrating, noting that he was arrested on [redacted], 2011 and was released on [redacted] 2011 and the case/lawsuit is still pending.

December 21, 2011  
Adeeb Al-Ahmad

Judge Ahmad As-Sayyed

Judge Kerber asked P22 to explain the document. P22 said that he tried to work again after he was released from prison. Because he was absent from work for three months, the hospital asked P22 for an explanation [as to why he was gone for so long]. P22 went to the court in Damascus and asked for proof that he was detained. The court gave him this document.

[The interpreter translated the document and read it out loud.]

P22 said that Judge Ahmad As-Sayyed became the Syrian Minister of Justice.

Document 2

وزارة العدل  
مجلس إدارة صندوق التعاون

إلى السيد المحترم قاضي التحقيق الأول بدمشق

مقدمه: [redacted]، تولد 1983  
مقيم: [redacted]  
2011 نوفمبر/تشرين الثاني] 20 تاريخ [redacted] سيدي الموقر، أرجو من سيادتكم الموافقة على إعطائي بيانا بالدعوى رقم  
وذلك لتقديمه إلى مديرية صحة دمشق  
وذلك للحاجة الماسة

ولكم جزيل الشكر

21/12/2011

ديوان  
إجابة الطلب أصولاً

Ministry of Justice  
Board of Directors of the Cooperation Fund

To the Honorable, first Investigating Judge in Damascus,

Applicant: [Redacted] son of [redacted], born in 1983  
Resident in: [Redacted]

Distinguished Sir, I request your consent to be given a statement regarding case/lawsuit No.  
[redacted], dated [November 20] 2011, to be submitted to the Damascus Health Directorate.  
And that is for urgent need

Most profound thanks

December 21, 2011

Court Administrative Office  
The request was duly answered

[The interpreter translated the document and read it out loud.]

P22 said that the document was an urgent request. Every year, he had to provide a deferral request so he would not be conscripted. His deferral was going to expire in March 2012. He only had three months left, so he wanted a statement that said he was working again.

Oehmichen asked her client about the professions of the people who were detained with him. P22 said that most of them were doctors. They did not know each other personally. He recalled there being five doctors and a journalist.

[There were no more questions from the parties.]

P22 asked if he could say something. Judge Kerber agreed. P22 said that he was in court to obtain the truth. He did not have anything personal against Raslan. Before he participated in the trial, he talked with his friends to get their opinions on whether he should participate. It was a moral matter because he left his job in 2012 and he left [Syria] in a relatively early phase [of the conflict]. However, “we” decided to participate to obtain the truth.

Judge Kerber thanked the witness.

Defense Counsel Fratzki asked P22 who he was referring to when he said “we.”

Oehmichen did not want to say the names for security reasons, but agreed to write the names down. Oehmichen asked which names were relevant to the defense.

Fratzki suggested writing down all the names, then the judges could sort them.

Judge Kerber said that, as a witness, P22 had to share names.

Böcker said that he would talk with [Fratzki] to determine which names were relevant to them.

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[10-minute-break]

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[P22 and his attorney returned and handed in a paper.]

Fratzki said that they wanted the names related to the trial.

[The witness was dismissed.]

Defense Counsel Schuster wanted to read a statement from his defendant, Mr. Al-Gharib. Judge Kerber asked how much time he needed. Schuster suggested ten minutes. Fratzki also wanted to read a five-minute statement.

[Schuster read the following statement out loud:]

*On November 4, 2020, the painful photos from the Caesar-files were examined and displayed in court. The presentation by Prof. Dr. Rothschild was very clear and provided excellent explanations. I want to thank Prof. Dr. Rothschild for his remarks on psychological and physical torture. I also want to pay my respect and gratitude to the hero, Caesar, for his fight against the Assad regime.*



*I want to explain what I felt while seeing these photos; they broke my heart. I had to think of all the innocent victims of these bestial acts. The human mind cannot understand how humans can do such things to each other. I trembled during the entire presentation. Anger and hatred against Assad and his accessories filled my mind and heart. 99% of the pictures, I have not seen before. I only saw those that Al Jazeera and other news agencies already published. During the entire presentation, I had to think of all my relatives that are still in detention. Seven relatives, several friends and hundreds of people from my home town were arrested and their fate is still unknown. I was searching for familiar faces on the Caesar photos while at the same time, I was afraid to recognize anyone.*

*After this painful session when I was alone in the van back to the prison, I could no longer control myself and started to burst in tears. I was filled with grief and pain. I had to think about my family and tried to understand why people get arrested only because they demand equality, freedom and justice at demonstrations. I painfully realized that Bashar Al-Assad and the members of his [sect] are criminals that are still committing thousands of crimes, while the whole world knows about it but is only watching. The international community did not do anything about it.*

*I love my country and the people, that is why I hope to see the criminal regime, particularly the criminal and dictator Bashar Al-Assad, in front of an international court. As all Sunnis, I was entirely powerless. 90% of the revolutionists are Sunnis. After the outbreak of the revolution, there was mistrust against Sunnis and we were constantly threatened. The first month after the revolution, we were degraded and they took away our arms and ID's. We were under constant surveillance and they were only hoping for the smallest sign of partisanship to arrest us. I only had the following options:*

- 1) Openly disobey orders, which would have led to my arrest and arrest usually ended with execution.*
- 2) Defect and flee. That would have been foolish and sheer madness. They would have tortured my family until I returned to Syria.*
- 3) The right option was to wait and prepare until the border was open, to then defect and flee together with my family.*

*I chose this option on January 5, 2012, as many others did.*

*Is the love for my family – my wife and four children – a fault for which I deserve punishment? I hope this court will find an answer that will also serve as an answer for future soldiers who find themselves in a civil war in their home countries.*

*I want to thank all parties to this trial and everyone involved, and pay my respect to them.*

*Tuesday November 10, 2020  
Eyad Al-Gharib  
[signature]*

Schuster said that the defendant wrote the letter alone, without his lawyers' assistance. Judge Kerber asked Eyad to confirm this. Schuster said that his client would remain silent. Schuster had no copies of the statement. Judge Kerber ordered a two-minute break to make copies of the statement and asked the parties to stay in the courtroom.





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[2-minute-break]

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Klinge said that a sample for the graphology expert was needed for a comparison, but was not available.

Judge Kerber said that a witness was invited from France to testify on January 6 and 7, 2021 but the witness was no longer willing to do so.

Fratki read a statement in which he referred to the plaintiff counsels' statement regarding sexual violence. He said that there is insufficient proof of the systematic nature of sexual violence (contrary to plaintiffs' [redacted] claim).

The proceedings were adjourned at 2:35PM.

The next trial will be on December 10, 2020 at 9:30AM.

### **Trial Day 51 – December 10, 2020**

The accused arrived late and the proceedings began at 9:40AM. There were seven spectators and two individuals from the media present. Plaintiff Counsel Kroker was not present. However, Plaintiff Counsel Bahns was there. Attorney Foerster-Baldenius appeared for Plaintiff Counsel Mohammad.

#### **Testimony of P23**

Instructions were read, and P23 was informed of his rights as a witness.

#### **Judge Kerber's Questioning**

Judge Kerber asked P23 his age. P23 said that he was born on January 1, 1989. Judge Kerber asked if that meant the witness was 31-years-old. P23 said that 31 was his age approximately. He then apologized. His birthday was October 2, 1989. [A note from the Trial Monitor: it is common for birthdays to be registered as January 1 in Syria, regardless of when the person was born].

Judge Kerber asked about P23's current job. P23 said that he works in a supermarket.

Judge Kerber noted that P23 was interrogated by the criminal police in Oslo. She asked P23 if he was related to the accused by blood or marriage. P23 said no.

Judge Kerber asked if P23 was interrogated twice [by the BKA]. P23 confirmed.

Judge Kerber asked if he was interrogated by the criminal police in Oslo and the BKA. P23 said yes.

Judge Kerber asked if the transcript of P23's questioning by the police in Oslo was re-translated. P23 thought so.

Judge Kerber noted that the transcript was not read aloud, so she assumed that it was not re-translated. P23 did not remember.

Judge Kerber said that P23 was detained in Branch 251, then transferred to a hospital. Judge Kerber asked about P23's detention, what he experienced, and how he was treated.

P23 said that he was in his workplace—a car shop [for washes and repairs]. He did not remember the date, but it was around 1:00 – 2:00PM. He was the manager and there were workers. He was sitting inside the office. Many security and military cars arrived. They entered the shop, then shouted and beat him. They flipped his t-shirt over his head [covered P23's head with his t-shirt] and put him in the car. They took him to the 10th Division in Qatana قطنا [a note from the Trial Monitor, the witness referred to a military "division," such as the 4<sup>th</sup> Division under the command of Maher Al-Assad, not a division like "section" 40]. Over four days, he was beaten and interrogated. He was asked questions, the answers to which he did not know: "what were you doing in Aleppo and Homs?" and "what place did you blow up?" P23 responded that he worked a lot, so he did not leave Damascus and did nothing of which he was accused. He had never left Syria in his life. P23 explained that his workplace was in a sensitive location. It was at a crossroads of security [forces and sites]. He told the interrogator that security officers, their wives, and their children left their cars at his shop and he delivered the cars back to their houses when he finished working on them. P23 told the interrogator to ask the officers if he ever caused problems; they all were his customers. He also knew a brigadier general عميد whose car needed repairs and who called P23 to see if P23 could send a worker to repair it. P23 sent people to help. The brigadier general thanked him the following day. P23 explained to the interrogator that he did not cause problems, and he served in the army. He was still in contact with the officer responsible for him – a colonel. He gave the interrogator phone numbers and said to contact them. There were also the numbers of officers in his phone. He told the interrogators to speak with his neighbours and ask them if he went to Aleppo or Homs. Each day after he was beaten, P23 said that he did not do anything [of which he was accused]. In prison, there was a military official who frequented P23's workplace. The official saw P23 from a distance as P23 was beaten. The official was surprised and asked P23 why he was [detained]. P23 said that he did not know. The official talked with the guards and told them not to hit P23 or get close to him. He then washed the blood off P23's clothes, took him outside [the witness did not say where], and brought him food. The official told P23 to hide [in that place] and that he could not do anything for P23 other than to wash his clothes, bring him food, and prevent him from being beaten. After two hours, the official returned with a blanket and told military personnel not to get close to P23.

Judge Kerber asked if [the official's word helped] and if P23 stayed [in that place]. P23 said no, he was returned to prison.

Judge Kerber asked if P23 was beaten again. P23 said that the beating continued at night.



Judge Kerber asked how P23 was beaten. P23 said that his mouth (his teeth) were broken. [The guards] hit him with a boot. They hit him on every part of his body. The following day, the [official who knew P23] told him that he could not help, but he knew that P23 was going to be sent to another place. He did not know which place. P23 asked if the officer could tell his family, his workplace, or his neighbours. The officer said that he would try, God willing. The following day, guards took [the detainees] in buses and put eggplants in their mouths. Their heads were down while they were on the bus.

Judge Kerber asked if [the detainees] were standing or sitting. P23 said that they were sitting with their heads down. It was prohibited to raise their heads. They were blindfolded and beaten on the bus until they arrived. They arrived at a place that P23 did not know was a Branch. He learned this later.

Judge Kerber asked which Branch. P23 said Al-Khatib Branch. The detainees were taken off [the bus] and laid down. The officers stepped on the detainees for approximately one or two hours. The detainees heard people coming and going in their cars. After that, the detainees went down to the branch one by one. When P23 went inside, he was hit and fell on the staircase. As a result, the blindfold was a bit displaced and he could see four people eating. When he fell, he was unable to adjust the blindfold. A person came, hit him, adjusted [the blindfold] and told him to take off his clothes. After each piece of clothing was removed, the man hit P23 and said, “next one.” P23 was put in prison with the other people. His hands were untied and his blindfold was removed. Nothing happened on the first day. On the second day, the guards took him outside/upstairs [a note from the Trial Monitor: the Arabic word used by the witness could mean either “outside” or “upstairs”] and told P23 that he was going to be interrogated. They tied up his hands and blindfolded him. The interrogator asked, “how did you blow up the convoy in Homs?” P23 told the interrogator that he never went to Homs before. The interrogator told P23 that he signed a statement in which he said this. P23 told the interrogator that he was beaten every day and was instructed to sign the paper while he was blindfolded. The interrogator asked, “what were you doing in Aleppo?” P23 gave the same answer—that he did not know what the interrogator was talking about. The interrogator accused P23 of lying and told the guards to take him outside. The guards beat P23 until he [almost?] fainted and brought him back to prison.

The following day, the guards took him upstairs/outside and P23 was asked the same questions. P23 explained his whole life [story] in details. The interrogator asked P23 who beat him. He was very bloody. He explained that the beating happened at the 10<sup>th</sup> Division. The interrogator told the guards to wipe the floor (of P23’s blood). He also told them to take P23 upstairs/outside to breathe some air. P23 smelled bad. After an hour or two (during this time, people stepped on P23 and more detainees arrived in cars), the guards took P23 back to the prison. The next day, many new detainees arrived. P23 asked them why they were there. They were wearing clean clothes. They explained that it was Eid [feast], so they were [in the streets]. A security bus came, [detained them] and brought them [to the Branch]. P23 asked them where [they were being held] and they said Al-Khatib Branch. At night, P23 smelled bad. In prison, there were many people and whenever he was slightly touched, it was immediately painful. He was in the corner beside the wall, so that no one would touch him. The [detainees] knocked on the [cell] door and said, “get this one out, his smell is too much.” The detainees could not always sit because there were too many people. Pus and black blood oozed from P23. The following day, the guards took P23 to

interrogation. The interrogator asked the same questions and P23 gave the same answers. The interrogator could not stand P23's smell and told the guards to take P23 outside. They took P23 to another place (he did not remember what time), supposedly to get treatment because he was sick. But they continued to beat him daily.

Judge Kerber asked P23 the name of the place where he was taken. P23 said Harasta حريستا, a hospital in Duma دوما. He did not remember its name. They took him to that place and told him that his name was "17" and that if they called him [redacted] and he responded, then he would be beaten. Beating happened constantly. Detainees were tied to beds with chains. The guards brought a whip and beat the detainees while they were tied up. At night, someone came (while the guards were changing shifts) with a knife and stabbed P23's back.

Judge Kerber asked it was a regular knife or a surgical knife. P23 thought it was a regular knife or a razor. After that, P23 was beaten with hoses/tubes for three days.

Judge Kerber asked P23 how he got out of the hospital. [P23 remained silent]. Judge Kerber asked if P23 wanted a break. P23 asked for 5 –10 minutes.

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[10-minute break]

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Judge Kerber asked P23 how he got out of the hospital. P23 said that detainees fainted sometimes because of the constant beating and torture. [When] one said that his arm hurt, the guards took him, cut it off and returned him. Many people died. P23 thought this place was where they took detainees to die. There were many wounded people and no medical care. It was a hospital only for torture. Every day, a guard asked P23, "what's your name?" P23 told him "17." The guard continued to beat P23 and ask about his name. Eventually, P23 asked the guard if he wanted to know P23's real name or his number. The guard said, "the real one" while he continued to beat and insult P23. P23 told the guard his name, then the guard replied, "didn't I tell you not to say your name, only the number?" and beat P23. The torture was severe. [There were no words to] describe it. From the time when they detained P23 until he went to the hospital, he was tortured using many methods.

When he first entered Al-Khatib Branch, he heard screaming and beating. He reached a point where he could not bear the beating. They hit him on his head and he fainted, then he could not remember anything [a note from the Trial Monitor: this sentence was not interpreted because P23 used colloquial words which the interpreter did not understand]. The guards splashed water on everyone and beat them. Anything that happened to P23 also happened to the person next to him [meaning that everyone was subjected to the same things]. P23's condition was critical in terms of his head, back, and blood [loss]. P23 remembered that someone said, "this man is done. Get rid of him [using the same term used for garbage]." They threw P23 somewhere (he did not remember where). Flies were on him while he laid on the ground and he could not get them off him. He wished he would [sink into] the ground so no one would

see him. He wanted to disappear. A taxi came. The driver lifted P23 slightly and asked what happened, who he was, and the location of his house. P23 wanted to speak, but he could not. The driver brought a bottle of water, washed P23's face, and took P23 into the taxi. P23 said that he knew his mother's phone number. The driver called P23's mother/family and told them that he found P23. They told the driver to bring P23 to them and that they would pay the driver whatever he wanted. The driver took P23 home. P23's brother, paternal uncle, and siblings were there. They carried him from the car to the house and thanked God that he was alive. P23 was unable to talk. They immediately took him to the doctor who told them that he could not do anything and that P23 had to go outside the country [for treatment]. The doctor gave P23 an injection, pain-killers, and medicine. The following day, P23 and his family went to Jordan by car. They went directly to a speciality hospital where P23 stayed for three months. He had many injuries to his back. He had a video and pictures.

Judge Kerber asked if P23 was photographed by the Norwegian police. P23 did not remember that much, but he had a video from before the operation (that his family filmed) and after the operation. [Judge Kerber showed a picture of P23's back which had scars and signs of injuries.]

Judge Kerber asked P23 if he could confirm that the picture was of him in 2017. P23 confirmed.

Judge Kerber asked when P23 was detained. P23 said in 2011 approximately.

Judge Kerber asked if P23 remembered when his mother was called [by the taxi driver]. P23 did not understand the question.

Judge Kerber noted that P23 mentioned the date of his transfer during police questioning in 2019. She wanted to know if P23 remembered that date. P23 said in 2011, there was an Eid [feast], but he did not remember the date. P23 knew this because he asked the new detainees when they arrived. They told him it was Eid and that they were in the market [when they were detained].

Judge Kerber said that August 26, 2011 was mentioned in the transcript. P23 thought that date might be correct because it was Ramadan and after Ramadan, there was an Eid. [A note from the Trial Monitor: in 2011, Ramadan ended on August 29 and Al-Fitr Eid was on August 30.]

Judge Kerber asked if [the date mentioned] could be that feast. P23 said correct.

Judge Kerber asked if P23 could continue because she noticed that he seemed unsettled. Judge Kerber asked [if P23 wanted a break]. P23 said [no, he did not want break].

### **Judge Wiedner's Questioning**

Judge Wiedner asked if there was an occasion when people were detained with P23. P23 said that many people were detained with him.

Judge Wiedner asked P23 if he knows how long he stayed in Al-Khatib Branch. P23 said approximately four or five days.



Judge Kerber told P23 to let her know when he wanted a break. P23 said okay and thanked her.

Judge Wiedner asked if P23's injuries shown in the picture were inflicted at Al-Khatib Branch. P23 said that not all the injuries were from Al-Khatib Branch.

Judge Wiedner asked which injuries were inflicted at Al-Khatib Branch. P23 noted [the injuries caused by the] beating on his back and [from when he was] hit in the flank when he went down the stairs.

Judge Wiedner asked when P23 was beaten (e.g., on the stairs, in the interrogations, etc.). P23 said that [a guard] stood behind him during the interrogation and beat him. When [the interrogator] did not [hear the answer he wanted], he told [the guard] to take P23 outside, discipline him, and then bring him back.

Judge Wiedner asked what happened. P23 said [the guard] took him outside, beat him, then took him back to interrogation. He was taken [to interrogation] again the following day.

Judge Wiedner asked what P23 was wearing in Al-Khatib. P23 said that he was not wearing [clothes]. His clothes were full of blood and smelled, so he took them off.

Judge Wiedner asked if P23 was naked when he was beaten. P23 confirmed.

Judge Wiedner asked whether P23 was beaten in Al-Khatib Branch on his wounds. P23 confirmed and said that [the detainees] were beaten and taken outside. People stepped on them.

Judge Wiedner asked if that happened during interrogation or in the cell. P23 said that there were a lot of people in a small room. P23 was unable to sit unless he tucked his legs and somebody else's legs were over his. It was crowded and no one could enter, so [the guards] did not beat people inside the cell. If they wanted somebody, they called him and took him outside.

Judge Wiedner asked how [the guards] dealt with P23 and his injuries when they took him upstairs/outside. P23 said they took him upstairs/outside because of his smell. When he was upstairs/outside, everyone who came in or out beat him. They knew that he was a detainee and that he was waiting [to go back inside].

Judge Wiedner asked if that happened outside. P23 confirmed.

Judge Wiedner asked if P23 saw detainees outside and how they were treated. P23 said that he was laying down and could see a little from underneath the blindfold. People were taken out of the vans. The [van] stopped far away and the door was opened. The guards kicked and insulted the detainees.

Judge Wiedner asked how many times P23 was interrogated. P23 said he was interrogated two or three times.



Judge Wiedner asked how often P23 was beaten during interrogation. P23 said he was beaten twice: each time he was interrogated. The guards took him upstairs/outside, the interrogator did not like P23's answers, then they took P23 outside and beat him.

Judge Wiedner asked if the interrogator hit P23 or if P23 was beaten in the presence of the interrogator. P23 said that there was a person standing behind him who once said, "it appears that you are not understanding and not going to confess." He then hit P23 from behind on his back and hauled him outside. P23 was not standing. He was always on the floor.

Judge Wiedner asked where the interrogation took place (e.g., the floor above his cell or the floor below it). P23 said he was taken upstairs. He remembered an office that was two steps to the left. Once, they hauled P23 to the kitchen.

Judge Wiedner asked if P23 was interrogated in the kitchen. P23 said that he was questioned there and then was taken back to interrogation.

Judge Wiedner asked what floor the kitchen was on and if there was a window there. P23 said that he was unable to see because of the blindfold. There would be a big problem if the guards saw that the blindfold was displaced.

Judge Wiedner asked if the cell was underground. P23 confirmed and noted that the detainees could not differentiate between day and night.

Judge Wiedner asked how many people were in P23's cell ["10 or 15 for example?"]. P23 said there were approximately 400 people. One could not sit down. People were on top of each other. If one wanted to go to the toilet, one had to step on people.

Judge Wiedner asked if there was a window or a ventilation system. P23 did not remember any windows, but many people went to the toilet to breathe. All the windows were internal, but he did not remember.

Judge Wiedner recalled P23's statement during police questioning that "in the cell, there was a window, but one could not see light. There was no place to sit. It hurt if someone touched me." P23 said yes, there was a window. He remembered trying to look [through] the window to know the time [a note from the Trial Monitor: it seems that there was a clock on the wall in the room behind the window, but vision was blurred because of the window itself].

Judge Wiedner asked about food. P23 did not remember 100%, but he recalled eating soup and apples. He then said, "no actually, it was boiled potato maybe."

Judge Wiedner asked about the condition of other detainees (if they had injuries). P23 said that not all of them had injuries, but some people were beaten. There were new people who came from the street to the cell. Not all [the detainees] were the same.



Judge Wiedner asked if [the guards] called for injured detainees. P23 said that there were injured people who were called. One time, [the guards] called for someone and gave him two pills through the hatch.

Judge Wiedner asked if P23 talked with other detainees about their interrogations. P23 did not remember that. But they talked about how many days they were detained and what happened to them. When P23 was initially put in the cell, another detainee advised him to confess [during interrogation] so [the guards] would not beat P23 and kill him ["confess and talk, before they beat and kill you"].

Judge Wiedner asked P23 if he heard people being tortured. P23 explained that he heard beating and screaming when he went downstairs. He also heard [talk from other detainees] that so-and-so was being tortured.

Judge Wiedner asked if P23 heard those sounds in the interrogation room. P23 did not remember hearing the sounds in the interrogation room, but he recalled hearing screams when he was downstairs.

Judge Wiedner asked if P23 was detained in the 10<sup>th</sup> Division, Al-Khatib Branch, and Harasta Military Hospital. P23 confirmed.

Judge Wiedner asked P23 if he saw dead bodies and, if yes, where. P23 said that he saw dead bodies daily while in the hospital.

Judge Wiedner asked how many dead bodies P23 saw. P23 said there were many dead bodies in the hospital.

Judge Wiedner asked if P23 saw dead bodies in the 10<sup>th</sup> division. P23 said no, only in the hospital in Harasta.

Judge Wiedner asked if P23 saw dead bodies in Al-Khatib Branch. P23 said that he did not see any dead bodies in Al-Khatib Branch. He only saw torture.

Judge Wiedner asked P23 if his family was informed about his detention. P23 said no. There was an officer who knew his father. His father went to the officer who told him that "your son is with us and is well." But P23 was not [at the officer's Branch], nor was he well. When P23 arrived home, his mother told him "your father was going to an officer and was giving him money, so that they would take care of you." [P23's father paid the officer who was lying about P23's location and condition.]

Judge Wiedner asked if P23 fainted in Al-Khatib Branch. P23 remembered one time when the other [detainees] knocked on the door [and told the guards to] "come and see [P23]."

Judge Wiedner asked if P23 wanted a break. P23 said yes.

Judge Kerber asked how much time P23 wanted. He said 10 minutes, then started to cry. He apologized and said that he remembered his father who died last year and who he had not seen in a long time.



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[30-minute-break]

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Judge Kerber said that she hoped P23 calmed down and was refreshed during the break. P23 said thanks and apologized for the disturbance.

Judge Wiedner asked how long P23 stayed in the 10<sup>th</sup> Division. P23 said approximately three days.

Judge Wiedner asked if P23 or the other detainees received treatment in Harasta Hospital. P23 said there was no treatment.

Judge Wiedner asked how many people were with P23 in the hospital. P23 said that each bed had two people [chained to it]. He thought there were 20 beds and approximately 40 people.

Judge Wiedner asked if others were abused like P23 was abused. P23 said yes. If one asked for something, they replied [to the question] with pain [if someone asked for medicine, they beat him instead].

Polz thanked P23 for coming to court and said that the Prosecution had no questions. Böcker said that the defense shared the same opinion. Scharmer said the same too.

The witness was dismissed.

The proceedings were adjourned at 11:00AM.

The next trial will be December 16, 2020 at 9:30AM.

**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 22

Hearing Date: December 16, 2020

*CAUTION: Some testimony includes descriptions of torture.***Summaries/Highlights:<sup>1</sup>****Trial Day 52 – December 16, 2020**

**P24, a 41-year-old female witness testified on her detention at Branch 251 and Division 40. Due to concerns about her and her family's safety, P24 was allowed to conceal information that would put her or her family at risk. P24 told the court that she did not endure [physical] torture, most likely due to the social status of her family in Syria. Nonetheless, she constantly heard people screaming from torture, and she witnessed torture in the hallways of Branch 251 through a gap in her cell door. She also spoke about the treatment of female detainees at Branch 251 based on her experience of sharing a solitary cell with a pregnant woman, as well as being detained in an overcrowded cell with several women and girls.**

**Day 52 of Trial – December 16, 2020**

The hearing began at 9:30 am with four spectators and two members of the press in the audience. None of the accredited journalists required access to the Arabic translation. Presiding Judge Kerber announced that she will no longer ask about accredited journalists who require access to Arabic translation in the new year. There was no camera man recording before the beginning of the hearing. The prosecution was represented by Prosecutors Klinge and Polz. Attorney Foerster-Baldenius appeared as replacement for Plaintiff Counsel Mohammed.

Presiding Judge Kerber asked Plaintiff Counsels Scharmer and Kroker about the appearance of their client as a witness, which was scheduled for the following week. Dr. Kroker told her that their client is currently in Sweden and cannot come to Koblenz due to COVID-19 related restrictions. Nonetheless, Dr. Kroker added, the client would be willing to testify via video if one of his counsels is present with him in Sweden. Kerber said that a video testimony would generally be an option and asked Scharmer and Dr. Kroker to inform the Judges about the relevant Swedish authority which they need to contact in order to arrange a video testimony. Kerber canceled the sessions scheduled for the following week (December 21 and 22) as there was no other witness scheduled and a court session only to read out reports from the case file would not be feasible in light of the pandemic.

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<sup>1</sup> 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.



### Testimony of P24

P24, who wore a scarf over her head, was accompanied by Witness Counsel von der Behrens. Von der Behrens told the court that, according to her request to assist the witness as legal counsel, she requests that her client, P24, does not have to provide personal information due to possible dangers for her and her family in Syria.

Raslan's defense counsel Böcker requested to look at von der Behrens' request. Kerber allowed him to inspect it informally and look at the document on von der Behrens' computer.

Prosecutor Klinge said the prosecution has no objections to the request in accordance with the [relevant procedural rules](#).

Kerber ordered that the witness is allowed to not provide personal information as this would endanger the life, limb or liberty of the witnesses' family who is still living in government-controlled areas in Syria. As to why the prerequisites for §68 (3) StPO [not provide personal information for the above-mentioned reasons] are met, Kerber added that the judges are well aware from previous testimonies that the government has a crucial interest in the loyalty of current and former employees and other people.

Kerber told P24 that she can take off her scarf if she feels safe since no one will see her, as long as she does not turn around.

Instructions were read out to P24 and she was informed of her rights as a witness. P24 said that she is 41-years-old, but prefers not to reveal her professional occupation.

### **Judge Kerber's Questioning**

Kerber mentioned that P24's testimonies with the French and German police are on the case file. She said that according to these transcripts, P24 was arrested and detained at different prisons for a certain time. Kerber asked P24 to explain why she was detained and how she was treated at the prisons. She added that the focus of the court would be on Branch 251. P24 thanked Kerber and said that in May 2012, around May 5, 2012, she met with friends at a private space. This place was then stormed, and she and her friends were arrested. She explained that the place was in Damascus, between [information redacted]. She and her friends were taken to Division 40 where they had to stay for one night. On the next day, they were brought to Al-Khatib Branch. P24 further told the court that she spent time at Al-Khatib before she was transferred to Kafar Souseh Branch. She was then the only one from the group who was re-transferred to Al-Khatib. She said she was released by Division 40 on June 9, 2012.

Kerber wanted to know details about how P24 and her friends got to the first detention facility. P24 explained that she and her friends were at an office when someone knocked on the door. When she opened the door, a person dressed in civilian clothes pointed a gun at her. Other people accompanying him said that they are from the security forces and wanted to come in. P24 said she requested an ID-card from these people, as she and her friends were "within the law". Nonetheless, the people stormed the office. P24 said this happened when she and her friends were having lunch together. The group of friends first asked about the reason why the office was being stormed, as they were only friends having lunch together. P24 remembered that they were a group of eight people. The officers, all dressed in

civilian clothes, searched everything and wanted to see all their ID-cards. They carried radio devices which they used to check their names. They then decided to take the group with them to their Branch. P24 said that apparently, the officers were bothered by the computers in the office. She further explained that, as usual for guys, the guards put the men's t-shirts over their heads, so that their back was naked. "Of course" they did not do the same to her. She said she requested to drive [to the Branch in] her own car, so two of the officers got in her car and they drove to Division 40. When they arrived there, her car was searched, and they started to torture the guys.<sup>2</sup> P24 said she was brought directly to an office for interrogation. They told her to open her e-mail and Facebook accounts. She was then brought downstairs where one of the men was tortured with electroshocks and beaten. P24 said they forced her to watch.

Kerber asked whether this man was from her group of friends. P24 affirmed, adding that they forced her to watch in order to make her testify against him. P24 said that, after all the interrogations, they had to wait in an office. A female officer was brought to the office to frisk her. P24 said that, upon her request, the female officer frisked her in the bathroom. P24 then had to spend the night in that office, while the door was locked. P24 further explained that early in the morning on the next day, they were taken to Al-Khatib in a minivan. She said that one of the people from Division 40 was called Yamen. She added that she was not blindfolded, but her hands were tied behind her back and she had to look down at the floor. P24 said it was early in the morning so the streets were almost empty and the minivan drove "incredibly fast". According to P24, the group was cursed and yelled at on the entire trip to Al-Khatib. She said that Yamen stayed with her when they arrived at Al-Khatib and accompanied her downstairs to the basement. She explained that they went into some kind of office. She was then called into another room, which looked like a bathroom. In that room, which was closed, a woman told her to undress. She had to take off all her clothes and was not allowed to leave anything on. She was then told to squat and get up three times. P24 said it is normal that her body makes cracking noises when she kneels or squats, but the woman did not believe her. P24 said she was allowed to re-dress and the woman went to the office, while she had to stay in the room. After that, she was taken to another room. P24 said she cannot remember where exactly the room was, however, she remembers that it was on the same floor which had many solitary cells. She said she was taken to a solitary cell measuring 2x1 meters, where an eight-months pregnant woman was waiting. P24 said she stayed there for 21 days, adding that she forgot the initial question.

Judge Kerber told her everything is fine and she did very well. Kerber asked her to go on and offered P24 to take a break whenever she needs one. P24 explained that the woman in the solitary cell had been there for quite some time already. She does not know how long exactly, however, there were three other women in the cell with the pregnant lady before P24 came. P24 added that the woman was very exhausted. She further said that she does not remember how much time passed until she was first interrogated, but it was at least several days. She said there is something she cannot understand, so she wants to give more explanation: P24 explained that there was no toilet in the cell. She said that there were more solitary cells on that floor, two on the right and two on the left side of their cell, and one opposite to them on the left. There were also several bigger cells which looked like "halls", as well as a room for the guards. P24 said that the guards decided when the detainees were allowed to use the toilet. She said that she and her cellmate always went together. They had to lower their heads and were not allowed to look at anyone. According to P24, she could only see the floor on her daily walk to the toilet, but she saw men sitting and lying on the ground. P24 said they got their

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<sup>2</sup> Note from the Trial Monitor: P24 often used the term guys/young men instead of men.

drinking water from the toilet; it was of very bad quality. P24 described that at the toilet, there was a small window (a gap)<sup>3</sup> in the wall where one could get some fresh air. She said that ironically, the toilet was the only room where one could breathe different air. Everywhere else smelled like sweat and urine. P24 said she remembers her first day at Al-Khatib when she decided to eat in order to keep up her strength. She added that two daily meals were provided to her at Al-Khatib, one in the afternoon, around 3:00 pm or 4:00 pm and one at the end of the night or early morning. She said the food had no salt or sugar. They had no cutlery to eat and the bread was most times rotten, but she still ate the food.

Judge Wiedner asked her about the quality of the food and whether it was enough. P24 said that one of the meals (night/morning) was jam, olives and bread. P24 added that they sometimes got Halva or an egg. Nevertheless, it was always only one plate, regardless of the number of people [in the cell]. For lunch, they got rice and a side dish. It was generally very bad food. P24 assumed that there were rations allocated for every person, but they did not reach the detainees. She further said that it felt like a dream when they once got cucumber and another time an orange.

Wiedner wanted to know whether P24 lost weight. P24 said she lost 8kg in 35 days, even though she ate.

Wiedner wanted to know how many days P24 was at Al-Khatib and how many days she was at Kafar Souseh. P24 said she was at Al-Khatib for 21 days together with the pregnant women, who then left the prison. After that, P24 stayed in that cell for one more night with another woman, before she was transferred to the big collective cell. P24 explained that [on that day] all the women were transferred from solitary cells to the collective cell. The reason for this was that many women were detained that day due to demonstrations in Damascus about the massacre in Al-Hama. According to P24, the men were taken out of the collective cell, however, she did not know where they were taken. She further said that the condition of that collective cell was “unbelievable”. The cell had a toilet, but the entire cell was dirty. There was no oxygen and a strong smell. P24 said she stayed there for two days before she was transferred to Kafar Souseh where she stayed for a couple days before she was transferred back to Al-Khatib. P24 went on to tell the court that at the beginning, she was interrogated by inspectors at Al-Khatib. However, she could not see the person, as she was blindfolded. She said she was only interrogated once and the room where the interrogation took place was more of passage than a room. She said she remembers that there was certain equipment, maybe kitchen tools. P24 explained that her hands were tied and she was blindfolded and had to kneel, while the interrogator sat on a small chair. She said that one of the guards was Abu Ghadab, who was responsible for “insane acts”. She said that every time that one of the guards was angry, Abu Ghadab started to torture people. She described him as tall and thin and said that she felt like he was “weird”. P24 added that during her interrogation, Abu Ghadab was present and held a whip. However, he was not there because of her specifically. He was coming and going again and again and lashed the floor right next to her. She added that it felt as if he wanted to let her know that “I am here [with a whip] if you do not want to talk”. P24 said the interrogator played the role of the ‘good cop’, telling Abu Ghadab that his assistance was not necessary. She concluded that they “played the good cop – bad cop game throughout her interrogation. However, the interrogation did not deliver any results, as she did not say anything that would incriminate her. She said that the interrogator insisted on personally accompanying her to her cell and patted her on her back on the way, as if he wanted to tell her “stay calm”. She said as far as she recalls, there were no more interrogations at Al-Khatib. P24 said the same interrogator wanted to

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<sup>3</sup> Note from the Trial Monitor: The translator consulted P24 to clarify what exactly she meant. During a break at a later point, they were able to clarify that it was not a window, but a light shaft.

talk to her on the day she was transferred to Kafar Souseh, however, it was rather meaningless. When she returned from Kafar Souseh, she had no more interrogations at Al-Khatib.

Presiding Judge Kerber said that this trial is about Raslan and asked P24 whether the interrogator was Raslan. P24 turned to the defendants' bench and, after a short break, said she does not think that Raslan was the interrogator.

Kerber wanted to know why she thinks that. P24 said that the entire situation surrounding the interrogation and the room do not fit with a man of his rank. She added that guards were constantly entering and leaving the room.

Kerber wanted to know whether P24 noticed anything about the language/voice of the interrogator and if she identified his dialect. P24 said she tried to remember the interrogation. There were some indications about the person but she does not remember.

Kerber recalled that P24 told the German police (BKA) that she thinks she was interrogated twice at Al-Khatib. She was not beaten or bound. However, she was blindfolded and could not see who was interrogating her. She said it was the same person for both interrogations and he spoke a Sweidan dialect. P24 told the BKA that she can consequently preclude that it was Anwar Raslan. Kerber asked P24 whether she remembers anything about the dialect. P24 said it might be possible that he had an accent from Sweida.

Kerber said that is fine. P24 said she cannot remember right now, but if she told the police that information, it is probably true. She added that the interrogator [at Al-Khatib] told her he would go and visit her [if she was released] and unveil his identity to her.

Kerber asked if he did visit her indeed. P24 denied.

Kerber wanted to know what happened after P24 came back to Al-Khatib from Kafar Souseh. P24 said that on her last day at Al-Khatib, she thinks it was June 9, 2012, she was put in a car. She was not blindfolded or bound. She was taken to Division 40 to the office of the person who interrogated her on her first day. She said she was even offered coffee, which she drank after her experiences [bad food] at the detention facilities. P24 told the court that she was then taken to another place where she had to wait before she was "handed over" to her father, however, without any of her personal belongings. She said she was sent home without her car or papers. P24 further explained that at this time, there were many checkpoints in Damascus, so it was difficult to move around freely without papers. She said she consequently returned after ten days to ask for her belongings. P24 said she started at Al-Khatib where she was told at the checkpoint at the gate to wait while they search for her things. They asked for her ID-card but she only had her mother's phone. P24 said she did not take the phone with her inside the building. She then went upstairs (not downstairs where the detainees are) and told the man at the desk who she was and that she wanted her personal belongings. P24 said she was told to wait on a broken sofa. People at Al-Khatib were friendly and greeted her. According to P24, she thought that the man at the desk knew her. He was sitting behind the desk when he got up to say hello, then sat on the sofa opposite to her. P24 explained that he asked her how he could help after he said "[t]hat's what happens when you're released". She said that sentence referred to her appearance: she was dressed normally but he meant that this is what people look like after they were released. According to P24, she told him that she wanted her personal belongings. The director of the prison, who is responsible for all cells, came with a file for signature. He asked how "can we help,

Ms....?”. P24 explained that she left the room with the prison director, but did not find her belongings at Al-Khatib. She then went to Division 40, where she was handed her belongings.

Kerber asked P24 to describe the room in which she was with the two people. P24 described a square room with a window opposite to the door. She also said that there was a desk, two leather sofas and a picture of the president. She remembered that there were curtains but could not remember the color.

Kerber asked about a shelf or coat stand. P24 said she does not think that there was any of these items, however, there were many things in the room, including a TV.

Kerber said that P24 already drew a sketch of the room, which she can explain later. Kerber went on to ask P24 if she has any assumptions about the identity of the second person. P24 denied, saying that she cannot remember.

Kerber asked her to look at the defendants and wanted to know whether she recognizes one of them. P24 denied, saying she does not think so.

When Kerber asked her whether she needed a break, P24 denied. Raslan’s defense counsel intervened, requesting a break to get some fresh air.

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[5-minute break]

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The translators clarified that the window by the toilet in Al-Khatib, which P24 previously mentioned, was a light shaft.

### **Judge Wiedner’s Questioning**

Judge Wiedner wanted to know more about the guard that P24 previously described, Abu Ghadab. The translator said Abu Ghadab can be translated as “father of anger”. P24 affirmed, adding that in this case “nomen est omen” and the name would perfectly describe the person.

Wiedner said this question might sound stupid but he wants to know how P24 knew that she was in Al-Khatib. P24 explained that she did not have to wear a blindfold, though she had to look down. She added that she saw the streets and knows the area very well.

Wiedner concluded that P24 knew before she was detained there that Al-Khatib is somewhere in that area. P24 affirmed.

Wiedner wanted to know how big the solitary cell was. P24 said it was 1x2 meters, but had a high ceiling.

Wiedner concluded that it was actually only the size of a bed, yet there were two people inside. P24 affirmed, adding that there was no bed though.

Wiedner clarified that he was only talking about the size to make a comparison. P24 said they slept on the floor. She slept on her side, while the other woman, who was pregnant slept on her back.

Wiedner asked P24 to describe the situation when the pregnant woman did not feel well. P24 said that one time, the pregnant woman had to use the toilet urgently. They knocked on the door, but no one



answered, so they knocked several times. She said the woman was afraid when one of the guards came. Nonetheless, she was allowed to use the toilet. P24 was punished by not using the toilet for 24 hours. P24 said she does not know to which instance Wiedner is referring. She said another time, they heard the sound of torture and screams at night, coming from upstairs. It sounded as if one's head was hit against a wall or floor. That was the night when the girl collapsed. P24 said the screams reminded her [the pregnant woman] of her home, as her father used to beat her. She told P24 that she will never forget that noise.

Wiedner affirmed that P24 told the same story to the police. He recalled that she further told the police that the woman was released and able to give birth. P24 denied, explaining that she met the woman two weeks after her own release. After two weeks that P24 and the pregnant woman were detained together, the woman's belly got hard. They agreed to tell the guards that the child stopped moving, so she would be transferred to a hospital and examined. They then told the guards that the child was probably dead. The woman was transferred to Red Crescent Hospital where the doctors found that the child was still alive, and she was close to giving birth. They accelerated that process and a court transferred her to Adra Prison.

Wiedner wanted to know how the air in the solitary cell was, whether it was ok and enough oxygen. P24 laughed, saying that there was simply no air, not in any meaning of the word.

Wiedner concluded that the air was bad. P24 said there was no ventilation or anything like that.

Wiedner recalled that P24 told the BKA that the only place with fresh air was the toilet, as there was a tube to the outside, so one tried to breathe through that. He wanted to know whether that is correct. P24 affirmed, adding that one has to bear in mind that this toilet was used by countless people. There were rats and no towels. She explained that she and the pregnant woman are both afraid of rats. Whenever they went to the toilet, one of them was using the toilet while the other one put her feet in front of the whole from which the rats came. P24 said this would be the place where they breathed fresh air.

Wiedner wanted to know how many people were in the collective cell. P24 said there were no less than 25 people. She said she remembers that not all of them were able to sleep at the same time. They had to sleep in shifts.

Wiedner asked about dirt, rats, lice, and insects inside this cell. P24 explained that in the same cell, when used for men, there were even more people inside. The toilet in the cell was dirty. P24 told the court that the women offered to clean the toilet themselves. Three of them volunteered to clean it if they were given cleaning supplies. P24 further said that this was when she met the prison director, as they detected cockroaches in the cell. According to P24, there were at least 60 big cockroaches. When the women started screaming, the guards asked them if everything is fine. When P24 told them that nothing would be ok, the guards yelled at her. However, the director of the prison came to solve the cockroach issue. He sprayed some chemicals, which only caused more cockroaches to enter the cell. When he got a more effective spray, the women inside the cell almost suffocated while the guards laughed at them. P24 said the director himself had to leave the cell and threw up. He immediately ordered for all the women to be taken outside, until the dust was gone. She said the cockroaches were gone, however, when she came back to Al-Khatib there were cockroaches again.

Wiedner recalled that P24 said she was taken to Division 40 upon her arrest and asked her how she knew that she was at Division 40. He also asked her to tell a bit more about the Division personnel,

how they were dressed, and if she knows anything about the tasks of Division 40. P24 said that Division 40 was familiar to them [her and her friends], especially in the context of the revolution. She said that “such divisions” usually were at remote locations, as she did not wear blindfolds on her way to the Division, she was able to see where they were going. She further explained that, despite a few exceptions, they [Division personnel] were usually dressed in civilian clothes. One person from Aleppo was wearing camouflage, but he did not look like he was in the military. He was not wearing a uniform, however, his clothes made him look angrier than someone in a regular uniform. P24 said she saw a similar person when she picked up her belongings. They looked like they belonged to a militia. She said the person who interrogated her at Division 40 had a big office with many arms, including many big rifles. It was a high-profile office. P24 said there was another person, Yamen, who accompanied her. According to P24, it was obvious that he [the man from Aleppo] was supposed to unofficially talk to the detainees. She said that other women spoke with him as will. He was apparently one of the main people, but his behavior towards people varied from person to person. P24 said that Yamen was relatively young; he was born in 1989. In addition to him, there were 3 or 4 additional people [when she was arrested at the office]. The one who knocked on the door and pointed a gun at her was wearing a jogging suit. This person was downstairs as well and opened the “guys” computers and questioned them. The person who was tortured next to her was tortured by a young man from Aleppo, who according to P24, was the most brutal one of them. She further explained that when she was walking down the hall in Division 40, people were beaten in the halls and when she was brought to the guy wearing the jogging suit, she heard screams from a man. When she asked where the guard was taking her, she was told not to ask any questions. P24 asked Wiedner what his question was.

Wiedner said everything is fine and recalled her explaining to the BKA that Division 40 was different, as some people wore camouflage and she assumes that some of them, who wore tight t-shirts, were *Shabiha*. Wiedner said she further told the BKA that she felt as if this [people wearing camouflage and tight t-shirts] would rather be a show to differentiate from others. P24 said that this is exactly what she meant when she spoke about uniforms and militias.

Wiedner recalled that P24 just mentioned that she saw one of them at a checkpoint. He cited from her interview with the BKA during which she said that “employees of Division 40 had several tasks, not only to arrest people”. P24 affirmed, adding that she saw one of them at a checkpoint in Damascus. He recognized her and did not look at her ID or search her car. After that, he was no longer at that checkpoint. She said that they were also strolling through the trendy neighborhoods, and it became apparent that they had a mission.

Wiedner wanted to know who led Division 40. P24 said it was Hafez Makhlof.

Wiedner asked her if she ever met him. P24 said she met him on the day she was released.

Wiedner asked P24 if it is alright for her to talk about her detention at Branch 251 rather than having a break. He went on to ask her whether it is correct that she was never beaten or mistreated. P24 said that is correct, adding that she was threatened during the interrogation.

Wiedner asked whether she was referring to the person who lashed the whip on the floor next to her. P24 affirmed.

Wiedner asked her whether she was simply lucky or if there might be reasons why she was not beaten. He told her that she only had to answer this question in a way that does not lead to conclusions about her and her family’s identity. P24 said she would rather not answer this question.

Wiedner wanted to know if P24 saw or heard how others were tortured. P24 said there was a “welcoming”. Regarding male detainees, this “welcoming” was in the area where the cells are located, a place where new detainees are received. She further explained that there are also “welcoming-beatings” which she heard from her solitary cell, but did not see them. She said she also saw beatings from a door gap in the collective cell. Other women with brothers, fathers, and husbands [in detention] had a breakdown when they heard the noises. She said that from her solitary cell she also heard screams and saw an elderly man who was forced to undress. When he told the guards that he was the same age as their fathers, they beat him. According to P24, the guards sometimes went into the men’s cell at night and started beating them. She further said that on her way to the toilet she could see bleeding feet of other detainees.

Wiedner said that P24 also explained to the BKA how other people were tortured when she said that there was a big gap under the door of her cell through which she could see incoming detainees. The guards knew about the gap, so the detainees were afraid to look through it. She said that people were beaten with sticks and elastic belts until they fell on the ground where they were then ‘properly’ tortured and beaten. She told the BKA that she only saw this once. P24 further told the BKA that she assumes that only men are beaten at Al-Khatib during “welcoming parties”. P24 affirmed, adding that women who were arrested at demonstrations were arrested and beaten at Division 40. There was no torture during interrogations [at Division 40], but they were beaten when they walked upstairs. P24 said they were told that everyone [the personnel] had the right to beat them [the detainees] at any time.

Wiedner asked whether that was at Division 40. P24 affirmed. Regarding Al-Khatib, she added that they never heard anything about women. She explained that in the area where the guards were working, people who were transferred or released were called by name at specific times. P24 said she could clearly hear the names from her cell, however, she never heard the name of a woman. She further recalled the time when she wanted to pick up her belongings and was sent to Al-Khatib by Division 40. She said she had to wait in a room to identify her belongings. During the situation, she spoke with a normal voice, but the guard yelled at her and told her to lower her voice, as they only hear voices of men, not women.

Wiedner wanted to clarify whether this happened at Division 40 or Branch 251. P24 said it was at Branch 251.

Wiedner asked whether she could also hear men being tortured from the collective cell. P24 affirmed, saying “of course” she heard that.

Wiedner wanted to know whether this noise was non-stop, at certain times, and if so when and how many times. P24 said she heard it all the time.

Wiedner recalled that P24 was interrogated at Branch 251 and wanted to know where that [the interrogation room] was. He asked her if she had to go upstairs where the collective cells were or if it was further away. P24 said she was in a solitary cell and it [the interrogation room] was further away from that cell, however, closer to the collective cells.

Wiedner asked whether it was the same floor. P24 affirmed.

Wiedner wanted to know where she met the director of the prison when she returned [to pick up her belongings]. P24 explained that if one goes downstairs starting at the ground level, he gets to the cells. However, this time she was upstairs, at the first floor if she remembers correctly.

Wiedner said that P24 inspected the defendants extensively. He asked her whether she excludes the possibility of having met one of them, or if it would be possible that she met one of them but could not remember. P24 explained that her way of dealing with detention was to not resist, but to take action as much as possible. During her detention she did not look at anyone's face, regardless of whether she was blindfolded or not. She tries to understand why she cannot remember the face of the person at the office; she guesses that she looked down at the floor. According to P24 she cannot remember until this very day.

Wiedner recalled that P24 mentioned Anwar Raslan during her interview and said it [the person in the office] might have been him. He asked her why she thinks that and told her that she does not need to say who identified the person. P24 preferred not to answer.

Wiedner said there is a second defendant, Eyad Al-Gharib. He asked P24 if she knows him or can say anything about him. P24 denied.

Wiedner recalled that P24 told the BKA that people she knows and trusts only say good things about Eyad. P24 said that during [Al-Gharib's] detention, when his name went public, reactions amongst Syrians varied. Some said that he tried to help, however this would be a personal opinion. P24 added that she herself does not know anything about him and has no secure information.

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[60 minutes break]

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Presiding Judge Kerber asked P24 if either she or her family has close relations to the Syrian government, or if there was another reason why she was not treated that badly. Kerber added that she thinks this question does not harm P24, however, P24 can of course consult her counsel. P24 said it is a difficult question to answer, however, what she can say about her profile as a person is: as a woman she had her own car, which is a sign that she is rather well situated; she has a college degree; and she had a job back in Syria. These would all be indications that she was in the "best category" that enjoys some kind of special treatment.

### **Prosecutors' Questioning**

Prosecutor Klinge wanted to talk about P24's arrest and the reasons for her arrest at the office. P24 said she does not know the exact reasons, however, it seemed as if she and her friends were being surveilled. P24 explained that the arrest happened on a Friday, and back then there was a curfew on Fridays which meant there was a heightened police presence. She said their meeting was not planned. They decided to meet on short notice due to the situation in Damascus. P24 added that they were a group of people who had access to a non-civilian place, which is suspicious. This is her suspicion of the reasons for arrest.

Klinge asked whether P24 and her friends were part of the civilian or military opposition or if their arrest was by mistake. P24 said they were certainly not members of the armed opposition. Actually, they were only a group of friends with common values, such as justice and equality. The aim of their meeting was to have a dialogue.

Klinge wanted to know whether P24 and her friends organized any events like demonstrations, etc. P24 said she can only speak for herself; she certainly had an attitude that opposed the regime at that time, but she did not attend any demonstrations.

Klinge asked how many people were arrested. P24 said five people plus herself.

Klinge asked about the number of men and women. P24 said she would rather not answer that question.

Klinge said it is fine for P24 to not answer the question and asked her to provide more details regarding the incidents when she spoke with Yamen at Division 40 and had to watch a person being tortured. P24 said she entered a room opposite to an office of the person who interrogated her. A young man whom she knew was lying on the floor behind her on the right side. "They" kicked and beat him and used electroshocks. P24 further explained that she was asked about her relationship to this man regarding "certain events".

Klinge wanted to know how long the torture lasted. P24 said she cannot say precisely but guesses that it took five to ten minutes. She said she saw the same person hours after that incident on her way to the toilet. He was lying on the floor, half dead. She said he opened his eyes and smiled as a sign that he was still alive. However, the marks of fist beatings on his face told her that he was dead.

Klinge recalled that P24 said she spoke to Yamen on her way from Division 40 to Branch 251 and that Yamen accompanied her to the basement of Branch 251. P24 said that Yamen was from Division 40, so she did not see him at Branch 251. She remembered that when they were waiting together in the office, he spoke to another officer about torture instruments. They spoke about which tools they had and which ones they needed to purchase. P24 said after that she was alone with him. That was when he told her that she was transferred to the place where she was before.

Klinge asked P24 whether there were blankets or other things in the solitary cell at Branch 251. P24 affirmed that there were blankets, which they put on the floor or used to cover themselves. She recalled that it was very cold, even though it was May. She added that all they got were blankets and a bottle of water from the toilet.

Klinge wanted to know more about the condition of the blankets, whether they were clean or not. P24 denied, saying that they were full of lice. She said she had lice everywhere from these brown blankets. She further added that during the 24 days she was in this cell, the blankets were not changed.

Klinge recalled P24 talking about a lack of sleep in the collective cells and asked her to tell the court how many collective cells she saw in the area. P24 guessed that there were four or five cells.

Klinge asked her to estimate the number of detainees in this area. P24 said that she heard screams from the male collective cells because the men yelled at each other when one of them could not sit down or sleep. She said that one time, guards entered the cell, however, that was actually not possible as there were so many people in the cell. P24 estimated that 100-120 people were in this cell, adding that they were not even able to sit down, all of them had to stand.

Klinge wanted to know whether P24 knows anything about torture methods used at Branch 251 or if she heard anything about that. P24 said that there were lashes at Branch 251. She remembered that people were beaten on their feet with lashes. She added that the detainees had to stand up while they were beaten on their feet and when they fell down, their entire body was beaten. She said people were tortured in the room above her, but she has no idea which tools were used there.



Klinge asked P24 whether she saw corpses or executions at Branch 251. P24 denied, adding that, though she does not remember how she found out, the pregnant women with whom she was detained requested a shower after certain days of detention. She was told that it was no longer possible to use the showers. There were certain indications that there was some kind of special situation in the shower room. P24 said there was no information more specific than that. She further told the court that the pregnant woman was arrested with her husband. When P24 asked her about her husband, the woman told her that when she asked about him, she was told that she should forget about him. P24 said the women acted as if he was dead.

Klinge recalled that P24 told the BKA that she knows nothing certain about executions and corpses but assumes that the situation for male detainees was probably horrible. P24 said all she can talk about is what she saw on the floor [in the hallway on the way to the toilet]. She saw men's yellow and red feet. The men had to stand up, facing the wall. P24 said she saw signs of torture on their feet and backs. She concluded that they were most likely tortured.

Klinge further recalled that the French police asked P24 about the relationship between Alawites and Sunnis within the regime. He wanted to know whether P24 remembers these questions. P24 denied.

Klinge asked P24 what she can tell the court about the representation of Alawites and Sunnis at the regime level. P24 wanted to know if Klinge was talking about the government. Klinge affirmed. P24 said it would only be her personal view, but that there are positions which are clearly allocated since Al-Assad [took power]. Sometimes they are allocated according to religion, sometimes according to party membership. She said that certain ministries go to the socialist parties and others to the Baath party. P24 added that she was talking about people with certain functions, representing the party. For example, the Premier Minister would always be a Sunni and high positions within the security forces would always be given to Alawites. She said that in her personal view, high administrative positions are always given to Sunnis, while high positions regarding security matters are always given to Alawites.

Klinge recalled that P24 told the French police that she cannot say that the regime would only consist of Alawites. She told the French police that the premier and president of the parliament were Sunni. Overall, there were around 60% Sunnis. P24 said that is correct.

Klinge asked about Ali Mamlouk's confession. P24 said she does not know.

Prosecutor Polz recalled that P24 was transferred from a solitary cell to a collective cell with around 20-25 women and asked P24 whether any of the women showed signs of torture or mistreatment. P24 said she already told the court that women were mistreated at Division 40. They showed signs of that on their feet and hips.

Polz wanted to know if P24's comments were based on her own conclusions, or if she knows that for sure. P24 said she cannot say with complete certainty.

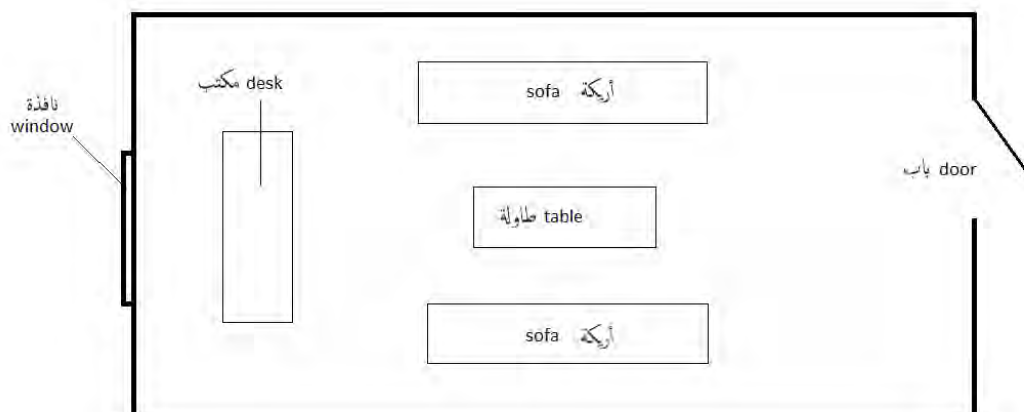
Polz asked P24 whether she spoke about that [torture or mistreatment] with anyone. P24 said that in the collective cell, the women were very careful about what they said and what they did not say. They were always afraid that "someone could be present" [one of the guards among the detainees]. That is why none of them said what they had to endure. P24 said women from Division 40 were shocked. She added that she was in the collective cell for two days before she was transferred to Kafar Souseh. She said she was so exhausted when she returned from there that she barely communicated.

Polz asked P24 whether she is a victim of sexual violence. P24 denied that she is a victim of sexual violence. She added that she did not hear anything explicit about that from others. However, there were two women: one of them wanted to smoke and showed her breasts to one of the guards to get a cigarette. The other one apparently had an addiction. She was only there for one night and kept walking up and down the room. She then spoke to one of the guards, so he could get her something. P24 said she could not hear what they said. P24 further said that there was a woman with her underage daughter. The woman told the daughter that she knows how to handle the guards.

Polz wanted to know whether there were more minors at Al-Khatib. P24 said that this one was a minor for sure, but she did not see other minors.

Polz recalled that P24 told the court that she had to undress and squat and that she had issues with her joints. P24 said theoretically, this practice was used to frisk people. In practice however, it was used to make people feel humiliated. She added that it [the act] was only viewed from that angle [of humiliation].

As the prosecution had no more questions, Presiding Judge Kerber referred back to the sketch which P24 created during her police interview. She said that P24's name and handwriting is redacted and asked her to describe the sketch.



P24 said that this was the room she was in when she picked up her belongings [at Branch 251]. She described the room's interior.

Prosecutor Klinge asked her about the color of the sofas. P24 said they were either brown or black, adding that she cannot remember precisely, but is sure that they were dark.

### **Defense Counsels' Questioning**

Raslan's defense counsel Fratzky recalled that P24 mentioned a Sweida dialect and asked her in which region this dialect is common. P24 said it is spoken in Sweida, which is a governorate in the South of Syria.

Fratzky wanted to know more about the ethnicity of the people living in Sweida and who spoke this dialect. P24 said that most people there are Druze. However, the dialect is spoken regardless of the religious group, but dependent of the region.

Fratzky further recalled that P24 told the court that she was at Branch 251 to pick up her belongings and asked her about the name of the director of the prison whom she mentioned. P24 said she does not know his name but he was there during the cockroach incident. She described him as a small man.

Fratzky wanted to know whether it was the same man who was there when she picked up her belongings. P24 said this man entered the office of the person to whom she was talking about her things. The man who entered the office requested signatures from the person that was already there.

Fratzky asked P24 how she knew that he was the director of the prison. P24 said he was the one in charge during the cockroach incident. The guards told the detainees that the director would come.

Fratzky wanted to know whether the name Tawfiq Younes sounds familiar to P24. P24 said everyone knows this name.

Fratzky asked P24 whether she has any information on him. P24 denied, adding that some people simply become legends.

Fratzky further asked P24 whether he [Tawfiq Younes] had anything to do with Al-Khatib. P24 said she does not know.

When P24 was dismissed. She thanked the court.

Al-Gharib's defense counsel asked the judges about Inspector Knappmann's appearance in court. Judge Wiedner replied that, as usual with witnesses from abroad, the relevant BKA inspector will testify in court. Schuster wanted to know when that will happen and if he and his colleague will still have a chance to question him [considering that the court announced that it will issue a judgment for Al-Gharib by the end of February 2021]. Presiding Judge Kerber told Schuster that she is aware of the difficulties surrounding the witness's schedule and assured him that he will be able to question Knappmann sometime early next year.

**Prosecutor's statement on the submission of the Plaintiff Counsels Kroker and Scharmer regarding a change in legal reference.**

Prosecutor Klinge read out the prosecution's statement responding to the submission of Plaintiff Counsels Kroker and Scharmer regarding the inclusion of sexual violence as a crime against humanity to the charges, as well as the translation of certain documents [the following is a summary of the main aspects of the statement as noted by the Trial Monitor]:

- 1) The submission barely differs from the indictment. The indictment already found the existence of a systematic and widespread attack against the Syrian population. The criminal acts of sexual violence cited in the plaintiff counsels' submission were also included in the indictment.
- 2) If the judges share the plaintiff counsels' evaluation of the cited acts of sexual violence, the acts would merely qualify as one act under §7(1) No. 6 VStGB, in addition to the acts under §7(1) VStGB which are already included in the indictment.
- 3) Introducing as evidence the documents mentioned in the plaintiff counsels' submission, as well as the respective translations, would not serve the economy of the trial or due process interests. The judges already have knowledge of the facts that requires evaluation.
- 4) Sexual violence is already included in the indictment and was confirmed by several witnesses. The judges therefore already have enough evidence to judge this matter.
- 5) The documents mentioned in the plaintiff counsels' submission do not provide further information regarding a widespread and systematic attack against the civilian population.
- 6) The evidentiary value of the documents is furthermore limited as they are solely reports.



Presiding Judge Kerber canceled the session scheduled for the following day.

The proceedings adjourned at 1:50pm.

Next hearings will take place on January 6, 2021.

**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 23

Hearing dates of January 6 and 7, 2021

*CAUTION: Some testimony includes descriptions of torture.*

**Summary / Highlights:<sup>1</sup>**

**Trial Day 53 – January 6, 2021**

- P25, a 30-year-old, who was detained in Al-Khatib and the state security branch, testified about how security forces stormed his village and indiscriminately arrested people they claimed participated in demonstrations. P25 was a student and had never attended a demonstration. The witness described Abu Ghadab as a tall man whom all the detainees feared. When asked if he recognized anyone from the defense, P25 said Eyad A. looked familiar, but it was Raslan that P25 said he recognized and knew. He said Raslan was not Abu Ghadab, but that he was confident that he knew Raslan. P25 admitted that he had seen both defendants' pictures online. P25 described a child who was ten to thirteen years old who was detained in his cell in Al-Khatib and suffering from a bullet lodged in his leg/foot. P25 was transferred to the state security branch where he became ill and was forced to stand under cold water as punishment. He provided three sketches showing the layout of Al-Khatib and the interrogation room.

**Trial Day 54 – January 7, 2021**

- Christian Knappmann, a 37-year-old police officer at the Meckenheim Federal Criminal Police Office (BKA), answered questions regarding P14 (SJAC Trial Report 12). P14 was questioned by the BKA in 2019. Knappmann and a colleague used satellite imaging to discover the coordinates of the Al-Qutayfa القطفة cemetery. The satellite imagery from 2011-2012 was missing and the earliest the BKA could find dated to 2014. P14 testified that there were about 1.7 million people buried in mass grave trenches in the cemetery. Knappman could not evaluate this assertion as the depth of the trenches is unknown and it would depend on how the bodies were buried.

**Trial Day 53 – January 6, 2021**

The proceedings began at 9:30 a.m. There were two spectators and two individuals from the media present.

Plaintiff Counsel Dr. Patrick Kroker was not in attendance. Deputy Plaintiff Counsel Charlotte Foerster-Baldenius appeared for Plaintiff Counsel Khubaib Ali Mohammad.

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



Witness P25 sat at the witness panel accompanied by his attorney Andreas Schulz.

Judge Kerber asked whether P25 was going to take off his mask. P25 confirmed. Instructions were read to P25 and he was informed about his rights as a witness.

Testimony of P25, [Name redacted]

Judge Kerber asked P25 for his name. P25 said [name redacted]. Judge Kerber then asked P25 for his age. P25 replied, 30-years-old.

Judge Kerber asked where P25 lives. Schulz said that would rather not share that information.

Judge Kerber asked P25 about his job. P25 said that he is a salesman.

Judge Kerber asked P25 if he is related to the accused by blood or marriage. P25 said no, he is not.

Judge Kerber said that P25 was detained in Syria and asked him to explain his experience and discuss when and how he was detained. P25 said in the beginning, he was at home in [information redacted] area. One time, there was a storming of the village and the security forces wanted to take [detain] all of the people. P25 was a student and was not afraid to go to [pass through] the checkpoint. People were telling him that he could escape if they [e.g. the security forces] came to take [detain] him. P25 told them that he had nothing to be afraid of and that he passes through/by a hundred checkpoints every day. When the storming came to the house, they, unfortunately, took [detained] P25. The checkpoint guard asked him what his name was and he gave the guard his ID card. The guard told him that he was wanted. P25's family is big with around 2000 to 3000 individuals. He has a common name and everyone gives their children the name, [name redacted]. They put P25 on the bus and he sat in the last seat in the back. They flipped their [the detainees'] t-shirts over their heads, so the detainees could not see anything. The security forces took the detainees to the detention center and started to beat them. The forces were military people and one person hit P25 with a helmet until he lost consciousness. A person (one of P25's neighbors) told him to get up and woke him up.

P25 continued describing that they [the security forces] took the detainees to a place where they stopped for a bit and then proceeded to Al-Khatib. Many things happened, but there are many things that P25 said he does not like to remember. After that, they got off [the bus] in Al-Khatib and stood for a while as the forces tortured them. P25 remembers that they remained standing and their hands were hurting. There was a person who was P25's neighbor and he was a مسؤول [roughly translated as "a man who has responsibilities" or "Big official"] in the party [It is common to call Al-Ba'th party, just the "party"] and despite that, they detained him and were torturing him. They took the detainees inside, downstairs ("I remember stairs"). As P25 was going downstairs, someone hit him with an intense slap on the face. The detainees had to take everything off. One had to stand up and sit down [squat] to check if they were hiding anything and then they were taken downstairs. P25 does not remember in which room he and the others were detained. He wore his clothes inside and his legs were extended, as he did not know the rules. They were in a room with many people, P25 cannot forget it. There was a small toilet with no door. His legs were extended and someone called Abu Ghadab أبو غناب ("I do not know his real name") entered. He asked P25 why he was extending his legs and told him to take off his t-shirt and he whipped P25 ("I do not know") [This last quote was directed to the translator, saying "I do not know what you call this"]. Then

the detainees waited for the interrogations. They used to hear sounds of torturing and people screaming “leave me!” and “for God's sake!” The nature of the prison was terrifying. The detainees could not differentiate day from night. They heard sounds of torture and people were coming inside to us [entering the prison]. At that time, an injured [The word P25 used “تَمَصَّ او يَلْبِصُ او ب” can be commonly used to refer to “shot.” He used the same term throughout the testimony] child entered (he was injured by the army). They [P25 meant “the child’s family”, but “they” was mistranslated as the Intelligence Services. This was not explained until the end.] wanted to take him to Tripoli [for treatment]. The child’s leg was injured and he was crying. They used to enter [the cell] and torture him. There was a 70-year-old man who had to take a pill for blood pressure. They used to hit his face with it [fling the pill at his face].

P25 was taken to the interrogation upstairs (using the stairs). P25, first, did not remember if his t-shirt was flipped over his head or if it was a blindfold. But then he remembered that it was a blindfold: he used to be able to see from underneath it. He entered a room where there was a table and behind it was an interrogator. To the right, someone was sitting with a stick and was doing this with his hand [P25 imitated when one holds a stick with one hand and hit his other hand with it lightly in a threatening manner as if they will strike someone]. He [most likely the interrogator] began by saying that P25 should confess. P25 did nothing. He does not remember what happened, but he [maybe the one with the stick] hit P25 on his leg/foot. To this day, it still hurts P25 and there is still a mark. After that, P25 confessed to something he did not do (demonstrations). He did not participate in demonstrations; he was a student. But P25 said he does not forget a tall man who was torturing and insulting him and the detainees with the worst insults. His name was Abu Ghadab and Memati (a character in a Turkish series. This is what people told P25, as he did not watch the series). When the prison guards used to come (there were two and they alternated), and when it was Abu Ghadab, P25 and the other detainees had a lot of fear/were fearful. They had to run to the wall (P25 did not remember if they had to take off [their clothes]). After that P25 stayed [there] for ten days (He said his memory is distorted, but previously said it was more than 10 days). The detainees did not differentiate day from night and when a new detainee came, they used to ask him about the time.

One day the prison guard came and called their names and P25 and the other detainees thought that they would be released. The guards took P25 and the others to a bus. Their hands were tied with plastic wires and they were taken to another prison: state security. P25 and the other detainees were fearful and horrified because they did not know anything about this branch. When they entered [the branch], the guards shaved the detainees’ heads, had them take off their clothes, and the detainees had to take a shower with very cold water. As a result, P25 had a severe flu and was unable to eat and drink. He knocked on the door [maybe to ask for medicine/help], and the guard came in [to the cell] and hit P25 on his abdomen and told him to take off his clothes and stand under cold water. P25 had a short break and then had to stand again under the cold water. To P25, it was easier than Al-Khatib. There were the same events: there was a single interrogation and the interrogator was good [The interrogator did not beat P25]. P25 stated that he forgot to say that in Al-Khatib, they had to sign blank papers (P25 corrected himself, “I do not remember if it was in Al-Khatib or the state security”). After the detention in the state security prison (P25 did not remember how long he stayed there), P25 and the other detainees were taken to court. They were put in jail with people who killed and stole. Before that, they took the detainees to a court and then took them on a bus to this [jail with criminals]. The judge was good. He told P25, “You are not one of them” and asked him if he participated in demonstrations. P25 told him no. The judge asked P25 why and

he told him he did not demonstrate because he was fearful. They stamped P25's hand. He was released and went back home.

Judge Kerber asked P25 when he was detained. P25 said he remembers a big incident where someone (he did not want to say who) was injured. It was February 4<sup>th</sup>.

Judge Kerber asked P25 for the year. P25 replied that it was 2012.

Judge Kerber asked P25 how he knew that it was Al-Khatib. P25 said he did not know, but the people who were [detained] before and after him said that the process was the same: they take you to Al-Khatib, then state security. P25 knew that when he was released (that one goes automatically to Al-Khatib, then state security).

Judge Kerber asked P25 how he knew it was state security. P25 said that he is a bit confused/his mind is distorted. He remembers that there was a door that they went through/entered (He used to study French in Al-Mazzeah الجامعة [which is located close to Kafar Souseh, where the state security is located]). When they entered the state security branch, they saw many things. It was composed of squares/yards and they took the detainees inside with the bus. After he was released, P25 asked about it and the people said that it is Al-Khatib then state security [one is detained first in Al-Khatib then transferred to state security].

Judge Kerber asked P25 to describe Abu Ghadab. P25 replied that he cannot forget him. Abu Ghadab was tall and thin. His accent was not from Damascus (perhaps from Deir ez-Zor دير الزور or that area).

Judge Kerber asked P25 approximately how tall Abu Ghadab was. P25 said he was his height or taller. P25 was sitting and looking upwards and therefore, he might have felt that he was tall.

Judge Kerber asked P25 to look to his right and asked if he could recognize anybody from the accused. P25 said that the person in the back [Eyad A.] – “his face is familiar, but...” [“hmm”]. P25 said, “I saw this man [Raslan]: I know [recognize] his [facial] features, but he is not Abu Ghadab.” They had shown P25 photos during the police questioning, so, he told them that he had seen the one who is sitting in the front [Raslan]. P25 said that, as a Muslim, he cannot say something that he did not see. Honestly, when he returned home, P25 saw photos on the internet. P25 searched [researched] and knew that he chose right, but as a name...

Judge Kerber interrupted asking what was right. P25 said the right thing is that it is not him, but he is in P25's mind for years. But it was not him who hit P25 the first time.

Judge Kerber asked if he was not Abu Ghadab. P25 said he thinks that it is not him. Abu Ghadab's hair is black and he cannot forget his height. But this person [Raslan] is familiar.

Judge Kerber asked P25 about the child that they wanted to take to Tripoli. P25 said he was detained and they put a child whom he did not know with P25 and the detainees. He [the child] was crying a lot and P25 asked what was wrong with him. He said that a bullet was inside the bone in his leg/foot. He said that he was injured and wanted to go to Tripoli and they caught him on the way. They wanted to punish P25 because he sympathized with the child. The boy was crying and the guards used to enter/come inside [the

cell] (P25 does not know if they beat him), but they used to tell him that if he did not shut up, then they would slaughter him.

Judge Kerber asked how old the child was. P25 said 10 to 12, maybe 13.

Judge Kerber asked P25 if he saw dead bodies in detention. P25 said he does not remember that he saw any in prison, but there was a case of someone who offered [members of the] Free Syrian Army tea. They took photos of him and brought him to the detainees. They tortured him so severely that his t-shirt got stuck in his flesh and P25 and the detainees were not able to get the t-shirt off him. He was crying from [because of] the pain. Not to mention the extensive sounds of torture.

Judge Kerber asked if P25 wanted a break. P25 replied, "all good now" [no].

Judge Wiedner recalled that P25 said that the child was shot in demonstrations and asked how P25 knew that. P25 said that at that time, there were demonstrations. He did not ask him, but the conclusion/deduction was such when one enters like that.

Judge Kerber asked if that was an assumption. P25 said that at that time, there were only demonstrations. He does not remember whether he asked him or not (P25 forgot with time). P25 said he does not remember all the details.

Judge Wiedner assured P25 that it is understandable as it was eight years ago and asked if they also knew that the child was injured. P25 said he did not understand the question.

Judge Wiedner asked P25 if the prison guards knew about the child's injury. P25 said yes, they knew. He does not remember if he saw it, but the child said that the bullet was in the bone and P25 remembers that when he used to move his leg/foot, he cried a lot. At that time, the child's older brother used to pay money and come inside [P25 did not elaborate if this was into the cell or the Branch] to see him [the child] and then go out. When P25 got out of Al-Khatib, he [the child] remained in Al-Khatib.

Judge Wiedner asked if P25 knew what happened with the child. P25 said no, he got out before him. But he remembers that they [the child's family] wanted to smuggle him to Tripoli, but the smuggler was the one who handed him in. P25 said he does not know [but wonders] if the smuggler was from the police.

Judge Wiedner asked if the child received help. P25 said they did not offer help, only if someone had blood pressure or something, but no one offered him help. P25 does not remember if it was the child or an elderly person, but he remembers that they were stinging/piercing him with the needle [giving the injection violently]. P25 remembers the injection and that they used to toss/flip the pills.

Judge Wiedner asked if P25 himself asked for help for his injury. P25 said no, he did not, because he was afraid to ask. The fear outweighed the pain.

Judge Wiedner asked what P25 feared. P25 answered that Abu Ghadab was terrifying and tortured people. P25 did not know what he would do. Before the prison [detention], people were talking about electricity and fingernails extraction.

Judge Wiedner said that many people were detained and asked P25 if there was a reason for the detention. P25 said that people used to do many demonstrations in their village. One time there were demonstrations for freedom and they [the regime/security forces] wanted to quell the demonstrations. They did not want anyone to express opinions. And P25 was detained for no reason. He used to go to the university and they used to take his ID card and do a check and there was nothing against P25.

Judge Wiedner asked if the detentions were indiscriminate or if it was for certain people. P25 said yes, it was indiscriminate.

Judge Wiedner said that P25 mentioned an incident that happened by the police. P25 said their house is big. The police entered and his little brother had a money box [piggy bank]. One of the police officers hid it or took it (many things happened that P25 said he does not remember), but he does not forget the way they entered and the bus.

Judge Wiedner recalled that P25 said that they were military people with uniforms. P25 confirmed. They were military uniforms, but in Al-Khatib, they were wearing civilian clothes [were plain-clothed] like the detainees.

Judge Wiedner asked about the trip on the bus to the branch and asked what happened and how long it lasted. P25 said while they were sitting on the bus, there was a military person who had a knife or a rifle with a bayonet and hit him [a person] on his leg, but he was a [P25 used same as the word mentioned earlier above “مسؤول,” meaning something like a big official/figure] in the [Al-Ba'ath] party in the village. P25 was hit with the helmet on his back and then on his head.

Judge Wiedner asked if P25 lost consciousness. P25 said yes and his neighbor woke him up. He remembers that it was very painful being hit with metal on his head.

Judge Wiedner quoted from the transcript of P25's police questioning saying, “We were taken in the bus for an hour and were tortured. A person next to me was stabbed with a knife and I was hit with a helmet. They were punching and kicking us.” Judge Wiedner asked P25 if that was correct. P25 said yes it matched what he had said, but the one with the knife was not next to him, but maybe behind him. P25 does not remember if he was on the floor or behind him. But he [the military person] asked him “Who hit [stabbed] you?” He [the person that was stabbed] told him “you.” He [the military person] told him “Careful what you say.” He had to say that he wounded himself.

Judge Wiedner asked if other people were hit before going to the cell. P25 said, yes. He remembers that they were beating people and transporting boxes of arms/weapons (they sounded different from food boxes). He does not remember if they hit him while he was standing, but they slapped him once while he was going downstairs. However, among them was a mosque Imam, he was also beaten. Also, the chief of the [Al-Ba'ath] party [the same individual P25 mentioned earlier] was slapped once. P25 remembers that because it was something big [a big deal/ surprising] to the detainees. He was surprised because he supposed that they should be respected by the country [government].

Judge Wiedner asked if all the people on the bus were beaten and taken inside. P25 said he does not remember. He was blindfolded (it was prohibited to look around), but he remembers that all of them got off/went downstairs [The same term has both meanings and it was unclear which one P25 meant].



Judge Wiedner recalled that P25 said that there were more than 40 people in the square/yard. P25 said he does not remember and he was not able to see. However, on the bus, there were many, maybe more than 40. Perhaps after a while, he forgot some details. He used to remember how long he was detained, but now he has forgotten.

Judge Wiedner stated that P25 was transported to Al-Khatib on February 4, 2012. Judge Wiedner asked P25 how long he stayed in detention. P25 said he remembers that it was more than 10 days. Maybe 15, but he cannot remember.

Judge Wiedner asked P25 where he was taken, for example, upstairs, downstairs. P25 said the first time [when P25 arrived at the branch] they took him downstairs. When they interrogated P25, they took him upstairs.

Judge Wiedner asked if P25 was frisked. P25 confirmed. They had to take off their clothes. He remembers that one person, who was brought in with them, had cannabis with him. They told him that he was a respectful man who does not participate in demonstrations and they took him to another criminal police station.

Judge Wiedner quoted the police questioning's transcript reiterating what P25 said. P25 said they do not want people to think/ponder. He was working to pay for his college. People were poor. They wanted people to stay ignorant and not ask about politics.

Judge Wiedner recalled that P25 said that it was a basement and asked if it was underground. P25 answered that he went down some stairs.

Judge Wiedner asked P25 to describe the cell. P25 said when he entered the room [cell], perhaps it was 3x3m or 3x4m (he did not measure it). The toilet was in the corner and had no door. P25 had no place and sat near the toilet. There were no means/tools for cleaning nor toilet paper. Behind the cell, there was a white light, and P25 thought that was the prison kitchen. He knew because one of the detainees used to go with them to help [e.g. in serving food]. They offered the detainee some meals. One was eating to live [just to stay alive].

Judge Wiedner asked about the food. P25 said there was a lot of jam, bitter olives (from the trees), sometimes cauliflower with bulgur [The translator did not know the name P25 mentioned as it was in Syrian dialect. Therefore, P25 explained] It is like broccoli but not broccoli. Also, each person got an egg and stale Arabic bread.

Judge Wiedner asked P25 if he was able to differentiate day from night. P25 said no he could not differentiate.

Judge Wiedner asked P25 how he used to sleep. P25 answered that there was no place to sleep. Sometimes, he slept on his side, then on somebody's leg or abdomen. Some people stayed sitting up.

Judge Wiedner asked about the air. P25 said there was absolutely none.

Judge Wiedner asked P25 if he noticed any injuries and about the condition of the detainees after the interrogations. P25 said, of course, he does not remember if it was before the interrogation or after it,

but he saw tortured people. Normally/Naturally, it was after the interrogation. They ask the person and if he does not answer, they torture him.

Judge Wiedner asked P25 if he spoke with other detainees about torture. P25 said they talked about general matters such as, “where are you from?” and things like that. P25 remembers a Bedouin who was a shepherd. He was herding his sheep and the army shot them [the sheep] and brought him in. He was shouting “the sheep are gone” and we [P25 and other detainees] told him to drink [some water], but he cried and said, “What happened to me?”.

Judge Wiedner asked if P25 heard sounds of torture from the basement. P25 said he used to hear, but he did not know if it was from the interrogation rooms or from other places, because there was a hatch under the door.

Judge Wiedner asked how often P25 heard the sounds, for example, all the day long. P25 said he does not remember if it was all day long.

Judge Wiedner asked if it is correct that P25 had said that the interrogation was not in the basement. P25 said after they took him out of the place where he was [the cell], they took him upstairs (steps/stairs). He does not know which floor, the first floor, or another one. But he went up the stairs, not into the basement.

Judge Wiedner asked if P25 heard screams of torture when he was upstairs. P25 said he remembers a child who was with him and P25 recognized him. His name was [name redacted]. He also was young and cried a lot and was afraid. P25 entered [the interrogation room] and heard his voice.

Judge Wiedner asked if he heard something else. P25 said he does not remember. He would say if he remembered anything.

Judge Wiedner asked about the age of the child. P25 said he was under 15. P25 remembers him. [name redacted] and his father passed away. And now during the incidents [revolution], he [name redacted], his mother, and a girl [his sister] died. His brother is detained and his [other?] brother’s leg was amputated. A bomb fell on them.

Judge Wiedner asked if it is correct that it was not in prison. P25 confirmed.

Judge Wiedner asked if P25 talked with him [the child]. P25 said he saw him crying but did not talk with him, because there were many people from their family. And there was also another one P25 knows, but he does not want to mention his name. His mother worries about him.

Judge Wiedner asked P25 how many people were present during his interrogation. P25 said maybe two or three, but [he was sure that] there was one behind the desk and one on the sofa.

Judge Wiedner asked if one of them was high-ranking. P25 said he could not know, even if he would have seen. He did not serve [in the military]. He just speculates that the one behind the table was a [P25 once again used the same Arabic word, as before مسؤول. Here, it could be translated as “highly regarded”/“high official”].

Judge Wiedner asked if there were orders/instructions for beatings. P25 said he does not remember that he [the interrogator] told him [the other person] to beat P25. Maybe he said [something] and P25 forgot it.

Judge Wiedner asked about the consequences of the beating on the feet. P25 said his foot was always hurting and turned blue. He does not remember how it was when he was released, but it was a little painful.

Judge Wiedner asked if P25 has long-term symptoms due to an injury. P25 said that he did not understand. Judge Wiedner repeated the question. P25 said he does not know if this is because of it [the injury/the beating], but when it is cold, it hurts him. When he walks, people ask him “Why are you limping like that?”. But P25 said he does not know if it is because of his leg/foot or something else.

Judge Wiedner recalled that during the police questioning P25 said that he had a fracture. P25 answered that after he was released from prison, he visited a doctor from [information redacted], but he does not remember if somebody told him if it was a fracture or a hairline fracture [incomplete fracture]. At that time, he did not feel much, because there were always storming/raids and they were fleeing/on the run.

Judge Wiedner recalled that P25 said that he was whipped another time. P25 answered that he was whipped the moment he entered the prison. The second time was when Abu Ghadab entered and the detainees did not take off their clothes quickly and he beat P25 and everybody like a flock/herd of sheep. There are also details that P25 is trying to forget.

Judge Wiedner asked if other detainees talked about other torturing methods. P25 said he does not remember, but mainly whipping. He saw only one person who was tortured a lot (the one who offered tea) and the elderly person from [name redacted] family from [information redacted] whose relative is in the parliament and did not help him. The one in the parliament is called [name redacted].

Judge Wiedner recalled that during the police questioning P25 said that some of the detainees talked about electricity and hot water, but P25 neither saw nor experienced that. P25 said this was correct, but mainly it was whipping. Similar to the water [P25 heard about it], but did not see it.

Judge Wiedner asked P25 if he suffers from psychological consequences to this day. P25 said now, he has a psychological phobia from what happened. Occasionally, his hands shiver/quiver when he sees people fighting. Perhaps it is fear or anxiety. But before prison, he did not have [complain from] anything.

Judge Wiedner said that P25 gave an example in the police questioning that he shivered/quivered when the police asked him for his ID card. P25 said maybe it was like that before, but now it is better. They are not like Syria’s police. This is a law-abiding country not like Syria, where the strong prey on the weak.

\*\*\*10-minute-break\*\*\*

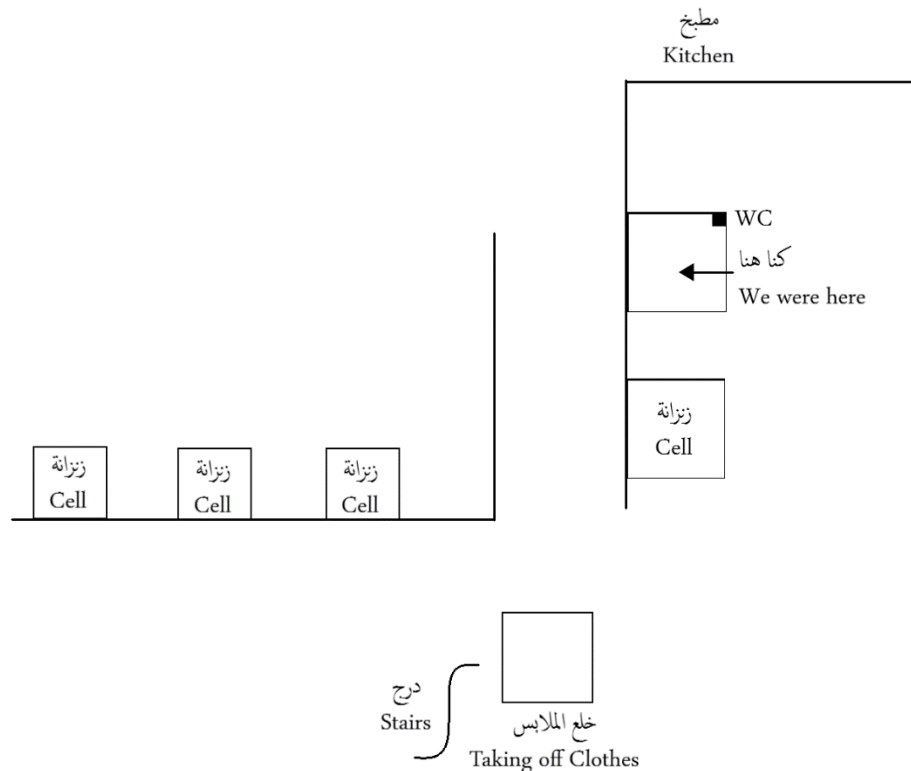
Judge Wiedner asked P25 about the treatment in the state security branch, about prison guards, food, etc. P25 said the treatment from the prison guards and the food were both better than in Al-Khatib. P25 remembers that in the state security, they used to give each detainee a loaf of bread or two. There was more psychological relief/comfort.

Judge Wiedner said that P25 talked about collective punishment during the police questioning. P25 said there was collective punishment in state security. The detainees were not supposed to speak with each other and if they did, there would be collective punishment.

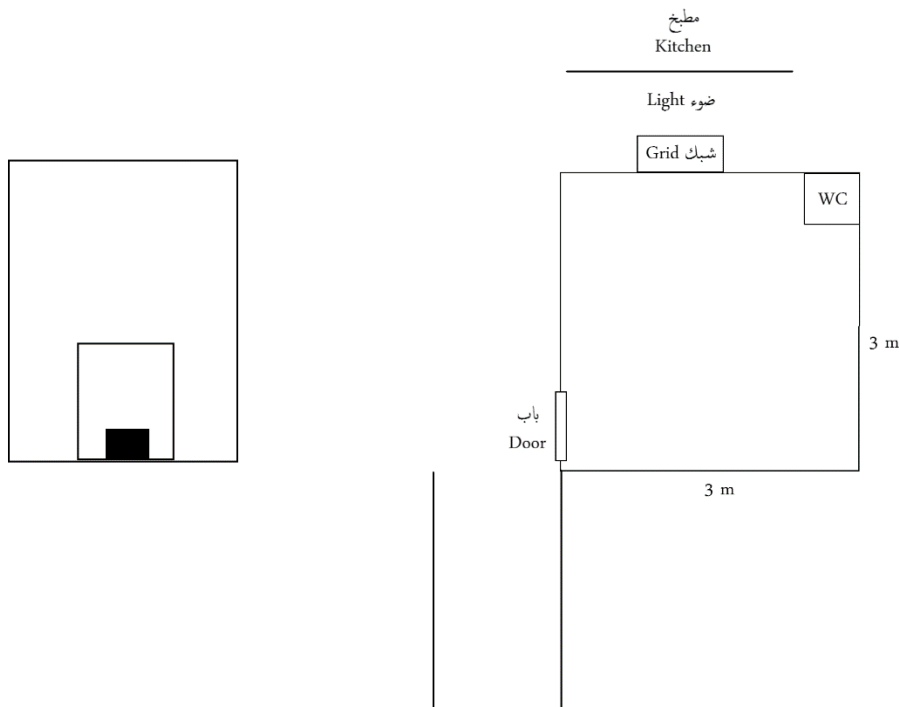
Judge Wiedner asked what happened during the collective punishment. P25 said he does remember he was beaten, but mainly, they had to stay standing (someone uttered two or three words and they beat him a lot). Another time because P25 got sick and asked for a pill. He was tortured using cold water.

Judge Wiedner asked what happened then. P25 said when he was sick, he could not eat for three days. He remembers that through the hatch there was an air conditioner directed on the detainees. It was snowing/freezing outside and there was a cat that P25 used to see [Most likely he meant “through the window”]. P25 was more hopeful there than in Al-Khatib, because he was able to see an animal.

Judge Kerber showed the sketches P25 drew during the police questioning.

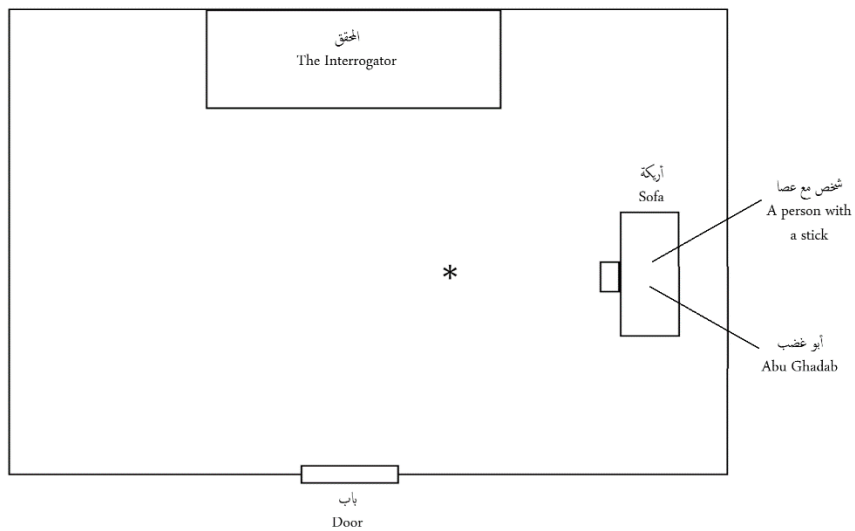


P25 said that the sketch showed Al-Khatib.



P25 said that there was a grid that the detainees put their shoes on. Above it was a light.

Judge Kerber asked what P25 drew on the left side of the sketch. P25 said this was the cell door and the window [hatch] where the detainees used to get food.





P25 said that was the interrogation room in Al-Khatib. P25 said that there was a person with a stick sitting on the sofa. P25 said that he does not remember if he already mentioned it, but that person, Abu Ghadab, tortured him. There [Marked on the sketch with \*] was [name redacted], whom P25 mentioned earlier [the name was written on the sketch].

Judge Kerber asked if there was another sofa. P25 answered that he only remembers one sofa, but he did not see one [P25 may have meant that he did not look around or that he could not see well because of the blindfold].

Judge Kerber asked if there was a small table in front of the sofa. P25 said he does not remember the details. P25 remarked that perhaps the last time [in the last questioning] he had mentioned it but he does not remember now.

#### Questioning by Senior Prosecutor Klinge

Klinge asked where [information redacted] is located. P25 said it is in eastern Ghouta لغواطى شرقية bordering [information redacted]. The Damascus International Airport is not far away. P25 used to see the planes landing from his house.

Klinge asked how many people were in the cell. P25 said he did not count them, but more than 30 to 40. Maybe 50 to 60, but there were many people. The detainees could not sleep, as there were three people on top of each other. P25 said he has a problem with numbers. He sometimes forgets his wife's birthday.

Klinge asked if there were insects and lice in the cell. P25 said he could not see. It was so cold.

Klinge asked P25 to describe some of the detainees' injuries. P25 said he talked about the child who had a leg injury, as well as a man who had been tortured that they [the personnel] brought in on his back. The detainees suffered insults as well.

Klinge asked how often detainees were taken outside the cell and brought back inside. P25 said he does not remember, but they used to take people daily and some of them were tortured. He added that they took the detainees out[side] [transferred them] because it got very crowded as they brought people from Al-Zabadani الزبداني. They took the detainees out[side] and brought the new detainees in. Of course, not all of them were taken out[side], but approximately 15 people.

Klinge asked what happened next. P25 said he does not know. He asked them and they said they are from Al-Zabadani and they took them out[side] the same day. P25 and the detainees did not ask them, because they knew it was because of demonstrations [the cause of their detention].

Klinge clarified that he meant what happened next to P25. P25 said sometime in the afternoon, they read out a list of names and told the detainees that they would be going home. P25 and the detainees felt reassured. The guards tied the detainees [their hands] with plastic wires and put them on the bus to the state security. On the bus, the detainees were beaten and tortured.

Klinge asked if P25 saw or heard about sexual abuse in Al-Khatib. P25 said he did not see it but maybe he heard about it.

Klinge asked what the worst thing was in Al-Khatib. P25 said the worst thing was the psychological pressure from the prison guards and that he and the other detainees did not know their fate.

Klinge asked whether the screams of torture P25 heard affected him. P25 said it became a psychological state/condition. Whenever there was a storming of his village, he got very scared. In the beginning, P25 used to say "I am not afraid, because I did nothing", but his view changed.

Polz recalled that P25 said that it was cold in February and asked P25 if there were blankets or a heating system. P25 said he does not remember the guards giving the detainees blankets and in the state security there was a freezing [system] [The air conditioners he mentioned earlier] not heating/a radiator/a heater.

Polz asked if they asked for blankets. P25 said he does not remember. P25 and the other detainees had so much fear/were very fearful.

Polz asked if the floor was made of tiles or wood. P25 said he does not remember, but normally in Syria they do not have wooden floors, but rather tiles.

Oehmichen said that P25 talked about the child who wanted to get help in Tripoli and asked if P25 was talking about the one in Lebanon. P25 said he has nothing to do with that matter. He did not help him [the child]. P25 did not know why he wanted to go to Tripoli.

Oehmichen clarified that she meant that there were two cities with the name Tripoli. P25 answered, Lebanon. [The translator explained to the court that in Arabic, Tripoli refers to the city in Lebanon, as default. The city in Libya is called "Tripoli of the west" **طرابلس الغرب**].

The witness was dismissed.

Klinge read out a statement that the prosecution requested that the trial of Eyad A. be severed.

Linke requested that statement in writing.

Klinge said that in response to Schuster's previous statement, there is no need for a handwriting expert.

Polz said that there is no need to summon the witness(es) the defense requested.

\*\*\*20-minute-break\*\*\*

Part of the Human Rights Watch report "[We've Never Seen Such Horror](#)" was read out loud.

The proceedings were adjourned at 1:30 p.m.

The next trial will be on January 7, 2021 at 9:30 a.m.

#### **Trial Day 54 – January 07, 2021**

The proceedings began at 9:30. There were two spectators and two individuals from the media present.

Judge Kerber said that there would not be any reading out of reports today, because there is still some time until the end of February.

The witness was Christian Knappmann, a 37-year-old police officer at the Meckenheim Federal Criminal Police Office (BKA).

Judge Kerber asked the witness if he was willing to remove the face-mask so that they hear him better. Knappmann said that he would keep the face-mask on and asked the court to let him know if his voice was not clear. [Knappmann kept the mask on].

The hearing was concerning the testimony of Z30/07/19 [P14 from trial days 30 and 31, SJAC Trial Report 12].

Knappmann said that P14 was questioned about mass graves in July/August 2019 and did not identify specific satellite images from Google maps. In the investigation, they used images from Google, Apple as well as additional help from the German Aerospace Center (DLR).

Judge Kerber asked how they got the coordinations. Knappmann said that his colleague, Alexander Frey, helped him in the investigation.

Judge Kerber showed a satellite image of what appeared to be a cemetery. Knappmann said that it was from Google maps.

Judge Kerber showed two more satellite images that were zoomed-in on Al-Qutayfa <sup>القوتية</sup> on the lines.

Judge Kerber showed the last image. Knappmann said that the image shows an object that they assumed to be an excavator.

[The images showed parallel, straight lines]

Judge Kerber asked how long the lines were. Knappmann said they were at least 100 meters. He explained that they could chronologically track changes in the images. The surface area became larger from 2014 to 2019. One can notice that there were trenches in areas that became surrounded by walls. A line measured 120 x 3 or 4 meters.

Böcker asked if there were images from 2011 and 2012. Knappmann said there were no known images from that period. The first image was from 2014. Knappman said that there is a gap in time in which they have no images.

Schuster asked how many corpses are alleged to be buried there. Knappmann said that P14 said the number could be one to 1.7 million.

Schuster asked if that number of corpses would fit in the trenches found in the investigation. Knappmann answered that they could not define the burial area as it depends on the method of the burial [if the corpses were aligned or thrown indiscriminately]. The length and the width could be measured, but the depth is unknown.

Schuster asked if the witness could confirm the number given by P14. Knappmann said that he could not assert whether the number one to 1.7 million would be correct or not.



Scharmer asked whether the BKA looked around the area near these coordinates as well. Knappmann said that they only made a professional evaluation of the exact coordinates, but they have a whole investigation into mass graves during the structural investigation. They did not find anything in the immediate vicinity of the coordinates.

The witness was dismissed.

The proceedings were adjourned at 10:00 a.m.

The next trial day will be on January 13, 2021 at 9:30 a.m.

**TRIAL OF ANWAR RASLAN and EYAD AL-GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 24

Hearing Dates: January 13 & 14, 2021

*CAUTION: Some testimony includes descriptions of torture.*

**Summaries/Highlights:<sup>1</sup>**

**Trial Day 55 – January 13, 2021**

P26 was allowed to conceal personal information due to concerns about his family's safety and testified about twice being detained at Al-Khatib. He told the court about constant torture, overcrowded cells, as well as devastating nutrition and hygienic conditions. As none of the parties had any further questions for him, the judges continued to read out the translation of an HRW report.

**Trial Day 56 – January 14, 2021**

The judges continued to read out the last parts of the HRW report, before Alexander Frey, a criminal inspector with the German Federal Criminal Police (BKA) testified on exhibits in Al-Gharib's case. Pictures of Al-Gharib's ID card for the General Intelligence Directorate were shown in court. Al-Gharib's statement, which was already read out in court on trial day 51 was officially added to the case file as evidence and read out again.

**Day 55 of Trial – January 13, 2021**

The hearing began ten minutes late at 9:40 due to technical issues and one of the judges being stuck in traffic. Five spectators and two journalists were present in the public gallery.<sup>2</sup> Dr. Peer Stolle appeared as a replacement for Plaintiff Counsel Dr. Patrick Kroker and Charlotte Foerster-Baldenuis appeared instead of Plaintiff Counsel Khubaib Ali Mohammed.

**Testimony of P26**

P26 was accompanied by his counsel, Antonia von der Behrens, and a friend, who took a seat in the public gallery. Presiding Judge Kerber mentioned that Witness Counsel von der Behrens submitted a request to the court on January 8, 2021, requesting to allow her client to conceal personal information unveiling his identity, due to concerns about his family's safety. Judge Kerber read out the submission which stated that P26 wishes to conceal information about his identity as there are reasonable concerns about assaults against his family still living in Syria. There have been assaults in the past: P26's

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<sup>1</sup> 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.

<sup>2</sup> No one requested access to translation. As announced last year, Presiding Judge Kerber did not explicitly ask the public about requesting access to translation.



father was summoned twice and questioned about the whereabouts of his son, P26. The same happened to one of P26's siblings, who consequently fled Syria. The submission further detailed that since P26 left Syria, he has had no contact with his family so as not to pose any risk to them.

Raslan's Defense Counsel Böcker said he did not receive such a submission and asked the court to send such things in due course to all the parties. He added that, for now, there was no issue about not receiving that particular submission.

None of the parties had any objections to P26's request. Presiding Judge Kerber announced that in accordance with §68 (3) StPO, the court allows P26 to conceal information leading to unveiling his identity as there are reasonable concerns to assume that life, limb, and liberty of his family still living in Syria, would be in danger. Kerber added that these concerns were repeatedly raised by previous witnesses. Instructions were read out to P26 and he was informed about his rights as a witness. P26 said he is not related to the defendants, neither by birth nor by marriage.

### **Judge Kerber's Questioning**

Presiding Judge Kerber started her questioning by recalling that P26 was heard three times by the French and German police. She added that he still needs to repeat everything relating to his confrontation with the regime in Syria and his imprisonments. Kerber asked P26 to just start telling his story. P26 said that he and his friends were a group of activists. They were peacefully active against the Syrian regime. He was first arrested on [information redacted], on 29 May Street in Damascus.

Judge Kerber interrupted, asking about the year of his first detention. P26 said it was in 2011.

Judge Kerber said there is no reason for P26 to be nervous, he should just keep on talking. P26 continued by saying that he was arrested with several other people, though he did not remember the exact number. He said they were put in a minivan, where they were beaten and tortured. According to P26, they were beaten without a break from the moment they entered the minivan until they arrived at Division 40. He said the beating was very painful, he was hit on his head several times and beaten all over his back, up to his head. P26 said that one of the guards in the van had to sit on him to beat another person. The guard told this person that he should let him know once the nail is stuck into his back. P26 said after that, the guard continued to beat P26, first on his head, then in his face. P26 recalled that several people hit him until they arrived at the first Branch, Division 40. According to P26, his first detention [station before being transferred] only lasted a couple of hours. The guards first requested the ID cards of all the detainees. They had to stand in line in a long corridor, blindfolded and with their hands tied behind their back. P26 further said that one after the other was called into a room with three people. There was constant movement. P26 said that [in this room] a person put his foot on P26's head and asked him about his name, though he already had his ID card. The person further asked for information and used electroshocks without any reason, P26 added. The electroshocks were attached to P26's foot and switched on for around one minute repeatedly. They asked him several questions and used the electroshocks several times before they grabbed P26 and threw him back into the corridor. P26 said he had to stand there, facing the wall, until they [guards] were done with everyone [new detainees]. P26 said he was then transferred to Al-Khatib. P26 further told the court that the entrance and exit to/from Division 40 was a staircase where the guards beat the detainees while they had to go up- or downstairs. They used all things available to them to beat the detainees, including fists and batons. P26 said they had to go downstairs [at Division 40]. According to P26, there was a woman, a fellow detainee, with them. According to P26, the group was then taken to Al-Khatib

in a minivan, where beatings and arbitrary torture continued. When they arrived at Al-Khatib, they had to go downstairs a few steps and stand in a small area where they were frisked, while also beaten. He added that, no matter what one did, one was constantly beaten. He said even the people who cut their cable-strap handcuffs, used the scissors to beat or stab them. P26 said that everyone's belongings were taken away and meticulously noted in a protocol. After that, P26 recalled, they were brought into a cell. P26 added that if he remembers correctly, it was cell number 13. He further explained that the cell had high ceilings. P26 recalled that his hands were still tied when he was brought to the cell and he had to look down on the floor. The guard who took him there put P26's head up and hit it against a wall. P26 said he was thrown into the cell. That was when he first put his head up and looked around, but he then became unconscious. P26 explained that the other detainees in the cell put him aside and carried him to the toilet. P26 clarified that the toilet was inside the cell and that there was actually no proper toilet but a hole in the floor. P26 said that was where his fellow inmates carried him. Apparently, he was in the same condition [unconscious] for one or two nights. P26 said he was then taken to interrogation. He said he still remembers a 17-year-old boy who had a screw in his back and then was beaten on this screw in the bus [to Division 40]. He said that the same boy was beaten right behind him while he, himself, was interrogated. According to P26, the interrogation was very superficial and he was constantly beaten on his back with a whip. However, he did not know how hard the boy behind him was beaten, only that he was beaten. P26 said he denied having participated in a demonstration and told the interrogator that he only worked in a nearby office. P26 said all the other questions were superficial and he was beaten again. The interrogator left and when he came back, P26 was returned to the cell. P26 added that during and after this interrogation, he did not sign anything nor did he provide his fingerprints. P26 further explained that he was in the cell for around seven days, while many people from other regions [not Damascus] were put in this cell as well. He added that they were actually carried into the cell, with blood all over their bodies. According to P26, one of them was unconscious for three to four days. P26 said this person did not even know his own name. He further added that people of different ages were in the cell. One detainee was epileptic and had constant attacks, however, no one [from the guards] helped him. P26 said that after one week, he was transferred to the State Security Branch [285]. He asked the judges whether he should just continue.

Judge Kerber said that before that, she had one detailed question and asked P26 about the boy, whether it was the same person on the bus and during the interrogation. P26 affirmed, adding that they were around 16 people on the bus [minivan]. P26 further explained that he said opposite to the aisle in the middle of the bus. To get to the boy, one of the guards had to step on P26.

Judge Kerber wanted to know how exactly the boy was beaten and how the screw was used. P26 said that he did not see the screw but he [a guard] told the boy that he should let him know once it is stuck in his back.

Kerber wanted to clarify whether a screw or nail was used. P26 said he heard them talk about a screw.

Kerber said she thought [from the transcripts of P26's police hearings] that a stick with nail applications was used. P26 affirmed that they had a baton with nails on it on the bus. He added that they also had whips, plastic batons, electroshocks, and some kind of belt. P26 assumed that the boy was beaten with the stick with the nail applications.

Judge Wiedner intervened, asking whether the situation with the screw took place at a later point or in the bus as well. P26 said this situation took place on the bus, adding that he remembered that the boy behind him [during the interrogation] was the same boy from the bus.

Judge Kerber wanted to know whether P26 was then released after his first detention. P26 denied, explaining that he was transferred to State Security [Branch 285]. He said that he met people there who had been at the same demonstration and arrested at the same time. However, he did not see the boy there, adding that he did not know what happened to the boy.

Judge Kerber asked what happened next to P26. P26 said that they did not do anything on the bus [guards did not beat the detainees], However, they were blindfolded and their hands were tied behind their backs. When they arrived at State Security [285], they received a “relatively normal” welcome. According to P26, their personal information was registered outside in some kind of back yard where an officer was sitting at a desk. One detainee after the other had to go to the desk where their information was registered along with their personal items. P26 said after that they were beaten “a bit” and put in a cell. He added that these were the “welcome-beatings”. P26 said he thinks that the cell was called the “Northern Cell” and was relatively small, however, overcrowded as more than 60 people were in this cell. He said there were many people who were never interrogated and nothing happened with them. P26 further explained that he himself was interrogated after one week. He was asked “weird” questions. For example, they wanted to know how much he paid for his house. He said it was strange that he was not beaten during this interrogation. P26 said they also asked him about his monthly salary, but nothing about demonstrations. He further explained that every time one returned to the cell after an interrogation, the guards entered the cell and all detainees had to stand up, facing the wall. The guards then picked one of the detainees and beat him up. P26 added that the same happened every time there was an argument in the cell or some kind of noise. According to P26, the guards sometimes entered the cell without any reason. One time they decided to beat a 70-year-old man. The detainee next to P26 said that they should beat him instead of the old man. P26 said, eventually, both of them were beaten. P26 explained that the beating took place in a manner that the detainee had to lay down and his feet were held up using a rifle. One was then beaten on the soles of his feet with a piece of wood. P26 further recalled that during his time at the State Security [Branch 285], there were executions. One time around noon, their cell was vibrating. Guards stormed the cell, shouting that everyone has to lay down and be quiet. P26 said they all obliged and did not make a noise. They then got their lunch. P26 explained that there was a hole, covered with a sheet of metal. This sheet of metal was ripped away and attached afterwards [after they got their lunch through that hole]. P26 explained that everything went back to normal after that incident. P26 further explained that one night, they could not sleep as many new detained arrived in the cell next to theirs and they were beaten all night long.

Presiding Judge Kerber asked where all that happened. P26 said it was at State Security [Branch 285].

Judge Kerber asked for another name for State Security. P26 said it is a Branch of the General Intelligence Directorate (GID) in Kafar Souseh. He further added that based on the different screams, he guessed that at least 45 people were in the corridor right in front of P26’s cell. P26 said that he and his inmates watched through the gap underneath the door of their cell. One of his inmates said that the new detainees were from Homs.

Kerber wanted to know whether Al-Khatib or Kafar Souseh was worse. P26 said regarding his first experience [detention], Al-Khatib was worse. With regards to his second experience, they were both the same. P26 added that in terms of beatings they were both equally bad.

Kerber asked P26 to tell the court about the end of his first detention and his second detention. P26 said in total he was in detention for 21 days at Al-Khatib and Kafar Souseh before he was released due to an amnesty. P26 corrected himself, saying that he was detained 28 days in total.

Kerber asked whether he then went home and when he was detained for the second time. P26 said his second arrest was on April 5, 2012. He was arrested together with a group of people. He recalled that they were at an office to work on a project when the office was stormed. P26 said the people storming the office carried rifles and searched the office.

Kerber wanted to know whether P26 was there when the office was stormed. P26 said he just arrived when the office was stormed, adding that one of them [armed men] stood by the door when P26 arrived. According to P26, the people storming the office carried arms. The office had the form of an “L” and people sat in the corner and P26 sat next to them. According to P26, there was another office next door, however, it was closed. P26 further explained that a woman from his group spoke to one of the armed men and asked him what they wanted from them. The men insisted on searching the office, so one of P26’s group tried to hide different things. P26 said this person threw laptops out of the window. P26 himself took an iPad, put it in a bag, and hid the bag in the office. P26 explained that the men at first did not find anything in the office, however, the head of the unit came back and looked outside the window where he saw the items on the street. One of the men went downstairs to collect the items and eventually, they also found the iPad. P26 explained that he said the iPad would belong to him when they found it, so he had to enter his password. At first, P26 refused, but as they continued to threaten him (although he was not beaten), he entered the password. P26 said that at the same time, messages from his friend popped up, showing pictures and short clips from demonstrations. According to P26, they then decided to arrest him, put his sweatshirt over his head, tied his hands, and put him in a car. P26 said they then came back with all of the devices and everyone from his group. They then went to Division 40, just as during his first arrest. P26 explained that this time, however, the Division was quite empty. He remembered that the first time, it was very crowded and the corridors were packed with people who were beaten up. According to P26, there were only two or three officers at the division at his second arrest. One could neither hear nor see anything. P26 said the officers asked about the devices and items even before they registered their personal information. P26 further explained that he was in a room with a Colonel, at least that was how the soldier addressed the person, according to P26. P26 went on to tell the court that the officers at Division 40 had all of the devices and items from the office and asked him and his friends questions about it. P26 said, even though they already had everything, they continued to ask questions. One after the other was interrogated. P26 said that there was a soldier behind him who hit him on his upper thigh with his knee. P26 said at some point, he fell down due to all the beating, the same person then picked him up again. P26 said he did not remember what the Colonel did, but he was picked up and questioned again. P26 explained that he gave a false answer before he was taken downstairs where he was told to enter the password for his Facebook account. P26 explained that usually if one of his group was arrested, the others would delete that person’s account. He further said that there were three people in the basement. The soldiers constantly hit them [P26 and his friends], as their backs were naked. P26 explained that the soldiers hit them and then poured alcohol on the injuries. He and his friend were then taken to different rooms and P26 was questioned about his passwords again. P26 said that he could not access the account, as it was already deleted. However, the interrogator did not believe him and “continued”. His soles were tied to a rifle and he had to endure *Falaqa* [beatings on the soles of one’s feet]. P26 said after that, he was taken to a space underneath the staircase together with some people from his group. He explained that they could not sleep as the space was so small. The next morning, the same

procedure started again, however, they [the guards] were not allowed to touch anyone from P26's group. P26 said he did not know why this was the case. After that, his group, except for one woman, was taken to Al-Khatib. When they arrived there, they had to go downstairs and it was immediately clear, the people there did not know why P26 and his group were there. P26 explained that they were neither blindfolded nor were their hands tied, they just had to sit and wait. According to P26, one of the guards asked them for their names, however, he did not take any notes. The hallway in which they had to wait was relatively small and there were people against whom military punishment was imposed. P26 said these people were there for around five days. He mentioned again that the people at Al-Khatib did not know why he and his friends were there and that the interrogation was rather quick, however, he and two other friends were not questioned at all. P26 said that they were lectured to differentiate between capitalism and liberalism and it was obvious that they did not have a clue why he and his group were there. P26 said it was somehow funny, as they met one of the guys who "welcomed" them at Division 40. He said that he does not feel well if he cannot beat anyone, nevertheless, P26 and his friends were treated "normally" for five days, as P26 told the court.

Judge Kerber wanted to clarify whether P26 and his friend stayed in the corridor for five days. P26 affirmed.

Judge Kerber further wanted to know whether P26 spoke to the people who faced military punishment. P26 did not understand the question and Judge Kerber clarified that she was referring to the people in the hallway that P26 just mentioned. P26 explained that they were not necessarily employees from Al-Khatib or Division 40, but officers who received some kind of punishment. Two of them were soldiers, one was a policeman from a police office in Damascus and another one was an employee of Division 40.

Kerber asked whether P26 spoke with them. P26 said he only spoke to the one from Division 40.

Kerber wanted to know whether that person knew who the other people were. P26 said that none of them were blindfolded or had their hands tied, so they could talk to each other.

Kerber wanted to know what these people did and what kind of punishment they got. She added that she is interested to know more about what happened inside the regime. P26 said they did not talk about details. The policeman was punished with 14 days imprisonment as he stayed away from work without providing an excuse. P26 said he does not know anything about the others. One of the men did not want to talk at all. In general, P26 said, they were all very cautious about what to say as they did not know who was listening.

Judge Kerber asked what happened next after they spent 5 days in this corridor. P26 said that one of his friends was close to being released, he went to pick up his belongings and leave. However, they could not find his belongings and eventually realized where he and his friends came from and requested their belongings from Division 40. P26 said that is when they found out why he and his friends were there [at Al-Khatib]. P26 explained that consequently, all of them had to stay. The officers asked everyone about which items belonged to them and then put the group in different cells. P26 said at first, he was in a cell together with two or three other people from his group. The cell they were in looked like a transformed canteen with a high zinc ceiling. According to P26, the cell also had a window showing to the office of the director of the prison. Further, there were three interrogation rooms and the cell actually did not look like a cell. P26 added that there was porcelain and more than 100 or even 200 people in the cell. P26 said that the toilet was broken, which led to a funny incident. He recalled that one of the detainees had to use the toilet but when he sat on it, the toilet broke



underneath him and he cut his butt. According to P26 that was not the funny part, however, the toilet was then replaced and after that, the prison director opened the window and gave a speech about how great the government and Bashar Al-Assad is and how ungrateful the detainees were. P26 said it was a very bizarre situation. P26 further explained that his first interrogation did not take long. He was only asked about his name before he had to wait outside [of the room where he was interrogated] before he was taken to a different cell. The cell was relatively small, around 4x5 meters, however, 65 people were inside that cell. P26 said the cell looked like a former office with bricked-up windows. It was very tight and one could not even put both feet on the floor, so they had to stand on one foot and change to the other from time to time. He added that they could only sleep while standing on one foot and this situation lasted for three or four days. P26 summarized that it was a reason why some of the people in that cell went crazy.

Judge Kerber asked P26 to explain what he meant by “went crazy”. P26 said he can provide two examples. The first incident involves a 19 or 20 year-old man who suddenly started to yell at P26. P26 said this person yelled ‘I was not with you in that picture, look at my phone’. P26 said he did not understand what the person was talking about, as he said things without any clear context. According to P26 the person also said that ‘I did not betray you’. P26 said this situation lasted for two days and the person cursed a lot. The second incident involved a man who pretended to drive around inside the cell. That person acted as if he was taking passengers somewhere, saying ‘No, we cannot go that way. There is a checkpoint, we have to turn around’.

Judge Kerber asked whether that person pretended to be a taxi driver. P26 affirmed, adding that it was a very surreal situation.

Judge Kerber wanted to know whether the people eventually turned normal again. P26 affirmed, explaining that usually people turned normal, however, if one told them what happened, they could not remember anything. P26 said such conditions sometimes lasted for two days. He further said that the detainees made bets amongst each other about who is the next one to go crazy. P26 said that one time he had high fever (40°C) and he did not know what was going on, that was when people told him that he is next to go crazy. According to P26, he apparently said he wants to go home, during his fever. He added that he does not know whether that is true, he could only remember that he had high fever and was lying in someone’s lap and this person also tried to cool his forehead. P26 went on to explain that he was in this cell for around two weeks before he was taken to interrogation. The interrogation took place on the first or second floor, according to P26, he only went up a couple of steps, so it must have been on the first floor [ground floor as P26 said that the cells were in the basement]. P26 further said that he was not blindfolded when he entered a room that looked like a kitchen (there was a sink in the room). He was then brought to the interrogation room. P26 said that one could hear screams from time to time. He assumed that some people were beaten, others not. P26 said he was blindfolded when he entered the interrogation room. He had to kneel and his hands were tied behind his neck. According to P26, he was asked for his name and whenever he denied anything, he was either whipped, kicked or beaten on his head, however, no electroshocks were used. P26 said he had to leave his fingerprint on a document without knowing what the document said before he was taken back to the cell downstairs. According to P26, a 14-year-old boy was brought to their cell, after he returned from his own interrogation. P26 said it was normal that one was beaten when taken to a cell. However, the boy was thrown inside the cell and then taken outside after 30 minutes. P26 explained that the boy was repeatedly taken and beaten every 30 minutes for two days. When he asked the boy why they did that to him, the boy said that when he arrived at the Branch, his hands were tied behind his back and

he accidentally knocked over the inspector's chair, that was the reason why he was repeatedly beaten. P26 said that every time the boy returned to the cell, his feet were bleeding. P26 tried to cool his feet and comfort him. The boy told P26 that they were looking for his brother, that was why he was initially interrogated. P26 said that one day, the boy disappeared. According to P26, after 21 to 23 days, he [P26] was taken to State Security [Branch 285] again. He said that his group was split up when they arrived there and only one person from his group was with him when they took P26 aside and asked him for his name. P26 said he was then taken to a solitary cell measuring 2x3m with around 20 people inside. He added that, just like at Al-Khatib, there was an incontinent person in the cell, who constantly urinated at the other detainees. P26 said he was released after a week.

Presiding Judge Kerber thanked P26, adding that she only had a few more questions. P26 said what he just told the court was a brief summary of his experience in detention.

Judge Kerber said his summary would be sufficient and wanted to know whether he saw the interrogator during his second interrogation at Al-Khatib. P26 denied.

Kerber asked him the same question regarding his first interrogation. P26 again denied.

Kerber wanted to know whether he saw one of the interrogators at all. P26 denied.

Kerber asked whether the detainees had any nicknames for certain guards. P26 affirmed, adding that one guard from Homs was called Ali. Another one, who used to pick up the boy every 30 minutes, was called Abu Ghadab. P26 added that Abu Ghadab was known as the most brutal guard.

Kerber wanted to know whether P26 knows about any other torture methods at Al-Khatib, such as *Doulab* [tire], German chair, or hanging people by their arms with their feet ten centimeters above the floor. Kerber added that the court heard about such methods from other people who were detained at Al-Khatib. P26 said he did not see the German chair, however, he witnessed the tire in his cell. P26 said the guards, Abu Ghadab and another guard, entered the cell and randomly started beating people. That was when they also forced a detainee to squeeze into the tire. P26 said that was when he witnessed *Doulab*, adding that he heard many screams from different people.

Kerber asked if he saw a device to hang people from the ceiling. P26 denied.

Kerber wanted to know more about medical treatment at Branch 251. P26 said that there was some kind of medical treatment, however, they did not receive adequate treatment. He added that when someone needed anything, they just got what was there in terms of medicine.

Kerber asked P26 if he received any treatment when he had a fever. P26 said he got an injection.

Kerber asked him whether he knew what substance they injected him with. P26 denied.

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[20 minute break]

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### **Judge Wiedner's Questioning**

Judge Wiedner thanked P26 for his detailed descriptions and said he would try to ask his questions chronologically, focusing on Al-Khatib and his interrogations there. Wiedner first asked P26 about the reason for his first arrest and wanted to know what P26 witnessed at demonstrations in 2011,

regarding arrests and shooting. P26 said his first arrest was during a demonstration on 29 May Street. He said these demonstrations were called 'net-demonstrations'. P26 explained that he was part of a group that organized demonstrations at a cinema in Damascus. They started shouting their slogans when security forces came and started beating up people. P26 explained that usually, whenever male demonstrators were arrested, the women told the security forces that these men were their brother, companion etc. P26 further said that on this day, he first ran away but when he heard shots, he knew that the girls would try to snatch the boys from the security forces, so he came back. According to P26, everyone was beaten and they [security forces] were armed. P26 recalled that one had a gun, another one a rifle. That was when everyone at the demonstration was arrested.

Wiedner recalled that P26 mentioned that people died at demonstrations and asked him whether he ever witnessed such an incident himself. P26 affirmed. Wiedner asked him to provide more detail. P26 said that once they had to take one of them [his corpse] to his family by car. P26 explained that they saw a red dot from a sniper on that person's body, so everyone ran away. Shortly after, the person was dead. According to P26 that was during Ramadan.

Wiedner asked about the year that incident happened. P26 said it was after his first arrest and prior to his second arrest, however, he did not remember the exact date, only that they carried his corpse in the back of a car to the person's family.

Wiedner wanted to know whether P26 saw corpses during his detention. P26 denied, adding that he saw many people in "very, very bad condition", however, none of them were dead.

Wiedner recalled that P26 mentioned detainees that were covered in blood and asked P26 to describe the condition of fellow detainees at Al-Khatib. P26 explained that, as he already mentioned, he was in a big old cell during his first detention at Al-Khatib. More than a hundred people were in this cell, simply lying there. P26 described that there was enough space for some to sit down (explaining why some were lying on the floor). He further added that one Friday, new detainees were brought to the cell. One of them was covered in blood, his clothes were ripped. According to P26, he was still conscious and simply put in the cell. P26 further told the court about a detainee who suffered epileptic attacks, but the guards refused to provide medicine. According to P26, another detainee was physically present, but unable to move. P26 did not know the reason for his condition. P26 concluded that the overall condition of the detainees was very bad. Some had signs of beatings on their face and were covered in blood. P26 added that the food was very bad and the detainees had to fight about the food, as there were sometimes only five small pots for everyone in the cell. The detainees gathered at the door and one of them received the pots to distribute them among everyone. They had to break everything into small pieces in order for everyone to get at least some food. P26 summarized that this was their lunch. For breakfast, they got olives, around 3 to 4 per person. From time to time they also got some jam and a small piece of bread. P26 explained that the bread itself was of normal size but since they had to share it, each person only received a tiny piece.

Wiedner wanted to know whether the nutritional situation was the same for both of P26's detentions at Al-Khatib or if one of them was worse. P26 said they were both equally bad.

Wiedner asked whether P26 lost weight. P26 affirmed, adding that he sometimes wishes that he would still have the same weight.<sup>3</sup>

Wiedner wanted to know whether the condition of the people that P26 just mentioned worsened or if they received medical treatment. P26 said until he left the cell, their condition stayed the same and they did not receive any treatment.

Wiedner wanted to clarify whether this was during P26's first detention at Al-Khatib. P26 affirmed.

Wiedner asked P26 how long he had to stay at Al-Khatib for his first detention. P26 said he had to stay around one week for his first detention and around 23 days for his second detention.

Wiedner wanted to know how P26 knew that he was at Al-Khatib. P26 said that the people who were already there told him and the second time, he already knew the place.

Wiedner recalled that P26 mentioned that he fell unconscious at the beginning of his first detention and wanted to know if this was due to the beating or other reasons. P26 affirmed that his unconsciousness was due to beatings, adding that he was continuously beaten from his arrest until he was put in the cell. According to P26, the beating was most intense on the bus. Later at the Branch and in the Cell, they were "only beaten occasionally."

Wiedner further recalled that P26 told the French police that his head was smashed against a wall. P26 explained that he was beaten on his head multiple times on the bus. When he was taken to the cell, he was also beaten on his head and the guard smashed his head against the wall. P26 said he stumbled into the cell and when he raised his head, he fell unconscious.

Wiedner wanted to know more about P26's first interrogation during his first detention: What did the interrogator want to know, what was the aim of the interrogation? P26 said he was asked why he was there and what he did at the demonstration. According to P26, he stuck to his answer that he only wanted to buy a sandwich in a nearby shop, despite continuous beating. P26 said he was then taken away and did not have to sign anything nor leave his fingerprint.

Wiedner asked if the interrogation took place in the basement or somewhere else. P21 said that the place of interrogation during his first detention was in the basement, adding that he was never upstairs. He further explained that the room was completely dark and had a strong smell of blood and alcohol (disinfectant). P26 said he heard many screams from people who were beaten harshly. The room was not too far away from the entrance of another room which was on his way back to the cell.

Wiedner recalled that P26 told the court about an interrogation where a 17-year-old boy was beaten behind him and wanted to know whether that was the same situation. P26 affirmed.

Wiedner asked whether P26 was interrogated on another occasion during his first detention. P26 denied, explaining that he was only interrogated once during his first detention.

Wiedner referred to P26's interrogation during his second detention and asked him where the interrogation took place. Wiedner added that P26 should first describe the situation before the sketches that he created during his police hearings will be shown and discussed in court. P26 said that

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<sup>3</sup> Note from the Trial Monitor: P26 seemed to feel comfortable and often used visual language (imitating the sound of the rifles of the security forces) and used his hands to explain three-dimensional aspects of certain situations. The comment on how weight cannot be considered as trivializing the nutritional situation at Al-Khatib but rather as illustrating the judges how thin he was back then.

during his second detention he was also only interrogated once. He added that he was actually interrogated twice, however, the first interrogation was only about superficial questions while the second interrogation was an “actual interrogation”. P26 went on to explain that the prison cells were on one side of the basement with stairs leading up to where the interrogation rooms were. He was taken upstairs (he assumed it was the first floor [ground floor]) where the detainees first had to wait in some kind of kitchen. They were all standing around a sink, which was in the middle of the room, with their hands tied behind their back. P26 said they were then taken into the interrogation room. The room had a window on the left side and the interrogator was sitting opposite to the window at a desk. According to P26, there were also two sofas in front of which he had to kneel on the floor. He added that there were one or two people behind him, considering the screams, he assumed it was one person.

Wiedner wanted to know whether P26 noticed that the beatings were ordered. P26 denied, explaining that he was always beaten as a reaction to his answers.

Wiedner asked whether P26 noticed other interrogations taking place, whether he heard screams. P26 said he heard many screams from torture when they were in the kitchen.

Wiedner wanted to know whether the screams came from the same room or if there was more than one room for interrogations. P26 said that when he was interrogated on the first floor [ground floor] he only heard screams coming from one room. He recalled that it was in the evening and several officers were present, but the light was switched off. P26 said he assumed that only the interrogators were there and that only one interrogation took place at that time. During his first detention, he could hear screams coming from all directions when he was in the cell, adding that he even heard female voices. At that time [first detention] one could also hear when the new detainees arrived and were beaten. There was a small gap under the door of the cell where one could see people being beaten in the corridor. P26 said they constantly hear people being beaten.

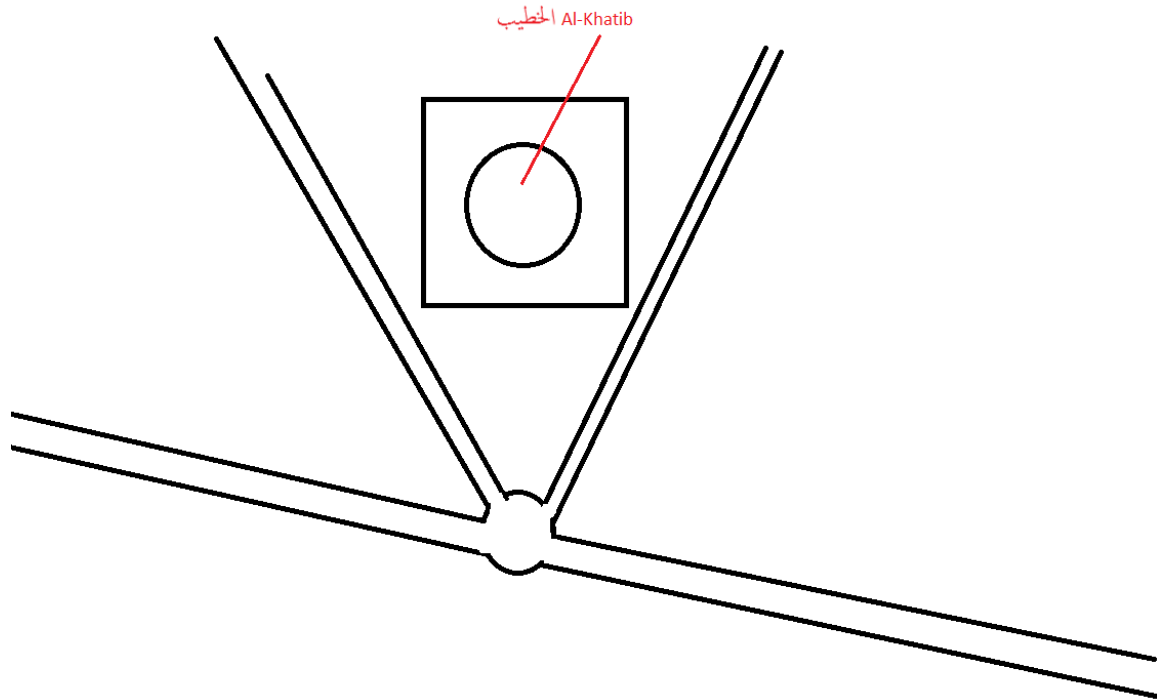
Wiedner asked how many times P26 heard torture when he was in the cell. Was it only once or twice a day or for longer periods? P26 said it was never at a certain time but daily.

Wiedner asked P26 about “the result” and wanted to know whether it was burdening him to hear such things. P26 said he was in constant fear that he might be the next to be in this position. He was constantly worried about how long he would be alive, how long he might have to stay in prison, what they knew about him, and when they might call his name. He said the fear was always present.

Wiedner asked P26 to look to his right [defendants’ bench] and tell the court whether he recognizes someone. P26 said he did not recognize anyone.

Presiding Judge Kerber said the court will now visually inspect one of the sketches P26 created during his police hearings.

[the following sketches are recreations of P26’s sketches based on what the Trial Monitor was able to hear and see in court]



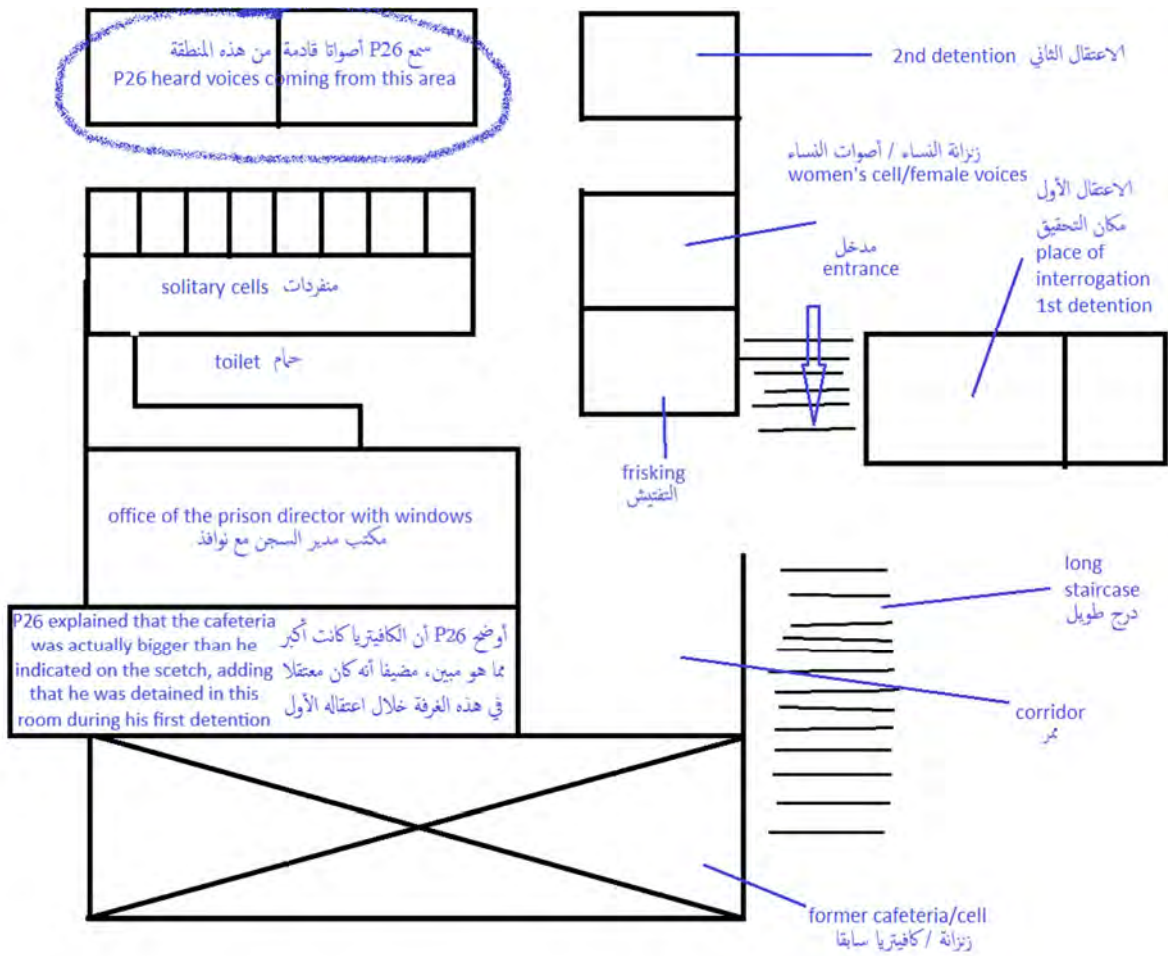
Judge Kerber asked P26 whether he remembered the sketch and where exactly Al-Khatib would be. P26 said he remembered creating the sketch and pointed at the area where he located Al-Khatib [circle in the sketch above].

A map was shown in court and P26 was asked to point to the area where he located Division 40.

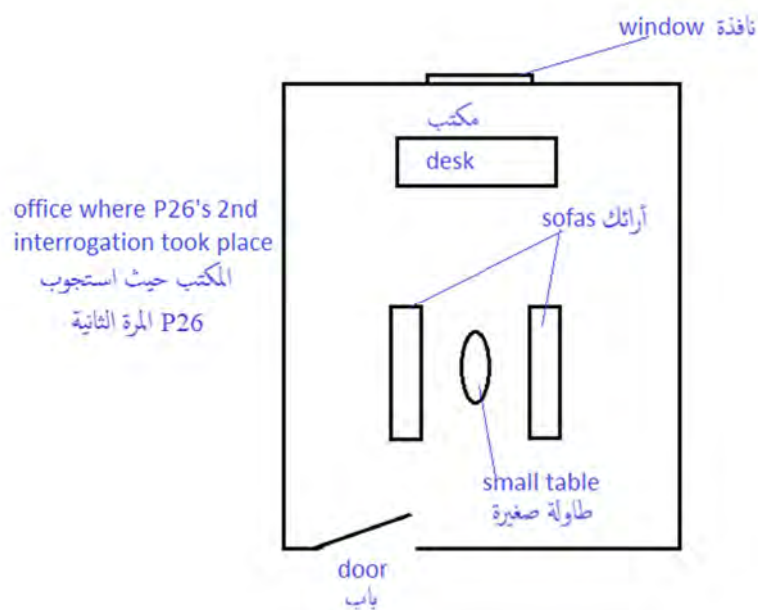
Judge Wiedner asked P26 whether he was able to see the locations himself or if he knew from somewhere else. P26 said that when he arrived at Division 40, he could see a unique rooftop. The location of Al-Khatib was commonly known, although he did not see the entrance when he arrived there.

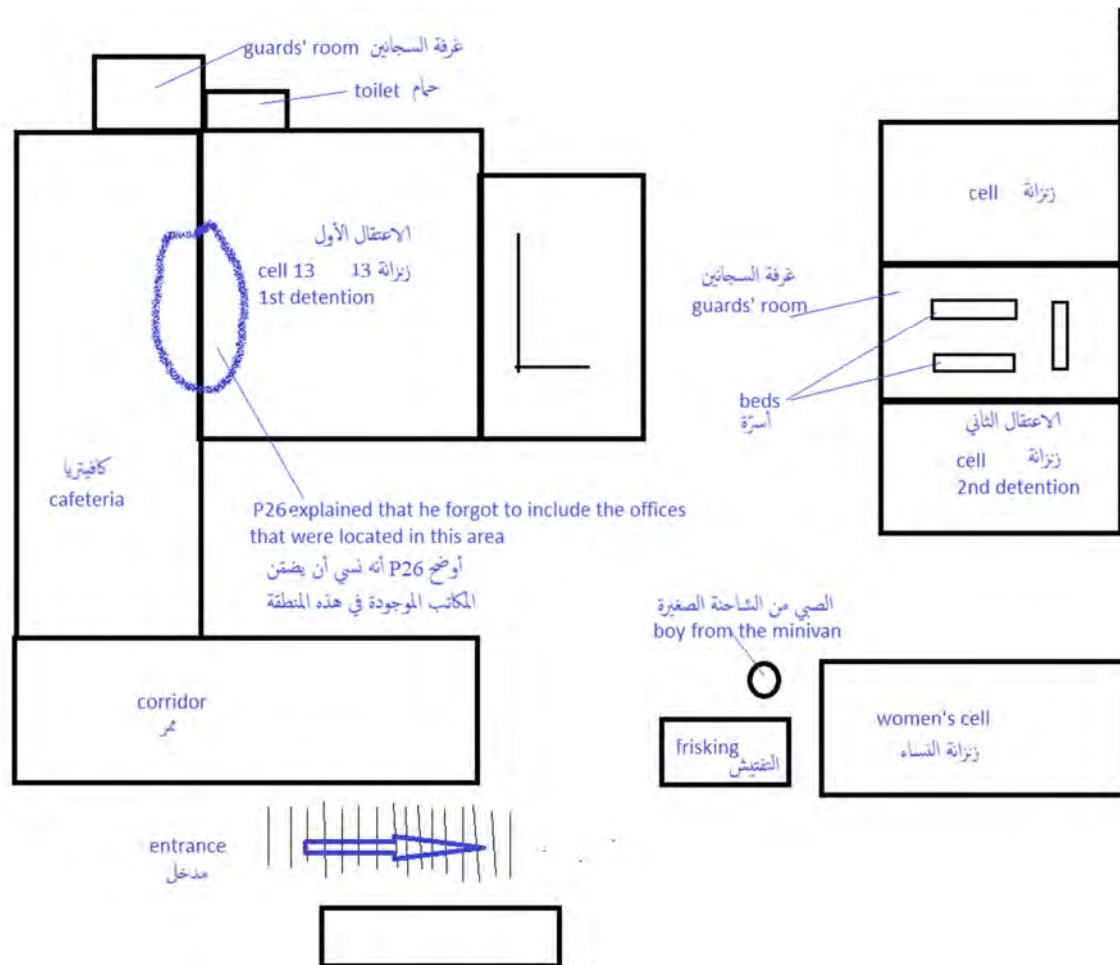
Before Judge Kerber showed a second sketch, she asked P26 to come to the Judges' bench and check whether his name was somewhere on the sketch.





[The following sketch was included at the bottom right corner of the previous sketch]



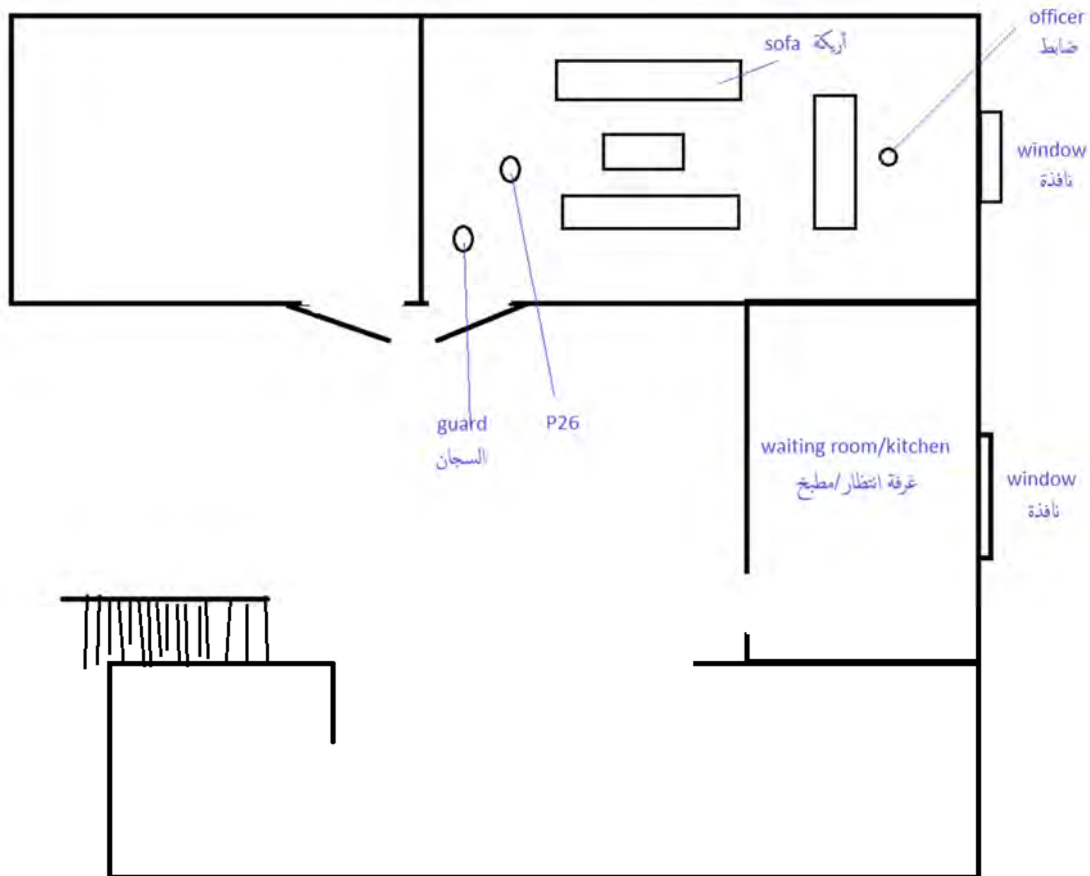


Judge Wiedner wanted to know whether the cafeteria was already there during P26's first detention or only modified later. P26 said he did not know, as he did not see this area during his first detention.

Wiedner asked whether all the sketches showed underground areas. P26 affirmed, adding that the staircase would be relatively long and the cafeteria had a 4m high ceiling and bricked windows only at the very top of the room.

Wiedner wanted to know how the detainees could tell whether it was day or night and asked if the lights were switched on and off. P26 explained that there were no windows and no light inside the cell. They simply trusted their estimate of time.

[Another sketch that P26 created was shown in court]



Judge Wiedner asked whether this area was on the first or second floor. P26 said he was not sure, however, he assumed that it was on the first floor [ground floor] as he only had to go upstairs to the first landing [coming from the cell in the basement].

As none of the parties had questions about the sketches, Judge Kerber announced a one-hour break.

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[70 minute break]

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Presiding Judge Kerber explained a few administrative issues regarding the following day before Judge Wiedner continued his questioning. He asked P26 whether his detentions had any physical or psychological consequences. P26 said he did not experience physical consequences but still lives in fear. He added that it took some time for him after his second detention to deal with nightmares about being arrested and beaten.

As none of the other parties had questions for P26, Judge Kerber ordered a short break for the judges and translators to prepare for the read out of the [HRW report](#).

P26 was dismissed as witness.

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[10 minute break]

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After a part of the translation of the report was read out, Judge Wiedner announced that the witness who was summoned for January 27 was not willing to come to Koblenz, so the BKA officer who questioned the witness before, will be summoned instead.

Raslan's Defense Counsel, Böcker, said he wanted to informally discuss something before the hearing was adjourned for the day: Raslan's defense team was not satisfied with the expertise provided by Laura Thurmann [\[TR#1, trial day 3\]](#) and required a broader knowledge provided by experts. Raslan's defense said the situation was improved by certain journalists [\[TR#15, trial day 37\]](#) and [\[TR#16, trial day 38\]](#), however further experts are needed, particularly to cover the important aspect of the ethnic composition and dynamics in Syria. Böcker said he tried to think of an adequate expert and came to the conclusion that [Guido Steinberg](#) [Böcker was not sure about his last name] would not be suitable, as he specialized in Islamist terror. Instead, Böcker proposed to hear [Michael Lüders](#). He added that, with all due respect, he is sure that Thurmann will provide better expertise in ten years. Böcker further said that before officially submitting an evidence request, he wanted to informally discuss this with all other parties, as he was sure that others felt the same. Böcker concluded by saying that he thinks this would be an important issue to discuss before the two cases are severed.

Presiding Judge Kerber asked the other parties to the case whether anyone wanted to comment on Böcker's informal suggestion.

Prosecutor Klinge said the prosecution side does not see any necessity in hearing another expert. If Böcker is of a different opinion, he should make an official request.

Plaintiff Counsels Dr. Oehmichen and Scharmer both said that they might comment on this at a later point.

Raslan's second defense counsel Fratzky added that Michael Lüders would provide deep academic expertise on the matter, while Guido Steinberg's expertise would rather focus on ISIS. Fratzky added that Raslan's defense team noticed insufficient coverage of the issue surrounding religious groups, which would be important in Raslan's case as "he did not belong to a group with any power" [belongs to a minority group].

Plaintiff Counsel Scharmer asked whether Raslan's defense team had already contacted Lüders. Böcker denied, adding that his proposal was rather spontaneous, however, he would contact him before making an official request. Fratzky added that they first wanted to get everyone's feedback and address the issue before the severance of the trial. He said it would be sufficient timing as the expert does not need extensive preparation and can provide his expertise in court on short notice.

Presiding Judge Kerber said "short notice would be the heading here" and explained that the judges need time to provide a statement that would not happen before the following day.

The proceedings adjourned at 2:25 pm.

The next hearing will take place on January 14, 2021.

**Day 56 of Trial – January 14, 2021**

The hearing began at 9:30 am with six spectators and two journalists in the public gallery.<sup>4</sup> Dr. Peer Stolle appeared as a replacement for Plaintiff Counsel Dr. Patrick Kroker and Charlotte Foerster-Baldenuis appeared instead of Plaintiff Counsel Khubaib Ali Mohammed.

The Judges continued to read the last part of the translation of the [HRW report “We’ve never seen such horror”](#).

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[20 minute break]

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Criminal Chief inspector Alexander Frey, who led the investigation in Al-Gharib’s case and had already appeared as a witness on previous trial days [see [TRs 3,5, 11](#)], was summoned to testify on an exhibit that was found during the search of Al-Gharib’s flat in Germany. Instructions were read out to Frey and Presiding Judge Kerber informed him that today’s focus will be on a smartphone and accompanying SIM-card and SD-card which was found in Al-Gharib’s flat.

**Testimony of Alexander Frey**

Presiding Judge Kerber asked Frey to summarize the note he wrote on the above-mentioned exhibits. Frey said that in his position as lead-investigation against Al-Gharib, he inspected almost all exhibits, amongst others a Huawei smartphone. The BKA’s IT-department tried to refurbish the phone, however, it was not possible. Together with this phone, the officers also found a SIM-card and an SD-card, both of which could be refurbished. The inspectors then had a look at all the pictures that were saved on these cards, as well as text-files. Frey explained that the text-files were automatically created by the phone. Four pictures - two pairs - were of special importance: One pair showed an excerpt of a family-register in German and Arabic. The other pair showed the front and backside of an intelligence service ID card.

Judge Wiedner asked Frey to describe, in his own words, where the phone came from and how it got to him. Frey said it was found during the search of Al-Gharib’s flat.

Judge Kerber announced that the first two pictures regarding the family-register will be shown in court.

[two pictures of an excerpt of a family register in Arabic and German were shown in court]

Frey explained that both versions were found on the SD-card and the BKA’s translator confirmed the correctness of the translation. Frey added that the register was issued in Damascus, if he remembered correctly, it was issued in February 2016.

Wiedner wanted to know whether the pictures were found together with the phone. Frey confirmed.

Judge Kerber said two more pictures will be shown in court. Frey said the pictures show Eyad Al-Gharib’s intelligence service ID-card. Kerber asked the translators to confirm, which they did.

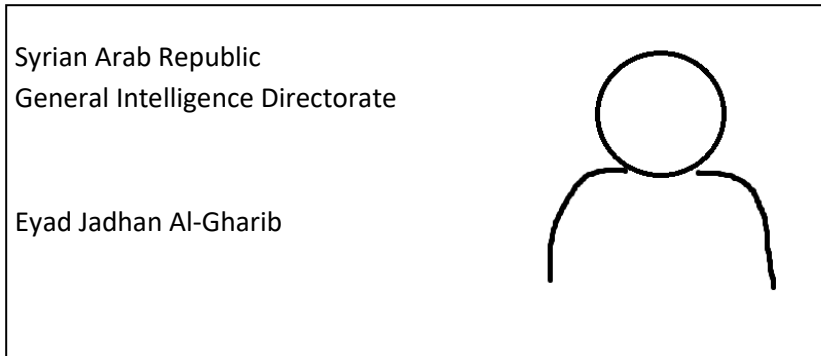
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<sup>4</sup> No one requested access to translation. As announced last year, Presiding Judge Kerber did not explicitly ask the public about requesting access to translation.

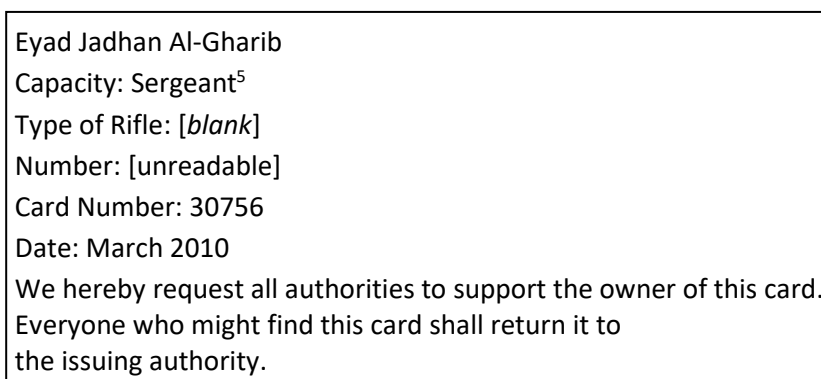
[two pictures (front and backside) of an ID card were shown in court]

Kerber asked the interpreters to read out what was written on the card:

[front of the card including a picture of Al-Gharib]



[back of the card as translated by the interpreters in court and cross-checked with the BKA's notes:]



Judge Kerber wanted to know how the two pictures relate to each other. Frey explained that both were saved on the SD-card that they found in Al-Gharib's flat. Frey assumed the pictures show the front and back of the same ID card.

Judge Kerber thanked Frey for his testimony, adding that it was short but important. Frey was dismissed as a witness.

Judge Kerber went on to explain that the court will now deal with the application to take evidence, issued by Al-Gharib's defense. She said first the application will be read out, after that the court will visually inspect and read out the Arabic Annex and the translation of this document, which was also attached to the application. While it would be read out, the translators should check whether the translation was correct.

[The following is a recreation of the application to take evidence, based on what the Trial Monitor was able to hear in court]

<sup>5</sup> Note from the Trial Monitor: The translations of ranks are based on what has been said in court in German. The German terms are then translated to US and UK rank, according to the [official NATO code](#).



December 9, 2020

Attorney  
Matthias Schuster

Higher Regional Court Koblenz

Regarding: Criminal Case against Eyad Al-Gharib

Application to take evidence

*The signatory hereby requests to take evidence in form of an expertise of a graphic expert regarding the handwriting of the statement [which was read out on trial day 51] and Eyad Al-Gharib's signature.*

*Reason:*

*On November 4, 2020, Prof. Dr. Rothschild provided an impressive oral expertise of the so-called Caesar-files, which showed photos of emaciated corpses. During a talk between defense counsels and client, Eyad Al-Gharib mentioned that he was deeply shattered by the photos and the expertise. The counsels asked him to write down his feelings, which he did. The counsels received the handwritten statement on November 17, 2020.*

*The counsels explicitly declare that they had no influence on the content of the statement, nor did they make any changes. The statement, subject matter of this application, provides authentic insight into the defendant's innermost thoughts.*

Matthias Schuster

Presiding Judge Kerber asked one of the court interpreters to interpret what she was reading out, while the other interpreter should check whether what she read was a correct translation of the Arabic document shown in court.<sup>6</sup>

[The following is a recreation of the statement, based on what the Trial Monitor was able to hear in court. The statement can also be found in TR#21]

*On November 4, 2020, the painful photos from the Caesar-files were examined and displayed in court. The presentation by Prof. Dr. Rothschild was very clear and provided excellent explanations. I want to thank Prof. Dr. Rothschild for his remarks on psychological and physical torture. I also want to pay my respect and gratitude to the hero, Caesar, for his fight against the Assad regime.*

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<sup>6</sup> Note from the Court Monitor: After Kerber read out the statement, she addressed the court translators to confirm the correctness of the translation. The translators said that the translation was correct, however there was an issue with the numbering of the pages. The last paragraph on the second page which was highlighted with an arrow and asterisk, would actually be the last paragraph of the entire statement, following the last paragraph of the third page.

*I want to explain what I felt while seeing these photos; they broke my heart. I had to think of all the innocent victims of these bestial acts. The human mind cannot understand how humans can do such things to each other. I trembled during the entire presentation. Anger and hatred against Assad and his accessories filled my mind and heart. 99% of the pictures, I have not seen before. I only saw those that Al Jazeera and other news agencies already published. During the entire presentation, I had to think of all my relatives that are still in detention. Seven relatives, several friends, and hundreds of people from my hometown were arrested and their fate is still unknown. I was searching for familiar faces on the Caesar photos while at the same time, I was afraid to recognize anyone.*

*After this painful session when I was alone in the van back to the prison, I could no longer control myself and started to burst into tears. I was filled with grief and pain. I had to think about my family and tried to understand why people get arrested only because they demand equality, freedom, and justice at demonstrations. I painfully realized that Bashar al-Assad and the members of his [sect] are criminals that are still committing thousands of crimes, while the whole world knows about it but is only watching. The international community did not do anything about it.*

*I love my country and the people, that is why I hope to see the criminal regime, particularly the criminal and dictator Bashar al-Assad, in front of an international court. As all Sunnis, I was entirely powerless. 90% of the revolutionists are Sunnis. After the outbreak of the revolution, there was mistrust against Sunnis and we were constantly threatened. The first month after the revolution, we were degraded and they took away our arms and ID's. We were under constant surveillance and they were only hoping for the smallest sign of partisanship to arrest us. I only had the following options:*

- 1) Openly disobey orders, which would have led to my arrest and arrest usually ended with execution.*
- 2) Defect and flee. That would have been foolish and sheer madness. They would have tortured my family until I returned to Syria.*
- 3) The right option was to wait and prepare until the border was open, to then defect and flee together with my family.*

*I chose this option on January 5, 2012, as many others did.*

*Is the love for my family – my wife and four children – a fault for which I deserve punishment? I hope this court will find an answer that will also serve as an answer for future soldiers who find themselves in a civil war in their home countries.*

*I want to thank all parties to this trial and everyone involved, and pay my respect to them.*

*Tuesday, November 10, 2020*

*Eyad Al-Gharib*

*[signature]*

Judge Wiedner said that the cover sheet from Al-Gharib's questioning with the BKA will be shown in court next to the signature under the handwritten statement to compare the handwriting.

[Both signatures were shown in court, indicating that they belong to the same person]

Presiding Judge Kerber asked Al-Gharib's counsel Schuster, to tell the court how he obtained the written statement. Schuster asked Judge Kerber whether he should stay at his seat or testify from the witness stand since he would answer her questions as a witness. Kerber said Raslan's Defense Counsel Böcker had already pointed at the witness stand, so Schuster should come to the front. Schuster replied that, with all due respect, Böcker is not the one leading this trial and repeated his question for Judge Kerber. Kerber told Schuster to come to the witness stand to get all the formalities right.

Once Schuster went to the front to take the witness stand, Judge Kerber read out instructions to him and reminded him that as Al-Gharib's defense counsel, he is allowed not to testify at all. Schuster replied that he would provide a narrow testimony, adding that his client released him from his professional secrecy regarding the written statement. Schuster further said he assumes that everyone could still remember the expertise provided by Prof. Dr. Rothschild, the impressive presentation, and the photos. Schuster explained that after this court session, he and his colleague Linke had a short consultation with their client, Mr. Al-Gharib, during which attorney Linke asked Mr. Al-Gharib about his thoughts on the presentation and photos. According to Schuster, Mr. Al-Gharib replied that he was deeply shattered and kept looking at the photos to search for his relatives. Schuster further said that at the following court session or shortly after, Mr. Al-Gharib gave him the written statement, adding that since he neither speaks nor reads Arabic, he did not realize that there was an issue with the numbering of the pages. Schuster explained that he forwarded the statement to their translator [every defense team has one translator allocated to them]. According to Schuster, the translation of the statement took a while, he got it back via e-mail at the end of November. Schuster said he simply copied and pasted this translation to his application or evidence which the court received.

Judge Wiedner asked whether he received the written statement from Al-Gharib on November 17, 2020. Schuster affirmed.

None of the other parties had any questions for Schuster. Prosecutor Klinge jokingly asked to comply with all formalities, whether Schuster is related to the defendant by blood or marriage. Schuster denied.

Schuster was then formally dismissed as a witness.

Plaintiff Counsel Scharmer said he would now be ready to make a statement on the proposal to hear another expert that was brought forward by Raslan's defense counsel the previous day.

Presiding Judge Kerber said she first would like to ask whether the defense can provide more details on their suggestion and be more concrete about how another expert would benefit the trial. Raslan's Defense Counsel Böcker said that, basically, they had two things in mind. (1) They want to hear an expert who specializes in ethnicity and religion. (2) The expert Ms. Thurmann barely said anything about international entanglements in Syria, the point in time from which parties in the Syrian conflict were "actually repressed," and when civilians started to carry arms. Raslan's second Defense Counsel Fratzky added that the additional expert should also provide more information about the relation between the different confessions.

Judge Kerber asked the Defense Counsels whether they can be more concrete. Böcker said they could not, at least not on the present day. Kerber replied that the judges, for now, will not comment on the matter.

Plaintiff counsel Scharmer, on behalf of Plaintiff Counsel Dr. Kroker and himself, explained that the expertise of another expert would be dispensable in their opinion and there would be no indication to hear another expert. Scharmer added that while they agree that Thurmann's expertise alone was not sufficient, they think that the court heard enough from other experts and witnesses such as Anwar Al-Bunni, Mazen Darwish, or Chris Engels from CIJA. He added that these witnesses and experts painted a clear picture of different confessions in Syria and their relation to each other. According to Scharmer, the defense should be more precise about their envisaged benefit from hearing another expert if they actually request to hear one. Scharmer went on to explain that if the Judges consider hearing another

expert, he and Dr. Kroker both have serious concerns regarding the suggested expert, Michael Lüders. While he had published several books and articles about Syria and the MENA region, he is a very polarizing academic, as he published certain things with insufficient factual background. Scharmer added that this can be verified in various newspapers and magazines. According to Scharmer, Michael Lüders said on a well-known German talk-show that there is no civil society in Syria. Scharmer concluded that while there is nothing wrong with hearing a polarizing expert, there are certainly better alternatives. He and his colleague Dr. Kroker, for example, suggested [Bente Scheller](#), [Kristin Helberg](#), or [Dr. Muriel Asseburg](#), all of whom speak Arabic.

As none of the other parties had any further comments, Presiding Judge Kerber announced the building and room where the hearings will take place from January 27, 2021, onwards. Kerber asked the interpreters to interpret this information for everyone in the public gallery

The proceedings adjourned at 11:30 am.

The next hearing will take place on January 27, 2021.

**TRIAL OF ANWAR RASLAN and EYAD AL-GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 25

Hearing Dates: January 27 &amp; 28, 2021

*CAUTION: Some testimony includes descriptions of torture.***Summaries/Highlights:<sup>1</sup>****Trial Day 57 – January 27, 2021**

Mr. Hörl, a criminal inspector with the German Federal Criminal Police Office (BKA), testified about his questioning of an anonymous witness who was twice detained and tortured in Al-Khatib Branch. Prior to the hearing, the witness who was initially summoned for the day informed the court that he would not provide in-person testimony for private reasons.

Presiding Judge Kerber announced that the trial against Anwar Raslan and Eyad Al-Gharib would be severed on February 17, 2021. A judgment in Al-Gharib's case would be rendered on February 24, 2021.

**Trial Day 58 – January 28, 2021**

Plaintiff and witness P27 [name redacted], a 32-year-old Syrian, testified about his detention at Al-Khatib Branch and the various interrogations he had to endure. His testimony confirmed what many other witnesses previously told the court: detainees at Al-Khatib were beaten upon their arrival until they reached their cell. The conditions were overcrowded, inhumane, and unhygienic. Detainees were given insufficient food. P27 further told the court that he was beaten during both his interrogations at Al-Khatib, however, he could not identify Raslan as his interrogator because he was blindfolded during interrogations.

**Day 57 of Trial – January 27, 2021**

The hearing began twenty minutes late at 9:50AM. It was held in a new courtroom located in the actual building of the Higher Regional Court in Koblenz. Moving forward, all hearings for the trial of Anwar Raslan/Eyad Al-Gharib will take place in this room, which was specifically refurbished for this trial. Five media representatives and five spectators were present.<sup>2</sup> Dr. Peer Stolle appeared as replacement for Plaintiff Counsel Dr. Patrick Kroker and Charlotte Foerster-Baldenuis appeared instead of Plaintiff Counsel Khubaib Ali Mohammed. Defendant Eyad Al-Gharib, handcuffed and accompanied by two court officers, entered the room through a side door leading to the public gallery. He had to walk through the audience to take his seat. Defendant Raslan entered through a different door located between the plaintiff counsels and the court interpreters.

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<sup>1</sup> 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.

<sup>2</sup> No one requested access to Arabic interpretation. As announced last year, Presiding Judge Kerber did not explicitly ask the public about requesting access to interpretation.

Before officially opening the hearing and while the cameraman was still inside the courtroom, Judge Kerber thanked all the people involved with refurbishing the former court library and turning it into a courtroom. She specifically thanked the court's administration that "massively" pushed for the refurbishment, the court officers who helped build and erect the glass walls between every seat, the court officers who "had the back" of their colleagues while they were busy with the refurbishment, and the technicians.

Once the cameraman left the room and Judge Kerber officially started the hearing, she asked one of the court interpreters to update the parties on his correspondence with the witness who was summoned for the day but who previously told the court that he would not be able to attend the hearing. The interpreter explained that when he first contacted the witness on behalf of the court, the witness said that he would only be able to come to Koblenz once he dealt with some private matters. According to the interpreter, the witness got back to him after a while and said that he would not come to Koblenz for private reasons, but that he would inform the interpreter immediately if anything changes. The interpreter further said he told the witness that he would inform the court of his decision.

Presiding Judge Kerber thanked the interpreter and said that, as already announced, the court would instead hear the testimony of Mr. Hörl, a Criminal Inspector from the BKA, who was present during the witness's questioning.<sup>3</sup>

#### Testimony of Criminal Inspector Hörl

Instructions were read out to Hörl and he was informed of his rights as a witness. When he tried to affirm that he understood everything, there were technical issues with the sound.<sup>4</sup> Judge Kerber asked Hörl to speak up and told the audience to signal to her and the other judges whenever they had difficulties with the acoustics.

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<sup>3</sup> According to §48(1) of the German Code of Criminal Procedure (StPO), every witness must follow the court's summons. If a witness does not appear in court to testify, he/she may be ordered to pay the costs of his/her absence as well as a fine or to serve administrative detention. The witness may also be forced to appear in court (§51(1) StPO). However, this is not applicable if the witness excuses his/her absence in a timely and sufficient manner (§51(2) StPO). Family reasons or a threatening situation are considered to be sufficient excuses. In accordance with German procedural law (§250StPO) it is, however, not possible to simply read out the transcript of the witness's previous questioning, in case the witness does not appear in court. Instead, the authority who previously questioned the witness – in the present case the BKA – can provide a more direct testimony. The court therefore decided to hear the BKA official to include the witness's descriptions into the main hearing without the witness testifying in court himself.

<sup>4</sup> Note from the Trial Monitor: Technical issues relating to sound occurred during the entire hearing. Presiding Judge Kerber already told the audience at the beginning that they should raise their hand if they were unable to understand what was being said. The audience, including native German speaking spectators, had to raise their hands several times. The court's administration assured during a short break that the problem will be solved timely. Nonetheless, it posed additional difficulties on interested Arabic speaking public to follow the proceedings.



**Judge Kerber's Questioning<sup>5</sup>**

Presiding Judge Kerber expressed that Hörl knew why he was summoned as a witness for that day. Hörl affirmed, adding that he was summoned to testify about the BKA's questioning of [name redacted].

Judge Kerber asked Hörl to describe why the witness was questioned, when the questioning happened and how it took place. Hörl explained that he was completing his training at the BKA at that time and his supervisor, Criminal Chief Inspector Deußing, told him and a colleague to travel to France to hear a witness who was previously questioned by the French Police. According to Hörl, the witness was able to communicate well with the interpreter. The witness confirmed this to Hörl and his colleague in English. The witness was then informed of his rights and duties under German law.

Judge Kerber thanked Hörl for this information and turned to Judge Wiedner to avoid duplicated questions.

**Judge Wiedner's Questioning**

Judge Wiedner asked Hörl about the reasons for the BKA's decision to question the witness themselves, despite previous questionings conducted by the French Police. Hörl said that he received the translations of the relevant interviews from the French Police in preparation for the BKA's interview. However, since he himself did not make the decision to question the witness again, he could not elaborate on the reasons behind that.

Judge Kerber intervened to inform the parties where they could find the transcripts of the interviews in the case file.

Judge Wiedner continued by asking Hörl to describe how the questioning took place and recall what the witness said. Hörl explained that they first informed the witness about his rights and duties under German law. They told him to ask for a break whenever he needed one and to help himself to drinks and snacks that they provided. Hörl then cross-checked the personal information provided by the witness with the translations of the French transcripts. Hörl's colleague asked the witness about this information (studies and professional occupation in Syria) and if anything changed since he was last questioned. The witness told them that he was still [in 2019] doing his PhD, and his mother and sister now live in France as well. Hörl's colleague then asked the witness about his arrests. The witness explained that he was first arrested in May 2011 in a relatively unusual manner. He received a call telling him to come to Jisr Al-Abyad [where Division 40 is located] the following day. The next day, his girlfriend drove him. He had to turn over his personal items to the officers once he arrived. He was taken to another room and had to wait in a hallway. He was then taken to a "hectic room". The witness explained to Hörl and his colleague that people were entering and leaving this room while a TV was on in the background. He was questioned about his Facebook posts, which he found confusing since he was previously invited by the government's spokesperson, Ms. Shaaban, to attend a meeting in March 2011. The witness could not understand why he was being questioned. He was eventually told to return to the first room and then allowed to go home. The witness went home with his girlfriend but was told to come back the following day.

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<sup>5</sup> Note from the Trial Monitor: For the purpose of this report, the term "witness" will be used to describe the person who Hörl and his colleague interviewed in their capacities as criminal officers of the BKA. The actual witness of this court session, Criminal Inspector Hörl, will be called by his name.

Judge Wiedner asked Hörl whether the witness mentioned the name of the head of this Branch. Hörl recalled that the witness could not remember the name. Hörl and his colleagues showed the witness pictures of the defendants, however, the witness only heard about Anwar Raslan from friends and acquaintances at a later point.

Wiedner asked whether the witness could not recognize the defendants in the pictures. Hörl affirmed, adding that the witness knew the name of the defendants from friends.

Wiedner wanted to know the names of these friends. Hörl said the witness mentioned Anwar Al-Bunni who was already questioned as a witness by the BKA when they interviewed the witness. The second name he mentioned was Mazen Darwish.

Wiedner said he wanted to come back to the witness's first interrogation and asked Hörl whether the witness knew the name of the head of the Branch. Hörl explained that the witness knew that Hafez Makhoulf was the head, but Hörl was not sure whether the witness identified Makhoulf as the head of this Branch or head of the General Intelligence Service.

Wiedner cited from the minutes of the witness's interview with the BKA when the witness told Hörl and his colleague that Hafez Makhoulf was the head of the Branch. The witness assumed that he was arrested because he posted negative things about Bashar Al-Assad and Hafez Makhoulf's brother, Rami, on Facebook. Hörl affirmed that the witness said that.

Wiedner recalled that the witness was in contact with Bashar Al-Assad's spokesperson and asked Hörl about the witness's relation to the government. Hörl explained that the witness saw himself as a member of the opposition. The spokesperson invited young people to discuss how a revolution in Syria could be avoided.

Wiedner wanted to know about the witness's story after his first arrest. Hörl recalled that the witness was told to return to Jisr Al-Abyad [Division 40]. The proceedings were faster than on the first day. According to Hörl, the witness was taken to the first room again. He was not blindfolded, and his hands were untied. He was then taken to another building where he had to provide his personal details. After that, he was blindfolded and put inside a car with four guards. They transferred him to another building and humiliated and beat him during the entire ride.

Wiedner asked whether the witness mentioned the number of the first Branch. Hörl recalled that the witness mentioned the numbers 40 and 41, however, Hörl was not sure at what point of the interview the witness mentioned these numbers.

Wiedner wanted to know whether the witness endured violence at these [ 40 and 41] branches. Hörl said he cannot assign the numbers to certain statements. Hörl added that the witness did not describe the treatment as violence, but rather explained that the beatings were used to intimidate the detainees. They were also beaten when they had to wait in the hallway, however, the witness did not view this as actual violence.

Wiedner asked about the number of the Branch. Hörl said the witness said he was in Al-Khatib. The witness did not provide a number, and explained that he only found out where he had been, at a later point.

Wiedner wanted to know whether the witness identified his place of detention as Al-Khatib. Hörl affirmed, adding that the witness said that he first found out about Al-Khatib during his trial, then again after his release when friends told him about it.

Wiedner asked Hörl about the overall situation surrounding his interview with the witness. Hörl explained that he himself wrote the minutes of the interview and therefore cannot say much about how the witness behaved during the interview. However, he could tell the court that the witness had a hard time talking about torture at Al-Khatib. According to Hörl, the witness first spoke very freely during the interview and provided long answers. When he was asked about torture at Al-Khatib, however, he provided very short answers and had to correct himself several times.

Wiedner asked Hörl to explain to the court what the witness told him and his colleague about the situation and conditions in Al-Khatib. According to Hörl, the witness said that he was first taken to a room by two guards. An officer and one guard were already waiting in this room. The witness recognized that the guard spoke a dialect that is typical for the coastal region in Syria. The witness then had to take off his trousers and belt, and was frisked. Hörl further explained that the witness told them that he had to squat while being frisked. He showed Hörl and his colleague the move he had to make. After that, he had to stand up and face the wall. When he made a compliment to a bald guard, the guard hit him. When he was taken to the cell by this guard, the guard told him that he hit the witness because he gave him a compliment. The witness concluded that the guard had a lower rank than the other people in the room.

Wiedner wanted to know how the witness described the cell. Hörl explained that the witness told them that the cell measured 1x1.5m and the only item inside the cell was a dirty blanket. The toilet was outside the cell. The food was pushed inside the cell through a small gap underneath the door. According to Hörl, a rat once entered the cell through this gap, so the witness decided to cover it with the blanket.

Wiedner asked whether the witness was interrogated in Al-Khatib. Hörl affirmed, adding that the witness was taken from the cell during the first night and was questioned about his Facebook posts, his relationship to demonstrators, and his participation in demonstrations. He was taken back to the cell, then taken to interrogation again the next morning. The guards asked the witness for his Facebook password but did not write it down correctly. He was then tortured. Hörl said the witness explained that he was tortured during his second interrogation and he remembered that it was already daylight, so it had to be morning. Torture included beating, kicks to his head, beatings with whips, and *Falaqa*.

Wiedner asked for more details about the kicks. Hörl said the witness told them that he was kicked on his head.

Wiedner wanted to know whether the witness mentioned that he recognized anyone. Hörl explained that his colleague asked the witness the same question several times. He replied that he would recognize the bald guard, whom he also described as being as tall as him (around 1.75m).

Wiedner asked if the witness said anything about the interrogators. Hörl said the witness told them that he was interrogated by two different interrogation officers. One for the interrogation at night and one in the morning.

Wiedner wanted to know more about the second interrogation and the questions about the witness's Facebook password. Hörl explained that the witness told them that when he first arrived at Al-Khatib, he was questioned about his Facebook posts and then later about the passwords during the second interrogation. However, the witness could not find an explanation for why he had to endure two separate interrogations.

Wiedner went on to ask Hörl if the witness recognized whether other detainees were tortured as well. Hörl explained that when his colleague asked the witness about Al-Khatib, she also asked him to create a sketch of the place. That was when the witness identified the direction from where he heard screams and differentiated between rooms for interrogations and rooms for torture. The witness only heard male screams from that direction, but there were female screams coming from a different direction at night as well. According to Hörl, the witness further explained that he mostly heard male screams and that he could hear interrogations from his cell. He observed that if someone admitted to the interrogator's accusation, "the torture escalated."

Wiedner asked when the witness was detained. Hörl said he was detained twice. The first arrest was in 2011. The witness mentioned a precise date during his questionings with the French Police, but during the questioning with Hörl and his colleagues, he often could not remember exact dates. The second arrest was in April 2012 and the witness was detained for one month. He was detained from April 12, 2012 until May 12, 2012, according to what the witness told the French Police.

Wiedner wanted to know which detention Hörl's just described. Hörl said he was referring to the Witness's first detention.

Wiedner recalled that Hörl mentioned sketches that the witness created. Hörl affirmed, explaining that his colleague asked the witness to make a sketch of the cells and to identify where he was detained on a map. Hörl added that the witness often identified a general region on the map and identified the Branch's location based on the surrounding buildings.

Wiedner wanted to know whether Hörl and his colleague asked the witness about certain statements he previously made to the French Police. Hörl could not remember, but they definitely referred to the French questions when they asked the witness about his personal details. Hörl further explained that he did not remember if his colleague asked additional questions related to the French questions. Hörl also did not know which documents the BKA had already received from the French Police at the time of the questioning.

Wiedner said that this would have been his next question, relating to which documents the BKA received from the French Police. Hörl said that he received two translations of the transcripts of the French questioning and two attachments that the witness provided to the French Police: the minutes of an interrogation and some kind of indictment.

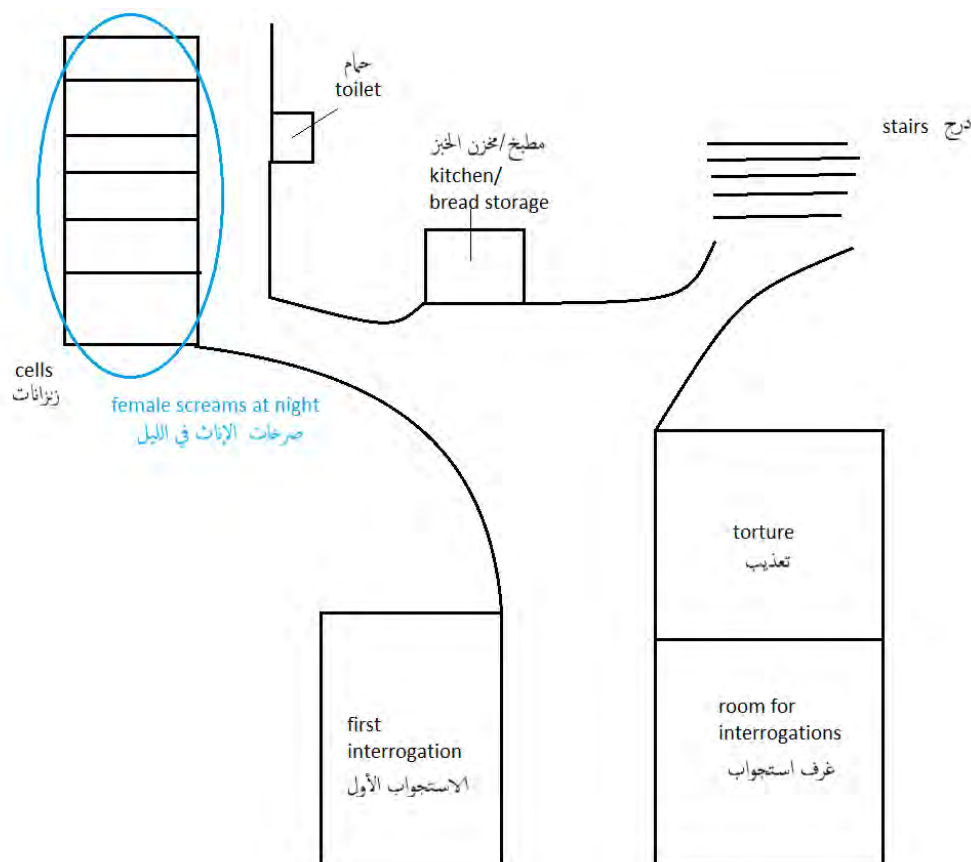
Wiedner asked Hörl to continue describing the witness's detention. Hörl said that after the witness was taken back to the solitary cell, he was interrogated again after three days. He was interrogated about certain people and his car. However, he did not have a car at the time of his detention and was confused about this question. He later found out that someone allegedly shot from his car at a demonstration. According to the witness, this interrogation indicated that the people at Al-Khatib did not know the reasons for his detention.

Wiedner wanted to know what happened to the witness after he was detained and interrogated at Al-Khatib. Hörl said the witness was transferred to Kafar Souseh on the day he was interrogated about his car. The witness was taken to a bigger cell in Kafar Souseh (some kind of big hall) where he was constantly kept awake. He was then taken to the Palace of Justice where he asked a person to inform his brother, who eventually arrived at the Palace of Justice with an attorney and the witness's girlfriend. The witness was then released. The second time the witness was detained, he was meeting with two friends at a café when security forces stormed the place.

He was taken to a detention facility of the Air Force Intelligence, close to the embassies of the United Arab Emirates and Qatar, as well as the Assad library. He was interrogated about his laptop and then transferred to the Air Force Branch in al-Mezzeh. Shortly before the witness was released (after one month in detention) he had to endure another interrogation. Before his own interrogation, however, he was forced to kneel and witness the interrogation of his girlfriend, [name redacted]. After his interrogation, he was taken to a collective cell for two weeks where he had to write down and sign a confession. After that, he was not interrogated again. He was transferred to another place for three nights and four days. The witness asked another detainee to contact his brother and inform him of the witness's whereabouts. By paying high bribes, his brother was able to visit the witness, who was then interrogated once more. The witness's brother paid additional bribes to arrange the witness's release. However, the witness was told to come to the Palace of Justice once more. The people there told him that they would not be in charge of his case and that he needed to come back to the palace again. The witness did not go to the Branches or palace again because he was afraid of being arrested once more.

Wiedner mentioned that the witness is not present in Koblenz. He asked Hörl whether he knows why the witness is not present and if the witness was somewhat hesitant during his questioning with the BKA. Hörl recalled that the witness told him and his colleague that he wanted to forget about everything and therefore cannot remember details. The witness did not elaborate further.

[The following is a recreation of the witness's sketch based on what the Trial Monitor was able to see in court.]



Wiedner wanted to know whether the witness mentioned if all of the rooms he included in the sketch were situated on the same floor. Hörl said he understood it that way.



Wiedner asked whether the rooms were located in the basement. Hörl said the witness described that he had to go down some steps.

Presiding Judge Kerber said she had two more questions. The first was to clarify whether the witness was blindfolded during his interrogation. Hörl wanted to know to which interrogation Judge Kerber was referring. Kerber said she was talking about the second interrogation at Al-Khatib. Hörl could not remember. He could remember the witness's descriptions regarding Jisr Al-Abyad [Division 40] very well, but not the descriptions of Al-Khatib which were quite unstructured. Hörl's colleague and the interpreter had to ask for clarification several times.

Judge Kerber wanted to know whether the minutes of the witness's interrogation [the document he provided the French Police] was discussed during the questioning by the BKA. Hörl said he could not remember. He looked at all the documents in preparation for his testimony in court, but did not remember which documents were available to the BKA at the time of the questioning in 2019.

### **Prosecutors' Questioning**

Prosecutor Polz wanted to know whether the witness mentioned which injuries he had from Al-Khatib. Hörl said the witness told the French Police that he had injuries all over his back, for which he needed medical treatment after his trial [first detention]. However, in the interview with the German Police, the witness only mentioned *Falqua* and beatings he had to endure. Hörl added that the witness said nothing about precise injuries.

Polz asked whether the witness saw dead people or people dying in Al-Khatib. Hörl explained that the witness mentioned to the French Police that generally, he would be sure that people died there, however, he never saw corpses. Hörl added that the witness further explained that sometimes other detainees from his cell never returned to the cell. However, he could not say for sure what exactly happened to them.

Polz wanted to know whether the witness described the nutritional situation in Al-Khatib. Hörl denied.

Polz asked the same question regarding medical treatment. Hörl recalled that the witness told the French Police about this, however, his colleague did not ask further questions about it.

Polz wanted to know whether the witness mentioned sexual violence in Al-Khatib. Hörl explained that he and his colleague did not explicitly ask about it. Hörl added that the witness said he asked male detainees in Kafar Souseh about it [sexual violence], however, they did not mention anything.

### **Defense Counsels Questioning**

Raslan's Defense Counsel Böcker recalled that the witness knew Raslan's name from Anwar Al-Bunni and Mazen Darwish and asked Hörl whether the witness also got information [about the case] from the media. Hörl explained that the witness told them that he knew about Raslan from Arabic media and from friends.

Böcker cited from the minutes of the witness's interview with the BKA during which he said that he knew about a colonel who defected from the regime, named Anwar Raslan. Hörl replied that if it is written in the minutes like that, it must be what the witness told them.

Böcker summarized that the witness mentioned minutes of his interrogation, injuries on his back and dead people, however, he only told the French Police about it. Böcker wanted to know why the BKA did not ask any questions about these issues.



Hörl said that he does not know, as he only wrote the minutes of the questioning. If Böcker wants more information about the reasons behind certain questions, he should ask Hörl's colleague.

Böcker asked whether Hörl consequently only knows about certain things from the minutes of the French questioning. Hörl affirmed, adding that the BKA received the German translation.

Böcker concluded that the witness did not make concrete statements with the BKA. Hörl said the witness indeed made more general comments, adding that he was not certain whether the BKA knew all these details before they interviewed the witness.

#### **Plaintiff Counsels' Questioning**

Plaintiff Counsel Scharmer wanted to know whether the BKA cited from the minutes of the French interview during the BKA's interview of the witness. Hörl affirmed, adding that they only referred to the French interview regarding personal details of the witness.

Scharmer concluded that Hörl's colleague consequently did not use the French minutes to ask the witness about actual subject matter. Hörl said he cannot remember everything that was said during the interview, but if his colleague referred to the French minutes, then there would be notes about it in the German minutes.

Scharmer cited from the German minutes which said that Hörl's colleague cited from the French minutes regarding the witness's personal details and that the witness was asked whether he wanted to add or change anything. Hörl explained that his colleague conducted her own interview about the subject matter, so she did not refer to the French minutes then.

Scharmer recalled that the witness told the BKA that he had to take off his belt and trousers and had to do squats. Scharmer wanted to know whether the witness was completely naked. Hörl said the witness told them that he had to take off his belt and trousers.

Scharmer wanted to know which parts of the witness's body were frisked. Hörl said the witness's legs were frisked.

Scharmer cited from the BKA's minutes of the interview during which the witness said that he had to take off his belt and trousers and do squats. He further explained that the guards frisked him to check whether he hid anything between his legs. According to the minutes, the witness stood up to demonstrate the frisking. Scharmer added that the witness also told the French Police that he was naked. Hörl said the witness told the BKA that he had to take off his belt and trousers.

Scharmer wanted to know whether Hörl's colleague asked more questions about the frisking. Hörl said he could not remember.

Presiding Judge Kerber asked whether the minutes of the BKA's interview were re-translated and read out to the witness. Hörl affirmed, adding that they went through every sentence and he himself corrected the German minutes according to the witness's comments.

Hörl was dismissed as a witness.

Judge Kerber explained that after a short break, a 2.5-page report from the Max Planck Institute about Syrian Criminal law will be read out and the Judges will make their statement on the submission of Al-Gharib's defense to hear a graphic expert to confirm the authenticity of Al-Gharib's handwritten statement.

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[10-minute break]

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Presiding Judge Kerber explained that Judge Wiedner will now read out a report from the [Max Planck Institute for the Study of Crime, Security and Law](#) from 2019.

[due to the above-mentioned technical difficulties, the Trial Monitor was unable to understand the details of the report]

*The report was based on a request from Attorney Böcker directed to the Max-Planck-Institute for a description of the legal situation in Syria, specifically regarding murder and bodily injury.*

*The report detailed the relevant penalties for murder and bodily harm under Syrian Criminal Law, ranging from compulsory labor to the death penalty. It also explained the legal situation regarding bodily harm with fatal consequences. According to the report, the relevant laws have been in place since January 2011.*

After the report was read out, Presiding Judge Kerber announced that the Judges will now read out the court order regarding the request submitted by Al-Gharib's defense counsels to hear an expert witness who can confirm the authenticity of Al-Gharib's written statement.

[the following is a recreation of the court order based on what the Trial Monitor was able to understand in court]

*Court order regarding the request from Al-Gharib's defense counsel dated December 9, 2020 to hear a graphological expert in order to confirm the authenticity of Al-Gharib's handwritten statement.*

*The request is denied because the fact that was supposed to be proven has already been proven for the following reasons:*

*1) The submission with which the statement was submitted as evidence on December 9, 2020 already detailed how Defense Counsel Schuster received the handwritten statement. Schuster's testimony describing the reasons for Al-Gharib to write the statement, as well as how Schuster received the statement and ordered its translation, was plausible and detailed. The signature on the handwritten statement is apparently the same as Al-Gharib's signature on the minutes of his questioning with the BKA. The content of the statement was further confirmed by the court interpreters. The court therefore has no doubt about the authenticity of the statement.*

*2) The defendant himself acknowledges that he is the author of the statement. The handwritten statement, in avoidance of an oral statement, details the emotions of the defendant, as well as aspects of the trial.*

*3) It is almost impossible that the statement is plagiarism. Further, there was no reason for plagiarizing the statement.*

*For these reasons, the court denied the request to hear another witness, while confirming the authenticity of the handwritten statement.*

Presiding Judge Kerber recalled that the Prosecutors requested a severance of the trial. She said that the court will grant this request and sever the trial on February 17, 2021. Regarding the proceedings for the severance day, the court will continue to hear both cases together and read out documents before formally severing the trial.

The dates for the trial against Anwar Raslan that were scheduled for February 18, 24 and 25, 2021 will be cancelled. The trial against Anwar Raslan will continue on March 10, 2021. The court will finish taking evidence in the trial of Eyad Al-Gharib on February 18, 2021. On the same day, the Prosecutors will provide their final speech. The court will hear the final speech of Al-Gharib's defense on February 18, 2021 and will give the defendant the opportunity to make his own final statement. The judgment in the case against Eyad Al-Gharib will be announced on February 24, 2021. Judge Kerber summarized that this plan could still change in light of the overall uncertain situation [pandemic]. [Judge Kerber told the interpreters to provide everything she says on this issue to the public audience.]

Kerber further announced that Al-Gharib's defense will receive a digital copy of certain parts of the casefile in preparation of their plea. All other parties can access the hard copy of the case file as usual.

Raslan's Defense Counsel Böcker wanted to clarify the schedule for February 17, 2021. Judge Kerber said that the court will read out reports regarding CCMC [Central Crisis Management Cell] on that day.

The proceedings adjourned at 11:30 am.

### **Day 58 of Trial – January 28, 2021**

The hearing began at 9:30AM with four spectators and four journalists present in the public gallery.<sup>6</sup> Before officially starting the hearing, Presiding Judge Kerber apologized for the technical issues and asked the audience whether they could hear her, and told them to raise their hand whenever they have difficulties following the proceedings.<sup>7</sup>

#### **Testimony of P27**

P27, who wore a beanie and Covid-mask, was accompanied by his counsel, Dr. Anna Oehmichen. Presiding Judge Kerber informed P27 about his rights and duties as a plaintiff and witness. She said it is fine that P27 does not want to be recognized and to therefore wear a beanie and a mask. She further said that he can leave them on, however, to identify himself, he must take them off for a second. After identifying P27, Judge Kerber asked P27 for his personal details. P27 said he already told his counsel that his family is still living in Syria, as to why he would prefer to write down his details instead of mentioning them in court. P27's counsel, Dr. Oehmichen, spoke to P27 before requesting a short break.

Judge Kerber ordered a 5-minute break and told Dr. Oehmichen to again inform P27 about the relevant procedural regulations.

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[15-minute break]

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After counseling her client, Dr. Oehmichen approached the Prosecutors and had a short discussion with the Presiding Judge, Plaintiff Counsels and Defense Counsels.

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<sup>6</sup> No one requested access to Arabic interpretation. As announced last year, Presiding Judge Kerber did not explicitly ask the public about requesting access to interpretation.

<sup>7</sup> Note from the Trial Monitor: Technical issues surrounding sound in the public gallery were fixed the following session, see TR#26.

Presiding Judge Kerber said Dr. Oehmichen made a good proposal on how to deal with the situation.<sup>8</sup> Kerber recalled that the court already knows P27's name as she just mentioned when informing him about his rights and duties. Kerber asked P27 how old he was. P27 said he was 32-years-old. Kerber asked him whether he was related to the defendants by blood or marriage. P27 denied.

Kerber explained that she would ask rather broad questions and whenever P27 would feel uncomfortable answering, he should consult his Dr. Oehmichen. Kerber recalled that P27 conflicted with the "Syrian Regime" and asked him to provide a rough overview about how he came into conflict with the regime and where he was detained. P27 explained that in 2011 at the beginning of the revolution, he was involved in coordinating demonstrations [as the sound was low, Judge Kerber asked the audience if they were able to understand everything and asked P27 to pull the microphone closer towards him]. P27 went on to explain that he was involved in coordinating demonstrations at the beginning of the revolution in 2011. He added that in his province, there was no real coordination center. He was still a student at that time and was 23-years-old. He said he had an office with recording devices. P27 further explained that they announced demonstrations via "posts", small sheets of paper with information about the date, time, and location of the demonstrations. P27 said he was in charge of printing these sheets of paper, explaining that this took place in 2011. P27 further explained that the situation in 2012 was similar. The coordination of demonstrations at that time took place on social media. P27 said he supported different local organizations at that time and at the beginning, supported the organization in his hometown. [P27 had a short consultation with his counsel, Dr. Oehmichen]. P27 told the court that he continued his work in the following years. In 2013 [2014]<sup>9</sup> the activities slightly changed, according to P27. He said that the entire organizational work was done at a local level. He himself worked at different local organizations and with the interim government. P27 said he continued his work in Germany as well.

Kerber said she wanted to come back to the events in 2011 and asked P27 what happened to him back then. P27 said he was first arrested on May 1, 2011 and then a second time in late 2011. He explained that his first and second detention were both in the same city and he was not transferred to other Branches. According to P27, his first detention lasted a couple of days and was with the Military Intelligence Service, while his second detention lasted one month.

Kerber wanted to know where exactly and how P27 was arrested. P27 explained that both arrests took place in Raqqa. Compared to his third arrest, these two arrests however were not that bad. P27 further said that he was detained at the General Intelligence Service both times, however, there were differences in treatment. The first time, he did not have to endure *Shabb*, nor did the guards use "any hard tools."

Kerber asked at which Branch P27 was detained and how he learned where he was detained. P27 clarified that his last arrest took place in 2012, he was arrested in Raqqa and then transferred to Damascus via Deir ez-Zor and Homs. He said that this third detention was the worst and explained that he was transferred from Raqqa to Deir ez-Zor in May and had to stay in Deir ez-Zor for 4-5 days. P27 said he could not remember exactly, but he remembered that he was interrogated once or twice. He said "they" wanted to know a lot about his friends and their activities. According to P27, the questions were rather general, and "they" did not ask for specific information. P27 further explained that he was then transferred to Homs, where he was not interrogated at all. He was then transferred via a detainee transport by the police and had to stay with the military police in Homs for one night.

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<sup>8</sup> Note from the Trial Monitor: It did not become apparent what exactly Dr. Oehmichen proposed.

<sup>9</sup> Note from the Trial Monitor: The interpreter said 2013, while the audience heard P27 saying 2014.

P27 said he was then transferred to Al-Qaboun in Damascus. He explained that this Branch also belonged to the military police. He added that to his knowledge, it was an outpost. P27 concluded that all his descriptions were based on his personal experience and not of general nature.

Kerber reminded P27 to pull the microphone closer, so that everyone could hear him. P27 went on to explain that he was transferred from Al-Qaboun to the Air Force Intelligence Branch where he had to stay a couple days before he was transferred again, this time to the Palestine Branch [Branch 235]. P27 said that this was “the end of his journey.” He explained that he had to stay at the Palestine Branch for around three months before he was taken to a court in Damascus where he was released. P27 recalled that he mentioned general interrogations and said that the Palestine Branch was the only Branch where the interrogators asked specific questions and apparently knew many details about him and his friends and family. P27 said that his detention in Al-Khatib was relatively short, only 3-4 days. He said he only found out later that he was detained at Al-Khatib, however, he could not say whether he found out on his way there or on his arrival. P27 concluded that he had to stay at Al-Khatib for 3-4 days and was interrogated twice. The first interrogation took 2-3 hours and the second around one hour.

### Judge Wiedner’s Questioning

Judge Wiedner recalled that P27 only found out later that he was detained at Al-Khatib and wanted to know from where he knew that. P27 asked Wiedner to repeat the questions because he could not understand due to technical problems. Wiedner asked who told P27 that he was detained at Al-Khatib. P27 said he could not remember exactly. However, during their transport, their names and the number of the Branch was attached to the detainees. He could therefore not remember whether he found out about his place of detention from these sheets or upon his arrival. P27 added that it was a fact that he found out late that he was detained at Al-Khatib, Branch 251.

Wiedner cited from the minutes of P27’s interview with the German Federal Criminal Police Office (BKA) where he said that other detainees at Al-Khatib told him where he was. P27 affirmed.

Wiedner explained that he would ask his questions regarding the Syrian revolution in chronological order. He recalled that P27 told the BKA that he was one of the first people to engage in the revolution. Wiedner wanted to know when “this” started, what exactly P27 did and how the security forces reacted to the demonstrations in the beginning. P27 said he was in Raqqa where the first demonstration took place on April 25, 2011. He said he participated in all demonstrations, explaining that they coordinated the demonstrations through different internet forums. P27 said they coordinated that, for example, a demonstration would take place on Wednesday, [and his task was to print flyers]. These flyers were small sheets of paper detailing information about the demonstration.

Wiedner wanted to know whether P27 participated in the demonstrations. P27 confirmed, adding that he participated in almost every demonstration.

Wiedner asked about the reaction of the security forces, whether there was a development [in their response to the protesters] and how they used violence. P27 explained that at the beginning of the demonstrations, the security forces in his province were afraid of the reaction of the people on the streets. According to P27, the security forces were not that violent towards demonstrators for one year. He added that only some *Shabhia* came to some villages from time to time.

Judge Kerber reminded P27 to pull the microphone closer, as some people in the audience could not understand what he was saying. P27 explained that the security forces were always supported by *Shabhia*.



Judge Wiedner wanted to know what exactly the security forces and *Shabha* did, whether they intervened. P27 said that young and old people participated in the demonstrations and no one could dissolve them. However, the [security forces and *Shabha*] tried to dissolve the demonstrations, and often succeeded as they were informed about the details beforehand.

Wiedner asked what P27 meant by “dissolving”, whether the security forces used weapons or simply spoke to the demonstrators. P27 explained that the security forces always carried arms, but did not use them until Ali Al-Babensi [ألي البابنسي] was killed. According to P27, Ali Al-Babensi [ألي البابنسي] was the first person in Raqqa who died from the use of arms.

Wiedner wanted to know when that happened. P27 said it happened in March 2012, explaining that the security forces knew that demonstrations were coordinated to take place at mosques. P27 said they usually took place after Friday prayers or on religious holidays. P27 further explained that once the date of the demonstration was announced, he and his colleagues took their flyers. Usually, in cases where the date, time, and place of demonstrations were publicly known, security forces and *Shabha* were already waiting, trying to prevent the demonstrations from happening. According to P27 the security forces and *Shabha* tried to dissolve the demonstrations right after they started by arresting people and even using batons.

Before Judge Wiedner asked his next questions, Presiding Judge Kerber reminded P27 to pull the microphone closer and speak up, so that everyone in the back could hear him.

Judge Wiedner asked P27 whether he saw injured or dead people at demonstrations, caused by the security forces. P27 said he saw several injured people in front of him. Regarding deaths, he explained that the first person who died at a demonstration in 2012 was the one he just mentioned.

Wiedner went on to ask P27 about the time he arrived at Al-Khatib, how he was brought there and how he was received. P27 said, as he just mentioned, the detainees were tied to a long chain and transported in a cooling truck. He explained that they had to wear blindfolds all the time. P27 further said that he could not remember the number of his cell, however, other detainees told him the number.

Wiedner recalled that P27 mentioned a bus earlier and wanted to clarify whether he was transferred by bus or on a truck. P27 explained that he was not talking about a bus like one finds here [Germany] but rather a white car. All detainees in Syria would know what he was talking about. The vehicle looked like a cooling truck used to transport meat.

Wiedner mentioned the term “welcoming party”. P27 said that he can only describe his own experiences. He explained that all detainees were tied to one chain through their handcuffs. They left the truck/bus tied to this chain and once they were untied, they had to stand in a row facing a wall. According to P27, they had to stand like this for several minutes until the registration process was completed. However, they had to endure “assaults” from the guards during the time when they had to wait in line. P27 said the detainees were then taken to the gate of the Branche’s yard where they were beaten. The beating was not “hard.” Rather, it was used as a means of intimidation. Once they were inside the building, they were frisked and had to take off their clothes until they were naked. P27 said they had to make a certain move and squat during this procedure. They were intimidated all the time until they reached their cell.

Wiedner asked how exactly they were intimidated. P27 explained that every guard had some kind of tool, like a baton, piece of leather, etc. P27 said he does not think that the distribution of tools was structured or organized.



He described that there was a guard every five meters, beating the detainees with his tool. P27 concluded that from the moment they left the bus/truck until they reached the cell, they were constantly beaten, arbitrarily all over their body.

Wiedner wanted to know whether P27 was inside or outside when he was naked. P27 said he was inside.

Wiedner asked whether they got their clothes back. P27 affirmed.

Wiedner wanted to know where P27's cell was, what kind of cell it was and how many people were inside. P27 said he could not remember exactly; he could not even say whether it [the cell] was on the ground floor or basement. He explained that once they went inside and had to leave their personal items, they went down a relatively long hallway. He assumed that there were stairs at the end of the hallway. According to P27, the cell was around 4x3m (just like the space in front of him in the court room).

Wiedner recalled that P27 told the BKA that the cell measures 3x5m and asked P27 how many people were inside the cell. P27 said there were around 100 people inside.

Wiedner wanted to know whether there were further cells and who was detained in these cells. P27 said he could only describe what he felt. Based on screams, he guessed that there were more cells, including a female cell right next to his cell.

Wiedner asked whether he heard if someone was mistreated. P27 said he heard screams and voices around the clock. The screams were particularly loud in the morning hours and around noon. P27 explained that he cannot provide a precise time, however, he guessed it was around 10am, 2pm and 6pm.

Wiedner wanted to know whether the screams came from inside the building or outside. P27 said they came from the inside.

Wiedner asked P27 whether anyone in his cell told him what had happened to them. P27 said it was difficult to talk. Everyone was so afraid that none of them said anything. P27 added that no one spoke about whether they were beaten or the duration of their interrogation. However, P27 saw the injuries all over the bodies of his fellow detainees.

Wiedner wanted to know whether it was the rule that everyone was tortured, recalling that P27 said that everyone in his cell was tortured. P27 confirmed.

Wiedner wanted to know how P27 knew about this. P27 said he could of course not provide a statistic; it was rather an estimate. He added that almost everyone in the cell showed signs of torture. He knew one of them, [name redacted].

Wiedner asked what signs of torture P27 saw. P27 explained that one could see signs from the clothes, which were ripped in many cases, and two people had bone fractures. P27 said that many people showed signs of *Shabb* at their wrists.

Wiedner wanted to know whether P27 saw people bleeding, or signs of beatings or bruises. P27 said that of course many people had bruises, most times caused by the harsh beatings. He himself was bleeding from an ear injury, however, others were not covered in blood. P27 said that he himself did not witness any grave or deadly injuries.

Wiedner asked P27 what happened to him during his interrogation. P27 said that his first interrogation lasted around 3-4 hours. He was blindfolded, facing a wall. According to P27, there were one or two people who interrogated him. One of them had a dialect typical for people from the Northeast.

Wiedner wanted to know whether the interrogation happened on the same floor or whether P27 was taken somewhere else. P27 said he guesses that he had to go down or up some stairs. However, there were only five steps, so it must have been on the same floor.

Wiedner asked whether P27 was mistreated during his interrogation. P27 explained that actually, the interrogators only wanted to know general things. P27 assumed that they had no idea why he was detained. The questions were rather general, regarding what he did, who he was friends with and why he went to certain places. P27 added that he told the German police that he was not tortured. He told them that he was beaten during his second interrogation where he also had to endure electroshocks. P27 recalled that he also told the German police that he was beaten with a piece of leather.

Wiedner wanted to know what P27 remembered about his interrogation in this particular moment. He asked P27 whether he was mistreated and if so, how. P27's counsel, Dr. Oehmichen, intervened and said that according to P27 torture and mistreatment have to different meanings.

Wiedner asked P27 to simply describe what happened. P27 said that Dr. Oehmichen explained what he wanted to say, adding that he already explained what happened during the interrogations in Al-Khatib. At the Palestine Branch, however, he was interrogated on more occasions.

Wiedner said he wanted to focus on Al-Khatib, asking P27 whether he was beaten during his interrogations there and what he can remember from the interrogations. P27 said he already mentioned that he was beaten with different tools. He just wanted to explain to the police that he was also beaten with a tool made of hard plastic, maybe a v-belt. P27 further said that he was also beaten in the car/bus/truck and beaten all over his body. He said one could tell that the beatings were not supposed to kill anyone but to cause severe injuries.

Wiedner wanted to know whether the beating occurred as a reaction to P27's answers or just happened arbitrarily. P27 said sometimes they were a reaction and sometimes he was beaten just like that.

Wiedner cited from the minutes of P27's interview with the BKA where he said that before his interrogation, he had to wait for 2 or 3 hours. He had to stand during this time and was beaten and kicked harshly. He further told the BKA that he did not know whether the beatings were a reaction to certain things, however, he was under the impression that whenever the person got tired, the guard used a v-belt to continue his beating. According to P27, he did not suffer bone fractures, but other detainees did. P27 confirmed the statement.

P27's counsel, Dr. Oehmichen, asked for a 10-minute break.

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[25-minute break]<sup>10</sup>

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<sup>10</sup> Note from the Trial Monitor: during the break, the judges approached the audience to ask them for feedback regarding sound. After a short discussion, the only Arabic-speaking spectator, a non-accredited journalist, received a device to hear the witness's original testimony. However, she could still not understand the German statements, as she did not get access to the interpretation. Presiding Judge Kerber added that handing out the device would not be a precedent for future requests, as it was only due to the situation and the fact that the number of people in the audience was very small. Access to devices for the German channel, as the parties use them, was denied for the audience.

Presiding Judge Kerber reminded all parties to always pull the microphone close when speaking, so that everyone in the audience could understand them.

Judge Wiedner said he has some more questions about P27's first interrogation in Al-Khatib. He wanted to know whether the interrogation room was close or away from P27's cell. P27 said they walked there for about one or two minutes.

Wiedner cited from the minutes of P27's interview with the BKA where he said that the place of interrogation was far away from the cell. The area where the cells were had a strong smell, however, the place of interrogation did not smell. P27 confirmed.

Wiedner recalled that the BKA further asked P27 about the floor on which the interrogation took place. According to the BKA's minutes, P27 explained that he assumed that the cells were in the basement, as there was no daylight. Even though he was blindfolded, he felt that it was brighter at the place of the interrogation. P27 again confirmed.

Wiedner wanted to know the number of people present at P27's first interrogation. P27 said there were one or two people.

Wiedner asked whether they spoke with one another. P27 affirmed.

Wiedner asked whether there were orders to beat him. P27 said there were orders, however, he could not remember exactly. He added that he was interrogated by only one person.

Wiedner asked about the hierarchy between the two people. P27 said he assumes that one of the people at his second interrogation had a certain rank, as the others called him "Sir" [sidi/sayyidi].

Wiedner wanted to know whether P27 had to squat at his first interrogation. P27 said the BKA asked the same question, however, he could not remember whether he had to stand or kneel.

Wiedner recalled that when the BKA asked P27 which of his body parts were beaten, he replied that he was beaten everywhere, adding that at every break, he had to squat three to five times. He was then beaten and kicked so the guards could instill fear and terror. He further told the BKA that he was also beaten in reaction to his answers. P27 confirmed.

Wiedner asked P27 what the interrogators wanted to know from him. P27 said that he was under the impression that the people at the interrogation did not know what he allegedly did and had no information about him or the people in his group. P27 added that this, however, was only his personal impression.

Wiedner recalled that P27 was interrogated a second time. P27 confirmed.

Wiedner asked about the procedure. P27 explained that it was similar to the first interrogation, but shorter.

Wiedner wanted to know whether P27 was beaten/mistreated during the second interrogation. P27 affirmed.

Wiedner asked whether there were again two people who interrogated him. P27 said there were two people, maybe more.

Wiedner concluded that there were three people. P27 confirmed.

Wiedner wanted to know whether there was anything special about the third person. Raslan's Defense Counsel Böker intervened, saying that P27 did not confirm that there was a third person. Wiedner said he understood that P27 clarified that there was a third person.

P27 explained that during his first interrogation, there was definitely one or two people. The two of them were not both present all the time. At his second interrogation, there were two people and a third person. P27 explained that he did not know whether the third person was present the entire time. He could not see them and only differentiate between them by their dialect and voice. He said one of them had a dialect typical for the coastal region. Two other people did not have such a dialect.

Wiedner confirmed that P27 told the BKA the same information, as he explained to them that he could not say with certainty that all three people were always present. Wiedner further cited from the BKA's minutes saying that P27 mentioned that the third person came from time to time and was called "Sir" [sidi/sayyidi]. According to P27, this person also asked him questions and was the boss of the two other people. P27 confirmed this statement.

Wiedner went on to ask P27 about the general detention conditions at Al-Khatib, especially related to air, food and hygiene. P27 said that the hygienic situation was very bad. The air was very humid due to the high number of people. P27 further said that many people had to wear their shirts inside-out because they were so dirty and covered with flies. According to P27, many detainees developed bad allergies. He said that he could not tell whether there was medical treatment in Al-Khatib, however, he never saw any medical treatment. Regarding the food, P27 mentioned that they only got two meals a day. Most times they got rice or potatoes or Syrian lentil soup. P27 added that there was no air conditioning in the cell. That was how he could tell whether he was inside the cell or somewhere else. He said that it was very hot and stuffy inside the cell, which had a strong smell. P27 explained that even though the cell was only separated by a door, there was a big difference regarding quality of air inside the cell and in the hallway. P27 said there was only one toilet inside the cell, which was only separated with a piece of textile. All detainees had to drink from the same plastic bottle.

Wiedner asked about the general condition of other detainees and wanted to know whether some of the detainees were sick. P27 said that many people had certain signs on their body, however, he could not tell whether there were people with chronic diseases.

Wiedner cited from the minutes of P27's interview with the BKA, during which he said that detainees were detained for different durations of time lasting from days to months. Many were very thin and one had diabetes but did not receive medicine in Al-Khatib. P27 confirmed the statement.

Wiedner recalled that P27 mentioned signs of *Shabh* on the wrists of fellow detainees. Wiedner asked P27 how he knew that these signs were caused by *Shabh*, whether he heard about it from others or whether he witnessed it himself. P27 said he did not see it himself.

Wiedner asked whether P27 saw any gadgets like rings or hooks. P27 denied, explaining that with his blindfolds he could only see batons and the pieces of hard leather that he already described. He added that in the collective cell, there were gadgets on the ceiling, but no one hung there.

Wiedner wanted to know how P27 knew about this method [*Shabh* - hanging people by their arms with their feet above the floor]. P27 explained that he himself had to endure *Shabh* at the Palestine Branch, adding that this was where he saw all the torture methods and was then able to differentiate between them.

Wiedner asked whether anyone in Al-Khatib mention anything about torture. P27 affirmed, explaining that most of them were tortured during interrogation. P27 said he did not ask anyone directly; they spoke about it in general. He said that every time people returned from interrogation, he could see signs of torture on their bodies. P27 further explained that detainees also gave each other advice.

Wiedner wanted to know whether anyone explicitly told P27 about *Shabh*. P27's counsel, Dr. Oehmichen, said her client already answered the question. Presiding Judge Kerber intervened, saying that P27 did not answer the question yet. P27 said "yes".

Wiedner wanted to clarify whether P27 meant that someone indeed told him about *Shabh*. P27 said that they were talking about things that happened nine years ago, however, if he remembers correctly, someone explicitly told him about *Shabh*.

Wiedner asked whether anyone explicitly mentioned other methods [of torture] such as electroshocks. P27 affirmed.

Wiedner asked P27 to turn to his right and wanted to know whether P27 recognized one of the defendants from "back then." P27 denied, explaining that he does not recognize anyone from back then, however, as he already told the BKA, he recognizes one of them from the media.

Raslan's Defense Counsel Böcker intervened, asking what exactly P27 saw on 'social media.' P27 said he saw Raslan's picture in the media.

Wiedner went on to ask P27 whether his relatives were informed about his detention and knew about his whereabouts. P27 denied, adding that his family only knew that he was in Al-Qaboun once he was released from Palestine Branch. According to P27, they knew from third parties.

Wiedner recalled that P27 was detained at different detention facilities and asked P27 - admitting that this would be a strange and difficult question - to compare Al-Khatib to Palestine Branch and say whether Al-Khatib was better or worse regarding overall condition and mistreatment. P27 said that his arrival at both Branches, from the time he left the bus to when he entered the cell, was the same. However, one difference related to the number and duration of interrogations, which was greater and longer at Palestine Branch. P27 added that beatings at Palestine Branch were also more intense and involved deadly beatings.

Wiedner wanted to know whether P27 heard anything about sexual assault at Al-Khatib. P27 said he did not hear anything about that matter when he was there, but he did once he was released.

Wiedner recalled that P27 told the BKA that he heard from fellow detainees at Palestine Branch about sexual assault in Al-Khatib and instances where detainees were raped at Al-Khatib. P27 explained to the BKA that he only heard about such instances. P27 confirmed the statement.

Wiedner said he had one more question for P27, if he felt comfortable answering. Wiedner asked P27 whether he suffered any physical or psychological consequences from his time in Al-Khatib. P27 said he had no physical damage from Al-Khatib and that his psychological damages related to his entire time in detention. Wiedner said he was aware of that. P27 added that, if the court allowed, he wants to add that while he might get confused from time to time regarding certain details such as whether he went upstairs or downstairs or the number of people, he is sure that Al-Khatib is a horrible place and that calling it horrible would still be a nice description. After a short consultation with his counsel, P27 added that Dr. Oehmichen reminded him that he received psychological treatment for 1.5 years after his detention.

### **Prosecutors' Questioning**

Prosecutor Polz recalled that P27 saw Raslan's picture on social media and asked him whether he had any knowledge about what Raslan did after he left Syria or about what he did at all. P27 asked whether Polz wanted to know whether he knew what Raslan did. Polz confirmed. P27 said he was the head of interrogation at Al-Khatib.



Polz wanted to know how P27 knew that. P27 said that in 2013 or 2014 he spoke to a friend in Turkey. This friend told him that Raslan joined the opposition and previously worked at Al-Khatib.

Polz asked whether P27 believed his friend when he told him that Raslan joined the opposition. P27 explained that he did not realize the information, because the word “interrogator” was already scary itself.

Polz wanted to know whether Raslan, during his time with the opposition, “supplied anything or was of worth for the opposition”? P27 said he cannot provide an answer.

### **Defense Counsels’ Questioning**

Raslan’s Defense Counsel Böcker wanted to know whether P27 can imagine that Raslan participated in an opposition conference in Egypt. P27 said he heard about it through the media.

Böcker asked when P27 heard about it. [Judge Wiedner had to remind Böcker to speak up so everyone could hear him.] Böcker recalled that P27 previously mentioned that he heard about Raslan around 2013/14 and asked P27 to confirm this. P27 did not know to what Böcker was referring. Böcker clarified that he was talking about Raslan’s participation in a conference in Egypt. P27 explained that he heard about a defected person who had the rank of an investigator. However, he was not sure whether this was in 2013 or 2014.

Böcker recalled that P27 told the police that he learned about Raslan joining the opposition at the time “of the liberation of Raqqa”. Böcker asked P27 whether he remembered the statement and if he could explain when he heard about it. P27 asked whether Böcker wanted to know if he heard about the statement in 2013 or 2016. Böcker explained that he wanted to know when in 2013 or 2014 did P27 hear about [Raslan joining the opposition]. P27’s counsel, Dr. Oehmichen, asked Böcker to provide more context. Böcker recalled P27 saying that he heard about Raslan, so his question was when exactly he heard about it. Böcker repeated the citation from the BKA’s minutes. P27 said he cannot remember the exact date; however, it was between the end of 2013 and mid-2014.

Böcker wanted to know whether it is correct that P27 got information about the conference around the “time of the liberation of Raqqa”. P27 did not know whether he previously phrased it like that. Böcker asked Dr. Oehmichen to take over. Dr. Oehmichen read out the relevant section from P27’s interview with the BKA. P27 said that [as reflected in the BKA interview citation read by Dr. Oehmichen] he did indeed learn about the conference at the time of “the liberation of Raqqa”.

Raslan’s second defense counsel, Fratzky, wanted to know why P27 felt that Anwar Raslan joining the opposition was unusual. P27 said that he did not personally know Raslan, but he wondered why Raslan joined the opposition when he heard other names [of people who joined]. He added that the defection of the head of interrogations at an intelligence branch would not be strange per se, however the rank/title sounded scary to P27 and his friends.

Fratzky wanted to know whether P27 knows of former “employees of the regime” who joined the opposition. P27 affirmed.

Fratzky asked why it sounded strange to P27 that Raslan joined the opposition if P27 heard of similar cases. P27 said it often happened that people defected and joined the opposition. However, he did not want to believe that an interrogator who might have interrogated him did such a thing. P27 concluded that he could not say whether Raslan actually was the person who interrogated him or not.

Al-Gharib’s defense counsel, Schuster, recalled that the BKA asked P27 about demonstrations and he told them about tribes that ruled the area. Schuster asked P27 to explain what he meant by that. P27 did not understand the question.



Schuster pointed to P27's statement that the security forces tried to be careful at the beginning of the demonstrations because they knew that the region was ruled by tribes. P27 explained that "ruled" would probably not be the best term, however, the region was dominated by tribes. P27 added that this was not his own opinion; one could google it.

Schuster said he tries to understand all the aspects of the Syrian conflict but does not always get them. That is why he asked P27 this question. He asked P27 for more details on the relationship between the tribes and the government's careful reaction. P27 said that after a while, the government became more confident in its reactions. He added that in 2011 the government was rather careful due to the tribes in the region. P27 explained that if, for example, someone from one of the tribes was killed, the government feared the reaction of the tribe and that the tribe might oppose the government.

Schuster wanted to know which tribes P27 was talking about and asked him about their names and ethnicities. P27 said there are people who know more about this topic than him.

Schuster asked whether it was correct that the majority in Raqqa were Sunnis. P27 said that if Schuster wants statistics, he must ask someone else because he could not really answer the question.

Presiding Judge Kerber asked Schuster whether he was fine with the answers. Schuster affirmed.

#### **Plaintiff Counsels' Questioning**

P27's counsel, Dr. Oehmichen, asked P27 whether he thinks that Anwar Raslan actually joined the opposition. P27 said it would be difficult to answer this question.

Raslan's Defense Counsel Böcker intervened, saying that the question was already answered and that all questions should relate to facts, not speculations. Dr. Oehmichen said she is fine with the answer anyway.

Böcker further stated that the schedule for the coming weeks was confusing. He asked the judges to clarify it. Presiding Judge Kerber and Judge Wiedner repeated the schedule for the coming weeks.

The proceedings adjourned at 12:15PM.

The next hearing will take place on February 3, 2021.

**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 26

Hearing Dates: February 3, 2021

*CAUTION: Some testimony includes descriptions of torture.*

**Summaries/Highlights:<sup>1</sup>**

**Trial Day 59 – February 3, 2021**

Deußing, a criminal chief inspector with the German Federal Criminal Police Office (BKA), testified about the content and background of a questioning with a witness, who was detained twice and tortured in Al-Khatib. Earlier, the witness told the court that he would not come to Koblenz in person for private reasons.

Presiding Judge Kerber announced that the cases against Anwar Raslan and Eyad Al-Gharib will be severed on February 17, with a judgment in Al-Gharib's case following on February 24.

**Day 59 of Trial – February 3, 2021**

The hearing began at 9:30 am with 3 media representatives and 4 spectators present.<sup>2</sup> Attorney Ms. Friedrich appeared as replacement for Plaintiff Counsel Dr. Anna Oehmichen, Plaintiff Counsels Khubaib Ali Mohammed and Manuel Reiger were not present.

After starting the session, Presiding Judge Kerber asked the audience whether the changes they made to the sound system were successful so everyone could hear what is said and is able to follow the proceedings. The audience affirmed.

Presiding Judge Kerber mentioned that the court summoned the witness [name redacted] twice. His counsel Mr. Bahns said the first time that the witness had other commitments and the second time, that the witness could not make it to Koblenz. Judge Kerber said the court interpreted the latter statement as a final refusal of the witness to testify in court and therefore summoned Mr. Deußing, the Criminal Chief Inspector of the German Federal Criminal Police Office (BKA) who previously interviewed the witness.

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<sup>1</sup> 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.

<sup>2</sup> No one requested access to Arabic interpretation.

Testimony of Criminal Chief Inspector Deußing<sup>3</sup>

Presiding Judge Kerber said that since Deußing already testified several times in this trial, she will keep the instructions short and only remind him of his duty to tell the truth. She went on to ask him for his personal information and whether he was related to the defendants by blood or marriage. Deußing denied the latter, repeating his personal information and confirming that he can be summoned through his employer's address.

**Judge Kerber's Questioning**

Presiding Judge Kerber explained that she has only a few questions that she would like to clarify before handing it over to Judge Wiedner. Kerber asked Deußing about the last name of the witness, mentioning that he apparently had two last names. Deußing affirmed, explaining that from the witness's passport and the documents which the BKA received from their Swedish counterpart, prior to their own [the BKA's] interview with the witness, indicated that the witness had two last names [name redacted].

Judge Kerber asked Deußing to describe the circumstances that led to the BKA's interview with the witness. Deußing explained that the BKA sent a mutual legal assistance request (MLA) to their Swedish colleagues after they met at an international conference in The Hague. There, the Swedish police said that they interviewed a human rights activist who mentioned the name Anwar Raslan during this interview. Deußing said he forwarded this information to the German Federal Prosecutor General (GBA), asking him to issue a mutual legal assistant request to the Swedish counterparts in order to get the transcripts of their interviews with the witness and the opportunity for the BKA to question the witness as well. The GBA then issued the respective request through a European Investigation Order. Deußing further explained that when he, himself, tried to arrange a date for a witness interview with his colleagues in Sweden, attorney Dr. Kroker approached him, and told him on behalf of his client, the witness, that he would agree to a BKA interview in Germany. Deußing said the witness eventually came to Berlin at the end of August 2018, where he was interviewed by the BKA in their premises. The interview was conducted with the help of an interpreter and lasted around 10 hours. Deußing added, that they had several breaks in between, one of them for around ninety minutes due to technical issues.

Judge Kerber wanted to know whether the witness was informed about his rights and duties. Deußing affirmed.

Kerber asked whether communication between the interpreter and witness worked well. Deußing affirmed, adding that in his interviews, he always asks the interpreter to introduce himself to the witness, so the witness gets to know the interpreter and feels comfortable talking to him.

Kerber said her last question (for now) would be whether everything was re-translated to the witness. Deußing affirmed again, explaining that the re-translation took around ninety minutes and the witness made several changes to the transcript, which indicated that he thoroughly followed the re-translation.

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<sup>3</sup> Note from the Trial Monitor: For the purpose of this report, the witness in court, Criminal Chief Inspector Deußing, will be called by his last name, while the witness who was initially summoned and interviewed by Deußing will be called "witness".

**Judge Wiedner's Questioning**

Judge Wiedner recalled that the witness was interviewed in Berlin and asked Deußing whether the witness was generally willing to cooperate when they were in contact. Deußing explained that he was not in contact with the witness, as his Swedish colleagues arranged everything. Deußing said he was then approached by Dr. Kroker who told him that the witness was willing to come to Berlin. According to Deußing, the witness was willing to testify during their interview, however, he was worried that Anwar Raslan might get to know about his testimony. However, the witness was willing to testify in court as well.

Wiedner wanted to know why the witness did not want to come to Koblenz to testify in court. Deußing said he cannot answer this question, as he was not in contact with the witness after the interview in Berlin. All he could say is that the witness was worried about Raslan knowing about his testimony.

Wiedner wanted to know more about the overall situation of the interview; whether the witness provided detailed descriptions or was rather hesitant. Deußing said regarding the witness's cooperation, he could say that the witness was willing to testify. At the beginning of the interview, the witness's counsel at the time, Dr. Kroker, said that the situation in Syria was still very stressful for the witness and asked Deußing to start, if possible, with questions about the detention in Al-Khatib before talking about the witness's arrest.

Wiedner asked Deußing to tell the court about the content of the witness's testimony. Deußing said he first wants to add that the witness took his time to check the re-translation and made several corrections to his testimony. Regarding the content of the testimony, Deußing said that he called the witness by his second last name, as that was easier. He asked the witness about his personal information: he was born in 1991 in Damascus and studied IT and engineering. The witness worked for UNHCR before the conflict in Syria started. After the conflict started, he worked with "Syrian Youth for Change" where he was responsible for disseminating flyers on the internet and via SMS; informing people about upcoming demonstrations. According to Deußing, the witness first did this work only related to Damascus, then all of Syria. He was arrested in February 2011. Deußing explained that, as Dr. Kroker asked, they detailed his arrest at a later point of the interview. Deußing further added that the witness said that he had family problems after his arrest and detention, due to his activities. According to Deußing, the witness went to Darayya, a region that was not under government control, after he was released. He worked for "Witness" at the time, an NGO collecting information and documentation to be used in future criminal cases. The witness was part of their training program. After that, the witness went to Deir ez-Zor and from there he moved to Turkey in 2013. In 2015, he left Turkey for Sweden, where he successfully applied for asylum. Deußing said the witness was heavily involved in the work of an organization called "Syrian Archive" and through this work, was in contact with Amnesty International and Human Rights Watch. Deußing said that regarding the subject matter of the witness interview, the witness was one of the first victims who was interviewed during the investigations in the case against Anwar Raslan.

Judge Wiedner intervened, asking whether it was correct that the interview took place on [information redacted]. Deußing confirmed, adding that the witness's detention in Al-Khatib started in February 2011 when he was arrested together with friends at a raid and taken to Al-Khatib. Deußing said the witness told him that he had to undress until he was naked and was frisked at his arrival at Al-Khatib. He was then taken to a solitary cell (Deußing did not remember the size of the cell). According to Deußing, nothing happened to the witness during the first days at Al-Khatib.

The guards only threw empty sheets of paper in his cell for him to write down his information. He was taken to interrogation after five days. The witness told Deußing that he was taken to an officer who interrogated him for less than thirty minutes. Deußing recalled that the witness did not understand the purpose of this interrogation as he was not asked any “actual questions.” He was then taken back to his cell. There, again, nothing happened for several days.

Wiedner cited the BKA’s transcript of the witness’s interview during which he told Deußing that he was detained in Al-Khatib for around 58 to 63 days and taken to his first interrogation after approximately one week. The interrogation lasted around twenty minutes. Deußing confirmed the statement.

Deußing mentioned that he sometimes does not understand the judges very well. Judge Wiedner and one of the court officers explained to Deußing how to switch on the loudspeakers at the witness stand and how to coordinate that with his microphone.

Deußing went on to explain that the BKA questioned the witness only about four of his interrogations. However, the witness said that he was interrogated fifty times, always varying in terms of intensity and duration. Deußing explained that they simply did not have the time to go through all the interrogations and wanted to spare the witness unnecessary suffering, so they focused on four interrogations. According to Deußing, the witness’s second interrogation in Al-Khatib took place within the first month after his arrest. The witness told Deußing that the interrogation lasted several hours and was conducted by the same officer as the first interrogation. The witness was able to recognize the officer from his voice. Deußing explained that the second interrogation was very focused, detailing the witness’s participation in the movement “Syrian Youth for Change”, his role, and the names of other members, especially foreigners. Deußing further told the court that the witness “apparently made an ironic comment about the President”, which was the reason why the officer called a guard to “teach him some manners”. The witness said the guard was called Abu Al-Mot [father of death]. The witness could not tell Deußing whether the interrogation officer stayed in the room while he was beaten by Abu Al-Mot. According to Deußing, the witness was first beaten in his face, then forced into a tire and beaten, before enduring *Falaqa* [beatings on the soles of his feet]. Deußing said he cannot remember whether this was after the witness’s first or second interrogation, however, after one of them, he had to stand in the hallway for several hours before he was taken back to his cell. The witness described that his way back to the cell was very painful because his feet were hurting and he could barely walk.

Judge Wiedner said he had one short question regarding the time between the witness’s first and second interrogations. He asked Deußing whether the witness mentioned anything about the capacities and occupation in Al-Khatib at that time. Deußing said the witness mentioned that it got more hectic and later said that he heard people being tortured particularly on Fridays.

Wiedner cited from the BKA’s transcript of the witness interview that the witness described that he was not interrogated for a time period of a few weeks, but less than a month. At some point during this period, it got more hectic in Al-Khatib, the witness assumed that this was when the demonstrations got more intense. People were tortured and interrogated daily. Wiedner concluded that Deußing’s statement confirmed this description.

Wiedner said, based on Deußing’s previous descriptions, he assumed that the witness was blindfolded. Deußing confirmed, adding that he was blindfolded especially during interrogations and on his way to interrogations. He did not have to wear blindfolds in his cell. The witness further told Deußing that there was a small gap in the door of his cell, through which he could see the area in front of his cell.

Deußing explained that during interrogations, the witness was blindfolded most times. However, one time, when he was interrogated by Anwar Raslan, he did not have to wear blindfolds, as he was shown pictures of a girl allegedly affiliated with “Syrian Youth for Change”. The witness was told to identify her, which he could not do.

Judge Wiedner recalled that regarding mistreatment and torture, the witness told the BKA the following: “After they slapped my face, I was beaten on my back three times, before being beaten on my legs. They then squeezed me in a tire, so it was easier for the torturer to torture me. They then beat my feet with some sort of cable. I was blindfolded; however, I could recognize that there were two people. One who held the tire and one who beat me. I cannot say how long this went on. Afterward, I had to stand in the hallway, facing the wall. Everyone who came past me hit me. On my way back to the cell, I fell down several times.”

Wiedner asked Deußing what happened next during the witness interview, whether Deußing showed the witness pictures of certain people. Deußing said they showed the witness pictures of Anwar Raslan. While the witness was not sure whether the person in the first picture was actually Raslan, he identified Raslan on the second picture. Deußing explained that, according to the witness, Raslan was not the one who interrogated him at his first and second interrogation in Al-Khatib, however, he coincidentally met him at another occasion in Al-Khatib. Deußing said he and his colleague then detailed this incident with the witness.

Raslan’s Defense Counsel Böcker intervened, asking whether Deußing showed the witness a picture of Raslan. Deußing confirmed.

Böcker complained that Deußing’s descriptions regarding the identification of Raslan would not entirely be congruent to the transcript of the witness’s interview with the BKA. Böcker asked the judges to allow him to ask a couple of questions on this matter. Presiding Judge Kerber allowed Böcker to ask a few questions.

### **Defense Counsels Questioning**

Raslan’s Defense Counsel Böcker recalled that Deußing mentioned that the witness identified Anwar Raslan. Böcker wanted to know whether Deußing’s statements were based on his memory of the interview or whether he read the transcript of the interview in preparation of his testimony in court.

Presiding Judge Kerber intervened, reminding Böcker that he is only allowed to ask short questions at this point.

Böcker asked Deußing whether the witness definitely identified Anwar Raslan on the pictures or whether there were certain limitations to his identification. Deußing said that he just provided a summary of the witness’s testimony in his own words. He added that, if Böcker wants to know the witness’s exact word in this situation, he had to take a look at the transcript of the interview. Deußing further explained that the transcripts represent the witness’s exact words as they were re-translated during the interview and checked by the witness. The degree of identification would also become apparent from the transcript.

Böcker said he is aware of all that, however, he wanted to know from Deußing whether the witness said something like ‘I think it is him. I am not sure but he looks like him’. Deußing said if that is what the transcript says, then the witness said it like that.



**Judge Wiedner's Questioning**

Judge Wiedner told Böcker that he would have asked these questions in due time. Böcker said he was aware of that. However, he left another statement from Deußing uncommented and could not do that a second time. He added that he feels better now that he asked this question and clarified the matter.

Judge Wiedner cited the BKA's transcript where the witness said that the person in the second picture looked like Anwar Raslan. Deußing confirmed, explaining that the transcript always says exactly what the interpreter said.

Wiedner cited another paragraph from the BKA's transcript where the witness said that he thought that Raslan was the person in the second picture, however, he was not sure and he added that the person in the picture looked like Raslan. The witness further added that the person in this picture had the same birthmark as Raslan. According to the witness, the person in the first picture looked similar to Raslan as well, however, the longer he looked at the picture the more certain he was that the person in the first picture is not Raslan, because Raslan was a bit heavier. Deußing confirmed.

Wiedner wanted to know whether Deußing and his colleagues asked the witness about the situations where he met Raslan before they were talking about the degree of identification. Deußing said they went on to talk about the coincidental encounter between the witness and the person whom he identified as Anwar Raslan. The witness explained that an unknown guard came to his cell and poured water over him. The guard then took him to a hall where he had to stand and wait. From this hall, the witness was able to look into another room. He saw three people in this room, all of them wore suits, the person whom he later identified as Anwar Raslan wore a tie as well. The witness described that this person yelled at him to look down at the floor and asked him for his cell number. When he said that his cell number was No.8, this person yelled at the guard, telling him that he asked for No. 13 and ordered to take No. 8 back to his cell to get No. 13 instead. Deußing recalled that regarding the situation of other detainees, the witness described that he saw this detainee (No. 13, the Iraqi) passing his cell (No. 8) when he was taken to a hall by some guards. These guards then tried to squeeze the person in a tire, however, the person was too thick, so the guards started beating him anyway. Deußing said the witness then never saw this person again.

Wiedner wanted to know more about "the Iraqi" and asked Deußing whether the witness identified other people as well. Deußing said he remembered that the witness identified this person as Iraqi, however, he could not remember why the witness identified him as such.

Wiedner cited from the BKA's transcript of the witness interview, during which, in context of the witness identifying Anwar Raslan as one of the interrogators, the witness described that this person shouted at him to look down at the floor and asked whether he was Iraqi. The witness denied and the person whom he identified as Anwar Raslan (all three wore suits, two of them wore a tie as well) [see context above] asked for his cell number and when the witness said it was No. 8, the person called a guard, yelled at him and told him to get No. 13 instead. Wiedner said that later during the interview, the witness said that he identified a detainee as Iraqi due to his language. Deußing confirmed.

Wiedner wanted to know more about the second situation in which the witness met the person he later identified as Anwar Raslan. Deußing explained that the second situation was no coincidence. He recalled that the witness told him that he was again taken from his cell. However, this interrogation was different. Previously, he was first questioned and then beaten. This time, he was taken to a big hall where he was beaten.

The witness described to the BKA that he had to lay down on his belly and put his legs up. He was then beaten on his feet with an iron stick, studded with nails or other sharp items. According to Deußing, he further described that he was taken to a different room afterward, where he was given a sheet of paper to write down his activities [regarding demonstrations]. The witness told Deußing that he also met a well-known journalist there, however, he forgot his name. The witness further described that he was then taken to a room where the same interrogation officer from his previous interrogations and the person he later identified as Anwar Raslan waited for him and showed him pictures of a girl allegedly affiliated with “Syrian Youth for Change” whom the witness was supposed to identify, however, he said that he could not identify her. Deußing told the court that the witness was then taken to another room where he had to hang from the ceiling for a long time. The witness said that while he hung there, someone burned him with a hot item, probably a cigarette, and he was exposed to electroshocks.

Wiedner wanted to clarify whether the witness told Deußing that he had to endure torture/mistreatment while the person he identified as Raslan was present. Deußing confirmed, adding that after the witness had to hang from the ceiling, he was taken back to the room where Raslan was before, however, he was not there this time, only the previous interrogation officer was there. Deußing said the witness told him that this interrogation officer said that ‘a bird told me that you will sing today’. He then called Abu Al-Mot to make the witness talk, telling Abu Al-Mot that ‘if necessary, make him talk with blood on the walls’. The witness was then beaten with a metal pole until he fell unconscious.

Wiedner wanted to know whether the witness was blindfolded when he saw the person whom he identified as Anwar Raslan, or if he saw him directly. Deußing said that the witness was shown pictures in this situation, so he was not blindfolded. He was told to look down, but he was able to look up once and see the person.

Wiedner cited the BKA’s transcript according to which the witness said that he was once tortured in a hall prior to an interrogation. He was beaten with an iron stick studded with nails and beaten on the soles of his feet with a cable. The witness said that three people were present during this torture, however, Raslan was not one of them. He was then taken to an interrogation and after this incident, taken to the room where he had to hang from the ceiling for several hours at least. The witness said that his hands were swollen from this procedure [*Shabh*]. A person burned his arm with a hot item, probably a cigarette, he had to endure electroshocks, was beaten, and was kept from sleeping, maybe for several days. According to the BKA’s transcript the witness showed Deußing and his colleagues the scar on his arm. Deußing confirmed the statement.

Wiedner asked whether it would be correct that the scar was on the witness’s right elbow. Deußing said that if it is written in the transcript like that, it would be the case.

Wiedner wanted to know whether Deußing remembered if he asked the witness to provide a narrower time frame for his encounter with Raslan. Deußing said he could not remember.

Wiedner recalled that, according to the BKA’s transcript, the witness said that he met Raslan in April 2011, however, he could not provide an exact day. He was interrogated afterward and transferred to another Branch. Deußing confirmed.

Wiedner wanted to know whether the witness said anything else about Anwar Raslan. Deußing recalled that at one point, he asked the witness how he got to know Raslan's name. The witness answered that he did not know his name when he was still in Al-Khatib but found out later. The witness mentioned that a person in Syria was known because he appeared at a demonstration in Douma and later gave a radio interview after he defected. Deußing said the witness told the BKA that he recognized the voice from this radio interview as the voice of the person who interrogated him in Al-Khatib and yelled at him on another occasion. The witness then started to do research on the internet and eventually found Raslan's Facebook profile with his picture.

Wiedner asked what the witness said about the time he first assigned the name Anwar Raslan to the person he knew from Al-Khatib. Wiedner wanted to know whether this was before or after the witness's research. Deußing said as far as he remembered, the first assignment happened after the radio interview, which also was the reason for the witness to start doing more research. The witness also mentioned that he spoke to Anwar Al-Bunni who mentioned that he met Raslan in Germany.

Judge Wiedner cited another paragraph from the BKA's transcript. When the witness was asked about when he first came across the name Anwar Raslan, he said that he heard a radio interview that Raslan gave after his defection. He recognized Raslan's voice as the voice of the person who interrogated him at Branch 251. The witness added that he recognized the voice from its volume and an accent typical for people from Hama. He then searched for his face on the internet. According to the witness, he found him on social media two years after that. The witness further told the BKA that Raslan was introduced as Anwar Abbas Raslan in the radio interview. When the witness was asked about Anwar Al-Bunni, he told the BKA that he spoke with Dr. Kroker and Anwar Al-Bunni about Branch 251. That was when Al-Bunni told him that Raslan is in Germany and that Al-Bunni saw him there. Deußing confirmed the statement.

Wiedner asked Deußing whether the witness also mentioned something about Raslan's position and his rank. Deußing said the witness called him "boss" if he remembered correctly, he called him "boss of investigations". Deußing said the witness explained that the guards and interrogation officers from his first and second interrogation called Raslan "Sir" [sidi/sayyidi]. Deußing further said that the witness told him that the guards saluted in front of the person whom he identified as Anwar Raslan. However, the witness also said that he did not hear that this person (whom he identified as Raslan) gave any orders during his interrogation.

Wiedner went on to ask about the location of the witness's interrogation by the person whom he identified as Raslan. Deußing said, according to the witness, the room was better equipped than the room of his first interrogation. He explained that the room where his first interrogation took place had only one iron table, while the room of the person whom he identified as Raslan, had a bigger table.

Wiedner cited from the BKA's transcript of the witness interview during which the witness explained that the person he later identified as Anwar Raslan was leading the interrogation and had the position of the Head of investigations at Al-Khatib. The witness further mentioned that whenever this person (Raslan) was there, everyone was wearing uniforms, while when he was not there, guards wore "pajamas/sweatsuits." However, the witness added that he did not witness any orders coming from Raslan. He only witnessed him yelling when he got angry at one of the guards and that people called him "Sir" [sidi/sayyidi, سيد]. Deußing again confirmed the statement.

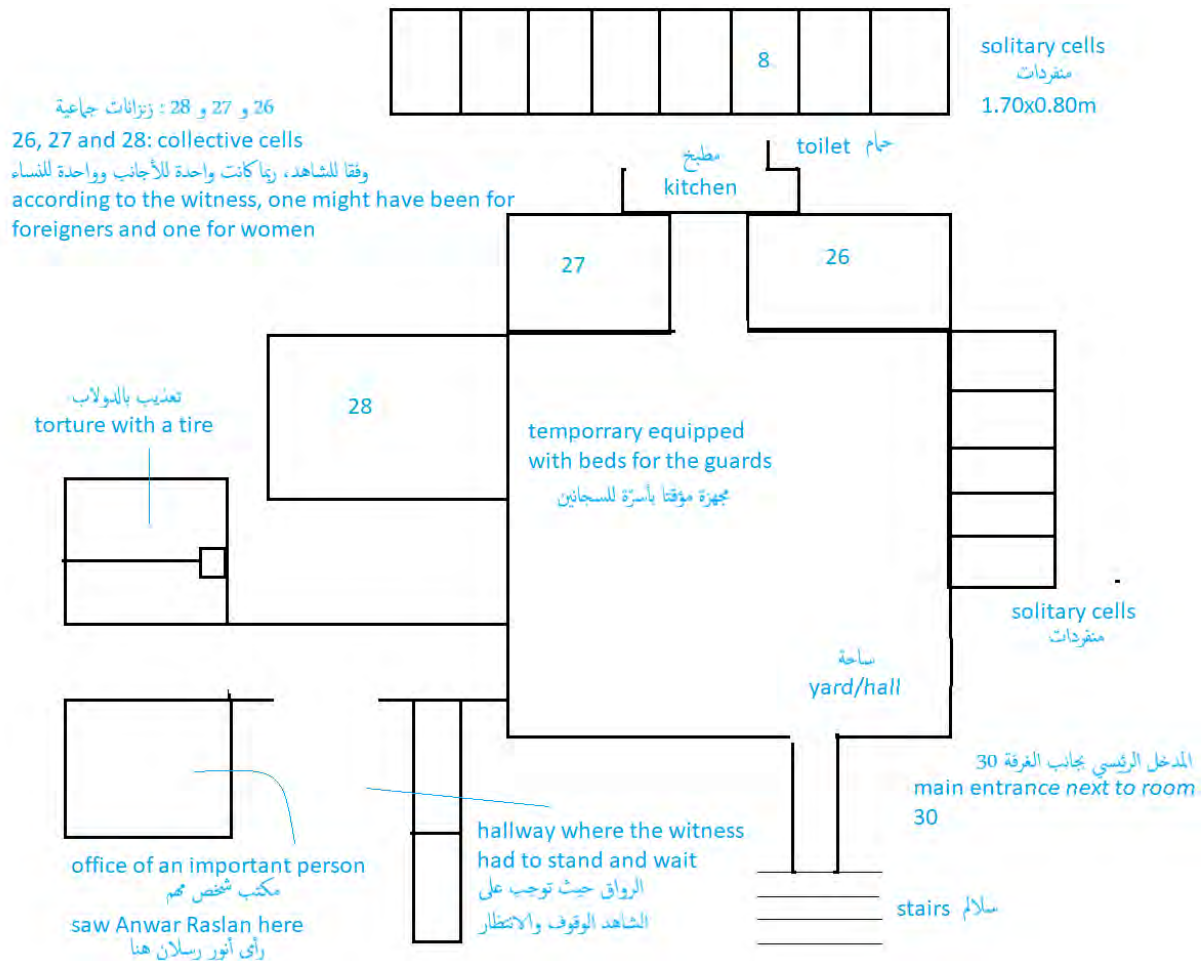
Wiedner wanted to know whether Deußing further questioned the witness about how he knew Raslan's position. Deußing said he could not remember whether he asked any details, if he did ask for details, one could find it in the transcript.

Wiedner went on to ask Deußing about the witness's descriptions of the overall detention situation and mistreatment and torture of other detainees. Deußing said he explicitly asked the witness whether he saw people being mistreated/tortured at Al-Khatib. In answering this question, the witness explained that he could see the area directly in front of his cell through a gap in the door of his cell. That was where he saw 9 to 15 people being tortured. He did not witness further torture, however, he heard screams, especially on Fridays. Deußing recalled that he asked the witness how he could tell that it was Fridays, the witness then explained that there was a certain timeframe during which he was allowed to use the toilet three times. He assumed that this time frame was one day. Deußing summarized that the witness counted the days this way, as his cell was completely dark.

Wiedner cited from the BKA's transcript, according to which the witness explained that he saw a person, "the Iraqi" being tortured by four guards in front of the witness's cell. Amongst others, they used electroshocks, after they poured water over the person. The witness further described that he could only see a hall and kitchen from his cell. He witnessed nine to fifteen people being tortured in this area. The witness also mentioned that he did not see torture in the interrogation rooms, however, he realized a difference in Al-Khatib between the time before the start of big demonstrations and afterward: after the start of big demonstrations, he heard screams from torture several times a day, especially on Fridays and Saturdays. Wiedner said from reading this, he would wonder whether the interrogation rooms were close to the cells or not, since the witness said he could hear screams but not see people being tortured. Deußing said that the witness created a sketch of the underground detention facility during his interview with the BKA. On this occasion, he described that there was some kind of hall in front of his cell. He had to leave this area to get to the interrogation rooms and the room he identified as the office of the person he later identified as Anwar Raslan.

Presiding Judge Kerber said the court will now inspect the sketch that the witness created:

[below is a recreation of the sketch which was shown in court. The recreation is based on what the  
Trial Monitor was able to hear and see in court]



Plaintiff Counsel Bahns intervened, asking for a break to let some fresh air inside the court room.

Judge Wiedner said he had only two short questions before making a break. He first wanted to know how long the witness was detained in Al-Khatib. Deußing said that if he remembered correctly, he was there for around two months.

Wiedner confirmed that, according to the BKA's transcript, the witness was in Al-Khatib for more than two months. Wiedner further wanted to know what happened to the witness after leaving Al-Khatib. Deußing explained that the witness was transferred to Branch 285. The witness said that he also received the "welcoming party" there and was interrogated as well, however without the use of torture. Deußing said that the witness told the BKA that the interrogators at Branch 285 apparently had the results of his very first interrogation and asked respective questions. He was then taken to a court from where he was transferred to Adra prison where he was detained until his release in September or October 2011.

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[15 minute break]

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### Prosecutors' Questioning

Prosecutor Polz wanted to know whether the witness provided details about his cell in Al-Khatib. Deußing said that the witness described the size of the cell, however, he could not remember exactly.



Deußing added that the witness also said that there was no daylight. However, Deußing did not remember whether the witness said that directly or indirectly by talking about the scheduled times to use the toilet.

Polz cited from the BKA's transcript where the witness was asked when his next detention was. He replied that it was less than a month after his first interrogation. However, it was difficult to count the days because it was always dark inside his cell. He was allowed to use the toilet three times during a certain period of time. He assumed that this was per day, so he kept track of time by counting these periods. Deußing confirmed.

#### **Plaintiff Counsels' Questioning**

Plaintiff Counsel Scharmer wanted to know what the witness said about the communication between the person he later identified as Raslan and himself during the interrogation when he had to identify the girl from the pictures. Deußing asked Scharmer to cite from the transcript as he could not remember. Scharmer cited that the witness described that when he had a look at the people around him, Raslan yelled at him, telling him to look at the pictures, otherwise he 'would slam him'. Deußing said these would indeed be the witness's words if the transcript says so.

#### **Judge Kerber's Questioning**

Presiding Judge Kerber said she was not sure whether this was already mentioned, so she wanted to clarify how the witness knew that he was in Al-Khatib. Deußing said he described the location of the building, mentioning its proximity to the red crescent hospital and Baghdad street.

Kerber cited from the BKA's transcript where the witness explained that he was arrested on February 19, 2011 and taken to Baghdad street. He added that the detention facility there would be known as Branch 251, but people would just call it Al-Khatib. He further said that it was close to the red crescent hospital. Deußing confirmed.

Kerber recalled that the witness mentioned a gun during his interview with the Swedish police and asked Deußing whether he and his colleague asked the witness about this incident. Deußing explained that they had a look at the transcript of the Swedish interviews. He added that that the witness's first interview with the Swedish police lasted three hours and the second interview was less than thirty minutes. From these interviews, it seemed as if the witness was threatened with a gun by the person leading one of his interrogations. Deußing said that when he asked the witness about it, he clarified that this incident happened at Branch 285.

Kerber cited the relevant section from the BKA's transcript where the witness was asked about an incident where an interrogator put a gun against his head. The witness clarified that this incident took place at Branch 285, not Branch 251. He added that the interrogator was not Raslan but someone else, whose name he knew, but could not remember.

Judge Kerber said that if none of the parties had further questions about this matter, they would go on to ask Deußing about another issue. She added that none of the parties should mention the name of the witness about whom they would now talk, as the witness was allowed to conceal personal information [[P20 TR#19, day 46](#)].

Judge Wiedner recalled that the witness who testified in Koblenz on November 25, 2020, was shown pictures for identification during her interview with the French police. If he remembered correctly, Raslan's Defense Counsel Böcker had asked to clarify certain aspects, which was the reason why he contacted Deußing. Deußing explained that he had a look at the relevant file and remembered that the BKA found out about the witness's interview with the French police in December 2018.



The BKA then requested a transcript of the interview and asked to hear the witness again, themselves. The French police showed the witness several pictures during their questioning, a total of five pages. However, these pictures were not the pictures that the BKA used to identify Anwar Raslan and Eyad Al-Gharib. That was why the BKA then asked the French police to do another presentation of pictures.

Judge Wiedner said he wanted to clarify the chronological order and recalled that the witness was twice interviewed by the French police and one time by the BKA. Deußing confirmed.

Wiedner wanted to know whether it was correct that the first interview was in 2017 and the witness was not shown any pictures on this occasion. Deußing affirmed.

Wiedner referred to an interview from [information redacted] during which the witness was shown five pages of pictures. He asked Deußing whether it was correct that these were not the BKA's pictures. Deußing confirmed, adding that he contacted his French colleagues after Wiedner approached him with this question. His French colleagues told him on the phone that they presented the witness a sample of pictures of suspects from French investigations.

Wiedner asked whether it was correct that the BKA's selection of pictures was presented [information redacted]. Deußing affirmed, adding that he remembered that it would have been unnecessary for the BKA to travel to Paris only to show the witness their pictures if the French police would have told them earlier that they would conduct a second interview.

Deußing was dismissed as a witness.

Presiding Judge Kerber asked the Parties whether anyone had administrative things to clarify.

Al-Gharib's Defense Counsel Schuster said he already told Judge Wiedner that he would like to submit an application to take evidence, adding that this application would in his opinion not prolong or hinder the proceedings.

Presiding Judge Kerber told Schuster to read out his application.

Schuster explained that he is making an effort to always keep his record complete. As he did not have relevant notes and documents on his record, he asked colleagues for clarification. As they also did not have relevant notes, he decided to submit the following application to take evidence.

[The following is a summary of the application to take evidence, based on what the Trial Monitor was able to hear in court]

*Application to take evidence:*

*Request to partially read out the transcript of Eyad Al-Gharib's asylum-seeking interview with the German Federal Office for Migration (BAMF) to prove the following facts:*

- 1) In answering questions about his former professional activities in Syria, Eyad Al-Gharib described that he worked at the Religion Branch where he received a five-month training and was tasked to collect information from mosques and attend prayers, especially Friday prayers to observe what the Imam was preaching.*
- 2) When asked about his superiors at the Intelligence Service, Al-Gharib said that he was reporting to Kamal Al-Ahmad.*

- 3) *In answering questions about his defection, Al-Gharib explained that he did not want to work an office job and wanted to work at another Branch. He, therefore, started working in Al Zabadani. However, his boss Kamal Al-Ahmad asked him to return, so he stayed at the religion Branch for two more months. Al-Gharib then explained that he then worked at Division 40 starting in June 2011. According to Al-Gharib, Division 40 was only one kilometer from [Bashar] Al-Assad's house.*

*Reasoning:*

*There has been a misunderstanding based on [Klaus Wöllner's testimony on May 18, 2020](#), which needs to be resolved. Witness Wöllner told the court that Al-Gharib went from the Religion Branch directly to Division 40. This is incorrect. The taking of evidence showed that Al-Gharib only wanted to be transferred to al-Aswad. He then only returned to the Religion Branch on Kamal Al-Ahmad's request. Al-Gharib worked for the 'mafiosi-like' Division 40 only after that. It was not Al-Gharib's own instance to work at Division 40, as the Prosecutor claimed. Al-Gharib never said that. Citations from Al-Gharib's asylum-seeking interview were read out to Wöllner, however, he made partially contradictory statements. The Prosecutor concluded from this instance that Al-Gharib voluntarily joined Division 40 because he wanted to do 'something exciting'. This needs to be disproved.*

Presiding Judge Kerber thanked Schuster and asked if any of the parties wanted to make a statement on this.

Prosecutor Klinge said the essential parts of Al-Gharib's asylum-seeking interview were already read out in court by making remonstrations. Everything else would be a matter of evaluating evidence.

Judge Kerber said the judges would examine Schuster's application and make a statement at the next hearing.

Raslan's Defense Counsel Fratzky asked whether he and his colleague Böcker had to be present on February 18. He wanted to know in advance to cancel his hotel booking and save the German treasury some money. Judge Kerber assumed the treasury would be grateful for Fratzky's efforts and explained that it seemed as if the court was able to follow the schedule meaning that Fratzky and Böcker did not have to come on that day.

Al-Gharib's Defense Counsel Schuster asked for permission to talk to his client in the courtroom for five minutes after the hearing was closed. Presiding Judge Kerber asked the court guards for their availability and allowed Schuster to talk to his client.

The proceedings adjourned at 11:20 am.

The next hearing will take place on February 17, 2021.

**TRIAL OF ANWAR RASLAN and EYAD AL-GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 27

Hearing Dates: February 17 & 18, 2021

*CAUTION: Some testimony includes descriptions of torture.*

**Summaries/Highlights:<sup>1</sup>**

**Trial Day 60 – February 17, 2021**

German translations of three documents regarding the Central Crisis Management Cell (CCMC), provided by the Center for International Justice and Accountability (CIJA), were read out in court, and introduced as evidence. The judges then severed the trial.

In the trial against Eyad Al-Gharib, the prosecutors provided their closing statement. They acknowledged the bravery of survivors who testified before the German police and/or in court, despite the threats this posed on them and their loved ones. The prosecutors further concluded that the Syrian government has been conducting a widespread and systematic attack against their own people since 2011. They put Al-Gharib's acts in the context of this attack and concluded that he is guilty of aiding and abetting crimes against humanity (CAH) in form of torture and severe deprivation of liberty according to the German Code of Crimes against International Law (VStGB). Weighing in on the totality of evidence as well as mitigating and aggravating factors, they requested 5.5 years imprisonment.

**Trial Day 61 – February 18, 2021**

Al-Gharib's defense read out their closing statements. After thanking the judges for their "elegant" handling of the trial, they paid respect to all survivors as well as insiders who were willing to testify in court. They then provided two alternative statements. The first one was "hypothetically assuming that their client was found guilty". In this statement, they concluded that Al-Gharib significantly contributed to the prosecution against Raslan and called for a sentence of two years on parole. In their second alternative statement, the defense claimed that Al-Gharib acted under duress, calling for an acquittal.

<sup>1</sup> 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.

Day 60 of Trial – February 17, 2021

The hearing began at 9:40 with 6 media representatives and 13 spectators present.<sup>2</sup> Attorney Mr. Sattelmaier appeared as replacement for Plaintiff Counsel Khubaib Ali Mohammed. Plaintiff counsels Manuel Reiger and Andreas Schulz were not present.<sup>3</sup> One of the court interpreters was excused from the session.

After starting the session, Presiding Judge Kerber announced that the court would grant the prosecutors' request to sever the trial, but first the translations of three documents regarding the CCMC would be read out in court. She added that the translation of one of the documents was already on the case file, as it was part of the German Federal Criminal Police's (BKA) structural investigations. The court interpreter would translate it ad hoc in court to check the existing translation. The two other documents were already translated, and these translations would be read out by the judges.

Judge Wiedner explained that the first document was a facsimile dated April 21, 2011. He read out the translation:

[the following is a recreation of the document based on what the court monitor was able to hear in court]

*Syrian Arab Republic*

*[...]*

*Branch 294 of the Intelligence Services*

*No. 38846/294*

*Date: April 20, 2011*

*Top secret*

*Urgent*

*Circular*

*Letter 378 from April 18, 2011*

*CCMC meeting under the lead of the general secretary of the region regarding the security and political situation. Results:*

- 1. Phase of tolerance is over: The saboteurs relied too heavily on our tolerance and requested too much. They equipped themselves with arms and possess a hostile political disposition.*
- 2. Demonstrators and saboteurs need to be confronted with the following means:*
  - a) no releases and transfers to judicial bodies for detainees*
  - b) use of arms against armed people, however no civilians should be harmed*
  - c) confiscate motorcycles that are used by armed people*
  - d) arrest people without raids*

<sup>2</sup> No one requested access to Arabic interpretation.

<sup>3</sup> Presiding Judge Kerber mentioned that she only was informed about attorney Sattelmaier's appearance yesterday evening. When asked about the names of the plaintiffs that he is supposed to represent, he did not know and added that his appearance was due to an emergency on plaintiff counsel Mohammed's side. Judge Kerber added the names of the relevant plaintiffs and said that Sattelmaier would be the fifth person to substitute for counsel Mohammed.

- e) *regarding demonstrations, especially at mosques: police need to be prepared, if necessary, confrontations shall be conducted, armed forces shall be contacted for support if necessary*
- 3. *high committees regarding planning and conducting need to be formed for: middle region, coastal area. CCMC is responsible for Damascus city and rural Damascus.*
- 4. *the middle region requires special attention.*
- 5. *the party's apparatus has the following tasks:*
  - a) *training of [armed] forces*
  - b) *presence of the party members*
  - c) *constant availability*
  - d) *preparedness for confrontations with demonstrations*
  - e) *surveilling, flagging and arresting people*
  - f) *[...]*
- 6. *labor unions shall make clear that any disobedience will have consequences.*
- 7. *Presidents of the university shall inform their students that they are not allowed to participate in demonstrations, otherwise they will be expelled.*
- 8. *Regarding the role of media: civil and military media shall send their coverage in due course. They shall comment on their footage centrally and be in constant contact with security forces. Criminal and inadequate banners shall be cut from footage. The media shall further develop creative methods for dealing with hostile media. Civilians and saboteurs need to understand that this is a phase where the law has to be applied with all due force.*
- 9. *Special meeting of the CCMC regarding preparation and approach to Friday demonstrations required.*

*Head of the Branches of the Intelligence Services*

*[seal]*

*[signature]/4*

*To: Director of the Intelligence Services for reference  
Deputy director of the Intelligence Services for reference  
Branches for reference and implementation*

Judge Kerber asked the interpreter whether the translation was correct and complete. The interpreter affirmed.

Judge Wiedner went on to read out the German translation of a facsimile dated August 11, 2011.

*[the following is a recreation of the document based on what the court monitor was able to hear in court]*

*Syrian Arab Republic  
Bureau of National Security*

*Secret  
urgent*

*8/8 AQ date: August 6, 2011*

*Director General of the Branches Hama, Homs, Deir ez-Zor and Dar'a*

*Regarding the meeting on August 5, 2011 of the CCMC Damascus on [unreadable] handling the crisis, dangers, insufficient coordination regarding exchange of information, continuation of events and losses.*

*The armed try to compensate for their failures by plundering and terrorizing people.*

*Request:*

*Daily joint campaigns shall be organized. The military and security forces shall participate in all these events and storm the places where saboteurs and murderers meet, and arrest them. They shall particularly arrest those who instigate demonstrations, collaborate with foreign forces and deform Syria's image abroad. [unreadable] cleansing of all sectors.*

*Members of the party and security forces shall be present everywhere.*

*Install a joint committee for every governorate to which the arrested shall be transferred.*

*Arrests shall be carried out particularly meticulously to ensure that all members of the relevant groups are spotted.*

*Daily status reports shall be sent to the Bureau of National Security.*

*The names of members of the security forces who are neglecting their duties and participating in confiscating arms shall be reported periodically.*

*All measures need to be implemented in due course to ensure peace.*

*Signed: Director of the Bureau of National Security*

Presiding Judge Kerber asked the interpreter to check the translation. The interpreter confirmed the correctness.

Judge Kerber said that a third document was already on the case file alongside its German translation, However, the interpreter was asked to translate it ad hoc, in order to confirm the existing translation.

[the following is a recreation of the translation, based on what the court monitor was able to hear in court]

*Ba'ath Party*

*Syrian Arab Republic*

*379 date: April 20, 2011*

*Top secret*

*To be stored by the recipient*

*Meeting minutes of the CCMC from April 20, 2011*

*Director of the Regional Directorate of Political Security Situation*

*Results:*

- 1. Saboteurs improve their methods aimed at terrorizing civilians and destroying their trust in the Syrian state. They plan Friday demonstrations and might try to transfer their protest movement to other cities.*



2. *A new phase has to start to counter this movement. From this day on, it is an open battle that we have to win. The state needs to show its immense power.*
3. *Detailed plans need to be developed to counter possible protests, especially in Dar'a, Damascus city, Homs and rural Damascus. These plans are to be developed immediately by the Bureau of Political Security. The support of the military and armed forces is requested.*
4. *Regional armies and armed forces need to develop plans, based on the scenario that hostile activities might spread to all districts. Respective counter measures need to be enforced and coordinated. According to the changing situation, the plans require regular adjustments.*
5. *Activate military forces.*
6. *Armed forces shall produce reports on the numbers of attacks and killed soldiers. Based on these reports, it is necessary to prosecute the perpetrators and put them on trial.*
7. *Relevant methods shall be applied according to the individual situation, as declared by the joint committee.*
8. *Catch all wanted suspects, amongst them saboteurs, murderers and criminals.*
9. *The security forces shall focus on gaining information and hunting down criminals with the aim to deliver concrete results.*
10. *Dead people shall be buried without any gatherings. Families have to commit to this practice before the corpse is handed over to them.*
11. *The CCMC shall hold daily meetings.*
12. *Students who participate in demonstrations shall be un-enrolled.*
13. *The use of motorcycles is prohibited, according to an order by the Minister of Interior.*
14. *No.8 stresses the importance of media to assist the military and the administration, according to an order by the Minister of Interior.*
15. *General resolutions shall be handed to the high steering committee and the committee in Dar'a.*
16. *In accordance with a resolution by the Minister of Defense, the Minister of Interior has to be supported with any means.*
17. *The deputy regional secretaries shall coordinate the role of the party according to the overall plan and deliver reports.*
18. *We have to respect the request of the people who wish for an intervention by the state in order to win the battle that is fought against them. They and their children shall live in peace.*
19. *The people's committee shall be suspended.*

*Signed: Deputy Regional Secretary*

Once the interpreter finished his translation and the judges confirmed the correctness of the already existing translation, Presiding Judge Kerber said that two submissions were currently pending before the judges. She explained that one requested the severance of the trial, the other requested the introduction of additional evidence. Since the second request would only relate to Al-Gharib's case, the judges would first deal with the request to sever the trial. None of the parties had any comments on the prosecutors' request to sever the trial, so Judge Kerber read the judges' order regarding this request:

[the following is a summary of the court's order, based on what the trial monitor was able to hear in court]

Court Order:

*The trial against defendant Eyad Al-Gharib will be severed in accordance with §13 (3) StPO. The trial will continue under court's file number 1 StE 3/21. The file number for the trial against Raslan will stay the same as before (1 StE 9/19).*

Reasons:

*The severance of the trial is functional, since the case against Al-Gharib is ready to be decided while the case against Raslan requires further taking of evidence.*

Presiding Judge Kerber announced that the trial against Raslan will pause until Wednesday March 10, 2020. She further explained that there will be a short break in the trial against Al-Gharib to allow Raslan and his defense team to leave and to make relevant changes in the courtroom.

The proceedings in Anwar Raslan's case adjourned at 10:40 am.

The next hearing in his case will take place on March 10, 2021.

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[15 minute break]

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As the Plaintiff Counsels stayed in their seats, Judge Kerber explained that there would actually be no plaintiffs in the trial against Al-Gharib, however, to prevent further disruption, the counsels would be allowed to stay.

Judge Kerber went on to address the defense's request to take additional evidence and read out the following court order:

[the following is a summary of the court's order, based on what the trial monitor was able to hear in court]

Court Order:

*Defense Counsel Schuster's request dated February 2, 2021 to read out parts of the minutes of Al-Gharib's interview with the German asylum authority (BAMF) to prove the following facts:*

- 1. Al-Gharib first worked for the "religion" Branch of the Syrian Intelligence Services where he received a five month training on how to surveil religious meetings and events and gain relevant information.*
- 2. In this capacity, he was subordinate and had to report to the head of the Branch, Kamal Al-Ahmad.*
- 3. On the reasons for leaving the "religion" Branch, Al-Gharib told the BAMF that he did not like the office-job, so he started working in Al Zabadani. After five months, his former boss, Kamal Al-Ahmad, asked him to return to the "religion" Branch where Al-Gharib stayed for two more months. He was then transferred to the dangerous and mafiosi-like Division 40 where he worked from June 2011 until his defection in 2012.*

*Schuster's request is denied, as the facts that were supposed to be proven, are already proven.*

Reasons:

*The court already heard the BAMF employees Mr. Wöllner and the interpreter, both were present during Al-Gharib's interview with the BAMF. Several parts of the interview's minutes were read out to Mr. Wöllner who confirmed the correctness of the minutes. He further testified on the overall content and context. For these reasons, there is no doubt regarding the abovementioned facts.*

Al-Gharib's Defense Counsel Schuster thanked the judges and apologized for his "apparently incomplete transcripts."

Presiding Judge Kerber went on to explain that the judges would now read out an excerpt of Al-Gharib's register with the German Ministry of Justice (BMJV) [his criminal register] from 2019.

Judge Wiedner explained that the German Federal Criminal Police (BKA) requested information about Al-Gharib from the Ministry of Justice (criminal history). This information was provided on September 30, 2019:

[the following is a recreation of the register entry, based on what the trial monitor was able to hear in court]

*Information regarding Eyad Alghareib [Al-Gharib]*

*Born in Damascus, Syria on May 25, 1976*

*Note: The office has differing information regarding the name of the abovementioned person. To ensure uniformity, the name will be spelled as written above.*

*Number of register entries: 1*

*Date: July 24, 2018 District Court [AG] Hermeskeil*

*Legally binding since September 1, 2018*

*Matter: Bodily injury on May 26, 2018 according to §§[223 \(1\)](#), [231 \(1\)](#) StGB*

*Sentence: 20 day-rates per 5€ each*

Presiding Judge Kerber said that according to the prosecutor's office in Trier, the fees were paid. She added that the matter would say "have been dealt with".

Judge Kerber went on to explain that the interpreters also acted as experts from time to time and asked if either defense or prosecutors had request to put them under oath. None of the parties had any request or additional submissions. Presiding Judge Kerber therefore declared the taking of evidence in the trial against Eyad Al-Gharib to be completed and ordered a short break before the prosecutors would deliver their closing statement.

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[15 minute break]

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[Below is a summary of the prosecutors' oral closing statement, based on what the trial monitor was able to hear in court. Direct quotes are marked with "" and additional observations are put in square brackets]

The prosecutors first referred to the overall context in Syria:

*They opened their closing statement by saying that ever since the start of the Arab Spring, the Syrian government has been using massive violence against the civilian democratic opposition. This eventually led to an armed conflict that is still ongoing today. [Garance Le Caisne described the situation in Syria](#) “very adequately” by calling the country, ‘a land of the absent’. The prosecutors further noted that, however, not only armed non-state groups are committing crimes in this conflict. The “regime’s<sup>4</sup> will for self-preservation caused countless civilian victims and refugees.”*

*According to the prosecutors, Germany is investigating crimes committed in the context of the Syrian conflict since 2012. Nonetheless, this trial would not be one of many. It would be the first trial worldwide where employees of Bashar Al-Assad’s Intelligence Service stand accused.*

Criminal Acts and Special Remarks:

*The prosecutors further stressed that the defendant in this trial, Eyad Al-Gharib was not accused in representation of the entire regime. However, his alleged crimes could not be looked at without putting them in the context of the systematic and widespread attack of the Syrian regime against its own population.*

*The prosecutors added that “this regime is still very much in power today,” a fact that distinguishes this trial from the Nuremberg trials and the trials at the ICTY and ICTR. The effects of “the regime’s poisoned breath” were visible throughout this trial, considering scared witnesses. The prosecutors recalled many of them explaining how their families in Syria were threatened and that they were only willing to testify when anonymized. Nonetheless, the terror in Syria did not prevent the “hero” Caesar from smuggling thousands of pictures of corpses outside of Syria and unveiling how the regime tortures, kills and documents detainees. According to the prosecutors, the terror in Syria also did not prevent the victims from telling the world about their suffering. She added that it was only thanks to the courage of these people that the regime is not safe [Presiding Judge Kerber nodded acknowledging]. This trial, as the prosecutors explained, was only taking place in Koblenz because there is impunity for such crimes in Syria. The prosecutors therefore paid special gratitude to these witnesses; they “deserve our highest respect and acknowledgment.”*

*This trial has shown that unimaginable crimes can effectively be tried under universal jurisdiction, as the prosecutors further explained. In line with a [recent decision by the German Federal Court of Justice \(BGH\)](#) [January 28, 2021, 3 StR 564/19]<sup>5</sup> the prosecutors wanted to stress that “Germany was not, is not and will never be a safe haven for perpetrators of international crimes”. They added that this trial would not be the last of its kind, “Koblenz is only the beginning.” And concluded that there would be no limitation for crimes under international law.*

*According to the prosecutors, the trial did not show any facts that would significantly differ from the indictment. Prosecutor Polz explained that throughout the prosecutors’ closing statement, witnesses who were allowed to conceal personal information during the main trial would be named according to the trial day on which they testified [SJAC will use the respective codes from previous reports].*

<sup>4</sup> Note from the Trial Monitor: The prosecutors always use the term “regime” instead of “government”. They also stuck to this practice throughout their final statement.

<sup>5</sup> Note from the Trial Monitor: In this decision the German Federal Court of Justice found that functional immunities (at least for mid- and low-level perpetrators) are not applicable to core international crimes.

*The prosecutors wanted to thank the Defense Counsels in particular. They defended their client with innovative ideas but never tried to re-traumatize witnesses by pressuring them or asking intimidating questions. According to the prosecutors, this was, “unfortunately, not always a matter of course.”*

*Subject Matter of the Trial:*

*The prosecutors went on to recall the very beginning of the revolution in 2011 in Dar’a, when the Syrian regime used massive violence causing many wounded and two dead. Live ammunition was used to target civilians and state-led violence was not only used from an early stage to prevent and dissolve demonstrations but to surveil and control civilians. Starting in Dara’a in April 2011, social restrictions were imposed, food was restricted, and hospitals were under surveillance. According to the prosecutors, the latter led to the setup of underground hospitals where wounded protesters received only insufficient medical treatment. The prosecutors further recalled how the flow of information was severely restricted and all [restrictive] measures were extended to other cities as well. The regime steadily increased violence. In April 2011, the CCMC gave the direct order that ‘the phase of tolerance is over’. The prosecutors recalled that following this order, military forces used deadly violence, however, even more strict measures were requested: security forces used tear gas and batons against protesters; people were forcibly displaced in prisons where they were massively tortured, humiliated, and abused.*

*The prosecutors went on by saying that detainees have been tortured in Syrian prisons already before [the revolution], however, since 2011 the quantity as well as quality of torture in Syrian prisons dramatically changed. Torture and inhumane detention condition were trivial. “To seek revenge and to suffocate” the movement from the beginning, the Syrian regime used physical and mental torture. Death rates significantly increased in detention facilities and military hospitals became a place of torture and killings. Regarding hospitals, the prosecutors referred to the situation in Al-Mazzeah, Tishreen and Harasta hospitals that became places where corpses were stored and registered before they were “disposed” in mass graves. Meticulous documentation of dead detainees was used as proof that these people were actually dead.*

*The prosecutors described the structure of the Intelligence Services in Syria, saying that it consists of the General Intelligence Directorate, The Military Intelligence Directorate, The Air Force Intelligence and the Political Security. All of them are further divided into Branches. According to the prosecutors, the central Branch in the present trial was Branch 251, also known as Al-Khatib, due to its well-known location in Damascus. This Branch oversaw Damascus, mostly related to arrests and checkpoints. It was supported by Division 40.*

*This subdivision was led by Hafez Makhoul, a cousin of Bashar Al-Assad, and “thanks to him it had a special position”, as the prosecutors further described. It was known as “clearing and punching squad”. Division 40 had its own detention facilities, however, people usually stayed there only for a very short time, before they were transferred to another Branch, usually Branch 251. The prosecutors described that people were already maltreated in Division 40 and employees of that division were selected carefully. They had to undergo a multilevel selection process, creating an “elitist circle”. Division 40 conducted “sudden arrests” at peaceful demonstrations and “started the hunt” on people fleeing the demonstrations.*

*According to the prosecutors, one had to bear in mind that no one was told why he was arrested or where he was brought. None of the arrested people were informed about their rights or presented to a judge. They further had no counsel, and no one was informed about their arrest or their whereabouts.*



*Regarding the treatment of detainees at Branch 251, the prosecutors described the following: Upon arrival at Branch 251, detainees received a so-called “welcoming party” during which they were beaten in a “wild and unleashed” manner. This procedure usually started in the yard or the way inside the building. Many times, detainees had to go through an “espalier of brutality” the moment they left the van that brought them there. It is reported that between July and September 2011, detainees were beaten on their heads with iron poles during this procedure. Once the detainees entered the building, they had to strip naked in the basement and were frisked. After that, they got their clothes back and were taken to their cell.*

*The prosecutors further recalled the massive violence which was used as means of revenge during interrogations. In general, interrogations were conducted without any specific purpose. Usually, one guard was present during interrogations and humiliated and maltreated detainees. According to the prosecutors, this included: electroshocks, beatings in the face, [Falaqua](#), [Doulab](#), [German chair](#), [Shabh](#), as well as threats and acts of sexual violence. The prosecutors concluded that detention conditions at Branch 251 were inhumane and degrading. Detainees did not receive any medical treatment. Cells were overcrowded and detainees did not have the chance to sit down, either sleeping while standing or sleeping in shifts. Food at the Branch was also insufficient, the hygienic situation was disastrous. Detainees were exposed to constant screams from torture of other detainees, many people simply lost their mind. Between April 29, 2011 and January 2012, hundreds to thousands of people were detained in Branch 251. They lived in constant fear for their lives. This fear was even worse than the physical torture. The prosecutors concluded that mere detention in Branch 251 qualified as torture.*

#### *Al-Gharib’s Criminal Contribution:*

*The prosecutors went on to describe the Accused’s work history: At the age of 20, Al-Gharib joined the General Intelligence Directorate as physical instructor. Since February 2010, he was a member of Branch 251. He first worked in the “Religion” Branch, in the building of Branch 251 before he worked in Al Zabadani for around one month, starting in June 2011. Because the office-job “was not really his thing” and because his superiors were apparently “perfectly satisfied” with his work, he started working at Division 40. By this time, the repression by the regime was already underway and Al-Gharib knew what the division led by Hafez Makhoulf was doing. The prosecutors found that he himself was directly involved in at least one incident at the mosque in Duma in September or October 2011. 3,000 – 6,000 people were peacefully protesting with around 250 members of Division 40 present when Hafez Makhoulf opened fire on the demonstrators from a car and gave the order to shoot at everyone; if one loves the president. The prosecutors explained that at least three people died right away, two were deadly wounded. Al-Gharib and his colleagues were told to catch the people who were fleeing and when they “opened the hunt” they arrested at least 30 people. According to the prosecutors, Al-Gharib and his colleagues forcibly put these people in buses and took them to Branch 251. He was on the bus where his colleagues beat up the detainees. At Branch 251, the detainees received the ‘welcoming party’; 30 civilian victims were gravely mistreated as a consequence. The prosecutors concluded Al-Gharib knew and recklessly accepted that these people were systematically tortured. Al-Gharib knew that the Branch was a mechanism to intimidate the people. He was aware of that and accepted it.*

*However, the prosecutors stressed that Anwar Raslan was the one accused of overseeing and ordering torture at Branch 251. The evidence available for Al-Gharib on the other hand could only prove his involvement in one crime on a single day in September or October 2011. The case against Al-Gharib was a mere snapshot, according to the prosecutors. Nonetheless, in evaluating the evidence in his case, one must also examine the evidence that proves a widespread and systematic attack against the civilian population, as the prosecutors further explained. The prosecutors described that this attack was carried out on the streets as well as in the basement of Branch 251.*



*According to the prosecutors, in determining Al-Gharib's criminal responsibility, one must only look at the evidence against him and ignore everything else.*

*The prosecutors further recalled how the past 60 days of the trial "clearly" showed that at least since April 2011, the Syrian regime has been conducting a widespread and systematic attack "against actual and alleged members of the opposition." The prosecutors referred to several experts such as [Ms. Thurmman](#), [Mazen Darwish](#), [Anwar Al-Bunni \(P2\)](#), [Christopher Engels](#), numerous witnesses as well as the [Human Rights Watch \(HRW\) report "We've never seen such horror"](#) who confirmed that [attack against actual and alleged opposition members]. According to the prosecutors, the attack started on April 29, 2011 latest, when the CCMC orders from April 20, 2011 were already carried out. 200 people who died in Dara'a shortly after this date, would prove the execution of this plan.*

*Regarding the existence and tasks of the CCMC, the prosecutors referred to testimonies from [Mazen Darwish](#), [Anwar Al-Bunni \(P2\)](#), [P10](#) and [Christopher Engels](#). The minutes of a CCMC meeting dated April 20, 2011 would also provide further information about discussions during meetings of the CCMC. The wording of this minutes as well as the other two CCMC documents that were just read out in court would "cause one to shiver", as prosecutors Polz recalled. Witness [name redacted] testimony, that was [introduced by Criminal Chief Inspector \(CCI\) Deußing](#) as well as [P16's testimony](#) would also confirm the execution of the CCMC's plans. The prosecutor referred to [name redacted] statement when he called the situation an "orgy of violence" and when [P16 testified](#) about her arrest on trial day 34, she mentioned that continuous assaults and screams were "normal" at Branch 251. The prosecutors concluded that overall, the CCMC's instructions were "carried out properly" and the "hunt against the opposition was started".*

*Regarding the role of the Intelligence Services in the widespread and systematic attack, the prosecutors recalled the testimonies of several witnesses: [Ms. Thurmman](#), [Christopher Engels](#), [Riad Saif](#), [Mazen Darwish](#), [Anwar Al-Bunni \(P2\)](#), [P10](#), [P3](#) and [CCI Deußing](#). The special function of Branch 251 was described by [CCI Deußing](#) and [Al-Gharib's own statements with the BAMF and BKA](#). Explanations regarding Division 40 were provided to the court by [P21](#), [P5](#), [P20](#), [P24](#), [P16](#) and the defendant himself during his [hearings with the BAMF and BKA](#). According to [P5](#), only those in excellent physical and mental shape, with relevant professional references who were unconditionally loyal were selected to work at Division 40, as the prosecutors recalled. [P5](#) did not make it to Division 40. The prosecutors concluded that Al-Gharib was apparently even better suited than him.*

*According to the prosecutors, there could be no doubt that the Syrian regime has been conducting a widespread and systematic attack against the opposition civilian population. The [German Federal Court of Justice has already confirmed that](#) previously. Regarding killings of civilians by the regime, the prosecutors mentioned that this was confirmed in court by [Ms. Thurmman](#), the [HRW report](#), [Mazen Darwish](#), [P15](#) and [P19](#). The prosecutors added that "industrial scope" of these killings was impressively proven by the Caesar files and the analyzes thereof provided by [Prof. Dr. Rothschild](#), [CCI Deußing](#) and [Garnace Le Caisne](#). CCI Deußing explained in his analysis of the Caesar files that the corpses were "carelessly and disrespectfully thrown" thrown in some backyard, "without any protection against the sun and scavengers". This practice was commonly used at least since May 2011, according to [Deußing and Le Caisne](#). The latter confirmed this by recalling Caesar's biography.*

*The prosecutors regretted the court being unable to hear Caesar or Sami. Nonetheless, one could say that with this trial, the two of them finally achieved their goal, as prosecutor Polz concluded. The "apocalyptic extent" of crimes against humanity committed by the Syrian regime would be proven through these files. According to the prosecutors, there would be no doubt about the authenticity off the photos. According to [Prof. Dr. Rothschild](#), 6,627 out of 20,948 photos showed signs of massive violence.*

The prosecutors found people were systematically mistreated and medical treatment was obviously not provided. Based on these photos, a natural cause of death was precluded. Between 2011 and 2013, at least 6,627 people were “brutally murdered” and taken to the hospitals Al-Mazzeah and Tishreen. The prosecutors recalled how [P23](#) and the defendant Al-Gharib himself spoke about people being killed and detainees that died during the ‘welcoming party’. [P3](#) and [P14](#) confirmed as insiders that detainees were “hastily buried” in mass graves. [P3](#) further explained that two mass graves were dug up exclusively to bury the corpses from the General Intelligence Directorate. [Z300719](#) also confirmed the existence of mass graves. These testimonies were corroborated by [Criminal Inspector Knappmann on trial day 54](#), according to the prosecutors. Knappmann presented and analyzed open-source satellite images which showed mass graves close to Damascus. On one image, one could even identify an excavator used to dig the graves. Although these images are dated 2014 and later, it would not be surprising that there are no images particularly from 2011 for two reasons: First, in 2011 mass graves were not yet needed on such a large scale. Second, there would only be limited availability of such images, that further only show one particular area. The prosecutors further found the existence of mass graves was also mentioned in the [HRW report](#).

The targeted and large-scale killings of oppositionists would therefore be part of a systematic and widespread attack by the Syrian regime.

[Prosecutor Polz requested a short break for the interpreters and to open the windows.]

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[15 minutes break]

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[Prosecutor Polz continued reading out the statement.]

### Torture and deprivation of liberty

The prosecutors recalled that throughout the trial, many witnesses testified about torture and the inhumane conditions at Branch 251. On [days 16 and 17](#), for example, an insider testified amongst others about “welcoming parties” at Branch 251. Defendant Al-Gharib himself told the BAMF in May 2018 that detainees were beaten on their heads. When he was questioned by the BKA, he provided even more detailed descriptions, explaining that detainees were beaten with metal poles. Al-Gharib himself said that the screams of torture even reached the cafeteria at Branch 251.

The prosecutors further said that many former detainees and victims testified about torture. However, these testimonies would only be a glimpse of what has been going on and is practiced until today. [P1](#), [P16](#), [P23](#), [P11](#) and [P26](#) all described the setup of Branch 251 coherently as well as its location, that was also known among the public, due to its location in the well-known district Al-Khatib. Further, all the witnesses described the underground prisons at Branch 251. On [day 34](#), [P16](#) also explained that there were no legal proceedings to examine the rightfulness of detentions and family members were never informed about their loved ones being arrested and detained. The prosecutors mentioned that they would have liked to ask [name redacted] - whose testimony was [introduced by CCI Hörl \[day 57\]](#) - about how exactly he was arrested when he voluntarily followed a summons of Division 40. However, he was not willing to testify in court due to serious concerns about his and his family’s safety. Nonetheless, testimonies about constant torture and inhumane and degrading conditions at Branch 251 were corroborated by many other testimonies, according to the prosecutors: [P1](#) described his own arrest and detention, how he had to endure the infamous “welcoming party” before he was taken to overcrowded collective cells and tiny solitary cells. He further testified about the inedible food and how guards put a baton in his anus.

[P11](#) confirmed this image by testifying about what he himself as well as his inmates had to endure. [P12's](#) testimony about detainees being blindfolded, forced to sleep in shifts and not being able to tell night from day due to constant light in the cells, further corroborated these accounts. The experiences of [P16](#) and [name redacted] [\[day 57\]](#) were also the same.

The prosecutors recalled [P23](#) further telling the court how the 10<sup>th</sup> division of the General Intelligence Directorate was responsible for bomb attacks and how they knocked out people's teeth. According to the prosecutors, all witnesses spoke of "torture minions" at Branch 251 from their own experience as well as what they saw on other detainees. A lack of medical treatment at Branch 251 was also described by all witnesses. When detainees were transferred to a hospital "it was not an act of charity", as the prosecutors concluded. The prosecutors found that the only aim was to "finish" the 'patients' – "if one would call them patients at all". The prosecutors further recalled that the only reason one of the witnesses made it out of the hospital was because his condition was bad enough so that it could be used as a warning to others, when he was thrown on the streets and left to die. [P26's testimony](#) also corroborated these accounts regarding medical treatment.

Regarding the credibility of witness testimonies, the prosecutors mentioned that usually, the credibility of every testimony must be assessed individually. However, in this trial there would not have been a single sign that any of the witnesses did not say the truth or tried to falsely accuse the defendant. Every single detail of the testimonies was coherent. According to the prosecutors, certain difficulties remembering particular instances were only due to the natural refusal to relive these memories. One could see the horror on every witness's face. The prosecutors found that "these people survived Branch 251; they were not rescued." Nonetheless, there would have been no exaggerations, and all testimonies were corroborated by other evidence.

The prosecutors went on to recall [day 2 of the trial](#) when CCI Deußing spoke about torture being a common practice in Syrian prisons since at least 1976 and confirmed that during the structural investigation that his office has been conducting regarding crimes committed in the Syrian conflict, all witnesses provided the same description of torture, particularly Falaqa being a prominent method used at Branch 251. The so-called Caesar Files and particularly the forensic analysis thereof provided by [Prof. Dr. Rothschild](#) would be further proof of torture at Branch 251, according to the prosecutors. The prosecutors stressed that this forensic analysis found recurring common findings regarding systematic torture used by all Branches. Rothschild mentioned that it looks like "every employee has a standardized kit of torture tools". He further put his and his colleagues' findings in relation to witness testimonies and confirmed the plausibility thereof. General descriptions of torture used by the Syrian intelligence Services were also provided by [Mazen Darwish](#) and [Anwar Al-Bunni \(P2\)](#). The latter received the human rights award from the German Association of Judges and the German-French human rights award, as the prosecutors mentioned. Al-Bunni provided insights in his own experience as well as those of his clients and mentioned the "incredible number" of 73 years as the sum of all the years that he and his family had to spend in prison. The [HRW report](#) also described unlawful displacement and several instances of sexual violence by the Syrian Intelligence Services. The prosecutors concluded by saying there were absolutely no doubts about this additional evidence. The totality of evidence would "sadly" prove the existence of "a torture machinery of industrial dimension".

The prosecutors recalled defendant Al-Gharib himself describing on different occasions that he worked for the Intelligence Services for more than 16 years. According to the prosecutors, however, he did not really like his office job, it was "not his thing", so he started working at the "religion" Branch before he joined the "mafiosi-like" Division 40. The prosecutors found Al-Gharib's relevant descriptions at the migration office to be plausible. These descriptions were further detailed during his questioning by the BKA. Regarding the admissibility of these statement, the prosecutors referred to their [statement from June 3, 2020](#).

*On August 16, 2018, Al-Gharib was questioned by Criminal Chief Inspector Deußing and Higher Criminal Inspector Frey. The prosecutors explained that both were heard as witnesses in court since the defendant decided to stay silent. Both confirmed Al-Gharib's version of not liking the office job and then joining the "religion" Branch. They also confirmed him saying that he was involved in an incident with at least 30 civilian victims. According to the prosecutors, there was no reason to doubt these descriptions made by Al-Gharib to the BKA. They would present a continuation of and additional details to his previous statements with the BAMF. The prosecutors further found there were no issues with the interpreter and the minutes of the police questioning were re-translated to Al-Gharib. The admissibility of these statements would further be supported by a [decision from the German Federal Court of Justice](#) to uphold Al-Gharib's arrest warrant, as the prosecutors concluded.*

*Regarding Al-Gharib's professional path with the Intelligence Services, the prosecutors referred to the testimony of Al-Gharib's cousin [P6](#). In addition, [P3's](#) testimony would also leave no doubt about the correctness of Al-Gharib's own descriptions. The prosecutors concluded by saying that [Al-Gharib's military ID card shown in court on trial day 56](#) further confirmed his employment at the General Intelligence Directorate.*

*In sum, the prosecutors found that Eyad Al-Gharib voluntarily joined Division 40, the "catching squad of Branch 251", at a time when the regime took massive action against demonstrators and oppositionists. He joined the division because "he was bored" at his previous job at a time when the repression by the regime was already well under way. According to the prosecutors, Al-Gharib knew this from his work surveilling mosques and religious events and he knew about the kind of work at Division 40 from his own year-long employment at the General Intelligence Directorate. He was aware of the systematic and massive torture. He also did not care about people dying from torture and violence. His only wish was "to do something exciting".*

Prosecutor Polz requested a break before continuing with the legal evaluation.

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[65 minute lunch break]

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### Legal Evaluation

*The prosecutors started the legal evaluation of the abovementioned findings by explaining that the trial was a trial under so-called universal jurisdiction, as provided under [§1 VStGB](#). As the requirements of this article would be met, the prosecutors found the court to have jurisdiction over this case. The prosecutors went on to recall the indictment which detailed that the Syrian regime from April 29, 2011 latest started a widespread and systematic attack against the civilian population. As set out in [§7\(1\) VStGB](#), such an attack could be committed against any civilian population. The necessary requirements would be the widespread or systematic character of the attack. According to the prosecutors, the requirement of "widespread" would be the quantitative component and measured in number of victims as well as the size of the territory where the attack is committed. The "systematic" requirement would be the qualitative component and measured by a certain degree of organization.*

*Regarding the concrete situation in Syria, the prosecutors found the regime targeted actual and alleged oppositionists, persecuting, and intimidating them. The Intelligence Services played a central role in this. At least since April 29, 2011, when more than 200 people died at a demonstration in Dar'a one could say that the regime's targeting of oppositionists qualified as a widespread and systematic attack. The regime started to persecute alleged and actual members of the opposition across its state territory, causing a high number of victims.*



*Until September or October 2011, hundreds to thousands of people died through the Intelligence Services. The prosecutors therefore found the requirements of [§7\(1\) VStGB](#), the existence of a widespread and systematic attack, to be met.*

*The prosecutors went on to explain that Al-Gharib was accused of aiding and abetting crimes against humanity under [§7\(1\) Nr. 5 VStGB](#), meaning torture. According to the prosecutors, international jurisprudence details the duration and consequences of acts to qualify as torture. According to this jurisprudence, various acts qualify as torture: pulling of teeth, rape, beatings, pouring acid over someone's body, dunking someone under water, suffocation, forcibly administering psychotropics and psychological violence. It would thereby not be relevant if lasting damage was caused. The prosecutors concluded that evidence in the present trial proved that it had consequences to oppose the regime. There could be no disagreement that these "awful" acts qualify as torture. In accordance with [jurisprudence from the ECtHR](#), the mere fear of torture, from a certain degree on, can also qualify as torture itself. In light of this, the prosecutors found there would be no doubt that during the entire time that the trial deals with – April 2011 until January 2012 – the mere stay at Branch 251 would be torture. This would be supported by numerous witnesses' testimonies. The hygienic conditions at the Branch also contributed to this fact. People further lost their sense of time as the light was either constantly switched on or detainees had to sit in the dark all the time. Detainees were afraid to talk to each other because they were afraid of spies being amongst them. This was a mere demonstration of power by the General Intelligence Directorate. Female detainees were sexually harassed and threatened to be raped. Referring to several witness testimonies, the prosecutors concluded the guards at Branch 251 wanted to break the detainees. One survivor told the court that "to die became a wish". Others described the psychological consequences of psychological torture at Branch 251. One could assume that these consequences are even worse than physical injuries, as the latter heal over time. In sum, the prosecutors found Branch 251 to be a "perfectly running torture machine" and from April 2011 on, the mere stay at the Branch qualified as torture.*

*The prosecutors went on to explain that the defendant was further accused of aiding and abetting severe deprivation of liberty according to [§7\(1\) Nr.9 VStGB](#), adding that deprivation of liberty is legally qualified as "severe" when it is a particularly long period of time or a very drastic measure. Although this usually must be determined on a case-by-case basis, the prosecutors found in the present case, one could say that the treatment of detainees in Branch 251 was severe. They based this finding on "coherent testimonies describing violence, a lack of judicial remedies, no information about one's rights, no information of the relatives about a person's whereabouts; detainees simply disappeared." The brutal measures used during interrogations in the Branch would further qualify as severe human rights violations. For these reasons, the prosecutors found detentions at Branch 251 to qualify as severe deprivation of liberty.*

*Regarding Al-Gharib's contribution to these crimes as an aider and abettor according to [§27 StGB](#), the prosecutors stressed that there were no indicators to believe that the arrest of thirty civilians in which Al-Gharib was involved in September or October 2011, was lawful.*

*Although the defense team introduced the defense of duress in an "innovative way," the relevant requirements of [§35 StGB](#) are not met, according to the prosecutors. They recalled that ever since the Nuremberg Trials, no trial regarding international crimes was conducted without dealing with duress as a defense. As in all these trials however, this defense would not be relevant in the present trial. The requirements of duress, imminent threats against one or one's family's live, limb or liberty that could have not been avoided other than by following criminal orders, were not given in the situation at the core of this trial. In this situation, the arrest of thirty civilians in September or October 2011 at a demonstration, it would be questionable according to the prosecutors, that the defendant had no other options but to follow illegal orders.*

*The situation was very unclear and Al-Gharib had the opportunity to withdraw from the situation. He himself described that he successfully avoided shooting at people. The prosecutors further described there were around 250 members of Division 40 and around thousand members of the security forces present, causing a big unclear crowd. A lesser means for Al-Gharib would have been to either escape, pretend to fall down or fake a serious injury. The prosecutors referred to German domestic jurisprudence: In 1951 the German Federal Court of Justice found that when one is facing imminent threats to life limb or liberty, he is not obliged to make heroic moves, nonetheless one can neither follow illegal orders because it is the easiest or most convenient way [BGH 26.11.1951, 1 StR 27/50, para.4]. In a decision regarding Nazi perpetrators, the Court found in 1971 that one has to make every effort, including certain risks, to try to escape the imminent threats for his life, limb and liberty [BGH 12.10.1971, 5 StR 103/71, paras 13ff.]. More recently, the Regional Court in Munich found that in a similar situation, one must flee [LG München II 12.5.2011 1 Ks 115 Js 12496/08, p. 366]. In Al-Gharib's case it was not unreasonable neither impossible for him to act differently than to follow orders: Al-Gharib knew about everything that was happening with protesters on the arrests and in detention. The prosecutors also recalled [witness P6 \[day 18\]](#) telling the court that Al-Gharib told him about this already in March 2011. Al-Gharib could have fled at this point. Instead, he moved from an office job to an operational job in May 2011 "because he was bored". When he was assigned to a "beating squad" in July 2011, he could and should have left. According to the prosecutors, he consequently caused the situation of duress himself. His claims that his family was in danger and it was not safe for them to flee or him to leave them behind, would also be disproved by facts: When he defected in January 2012, he first moved to another city without his family. The prosecutors described this as a time when the regime was even more suspicious and the danger for his family was even greater. In fact, Al-Gharib could have left earlier, according to the prosecutors. They therefore found the requirements for duress as defense not to be met.*

*The prosecutors went on to explain that [§3 VStGB](#), which describes that one acts without guilt when acting upon orders and not realizing that the order is illegal or it is not manifestly illegal, would not be applicable to crimes against humanity. The facts in this case would also not support this justification: Recalling that Al-Gharib himself told the BAMF and the BKA that he felt that this was wrong, the prosecutors concluded that Hafez Makhoul's orders to shoot at demonstrators were obviously illegal.*

*According to the prosecutors, Al-Gharib consequently aided and abetted crimes against humanity in the form of torture and severe deprivation of liberty according to [§7\(1\) Nos 5+9 VStGB](#), in one instance.*

### Sentence

*The prosecutors went on to point out that the witnesses heard in the trial represented a much bigger number of victims. For the first time, crimes against humanity committed by the Syrian regime were on trial. Nonetheless, it would be against the foundations of a state based on the rule of law [Rechtsstaat] to hold the defendant accountable for all this, as the prosecutors explained. In accordance with [§264 StPO](#), one can only be held accountable for his individual culpable acts. The prosecutors, however, described that it cannot be ignored that without people like him, crimes against humanity could not be committed to the extent that they are. Al-Gharib was a "cog in a big machinery." One can therefore not ignore the overall brutality. The prosecutors concluded by finding the excessive repression by the regime was solely aimed at taking revenge, exterminating and deterring people from opposing the regime.*

*Regarding the determination of sentence, the prosecutors first explained that [§7 VStGB](#) provides for a sentence of no less than five years for torture and no less than three years for severe deprivation of liberty.*



*The range of imprisonment therefore ranges from five to fifteen years. The requirements of a less serious offence which would lower the sentence were not given. According to the prosecutors, the mere brutality of torture as well as the “overall injustice” would forbid such a practice.*

*The prosecutors went on to explain that the sentence could be lowered if the defendant had substantially contributed to the detection of a criminal offense by providing information to the authorities, as provided in [§46b \(1\) S.1 No. 1 StGB in conjunction with §49 StGB](#). In the present case, the defendant did indeed accidentally incriminate himself when questioned by the BAMF and BKA, however, he did not contribute to the detection of crimes. The prosecutors deplored the fact that after his second arrest, Al-Gharib did not take the chance to contribute to the detection of criminal offences. The sentence of an aider and abettor is to be mitigated according to [§27 \(2\) StGB in conjunction with §49 \(1\) StGB](#). This would in Al-Gharib’s case lead to a range of sentence between two years and eleven years and three months imprisonment. However, the prosecutors found that in determining the sentence, one has to take into account the “overall injustice” of the widespread and systematic attack.*

*The prosecutors listed the following aggravating and mitigating factors in determining Al-Gharib’s sentence:*

*Aggravating factors: At the beginning of the conflict, Al-Gharib himself initiated his transfer from an office job to an operative job. He knew from his year-long employment at the Intelligence Services about the activities of his new place of work. He further knew about Hafez Makhlouf’s special standing and competencies, as well as his violent character. At the time, the offence at the heart of this trial was committed, he was already working at this Division for around 8 months and stayed there for two more months afterwards. At least 30 people were arrested during this incident.*

*Mitigating factors: He defected from the regime in 2012 during the most brutal phase. He further stressed his secession and condemnation for Bashar Al-Assad and those most responsible in a [handwritten statement](#) that he wrote in November 2020. However, upon request, the guards at the German prison where the defendant is in trial detention, did not recognize any tears or particular mental turmoil. The prosecutors believe that he did indeed condemn the regime.*

*The prosecutors found that committing crimes by following orders could not be used as justification or a defense in this case. They further recalled Al-Gharib voluntarily incriminating himself during his questionings by the BAMF and BKA. It was not at least to himself that prosecutions against him were initiated.*

*The defendant’s tendency towards physical violence would still be visible according to the prosecutors. This particular hardship would therefore entail an [aggregated sentence](#).*

#### Request

*After weighing in on all evidence and conducting a thorough legal evaluation, the prosecutors requested a sentence of 5 years and 6 months imprisonment and to uphold the arrest warrant against the defendant.*

The trial adjourned at 3:15 pm.

The next hearing will take place on February 18, 2021.

**Day 61 of Trial – February 18, 2021**

The hearing began at 9:30 with 7 media representatives and 6 spectators present.<sup>6</sup> Since there were no plaintiffs in the case against Eyad Al-Gharib, Dr. Oehmichen was the only plaintiff counsel present, taking notes as a spectator.

After starting the session, Presiding Judge Kerber immediately handed over to the defense to deliver their closing statement.

[The following is a recreation of the defense's closing statement, based on what the court monitor was able to hear in court.]

**Context:**

*[Defense Counsel Linke started the statement by citing [Martin Luther King Jr.'s iconic "I have a dream speech"](#). He went on to say that he had a dream - past tense. He had hoped that the atrocities committed by the Nazis would never be repeated, that humanity learned from this cruelty. However, history taught better. He recalled the 1972 Bangladesh war, the atrocities committed by the Khmer Rouge in the 1970s, the start of the war in Rwanda in 1994, as well as the Yugoslav war. Defense counsel Linke concluded by saying that today, he would be disillusioned considering that humanity learned nothing at all from these past atrocities. The so-called "regime" of Bashar Al-Assad "cowardly" kills its own civilian population and commits "targeted torture". It would be unbelievable that "sick minds" continue to come up with even worse cruelties. Linke recalled that during the 30-year-war, people were tortured with the so-called 'Swedish drink', nowadays in Syria, people would be tortured by using Falaqa. The Syrian regime could be put in line with previous perpetrators of atrocities crimes. Linke stressed that those most responsible for the crimes committed in Syria must stand trial just like all the perpetrators before them.*

*Having said that, and "assuming that alea iacta est (the die has been cast) in Eyad Al-Gharib's case," he went on to explain that he would need to make examinations regarding the determination of sentence. He referred to the June 2019 decision of the [German Federal Court of Justice, finding Al-Gharib's self-incriminating statements to be admissible evidence](#); and the Court's [January 2020 decision, confirming that so-called 'functional immunity'](#) does not apply to crimes against international law. Linke said for these reasons, he would have to make relevant determinations regarding an appropriate sentence for Eyad Al-Gharib. Assuming, that he committed unlawful acts, Linke would need to examine aggravating and mitigating factors. He concluded that in this case, he would provide the following "hypothetical" closing statement:*

<sup>6</sup> No one requested access to Arabic interpretation.

Closing statement:

Linke started his “hypothetical” closing statement by thanking judges, in particular Presiding Judge Kerber, for her “elegant” handling of this trial. The judges as well as the prosecutors created a very cooperative atmosphere that helped conduct this trial in a smooth and uncomplicated manner. He went on to point out that the trial and consequent sentence would be complete “virgin territory”. This case was nothing like a regular criminal trial, e.g. dealing with drunk-driving. The court in Koblenz was the first world-wide to determine the sentence for a former employee of the Syrian Intelligence Services. In determining the sentence, the prosecutors tried to navigate through a “sentencing haze” the previous day. Nonetheless, their request has a certain “anchor-effect” on the judges. Linke referred to studies showing that the prosecutors’ request for sentence has certain effects on the judges by setting a general “anchor” to which the judges usually stick. He further said that in an “hypothetical closing statement”, the defense would point out this anchor to the judges and request them to not be affected by the mark regarding length of sentence, set by the prosecutors the previous day.

Determination of Sentence:

Turning to the prosecutors, Linke mentioned that based on their year-long experience, a confession by the defendant is usually “worth one third”. Assuming the requested 5.5 years, 66 months, are two thirds, the full sentence would be 99 months, meaning eight years and three months. Linke questioned the prosecutors actually requesting eight years and three months imprisonment given that Al-Gharib would have not incriminated himself during the BAMF interviews, and instead any other witness came forward incriminating him. Linke said Al-Gharib had an “entirely clean slate”, aggravating the sentence due to particular hardship would not be necessary and the requested sentence would therefore be “exorbitantly high”. In such a case, the prosecutors would have most likely requested 5 years and 5 months imprisonment as well. However, in the present case, Al-Gharib delivered a far-reaching confession with the BAMF. The sentence therefore needs to be reduced to 44 months, meaning 3 years and 8 months. Nonetheless, this would still not be the correct sentence, as the prosecutors applied the wrong margin of sentence. Linke again stressed that the above-mentioned considerations would be part of the defense’s closing statement, assuming that Al-Gharib was to be found guilty.

Margin of Sentence:

In determining the length of sentence, the prosecutors allocated 5 to 15 years imprisonment for committing torture as crime against humanity and 3 to 15 years for committing severe deprivation of liberty as a crime against humanity. Linke explained that while they correctly applied the higher sentence due to the fact that more than one violation of [§7\(1\) VStGB](#) occurred, they erred in applying 5 to 15 years assuming that the defendant was the direct perpetrator. According to Linke, Al-Gharib only aided and abetted these crimes [§§27\(1\) and 29 StGB](#). According to German law, the sentence would have to be reduced to 2 to 11.25 years imprisonment.

Linke further alleged that the prosecutors ignored that Al-Gharib contributed to the detection of crimes. In accordance with the [decision by the Federal Court of Justice](#), Al-Gharib’s questioning with the BKA would only be admissible evidence until page 13 of the transcript; before he started incriminating himself without being informed that he will be questioned as a suspect.

*While parts of this questioning are inadmissible in Al-Gharib's case, they would be admissible evidence in the case against Anwar Raslan. Linke mentioned the prosecutors themselves relied on these parts in their indictment. By providing many details about Branch 251 and Raslan's role, Al-Gharib significantly contributed to the detection of crimes committed by Raslan. Linke described that the prosecutors considered issuing an arrest warrant against Raslan only after Al-Gharib provided this information during his BKA questioning. Al-Gharib therefore significantly contributed to the discovery of crimes. The sentence would therefore require further reduction ([§§ 46b and 49 StGB](#)) to 6 months to 8.7345 years imprisonment, as Linke concluded.*

*He went on to explain that an "hypothetical closing statement" would now request further reduction of the sentence based the defense's detention complaint dated September 17, 2020 and the judges' respective decision dated October 19, 2020. The latter detailed that a sentence for Al-Gharib in the form of imprisonment would most likely significantly extend the time he had already spent in detention. At this point [September 17, 2020], Al-Gharib had been in detention for more than one year and seven months. Following this reasoning, a sentence would therefore entail at least one year and seven months imprisonment. Nonetheless, in determining the sentence, one also has to consider the defendant's behavior after the commission of the alleged crimes ([§46\(2\)StGB](#)).*

*Linke found that in light of this, one had to acknowledge that Al-Gharib provided an extensive confession – pp.1 to 12 of the BKA's questioning – at the earliest stage possible. And to consider Al-Gharib's reaction to the Caesar Files. The files, in particular [Prof. Dr. Rothschild's forensic examination](#) thereof, were crucial evidence in the trial. Linke referred to the videos that were taken by the U.S. when they entered the concentration camps at the end of World war two. These videos show piles of corpses and just like the Caesar Files, one wonders how men can do such things to men. Linke described how he felt paralyzed and was unable to talk to his client during the break, on the day the Caesar Files were shown in court. Linke further described how, after the hearing, he was wandering around Koblenz, constantly asking himself how Al-Gharib was able to do such things. However, Linke came to the conclusion that Al-Gharib did not kill those people himself. He acted as an aider and abettor of torture. Linke further described how the following day [after the Caesar Files were shown in court], the interpreter told the defense team how shocked Al-Gharib was during the presentation of the files and the forensic analysis. The defense then told Al-Gharib to write down his feelings. He did so and the [handwritten statement was later introduced as evidence](#). This statement would show how shocked and distressed Al-Gharib was, said Linke. Al-Gharib said that he 'constantly had to think about all the innocent victims'. [Al-Gharib started crying at this point. His defense counsel Schuster handed him a tissue] Linke went on to explain that Al-Gharib was only waiting for the right time to defect. His handwritten statement detailed the three options he had. In caring about the safety of his wife and kids, one of them disabled, he chose the third option: waiting for defection until it is safe for all of them to leave.*

*Linke once again referred to the fact that this would only be an "hypothetical closing statement". He pointed out that when Al-Gharib continued his duties, one must not ignore his intentions. He did not want people to be tortured, he just wanted his family to be safe. According to Linke, it would simply be "improper" of the prosecutors to say that Al-Gharib joined Division 40 because he 'was bored' by his desk-job. First, he joined the "religion" Branch before he went to Division 40, Second, he did not apply for that position, he was transferred. Al-Gharib never wanted people to be tortured, he even sympathized with demonstrators.*

*He did not have the mindset of a “torture minion” but of a father who was deeply concerned about his family’s safety. His handwritten statement was further an attempt to apologize to all the victims. As far as the prosecutors doubt Al-Gharib’s emotions after he saw the Caesar files, it remained unclear to Linke, whom exactly the Prosecutors contacted at the prison and whether this person was actually trusted by Al-Gharib so that he would have openly shown his emotions to him.*

*Linke again referred to the judges’ order to uphold Al-Gharib’s detention, reasoning that he would be sentenced to at least one year and 7 months imprisonment. He mentioned that this order was issued in October 2020. However, the Caesar Files were shown in court on November 3, 2020 and Al-Gharib’s handwritten statement was submitted to the court in late November. The judges’ considerations regarding Al-Gharib’s sentence surely changed in light of these developments. Linke concluded that his “hypothetical closing statement” would therefore conclude by requesting a sentence of no more than 2 years on parole.*

*However, he stressed that the abovementioned was only an “hypothetical closing statement” and the actual statement, which Defense Counsel Schuster will deliver, would request an acquittal of the defendant Al-Gharib.*

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[15 minute break]

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#### General Remarks:

*Defense Counsel Schuster first mentioned that the following statement would be relatively short, to avoid any repetitions. Witnesses who were allowed to conceal personal information on the day they testified in court would be named after the day of trial on which they testified, in accordance with the prosecutors’ practice from the previous day.*

*Schuster started by saying crimes against peace, war crimes and crimes against humanities are crimes committed against the fundamental elements of humanity. It is a single perpetrator against the entire of mankind. Schuster referred to a statement from [Dr. Friedrich Kaul](#) – hoping it would be eligible to quote him<sup>7</sup> – who said during the ‘Auschwitz trials’ that mankind cannot and must not allow such atrocity crimes to be committed again. According to Dr. Kaul, every individual must stand up to such crimes, one could not use superior orders or duress as justification or defense for their participation in such crimes. Schuster said the request to stand up to atrocity crimes would not be unrealistic per se, explaining that people like Anwar Al-Bunni and Mazen Darwish indeed stood and stand up to such crimes.*

<sup>7</sup> There has been some dispute about whether Dr. Kaul’s involvement in the Auschwitz trials was due to his background as persecuted Jew or rather a propaganda act by the German Democratic republic to propagate a reputation as fighter for the rights of Nazi victims. He has also been criticized for his close cooperation with the governments and Ministry for State Security in the GDR.



Schuster explained it would be necessary to point this out, not only to acknowledge Al-Bunni's and Darwish's efforts as colleagues. However, one also had to acknowledge that duress can – and in the case of Eyad Al-Gharib should be used as defense. Schuster found the requirements of [§35 \(1\) S.1 StGB](#) to be met in Al-Gharib's case.

#### Duress:

According to Schuster, there was absolutely no doubt that at the time when Al-Gharib allegedly committed the crimes he is charged with, there was a state of emergency and duress in Syria. The Syrian Penal Code provides that traitors shall receive the death sentence. The regime created an aura of fear, which was confirmed by all witnesses and several reports that were read out in court. Schuster referred to the HRW report "We've never seen such horror" that detailed this aura of fear, as well as the COI report dated November 2011, which was also read out in court. According to Schuster, former employees of the Intelligence Service, like [P5](#) and [P21](#) further explained that the mere suspicion of disloyalty was reason enough to discipline members of the Intelligence Services. Witness [P3](#) made similar accounts. All these coherent descriptions would be sufficient to conclude that there was not only a general state of emergency but imminent threats to life, limb, and liberty of employees of the Intelligence Services. Schuster said [CCI Deußing and HCI Frey](#) also confirmed that. In examining the imminent threats for the defendant Al-Gharib, it would also be important to mention Hafez Makhlof. [P5](#) and [Anwar Al-Bunni \(P2\)](#) called him a 'choleric person' and [Mazen Darwish](#) said that he was 'untouchable'. Schuster recalled that on the day when Al-Gharib committed the alleged crimes, Hafez Makhlof was present at this particular demonstration. He was the one starting to shoot at protestors, simply for fun. He was also the one who gave orders to shoot at the protestors. There would be no doubt that in disobeying these orders, one would have had to fear for his life. He would have either been executed or interrogated and then killed. According to Schuster, Al-Gharib was even more endangered because he was a Sunni. Schuster concluded that Hafez Makhlof was unbound by law, if the prosecutors claim anything different, it would be mere cynicism.

Schuster further explained that even if Al-Gharib would have found a way to disobey orders to shoot and arrest protestors, he would not have been able to avoid the situation in the van when bringing detainees to Branch 251. There was only a very small number of people in that van and, according to various witness statements, the procedure of insults, beatings, and violence was a well-established routine that no one could escape. Al-Gharib therefore must have feared for his life, if he did not obey this violence. Regarding the above-mentioned statement from Dr. Kaul, Schuster stressed that according to the German Constitution, no one is obliged to give his own life or limb; not even if a high number of other life's are at risk. Al-Gharib was under no obligation to risk his own life and limb in disobeying orders, not even due to his year-long employment with the Intelligence Services, as the prosecutors claimed.

#### Role and Importance of the Intelligence Services:

Schuster explained that the defense would not intend to minimize the brutality of the Syrian Intelligence Services, however, it would still be important to examine their role in society. According to Schuster, the Intelligence apparatus in Syria is simply disproportionate. There would be one member of the Intelligence Services per 153 civilians. This rate would be higher than the rate of bakery shops per person in Germany.

*Military and Intelligence Services are the only ways for people in Syria to make a decent living, especially when they are Sunnis. This was also the case for Al-Gharib, said Schuster. Al-Gharib's father died when he was only four years old, and the family did not have the means to allow him to continue his education after primary school. Nonetheless, Al-Gharib like every child in Syria was indoctrinated by the Syrian curriculum regarding loyalty to the regime. This eventually led Al-Gharib to join the Intelligence Services. His decision to do so does not therefore exclude the existence of imminent threats to his life, limb, and liberty, and him acting under duress.*

*False portrayal of Al-Gharib by the prosecutors:*

*Schuster stressed that Al-Gharib told the BAMF and BKA that he was transferred to Division 40, passive voice. He did not join the Division voluntarily as the prosecutors claimed. The judges dismissed the defense's [see above, day 60] request to take further evidence on this, reasoning that it already has been proven that Al-Gharib said that he was transferred. Schuster said that in claiming anything different, the prosecutors would intentionally distort the facts to paint the picture of Al-Gharib as a man of conviction. According to Schuster, the prosecutors also incorrectly evaluated [P5's](#) testimony regarding the selection procedure for Division 40. The situation that he described happened before 2010. Al-Gharib was only transferred in 2011. At this time, Division 40 simply needed more people to deal with the demonstrations and due to Al-Gharib's background as Sunni, he was no longer eligible for the "Religion" Division. However, the prosecutors did not mention these facts. Schuster added that even at this point, employees of the Intelligence Services were executed due to alleged disloyalty.*

*Considering that in July 2011, Al-Gharib was 34 years old, had four children and his wife was just pregnant with their fifth child, Schuster questioned why anyone in this situation would voluntarily join a division like Division 40. After 14 years of working with the Intelligence Services, Al-Gharib was still a staff sergeant/sergeant [Feldwebel]<sup>8</sup> without any prospects of being promoted, just like the witnesses [P5](#) and [P3](#) described as well. In light of this, one could not claim that Al-Gharib was a man of conviction, as the prosecutors stated in their closing statement.*

*Schuster explained Al-Gharib was under no obligation to accept imminent threats to his life, limb and liberty, not even in light of the gravity of crimes that he was aiding and abetting. A contrary position would also not be supported by jurisprudence from the German Federal Court of Justice that found even in case of a large-scale mass-murder involving thousands of victims, one cannot weigh any person's life against the life of many. The only relevant examination would be to determine if there was a situation of emergency, putting someone under duress. In this context, Schuster pointed out several differences between Nazis allegedly acting under duress, and members of the Syrian Intelligence Services claiming to have acted under duress: Nazis did not have to fear general collective penalties such as imprisonment of entire families. In Syria however, the regime is using families of alleged traitors to put them under pressure. Already in cases where there is a mere suspicion against anyone, their families are threatened. Z280716 told the court about this and [Le Caisne](#) and [P21](#) also elaborated on the dangers a defection is posing on the entire family of the defector. Further, the policy of granting witness protection showed that the judges themselves acknowledged the existing imminent threats against life, limb and liberty for insider witnesses. Schuster said the same would be true for Al-Gharib and his family.*

<sup>8</sup> Note from the Trial Monitor: The translations of ranks are based on what has been said in court in German. The German terms are then translated to US and UK rank, according to the [official NATO code](#).

*His wife was also interrogated by the Intelligence Services, although she did not testify about this, one can imagine from the testimonies of other witnesses in this trial, how harsh this interrogation was for her.*

*According to Schuster, even if one would affirm the reasonableness of accepting imminent threats to one's own life in not participating in atrocity crimes, one could not say that it is reasonable to accept these threats for one's family. Such a conclusion could not even be made based on Dr. Kaul's postulate. Schuster concluded the requirements for [§35\(1\) S.1 StGB](#) [duress] are therefore met in Al-Gharib's case. As Al-Gharib himself explained in his handwritten statement, he had the choice between following orders and consequently participating in these crimes or endanger his and his family's life, limb, and liberty.*

Acquittal:

*Schuster described international criminal law and universal jurisdiction to be extraordinary developments in light of the atrocities in the history of mankind. He added that the present trial achieved that the widespread and systematic attack that the Syrian regime has been committing since 2011, is the subject matter of a fair and impartial trial. The trial also provided many witnesses the chance to tell the world about their suffering and give a face to the many more victims. According to Schuster, this is alone would already be worth a lot. It would, however, be wrong to think that a sentence for Al-Gharib would be the only reasonable outcome for this trial. Schuster explained that one had to be cautious of the Syrian community worldwide and the signal a conviction of Al-Gharib would send to them, especially to defectors. Without them it would be impossible to investigate and prosecute perpetrators of the crimes committed in Syria. Schuster further questioned what kind of signal a conviction would send to those still working for the Syrian Intelligence Services. Their only choice would then be limited to either continuing to participate in these crimes or to defect and be convicted.*

*Schuster mentioned the present trial caused discussions even within the Syrian opposition, as [P24](#) explained to the court. While it might be morally demanded to defect, it would be in fact an active act of opposing the regime. Unlike the Nazis, Al-Gharib was only able to flee by risking his own and his family's lives. In January 2012, when Al-Gharib defected, the regime was very much in power. According to Schuster, it would simply be immoral to question Al-Gharib's responsibility by claiming that he defected five months too late.*

*Schuster went on to explain that while the Syrian regime is still in power and the conflict entered into its eleventh year, the present trial "unfortunately" could not contribute to transitional justice, unlike the ICTY or the Nuremberg trials. Nonetheless, for the abovementioned reasons, Al-Gharib should not be found guilty of the crimes he was accused of.*

*Schuster concluded by saying that in light of the judges' decision and reasoning to uphold Al-Gharib's detention, the defense was convinced that his conviction was already decided. And while one says that judges should close their ears after the taking of evidence, in order not to be confused, Schuster said he hoped he and his colleague were able to raise some doubts regarding Al-Gharib's culpability. Schuster requested an acquittal of Al-Gharib.*



Presiding Judge Kerber asked the defendant Al-Gharib whether he wants to make use of his right to provide final remarks. Al-Gharib answered that he had nothing to say in addition to what his defense counsels just said.

The trial was adjourned at 11 am.

The next hearing will take place on February 24, 2021. On this day, the judgment for Eyad Al-Gharib will be handed down.

**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 28

Hearing Date: February 24, 2021

*CAUTION: Some testimony includes descriptions of torture.***Summaries/Highlights:<sup>1</sup>****Trial Day 62 – February 24, 2021**

After severing the trial against Al-Gharib the previous week, the judges issued their verdict in the case. The judges found Eyad Al-Gharib guilty of aiding and abetting torture and severe deprivation of liberty as crimes against humanity. They detailed that he was involved in the arrest of at least 30 people and their transfer to Branch 251 in September or October 2011. According to the judges, he had several reasonable options to escape the situation, instead of staying and contributing to these crimes. It was found that he did not establish a defense of duress. After weighing in on aggravating and mitigating factors based on the totality of evidence (namely his self-incriminating interview with the German asylum authority), the judges sentenced Al-Gharib to 4.5 years imprisonment upholding his arrest warrant.

While the prosecutors declared they would not seek to appeal the verdict, the defense indicated that they would take applicable legal steps against the judgment.

**Day 62 of Trial – February 24, 2021**

The hearing began at 9:30 with 25 media representatives and 29 spectators present.

**The Court issued the following verdict:**

**[THIS IS NOT THE OFFICIAL VERDICT. It is a detailed summary of the oral hearing in which the verdict was announced]**

*In the name of the people, the following judgment is delivered: The defendant Eyad Al-Gharib is found guilty of aiding and abetting torture and severe deprivation of liberty as crimes against humanity, in accordance with [§7\(1\) Nos 5 and 9 VStGB](#). The defendant is sentenced to 4 years and 6 months imprisonment.*

After reading out the verdict, Presiding Judge Kerber announced that there will be consecutive Arabic translation for the entire session, transmitted through the loudspeakers in the courtroom. She therefore read out the verdict again, to allow the translator to translate it for the audience.

Presiding Judge Kerber went on to read out the reasoning:

**[Note: the following is no exact duplicate of the judges' reasoning which was read out in court. It is based on what our trial monitors were able to hear in court]**

<sup>1</sup> 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.



Reasoning:

First, Presiding Judge Kerber on behalf of the judges mentioned that defendant Al-Gharib did not make an oral statement in court. She added that upon advice of his defense counsel, the defendant submitted a handwritten statement.

Judge Kerber went on to first provide details regarding the defendant: Eyad Al-Gharib was born on May 25, 1976 in Damascus. He is a Sunni and grew up in the governorate of Deir ez-Zor where he attended school, which he left without a degree after the 12<sup>th</sup> grade. From 1994 until 1996, he was living in Damascus with his uncle and two brothers. In 1996, he joined the General Intelligence Directorate in Najha, where he undertook a two-year long training. This training also included training on carrying and using arms. After that, he completed another training to become an instructor. The defendant worked for the General Intelligence Directorate from July 10, 1996 until January 15, 2012. From the end of 1997, he was working as an instructor. Kerber said that according to his own statements, he was very good at his job. He mainly worked as a physical instructor. Kerber again referred to a quote from the defendant who said that “one has to force people to endure more”. Kerber went on to explain that in 2004/05 the defendant received counter-terrorism training, adding that he was further trained to detect and create ambushes, abduct people, arrest people and work as a bodyguard. He was mainly focusing on street fights and storming. In February 2010, Al-Gharib started working at Branch 251 in Damascus as a warrant officer [Oberstabsfeldwebel]<sup>2</sup>. In this capacity, he worked in the “religion” division, overseeing four districts in Damascus regarding surveillance of mosques and imams. He had to report to his superior, Kamal Al-Ahmad. Following this work, he was transferred to Az-Zabadani in summer 2011. The judges further found that he did not like the office work there and accepted an offer from his previous boss to return to operative work. Al-Gharib first worked at the “religion division” of Branch 251 for one or two months, before he was transferred to Division 40 in July 2011, where he stayed until January 2012.

At this time, he went to Deir ez-Zor without his wife and children, the Intelligence Services were looking for him and interrogated his wife. According to the judges’ findings, the Intelligence Services, nonetheless, could not prevent Al-Gharib’s family from fleeing. His family later joined him using the ID card of his wife’s cousin. It was not clear to the judges, when exactly Al-Gharib left Syria. According to his own statements, he entered Turkey in February 2013. The judges, however, only knew for sure that he came to Germany via Greece on February 25, 2018. Al-Gharib came to Germany via the ‘family reunification program’. He first sent his 16-year-old son [to Germany], whom he consequently followed in February 2018. Judge Kerber summarized that meanwhile, Al-Gharib would have six children and receives a guaranteed minimum pension in Germany. He has a residence permit, allowing him to stay in Germany while his asylum procedure is pending.

Regarding his criminal record, the judges found that Al-Gharib had an entry to the criminal register regarding one instance of bodily injury. On May 25, 2018, at his place of residence in Hermeskeil, following a fight between his son and another child, he hit the other child in the face. He was sentenced to pay 20 daily rates [5€ per day, 100€ in total], which he paid.

Regarding the present trial, Judge Kerber recalled that Al-Gharib was arrested on February 12, 2019 and brought into pre-trial detention, he was released on May 17, 2019 and following an order from the German Federal Court of Justice dated June 6, 2019, again taken into pre-trial detention on August 15, 2019. Al-Gharib has been in pre-trial and trial detention since that day.

<sup>2</sup> Note from the Trial Monitor: The translations of ranks are based on what has been said in court in German. The German terms are then translated to UK rank, according to the [official NATO code](#).

Evaluation of evidence:

On behalf of the judges, Presiding Judge Kerber provided some short statements regarding the evaluation of evidence in this trial. She explained that this trial was mainly based on the defendant's own statements he made with the German asylum authority (BAMF) and his statements with the German Federal Criminal Police (BKA) dated August 16, 2018. In its decision dated June 6, 2019, the German Federal Court of Justice addressed the question regarding admissibility of Al-Gharib's statements with the BKA. The Court affirmed the admissibility of the statement, even detailing the page number and paragraph: page 13, first paragraph. Kerber further recalled that during the main trial, the judges did not obtain any additional statements from the defendant.

Situation in Syria:

Presiding Judge Kerber first mentioned that the political situation in Syria was of significant importance for this trial. It would therefore be necessary to also address the events prior to Bashar Al-Assad's reign.

Kerber started by recalling the variety of religious groups in Syria. She said that prior to 2011, around 60-70% of the people were Sunni. Before the start of the conflict around 11% of the people were Alawites. The rest of the population consisted of different minorities such as Druze, Yazidi and Christian. Following Syria's independence, the military was the only opportunity of advancement for Alawites. They consequently represented the majority of members of the army.

Kerber further mentioned that following a coup by the Ba'ath party in the 1960s and another one in 1970 Hafez Al-Assad gained power. In 1973, the constitution was amended, declaring the Ba'ath party as the party of the state. Kerber stressed that it was not possible for people to oppose the Al-Assad and Makhlof families. One of their central means of retaining power was the Intelligence Services. According to the judges, the Intelligence Services infused the entire society and created an atmosphere of mistrust and fear. The state of emergency, which was in place since 1963, made it easy to arbitrarily arrest people, and detain them in prisons of the Intelligence Services. Despite the fact that torture was prohibited by the Constitution, there were no hurdles, already at that time, to torturing people.

Kerber went on by saying that Hafez Al-Assad further used the military, in cases where the Intelligence Services were "insufficient". Kerber added that this became prominent at the Hama massacre in 1982, when the city of Hama was bombed, thousands of civilians died, and resistance against the government was blighted. After Hafez Al-Assad's death, his son Bashar Al-Assad took over in 2000.

Kerber recalled the first months of Bashar Al-Assad being in office – this period is also known as Damascus Spring – when one could recognize some changes. Kerber added that political prisoners were released, and independent newspapers were founded. However, in Summer 2001, Bashar Al-Assad returned to his father's policy. Political freedoms were restricted again and in September 2001, many people were arrested. Kerber further referred to the war in Iraq which caused unrest in the region and led to a convergence of Syria towards Iran. However, Bashar Al-Assad renewed and normalized Syria's external relations.

Regarding the Arab spring, Kerber mentioned that it raised hopes amongst Syrians to gain more freedom. People started aligning via internet and organized demonstrations. Judge Kerber further recalled that at first, the government did not react much to the protests. However, the situation escalated in March 2011. Teenagers in Dar'a spray-painted slogans on a wall. They were consequently arrested by the Military Intelligence Directorate and the so-called Mukhabarat. Although they were released relatively soon, their bodies showed clear signs of torture.

This caused many demonstrations throughout Syria. On March 15, 2011, people protested in Damascus. Three days later, on March 18, people gathered to protest in Dar'a after the midday prayers. Security forces intervened and at least one or two people died. No reforms were announced after these instances. Instead, the presence of security forces in Dar'a were increased, claiming that they were on the side of the protestors. Judge Kerber referred to the events of March 23, 2011, when again shots were fired at demonstrators and mosques, causing many deaths. Protests meanwhile included thousands of people. On April 1, 2011, there were the first dead demonstrators in Damascus and rural Damascus. At least four people died at a demonstration in Duma, following the use of live ammunition by government forces. Some of the protestors threw stones at government forces, however, none of them carried firearms at that time. Judge Kerber concluded that most of the demonstrations were peaceful at the beginning. People for example carried palm leaves to show that they were peaceful.

Presiding Judge Kerber went on to explain that in order to handle these dynamics, the Central Crisis Management Cell (CCMC) was established in March 2011. The judges found that this was the place where the strategy and next steps of the security forces were discussed. It was headed by Bashar Al-Assad. Its members included the heads of the National Security Office, Military Intelligence Directorate, Air Force Directorate, Political Security and the General Intelligence Service, as well as the Ministers of Interior and Defense. The judges also found that from April 2011 on, the CCMC decided on how to deal with the opposition. In a letter to the armed forces and the Intelligence Services dated April 18, 2011, the CCMC stated that 'the phase of tolerance and cooperation is over'. It further provided details on how to deal with protestors: no releases of detainees, demonstrations are to be handled by the police, which is to be supported by the Intelligence Services in emergencies. According to the judges, the CCMC further said that 'those raising arms against the state, shall be opposed by the use of armed violence'. Following a meeting of the CCMC on April 20, 2011, those measures were further tightened. Citing the CCMC: "it is necessary to start another phase. We have to win this battle by the use of armed violence" and "detailed plans need to be prepared to confront unarmed and armed protests: specifically in Dar'a, Damascus and surrounding area, and Homs." These plans were to be designed not only by the Intelligence Services, but also by the army; based on the scenario that unrest spread throughout the entire country. Judge Kerber concluded that this was the time when the number of civilian victims significantly increased.

Kerber went on to detail the events starting on April 23, 2011, when people died at a demonstration by the use of water guns, live ammunition and tear gas. On April 25, the Syrian army stormed Damascus with the help of tanks and snipers. According to the judges, the following blockade lasted until April 29, causing up to 200 deaths by the security forces. When thousands of people in Dar'a protested against the lack of water and food supplies, they were shot with live ammunition, causing many deaths. Similar incidents occurred in other places as well at the same time. Kerber referred to an instance in Duma, where people were shot during a raid and many were arrested due to massive violence. In May 2011, the EU and U.S started sanctioning the Syrian government. Nonetheless, the number of wanted persons and arrests in Syria increased. Militias, mostly the government affiliated *Shabiha*, increasingly appeared at demonstrations.

The judges further found that around July 2011, the Free Syrian Army (FSA) was founded to allegedly protect the people from the government. Parts of the FSA consisted of defected soldiers, who formerly worked for the Syrian Army. The judges found that soldiers who disobeyed orders were shot. Presiding Judge Kerber recalled the escalation of the conflict, detailing that Hama was stormed at the end of July 2011 and many civilians were killed during this instance. Kerber added that the conflict further escalated in August 2011. After a meeting on August 5, 2011, the CCMC condemned the security forces' "lax" response to the demonstrations.

In the same letter, the CCMC told the National Security Office that daily raids shall be conducted by the military and the Intelligence Services. All supporters of the protests shall be found and transferred to the Intelligence Services. Demonstrations shall be crushed. Daily reports shall be sent to the head of the National Security Office. The judges found that in Fall 2011, further meetings and discussions followed. The smashing of peaceful demonstrations became increasingly violent. As an example for a military action against demonstrations, Judge Kerber mentioned an incident in Duma, where electricity, water and internet supplies were cut. At the end of September 2011, the city was encircled by the military.

Kerber concluded by saying that from mid-October 2011, the Arab League tried to mediate. The regime made certain suggestions, for example releasing 3,500 detainees, withdrawing tanks and allowing the League and the media to cover the situation in Syria.

#### Actions by the regime

The judges briefly shed light on the actions taken by the regime in this context. Presiding Judge Kerber mentioned that the regime tried to create the outward image of terror attacks taking place in Syria. They therefore “palmed arms off on the demonstrators” to have an excuse for their violent actions. Members of the Intelligence Services were taken to hospitals, pretending to be injured. Media representatives were then allowed to interview these allegedly injured people. When the Arab League visited Branch 251, all detainees were transferred, and guards pretended to be the detainees. Despite efforts by the League, violence continued in 2012.

Judge Kerber provided several examples: In February 2012, one person was shot at a demonstration in Al-Mazzeah, dozens were arrested. In the same month, Homs was attacked with rocket shells several times. At the beginning of March 2012, people were massacred in Homs. Children and adults were killed by government troops and militias. The judges found however, that the government continued to claim that it was only countering terror attacks. Kerber explained that these elaborations and recreation of events were significantly based on the expert testimonies of [Ms. Thurmman](#), [Christopher Engels from CIJA](#), who also submitted the above-mentioned CCMC documents to the court, and [Christoph Reuter](#). The judges paid special gratitude to the experts [Mazen Darwish](#) and [Anwar Al-Bunni](#).

#### Role of the Intelligence Services

According to the judges, the so-called *Mukhabarat* played an integral part in quelling the uprising. They were a crucial element in retaining power, already for Hafez Al-Assad. The judges found that there are five organizations of the Intelligence Services in Syria: the Office of National Security, which is the coordinating agency, the Military Intelligence Directorate, the Air-Force Intelligence Directorate, the General Intelligence Directorate and the National Security Council.<sup>3</sup>

<sup>3</sup> Note from the Trial Monitor: Although some evidence [see the diagrams in Trial Report #17, day42] has indicated that there were two distinct agencies supervising the Intelligence services, it can be assumed that both terms (Office of National Security and National Security Council) refer to the same agency which, however, around 2013/14 changed its name. This change of name might have led to the assumption that there were two agencies, causing further confusion as to the role of this agency as a supervising body or organization within the Intelligence Services. While the difference between the two terms in Arabic refers to the word “national”, the translation into German presumably led to a differentiation based on the preposition and the term “office”.

The latter four are central,<sup>4</sup> with Branches in Damascus and regional Branches. According to the judges, depending on their mandate, the Branches had their own detention facilities, where people were already tortured when Hafez Al-Assad was in power. Torture methods included: arbitrary beatings using cables and sticks, *Doulab* and *Shabh*. Judge Kerber explained that Bashar Al-Assad adopted these structures and used them to intimidate and exterminate the opposition, particularly in 2011. Means to achieve this started in March 2011 including arbitrary detention, torture and arrests. Kerber added that in the course of the uprising, the number of detainees and dead people increased steadily. While the goal of arrests was previously to gain information, starting in 2012 at the latest, the main goal was to intimidate and exterminate the opposition.

The judges found that the conditions in the detention facilities continued to worsen. People not only had to endure torture, but starved and suffocated. The hygienic situation was catastrophic. Sicknesses and injuries from torture got worse and medical treatment was only provided at an extremely basic level, if at all. The judges recalled witnesses describing that pills were simply thrown inside the cell. According to the judges, people were so afraid of being transferred to a hospital that they tried to hide their health issues. It was particularly known that instead of receiving medical treatment, people were tortured and murdered in military hospitals like Tishreen, Al-Mazzeah and Harasta.

Presiding Judge Kerber went on to explain that the corpses of those who died while detained by the Intelligence Services were collected at hospitals. Shortly after the start of the uprising, military photographers were tasked with documenting the corpses. They had to take pictures of the corpses which were labeled with numbers. According to the judges, this practice was to ensure that there was proof that these people were not actually released. The number of people who died with the Intelligence Services was significantly increasing over time. The judges referred to reports of mass graves being dug in Najha [cemetery] in October 2011. These graves were 6m deep, 2-4m wide and 100-200m long. Similar reports exist for Al-Qutayfa [cemetery]. Refrigerated trucks carried the corpses, their numbers were documented on arrival at the mass graves, and they were then hastily buried.

Judge Kerber added that relatives of the detainees were never informed about the whereabouts and fate of their loved ones. If only, they were able to get information or sometimes even a release by using bribery or using their good relations with certain people.

#### Evaluation of evidence:

Judge Kerber mentioned that throughout the trial, the court heard several witnesses. She further added that [Le Casine's](#) testimony was particularly important, as she communicated information provided by Caesar and Sami. [Sami's testimony](#) was further introduced by the criminal inspector who interviewed him previously. The so-called Caesar Files included 26,935 photos of 6,821 people. They were also analyzed by Prof. Dr. Rothschild who presented his impressive forensic analysis in court. Presiding Judge Kerber stated: "I would like to make a personal statement about these files: I will never ever forget these photos."

<sup>4</sup> Note from the Trial Monitor: The judges did not mention "Political Security". In light of previous testimonies and evidence presented in court, it can be assumed that the judges intended to refer to "Political Security" instead of the "National Security Council" as one of the four main Intelligence Services with Branches in Damascus as well as regional Branches.



Regarding Branch 251:

Judge Kerber started by saying that the Branch “perfectly fits within the overall picture of Intelligence Services’ Branches.” She mentioned that Branch 251 is also called the ‘Inner Branch’ or ‘Al-Khatib’, Adding that it would be a Branch of the General Intelligence Directorate and was initially tasked with the general surveillance of the police, the general population, and the [Ba’ath] party. The judges found that Branch 251 was led by Tawfiq Younes توفيق يونس, the overall in charge of inner security. Regarding the location and facilities of the Branch, the judges found: The Branch is located at Baghdad Street in Damascus, close to the Red Crescent Hospital. The Branch consists of two buildings, opposite each other with a courtyard between them. In the basement of at least one of the buildings there is the prison for Branch 251. This prison has solitary and collective cells as well as interrogation rooms. Additional interrogation rooms are located on higher levels as well. Females as well as males are detained at the Branch, however, separated from each other.

Kerber went on to explain that whenever there was a demonstration, larger groups of new detainees arrived at Branch 251. They were forced to leave the buses in the yard of the Branch. Already at this point they received what was cynically called a “welcoming party”. According to the judges, this means that at the moment they departed the buses, guards started beating them with fists or certain objects like sticks, poles or batons. These beatings were so violent that some witnesses told the court about people suffering broken ribs. Detainees were kicked and their heads were smashed against walls, causing some to fall unconscious for hours. New detainees sometimes had to wait in the yard for hours before they were taken to an office where they had to strip naked and leave their personal belongings. To frisk detainees, they had to squat in order to ensure that they did not hide any objects. After that, they were allowed to dress again, at least to a certain degree, and taken to their cell.

The judges also found that solitary cells measuring 1x2m were occupied with several detainees. The conditions in all cells were catastrophic. All of them were so overcrowded, that people were only able to sit or lay down in shifts. Judge Kerber recalled that it was only possible to lay down and sleep if people crossed their legs, a practice that even had its own name [The name was, however, not mentioned at this point]. In cells equipped with a toilet, the toilet was usually not separated from the cell. If it was separate, it was only done by hanging a curtain, so overall, it was never sufficiently separate from the rest of the cell. The toilet was used by a high number of detainees. Judge Kerber further summarized that in cells that were not equipped with a toilet, detainees were only allowed to use the toilet outside the cell one or two times per day. Drinking water was only available from the tap close to the toilets. Due to the restricted access to use the sanitary area, regarding times per day and time per use, people were usually never able to wash or even shower. In most cases, there was no daylight inside the cells. It was either completely dark or the light was on non-stop. In both cases, detainees were not able to tell what time it was. According to the judges, the insufficient hygienic condition caused many skin conditions which were not treated. Medical treatment was factually not available. Judge Kerber said the air inside the cells was “miserable” and the nutrition was insufficient. The food rations were merely sufficient for people to barely stay alive. Detainees could hear screams and the sound of torture in their cells, day and night. They were also not informed about the duration of their imprisonment and whether they would make it out alive at all.

Regarding interrogations, Judge Kerber detailed that they usually took place with one interrogation officer and at least one guard present. She added that the people who were being interrogated were constantly mistreated. Either because the officer did not like the answer, before they answered or because they answered at all. The judges found there were orders to mistreat the person, but the guards also mistreated them without receiving specific orders. At Branch 251, detainees usually had to endure electroshocks and beatings with cables and poles. The [Falaga](#) method was used particularly frequent. Detainees further had to endure *Doulab* and *Shabh*.

The latter was not only used to hang people from the ceiling, but also to beat them while in this position. Judge Kerber recalled witnesses further testifying that they received threats against their family.

Regarding the defendant's role, the judges found that Eyad Al-Gharib worked at this Branch since 2010. Kerber detailed that he first worked at the "religion" division, and then at the office in Az-Zabadani, before he joined Division 40 in July 2011. Division 40 was formally subordinate to Branch 251. However, due to the fact that it was led by Hafez Makhoul, a cousin of Bashar Al-Assad, the Division enjoyed considerable independence. According to the judges, members of Division 40 acted as a rapid intervention force, and usually worked in the field, arresting people at demonstrations and checkpoints and conducting raids. Kerber mentioned that the defendant himself called Division 40 a "mafiosi-like alliance".

#### Offences:

The judges were further satisfied that during his work at Branch 251, the conditions there as well as the acts inside did not remain hidden from the defendant. He especially knew about torture. Kerber recalled him telling the German Federal Criminal Police that one was able to hear the screams of torture at the cafeteria of the Branch.

Detailing the offences that Al-Gharib was charged with, Judge Kerber first explained that at a demonstration at a mosque in Duma in September or October 2011, around 3,000 – 6,000 protestors demonstrated peacefully, sitting and dancing on the streets. Around 1,000 security forces were ordered to confront the demonstration. Among these forces were members of the Air Force Intelligence, the Ministry of Interior, several members of Branch 251, the military and around 250 people from Division 40. Kerber went on to explain that at least the members of Division 40 were ordered to shoot at people. Hafez Makhoul himself took the opportunity to take shots and order that 'everyone who loves the president shall shoot the traitors'. According to the judges, Hafez Makhoul arrived at the demonstration in his Mercedes Benz, insulted the demonstrators and opened fire with his machine gun. He hit at least five people who remained on the ground and 6-7 other people started shooting as well. However, the judges found that the defendant did not shoot and instead tried to step back. When demonstrators tried to flee, the security forces, among them Al-Gharib, followed them and arrested many. The judges were satisfied that at least two vans took people from Duma to Branch 251. Many of the arrested people were beaten on the ride and, once they arrived at Branch 251, they had to endure the so-called "welcoming party" on their way from the yard to the building. All detainees were severely beaten and hit with metal poles.

The judges were not able to determine whether Al-Gharib himself beat any of the detainees. The number of people and cases of torture in which Al-Gharib consequently participated was determined in favor of the defendant. As Al-Gharib mentioned "buses", the judges found that there were two buses [of detained persons]. Particularly after Friday prayers, people were taken to Branch 251 in buses. Judge Kerber recalled witness [P5](#) telling the court that that there was space for around 15-20 people on these buses, however, they were usually overcrowded. In favor of the defendant, the judges found that there were 15 people in each van. All of them were tortured and had to suffer physical pain during their detention. All of them had to endure the "welcoming party" and suffer the indescribable detention conditions. They all had to hear the constant screams and sounds of torture. All of them were left in complete uncertainty regarding whether they would be able to get out alive.

Judge Kerber further explained that as a member of the Intelligence Service whose tasks were to suppress demonstrations, Al-Gharib knew about the widespread and systematic attack of the Syrian government. He was further aware of detainees being transferred to Branch 251 and the cruel treatment they had to suffer there. Kerber added that as a year-long employee of Branch 251, Al-Gharib knew about the torture practices and the fate of the detainees.

He worked at Branch 251 since February 2010, and ever since then had entered and left the building regularly and heard the screams that one could hear even at the cafeteria, as he himself explained. Overall, the judges found that he not only knew about people being tortured starting in March 2011, but he also even knew about changes that took place since March 2011. Kerber recalled Al-Gharib saying that “the punishment increased, and the guards just did whatever they wanted”.

#### Legal assessment:

Defendant Al-Gharib was found guilty of aiding and abetting crimes against humanity. The judges were satisfied that the requirements for a widespread and systematic attack were met at least since the end of March 2011. As part of this attack, Al-Gharib aided and abetted torture ([§7\(1\) 5 VStGB](#)) and severe deprivation of liberty ([§7\(1\) 9 VStGB](#)) in 30 cases. A defense of duress according to [§35 StGB](#) is not applicable.

While draconian punishment was possible in cases of disobedience, the judges could not say with certainty whether Al-Gharib indeed thought about leaving or involuntarily stayed due to possible consequences. Presiding Judge Kerber mentioned that Al-Gharib did not make any statements on these points.

According to the judges, it was also not the case that he would have had no chance to leave at all. In light of 250 members of Division being present at this particular demonstration, the judges found it questionable whether it would have been detected at all had Al-Gharib left the scene. The judges further found that he could have pretended to be injured by tripping or pretended to have a sprained ankle. He also could have faked a sickness prior to the operation. [As he did not show the defense of duress] Presiding Judge Kerber concluded that Al-Gharib therefore culpably committed an illegal act.

#### Sentence:

Stressing that Al-Gharib was not on trial for the atrocities committed by the regime, Judge Kerber explained that he was only accused of acts directly attributable to him and for his contribution to these acts. In light of this, the judges made the following determinations regarding the duration of sentence in his case:

In accordance with [§7\(1\) VStGB](#) one shall receive a sentence of no less than five years imprisonment for violations of §7(1) No.5 VStGB (torture) and no less than two years imprisonment for violations of §7(1) No.9 VStGB (severe deprivation of liberty). Kerber explained that in light of the main offence relating to aiding and abetting torture according to §7(1) No.5 VStGB, the sentence shall initially be between 5 and 15 years imprisonment. In light of the overall circumstances and number of people, the sentence would in a next step be amended to 2 to 15 years imprisonment, in accordance with [§7\(2\) VStGB](#). Judge Kerber explained that this amendment in favor of the defendant was due to the following factors:

- Al-Gharib incriminated himself with the BAMF as well as with the BKA and his verdict is significantly based on these statements.
- At the time the offences were committed, he was integrated in a hierarchical structure where he was under certain pressure to act.
- After a relatively early defection in January 2012 – the judges could not find otherwise – he turned his back on the regime.
- At the time the offences were committed, he had no criminal record, as far as this could be determined.

Kerber went on to explain that these factors alone were not sufficient to lower the maximum sentence, assuming a less grave incident. However, the fact that he only aided and abetted the crimes was sufficient reason to lower the sentence as mentioned above. The judges referred to [§49 StGB](#), providing that the highest sentence possible in such cases is set at 11 years and 3 months imprisonment.

Kerber said a further amendment of the sentence was required according to [§46b StGB](#). She explained that while the defendant did not make any statements during the main trial, he indeed contributed to the discovery of [other] crimes in his questioning with the BKA. During this questioning, he elaborated on the actions of Anwar Raslan and in particular on the fact that he witnessed how people were beaten with metal poles at Branch 251 and beaten to death. He also stated that he witnessed five or six transports of around ten corpses from Branch 251 that happened in 2011. Kerber recalled that these instances are also included in the indictment against Anwar Raslan and could have not been proven and attributed to Anwar Raslan without Al-Gharib. For the above-mentioned reasons, the margin of sentence was set at 6 months to 11 years and 3 months imprisonment. In determining this margin, the above-mentioned aspect in favor of the defendant as well as the fact that he aided and abetted the crimes and contributed to the discovery of crimes, were taken into account. Kerber again stressed that without Al-Gharib's own statements, there would not have been a verdict.

The judges considered the following aggravating factors in Al-Gharib's case:

- He voluntarily worked for a repressive apparatus and voluntarily returned from an office job to the operative business.
- The number of people [30].
- Detainees were exposed to conditions that can hardly be put into words.
- He aided and abetted two variations of crimes against humanity according to [§7\(1\) CCAIL](#): torture and severe deprivation of liberty.

The judges already mentioned mitigating factors and eventually sentenced Al-Gharib to 4 years and 6 months imprisonment and ordered to uphold his arrest warrant [to remain in custody].

Presiding Judge Kerber announced that the oral reasoning was concluded, and she would now ask the defense whether they want to be informed about their remedies and whether she should do a short or long version of that. The defense requested a short version.

One of the translators asked to have a break. Presiding Judge Kerber said that this would only take five minutes maximum and asked the translators to swap.

Presiding Judge Kerber provided the following information regarding remedies to the defense:

The judgement could be appealed [revision] within one week [notice of appeal]. This must be done in either in writing or taken to protocol at the office of the district court in Koblenz or the district court that oversees the defendant's imprisonment. The notice of appeal must be written in German. A written declaration must be submitted to the Higher Regional Court in Koblenz within the time limit. It is thereby not sufficient to merely have the post stamp within the time-limit. The revision needs to be reasoned. Therefore, a request detailing to which extent the judgment will be appealed must be submitted. A signed letter would be insufficient. Instead the request and reasoning must be taken to protocol by the office of the court. It needs to be signed by an attorney of law or the defense and submitted in writing. This must be done within one month after the judgment was received. Here again, the post stamp would be insufficient to meet the deadline.

Presiding Judge Kerber asked Al-Gharib and his defense whether they requested a more detailed information. Defense counsel Schuster denied.

Judge Kerber asked the prosecutors the same question, they also denied.

Presiding Judge Kerber concluded the trial by finding that Al-Gharib's imprisonment would continue, complaints against that should be submitted in writing in German language to the OLG Koblenz or the district court in charge of the prison where Al-Gharib is currently imprisoned.

The prosecutors said they would refrain from taking any legal steps against the judgment [appealing].

The trial against Eyad Al-Gharib at the OLG Koblenz ended at 11:15 am on February 24, 2021.

The next hearing in the trial against Anwar Raslan, will take place on March 10, 2021.



**TRIAL OF ANWAR RASLAN**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 29

Hearing Dates: March 10 &amp; 11, 2021

*CAUTION: Some testimony includes descriptions of torture.***Summaries/Highlights:<sup>1</sup>****Trial Day 63 – March 10, 2021**

After the verdict in the trial of Eyad Al-Gharib was announced at the end of February, the trial of Anwar Raslan continued. The court heard the testimony of P28, a 55-year-old man who was a state employee at a laboratory for medical tests in Syria. He explained how he was detained at a checkpoint in his hometown of Harasta in 2012 for being on a wanted list. P28 was transferred to Al-Khatib Branch where he was held in the “Death Cell” with more than a hundred other detainees. He described the cell as being dark and airless, like a grave.

**Trial Day 64 – March 11, 2021**

The witness was P29 whose personal information was not disclosed. He described how checkpoint personnel asserted that a defect in his identification card was linked to a Sheikh who instructed people to damage their IDs in opposition to the Syrian government. On the way to Al-Khatib Branch, security officials stopped at a random location where they ordered P29 and other detainees off the bus. They then threw cigarette butts at the detainees backs and beat them. P29 described being sexually harassed by officials who fondled his hair and pushed the forepart of a rifle’s barrel up his anus.

**Trial Day 63 – March 10, 2021**

The proceedings began at 9:30AM. There were five spectators and two individuals from the media present.

Plaintiff Counsel Stephan Kuhn appeared for Bahns. One of the court interpreters did not attend for health reasons and was replaced by Al-Gharib’s former interpreter.

**Testimony of P28**

P28 [name redacted], was born on January 01, 1966. He was accompanied by his attorney, Manuel Reiger. Instructions were read and he was informed about his rights as a witness.

**Questioning by Presiding Judge Kerber**

Presiding Judge Kerber asked P28 if he wanted to share his address. P28 declined.

Kerber asked P28 about his job. P28 said that he used to work in a laboratory for medical tests. Currently, he is not working. He volunteered as a driver with the German Red Cross for two years.

<sup>1</sup> 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.

Kerber asked P28 if he is related to the accused by blood or marriage. P28 said no.

Kerber asked P28 why he was in conflict with the regime and how he was detained. P28 said that he used to work at [information redacted] as a lab technician who performed medical tests. One day, he and his wife were driving home from work in their car. There were many checkpoints scattered around his town, Harasta حارستا, including at the entrances. There was—and still is—a state of security disturbance in Syria. One of the checkpoints that P28 normally travelled through always asked to see identification cards. P28 normally showed his work association card (he was a state employee). That day, however, one of the officials took P28's card to the commander of the checkpoint. P28 was surprised when the official came back and ordered him to get out of his car. They went together to the commander who told P28 that [he was wanted]. P28 asked for the reason why he was wanted. The commander did not know why, but P28's name was indeed on the wanted list. The commander found this strange and said that this could be an issue of similar names. He returned P28's identification card and let him go. P28 told the security personnel that they could visit the [police hospital where P28 worked - it was essentially a detention center from which people were transferred to the security branches] if there was a security issue [or to clear up any confusion].

P28 was surprised when the officer then instructed the personnel to tell P28's wife to leave (without the car), handcuff P28 behind his back and pull his shirt over his face, then go to the police hospital. P28 and other detainees were put on a bus that was used to transfer detainees and criminals. He remained handcuffed with his head covered. Someone approached P28, lifted the shirt off P28's face, and asked P28 his name. He then asked if P28 knew him. P28 thought the question was strange and said that he did not know the person. The man said, "I am the one whom you should know." When P28 asked why, the man replied, "you will know at the Branch." P28 and the others were taken to Al-Khatib Branch.

In the outside square, they were lined up facing a wall and remained handcuffed. The detainees heard one of the guards asking, "why are you troubling us, sir? Why don't we kill them and finish this?" Eventually, the detainees entered the Branch. The reception was bad. Abu Ghadab ordered P28 to take off his clothes then squat. He took P28's personal belongings and put him in the "Death Cell." P28 said he felt like he was still living in it now. It was like a grave—dark with 130-140 people crammed inside and no light or windows. The cell's width was 3 – 3.5m and its length was 5 – 6m. P28 stood on one leg for six hours, then alternated. There was also a toilet. There was a hatch at the bottom of the cell door that was 30x50cm. Air and dim light from the corridor entered through it. Ventilation happened through an air-suction device. The detainees felt like they were suffocating. The guards often punished the detainees by shutting the hatch on the door. When that happened, the detainees could not breathe. The cell's ceiling was so damp that it accumulated water droplets. Lice infested the cell too. The medical conditions were bad; everyone in the cell was sick. Most people had fevers and/or skin conditions. P28 was in the cell for a week and was interrogated twice. He was beaten during both interrogations. He still suffers from the damage caused by having his ear beat. He has tinnitus and hears noises in his head. He cannot sleep. Sometimes, he has to take anti-depressant pills. [P28 stopped talking and there was a moment of silence].

Kerber asked if P28 needed a break. P28 said yes and asked for water.

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[15-minute-break]

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**Questioning by Judge Wiedner**

Judge Wiedner returned to the topic of when P28 was detained at the checkpoint. He asked P28 what day that happened. P28 said it happened on May 19, 2012 at noon.

Wiedner recalled that P28 spoke about checkpoint facilities during the German police questioning (when they were established and how many there were in Harasta حراستا). Wiedner asked if P28 remembered speaking about this. P28 explained that the checkpoints were established around the end of 2011 and the beginning of 2012. There were many checkpoints in Harasta. Almost every street had one, including the street on which he lived. Checkpoints had tanks and machine-guns, so people could not fight back. The checkpoint personnel occupied places without asking for permission and nobody could object. The checkpoint near his house was formerly a shop that was looted. At the police station, there was a sniper (this was in 2012 after P28's detention). He killed people in the streets. P28 witnessed a young man being killed. [P28 and other people] could not evacuate the man who was shot because of the sniper. [P28 did not explain if the man was killed by the sniper.] The sniper was placed in that location because people demonstrated against the checkpoints. Eventually, the checkpoints remained scattered around the town's entrances, and the ones inside the town were removed.

Wiedner recalled P28's statement during police questioning that there were approximately 200 checkpoints in Harasta. P28 said that, at a certain point, the checkpoints segmented the town. He might have exaggerated the actual number of checkpoints, but they really were on every street. You could not walk 300 meters without having to stop at one. Eventually, the checkpoints were removed after protests subsided. But the checkpoints at the town's entrance remained.

Wiedner asked when the number of checkpoints increased in relation to the demonstrations. P28 recalled that the number of checkpoints increased in 2012, but he did not remember the month. The number increased while he was detained, so maybe in March or April [2012].

Wiedner recalled P28's statement during police questioning that the checkpoints were only on main streets at the beginning of the demonstrations, but were then placed everywhere. Wiedner assumed that more checkpoints were established after the demonstrations started. P28 said that he had a problem with dates. At some point, there were no checkpoints inside the town—only along its perimeter. However, P28 did not know for sure. It had been 10 years since then.

Wiedner asked if the number of checkpoints increased in 2012. P28 said that when the checkpoints increased, they were added around the same time, not gradually. One day, the Presidential Guard and the Fourth Division entered Harasta. There were at least ten soldiers on every street. The whole army was there from 6:00AM to 12:00PM. They were allegedly looking for armed people.

Wiedner asked what happened and if people were detained. P28 said people were detained throughout the country on a daily basis. When the demonstrations started, the security forces detained anyone in their way.

Wiedner said that P28 mentioned an incident in which someone died during a demonstration. P28 explained that there was a demonstration in As-Sabeel [a neighbourhood in Harasta]. The security forces surrounded the demonstrators. Four people were killed. One of the victims was a young man between 15-20-years-old. He died instantly from a shot to the heart. P28 tried to carry him away, but was forced to leave him because the security forces surrounded [the demonstrators]. The [security forces] went door-to-door and searched for [demonstrators] in people's houses.

Wiedner recalled P28's statement during police questioning that this incident occurred in 2011. P28 did not remember the date, but the demonstrations happened in 2011 and the beginning of 2012. Checkpoints increased and people began to arm themselves [this sentence was not interpreted].

Wiedner asked whether detentions at the checkpoints were targeted or indiscriminate. P28 said that the detentions were indiscriminate at the time when he was detained. Anyone in the street was detained. When the security forces heard about a demonstration, they came and detained everybody in their way. It did not make any difference whether or not someone was actually involved in the demonstration. It was merely a retaliatory operation.

Wiedner said that P28 mentioned something during police questioning that bribes were paid. P28 said that he had a 70-year-old cousin whose son was around 40-years-old. Both the father and son were detained at a checkpoint. A bribe was demanded for their release. [Their family members] did not pay the bribe and the men were killed in a horrible way.

Judge Kerber asked if P28 knew which branch was responsible for detaining people. P28 said that the checkpoints were [operated by different branches]. He did not know to whom the checkpoint belonged. All security forces were involved, even the army, but especially the Fourth Division. There were checkpoints where the personnel wore military uniforms and others where they did not.

Wiedner asked P28 when he was released. P28 said that he was released in July 2012 in Kafar Souseh كفر سوسه in the evening.

Wiedner asked P28 how he knew that he was detained at Al-Khatib Branch. P28 said that people knew more information inside the prison than outside the prison. They received news from the outside before the people outside got it (he did not know why).

Wiedner asked if P28 meant that other detainees told him about Al-Khatib Branch. P28 said that, at the time he was detained, the detainees knew that the branch responsible for security in Harasta was Al-Khatib.

Wiedner quoted from the police questioning transcript: "P28 lived in Harasta and worked in Damascus, so he was familiar with Damascus. P28 knew the bus routes. Other detainees told P28 that they were at Al-Khatib." Wiedner asked P28 if that was correct. P28 confirmed and said that Harasta is not far from Damascus, around 9km away. He studied at the Health Institute which is 400 – 500m away from Al-Khatib Branch. He went back and forth for two years. He also worked as a taxi driver in Damascus and knows his way around the city with closed eyes. He anticipated that he would go to Al-Khatib Branch [when he was in the bus].

Wiedner asked for how long P28 was detained at Al-Khatib Branch. P28 said that he was detained for one month.

Wiedner asked what happened afterward. P28 said that he was sent to another place, which he thought was Najha نجها but was not sure. He was there for around a week. The other detainees there said that it was Najha. He was interrogated once during that week. He was beaten and lost consciousness. After one week, he was returned to Al-Khatib. After one week at Al-Khatib, he was taken out of the "Death Cell" and was put in another cell that was relatively better.

Wiedner asked about the conditions in the other cell. P28 said that the cell was crowded, especially when new [detainees] came. Sometimes [the guards] brought 20 or 30 [detainees] at once. The health conditions were bad.

Wiedner asked if P28 was transferred to Kafar Souseh toward the end of his detention. P28 confirmed. After he was returned to Al-Khatib from Najha, he was interrogated again, then transferred to Kafar Souseh. During the interrogation, he was beaten and the interrogator demanded that P28 sign [two or three white] blank papers. He was blindfolded during the interrogation. A prison guard stood behind him while P28 sat on his knees with his head down and his hands cuffed behind his back. P28 received blows from the person behind him and the interrogator asked questions. A person came into the room and talked with the interrogator. [The interrogator] told that person: “[the personnel] are bringing people who did not do anything [wrong].” After that, the interrogator [was annoyed] and asked why they brought people who did not do anything [wrong].

Wiedner asked if that happened at Kafar Souseh or Al-Khatib. P28 said Al-Khatib.

Wiedner asked if that was when P28 signed the papers. P28 said yes. He told [the interrogator], “I did not do anything and want to end this tragedy. If you want to kill me, then kill me. I did nothing [wrong].”

Kerber asked if there was a third person in the room. P28 thought that a third person, who was a friend of the interrogator, came in for a moment.

Kerber asked if P28 identified a certain dialect being spoken. P28 said that there is a problem in Syria regarding dialects: everyone who joins the army or the security services speaks a coastal dialect [associated with Alawites]. Therefore, detainees cannot tell where authorities are really from. It is as if speaking [the coastal dialect] made people more powerful within the regime.

Wiedner asked if P28 ever saw the interrogator. P28 said that he saw the interrogator when the interrogation ended. P28 told the interrogator to kill him or release him. The interrogator replied that he would not kill P28 and told him to sign the blank papers. At that moment, the interrogator took the blindfold off P28’s eyes [P28 saw the interrogator], then told P28 to leave.

Wiedner asked P28 to describe the interrogator. P28 said that he was in his 40s or 50s. His hair was white. He was not tall and had tan skin. He wore a suit of a similar color [P28 pointed to his own suit, which was grey].

Wiedner asked P28 whether he could identify the person who was sitting to his right [Raslan] as the interrogator. P28 said no, he did not think [Raslan was the interrogator].

Wiedner asked how P28 was released and if it was through a court. P28 said that, after his interrogation at Al-Khatib Branch, the prison warden came [to the cell] a day or two later. He usually came when people needed to be transferred. P28 saw him twice and he wore a mask to shield him from the detainees’ scent. He read some names, including P28’s name. P28 was transferred to Kafar Souseh. When he was leaving Al-Khatib Branch, P28’s hands were tightly tied using zip ties that almost cut his wrists. [One of the personnel] gave P28 his belongings (not his belt), then P28 was transferred to Kafar Souseh. P28 said that he stayed at Al-Khatib and Najha for approximately a month and a week, then he stayed at Kafar Souseh for more than ten days (perhaps 12 – 14 days). Kafar Souseh was worse than Al-Khatib. There were 54 people in a cell that was called “The Double” المزدوجة. The cell was named “The Double” because it only fit two people. There was a window but it was closed. He was interrogated three or four days after his arrival.

Wiedner was interested in whether P28 was released after a trial. P28 said that he was released from Kafar Souseh without a trial.



Wiedner asked about food and water during detention. P28 said that the food situation was indescribably bad. No one in the courtroom today would offer that food to an animal. For example, the soup was served in a plastic washtub without bread or spoons. The other food was also bad.

Wiedner asked if the food was sufficient. P28 said that the food was so bad that he lost 30 kg. He entered prison weighing 90 kg and was 60 kg when he was released. He was also insulted while he ate. Insults were constant and detainees were beaten. The medical condition was bad. He recalled how he got sick for 15 days and had a high fever. There was no doctor. His fellow detainees had to take P28's shirt, dampen it with toilet water, and put it on him to reduce his temperature. This was repeated multiple times a day. He had lice, scabies, and patches on the skin, some of which were the size of [the bottom of a cup]. There was no medicine. At that time, [news] spread that there was a death in the "Death Cell." P28 thought that [the personnel] were afraid [because of the alleged death], so they brought a doctor. That was the only time [a doctor came] and he was only there for around an hour. Among the detainees in the external [cell], there was a person who had foot and chest injuries. He was thrown [by personnel] near the toilet and was surrounded by toilet water which touched his wounds. The man did not receive medical care. When the doctor came, he wrapped the man's inflamed leg with a bandage. Other detainees had diabetes, hypertension, lice, and more. The prison guard would say "who wants to donate money to cover the cost of medicine for [other detainees]?"

Wiedner asked if P28 received medical care or medicine. P28 said no.

Wiedner asked if P28 saw anyone die. P28 said that he did not see anyone die, but he heard about people who died. [News was spreading amongst] the detainees that the doctor came because someone died. P28 thought that anyone who lived in such conditions would probably die if they were not released. When people were released, they were reborn.

Wiedner asked about the water situation. P28 said that the detainees all drank from a jug of water. Like the food, the water was insufficient.

Wiedner recalled P28's statement during police questioning that the detainees were given a jug of water that was inadequate and that P28 washed himself with toilet water. P28 said yes. He bathed with toilet water because he had no other choice. [The detainees] were not able to wear their clothes due to breathing [difficulties].

Kerber asked P28 to clarify what he meant by "toilet water" and whether he meant water from the toilet itself. P28 said that there was a hose that was used to clean the toilet. They used it to bathe. The toilet sometimes overflowed. [The detainees] lined up to go to the toilet. P28 had to wait around four hours for his turn.

Wiedner recalled P28's statement during police questioning that the air in the cell was bad and the detainees complained about it. P28 said that, in the "Death Cell", whenever they closed the ventilation hatch, [the detainees] suffocated within a few minutes, so they screamed. The prison guard would then beat them. [The guard] brought a cable with him. One time, the cable's ends were exposed and iron wires protruded. [The guard] beat detainees with it and caused many wounds.

Wiedner recalled that P28 mentioned a situation in which detainees complained [that they were suffocating] and the guard told them that he wanted them dead. P28 said yes, they complained to [the guard about the lack of air] and he told them, "we want you to die."

Wiedner asked if the detainees suffered from collective punishment. P28 said yes, whenever the guard heard a noise or something in the cell. No one could look at him and everybody had to make space for him to stand. There was no space to begin with, but they were forced to stack [their bodies] on top of each other. Then [the guard] beat people randomly.

Wiedner asked how often the detainees slept. P28 said that they were unable to sleep. [The guard] came at any moment. He had fun and his hobby was killing. He took people close to death, but did not kill them. [The guards] were literally criminals.

Wiedner asked how the detainees slept. P28 said that they slept from exhaustion on top of each other. There was not enough space, except for on a few occasions when people were released [and there was more room]. In the external cell, detainees suffered as they heard the sounds of other detainees being tortured. P28 heard sounds that resembled an electric shock. It was horrible.

Kerber reminded P28 to ask for a break whenever he wanted one.

Wiedner asked if there was enough space to sleep. P28 said that it was too difficult to sleep. If one wanted to sleep, then he had to do it while sitting. The room was 3x6m with approximately 120 people inside. When P28 wanted to go to the toilet, he stepped over people. There was a lot of psychological pressure. Every moment, one anticipated being killed. P28 wondered how he could have slept [under such difficult conditions].

Wiedner recalled P28's statement during police questioning about an Iraqi. P28 said that the Iraqi had a notable decline in psychological functioning. He was badly beaten. His body had black, blue, and dark red bruises. His hand was swollen. His skin pores oozed blood instead of sweat. He constantly screamed. The prison guard heard him banging on the [cell] door while he repeated that he did not do anything wrong and asked to be released. The prison guard came, took him out of the cell, then returned him [later]. [The Iraqi] was beaten so badly that he defecated and had bloody urine. He was unable to control [his bodily functions].

Wiedner asked whether other detainees talked about the various methods of torture used. P28 said that they talked about electric shocks, beating, and Shabh [hung by hands with toes barely touching the floor for many hours].

Wiedner asked P28 to which torturing methods he was subjected. P28 said that he was not tortured. There was one person who went to interrogation and had to be carried back to the cell. His situation was bad.

Wiedner recalled P28's comment that he was beaten during the first interrogation. P28 said that beating was normal, but his major problem was the psychological condition. He did nothing wrong. When he asked to clear up his security situation [when he was at the checkpoint], he never expected to be detained and badly treated, especially because he was a state employee. Unfortunately, he was humiliated and beaten like everyone else.

Wiedner asked P28 who asked questions and who beat him during the interrogation. P28 said that he was blindfolded. He could only see for less than a minute at the end of the interrogation.

Wiedner recalled P28's statement during police questioning that "[he] sat on his knees, the interrogator was in front of [him], and [he] was beaten on his feet, body and legs." Wiedner asked if this was Falaqa. P28 said that there are many types of Falaqa, but essentially: one lays down and raises his legs.

Wiedner asked if what he just described happened to P28. P28 said that it happened, but it was not called Falaqa. He was just randomly beaten.

Wiedner said that P28 described how he was beaten from behind, then his ear was hit. P28 said yes, most of the beating was from behind.

Wiedner asked if the interrogator and the person beating P28 communicated with each other or if there were instructions or orders to beat P28. P28 said that, most likely, the interrogator and guard agreed in advance that the guard would hit P28 if the interrogator did not like P28's answer.

Wiedner recalled that P28 said in police questioning that the individuals referred to each other as "Sidi" and that one of them said "do this." Wiedner asked if that was correct. P28 said yes.

Wiedner asked if P28's family knew where he was. P28 said that nobody knew where he was. In general, people assumed that detainees from Harasta were taken to the Inner Branch (but they never knew for certain).

Wiedner asked P28 if the interrogations took place in the basement or somewhere else. P28 said that the "Death Cell" was underground and it did not have windows. The external chamber [cell] had a window at the top of the wall and [the detainees] were able to see the sky. However, it was closed and the detainees were not allowed to open it.

Wiedner asked if the interrogation room was on the same floor [as P28's cell] or if P28 had to go up or down stairs. P28 did not remember.

Wiedner asked if P28 heard screams during the interrogation. P28 said that it was normal to hear [the screams]. He thought that the interrogation rooms were close to each other, but he was not sure if the screams came from another room or another corridor. The prison was a place for torture, not for interrogation. In the external chamber [cell], the detainees could hear sounds of people being beaten and screams.

Wiedner said that P28 mentioned how he suffers from tinnitus. Wiedner asked him to elaborate. P28 said that his body is abnormal now. He has diabetes, high blood-pressure, backpain, and had a cardiac catheterization. He takes seven medications. He is not able to escape the psychological pressure. He remembers the detainees. No one did anything wrong. One of the detainees was a young man who was going to get married soon. He was detained at a checkpoint and is still not released. Accusations were made against everyone: from arms to terrorism to demonstrating. The young man was accused of being armed. He was one of five people detained in a group, none of whom have been released. P28 knew them personally. Three of the five were brothers from the same father. Even if they were not executed, then it is impossible for them to still be alive.

Wiedner recalled P28's statement during police questioning that 90% of the detainees did nothing wrong. P28 said yes. Everyone with whom he spoke in the [cell] said that they were not armed. [The security forces] brought people from the streets. But at that time, it was impossible for anyone who was armed to get caught by the security forces.

Wiedner asked P28 if the security forces knew that the detainees did nothing wrong. P28 said that when one hears phrases like "why would you bring them here if they did nothing?", then what do you expect? Indeed, people were brought from the streets and the detainees witnessed that.

Wiedner asked P28 if he heard detainees complain that they did nothing wrong. P28 confirmed.

### Questioning by Prosecutor Klinge

Prosecutor Klinge asked P28 what other methods of torture he mentioned during police questioning [Klinge referred to the term “plastic”]. P28 said that he was hit with a plastic cable.

Klinge was referring to something else that P28 mentioned during police questioning. More specifically “melted plastic”.<sup>2</sup> P28 said that he saw a person on whom “they” dripped melted plastic on his head and back. The plastic drops seared the man’s shirt and flesh. Another person was burned with spray. “They” ignited the spray and burned him. P28 saw that in the external chamber [cell].

Klinge mentioned that P28 said during police questioning that there were suicide attempts. P28 said that someone attempted suicide. Due to psychological pressure, people lost their minds. Someone put his hands behind his back and rammed himself against the wall. The prison guard came and took the man for 30 minutes to an hour, then brought him back. The detainee was doing this movement all day [P28 demonstrated a jerking movement]. He was unable to talk. P28 thought that it was due to electric shock, but he was not sure. The detainee’s situation was bad.

Klinge mentioned sexual abuse. P28 said that he did not see sexual abuse, but he heard about it. P28 did not know whether it happened at this Branch or at another one. Detainees heard about electric shock being used on male genitals.

Klinge asked if it was correct that P28 did not know if sexual assault happened at Al-Khatib Branch. P28 confirmed.

Klinge asked if it was correct that there were female detainees. P28 said that in the “Death Cell,” he heard women’s voices. There was a women’s cell nearby. When P28 left interrogation, a female shouted her name to P28 and asked that he tell her relatives about her if he was released. P28 did not remember her name. There was also a young man who sat near the air hatch and could look through it. He told the detainees that the guards took naked women out of a cell.

Klinge asked what P28 meant by “naked.” P28 was naked due to the bad ventilation. All the detainees were naked. They sat naked on the tile floor. In the external chamber [cell], there were blankets, but no one used them because they were dirty and lice-infested.

Klinge asked again what P28 meant by “naked.” P28 said that “we” are a conservative Muslim society. In a sense, a girl who typically wears a hijab was considered “naked” if she was unallowed to cover her hair [during detention]. If a girl only wore her underwear during detention, then she was “totally naked” which usually meant that she was sexually assaulted.

Klinge recalled that P28 said during police questioning that the guards took women upstairs for their amusement. P28 said yes, the young man who sat next to the door told that to the [detainees].

Klinge asked if P28 heard women scream. P28 said that he heard one woman shout when he went to interrogation. She told P28 about her existence.

Klinge asked P28 if he heard about sexual abuse in Al-Khatib Branch. P28 said that he heard about women who became pregnant in prison, but not necessarily in Al-Khatib Branch. Sexual abuse was normal in the security branches.

<sup>2</sup> Note from the Trial Monitor: The parties often use certain “key words” to trigger the witnesses’ recollection regarding their previous statements with the police.

Klinge asked if P28 personally heard about women being tortured or sexually abused in Al-Khatib Branch. P28 said that everybody who enters Al-Khatib or any other security branch is tortured. When someone goes to a security branch, he or she is headed to death.

Klinge asked if P28 said that women were tortured in Al-Khatib Branch and that he heard their screams. P28 said that the detainees could hear [women being tortured], but he did not see it.

Klinge asked if P28 personally heard women scream or tortured. P28 said that he did not hear screaming. A woman tried to tell him that she was there. There were women in Al-Khatib Branch.

Defence Counsel Böcker said that the defence did not have questions.

The plaintiffs' representatives did not have questions.

Judge Kerber dismissed the witness.

P28 asked Kerber if he could make a final statement. Kerber permitted the statement. P28 said that he was more psychologically than physically harmed. Physical harm was nothing compared to the psychological condition that he now faces. Until this day, he still lives in cell number five. Even P28's family lives this agony. His child was 5-years-old when P28 was detained and, because of how much the child was scared by P28's detention, he cannot sleep alone or in a closed room. The child is now 17-years-old and suffers because P28 suffered. All of P28's family suffers. P28 still has the images [of detainees] in his head which keeps him awake [haunts him at night], in addition to the tinnitus. Sometimes, he loses self-control. "I am not me."

Kerber thanked P28 and told him that he was heard.

The proceedings were adjourned at 11:55AM.

The next trial will be March 11, 2021 at 9:30 AM.

#### **Trial Day 64 – March 11, 2021**

The proceedings began at 9:30AM. There were four spectators and two individuals from the media present.

#### **Testimony of P29**

The witness's attorney asked Presiding Judge Kerber to allow her client to wear his face mask and to abstain from giving personal information that might endanger his life and liberty.

Kerber asked about the reason for the witness's endangerment. The attorney said that her client was afraid that his family would be threatened, which happened to a former witness.

Kerber allowed the witness to keep his mask on and to not give personal information. Kerber said that she previously received a message from the attorney regarding this matter.

Instructions were read to P29 and he was informed of his rights as a witness.

#### **Questioning by Presiding Judge Kerber**

Kerber asked P29 if he is related to the accused by blood or marriage. P29 said no.



Kerber asked P29 how he came into conflict with the regime and how he was detained. P29 said that he participated in demonstrations in Sha'lan شعلان, Al-Qaboun القابون, Douma دوما, and other places. But the reasons for his detention were not based on [the demonstrations]. On May 12, 2012, P29 was on his way home from Al-Jisr Al-Abyad الجسر الأبيض. There was a checkpoint at Sabe' Bahrat سبع بحرات. He was stopped at the checkpoint because his identification card was damaged. The issue with P29's ID was just a manufacturing defect near the part of the card that listed his father's name. Although P29 had whiskey with him and [checkpoint personnel were familiar with him], they accused him of being an Islamic extremist because of a Sheikh named Al-Ar'our العرعور who asked people to break their IDs in defiance of the regime. Additionally, P29 is from Homs حمص which opposes the regime. P29 tried to explain the situation, but the checkpoint personnel called another patrol which then took P29 to the Branch. P29 was not tortured to confess. He mentioned this each time he spoke with police. But the conditions during detention were difficult, beginning when he was transferred by car (a Mitsubishi) from the checkpoint to the Branch. The first slap (before he got into the car) was bad and raised his tolerance threshold. He tried to concentrate on where he was being taken. He assumed that the [location] was close to the Council of Ministers and that he was going to Al-Khatib. The car stopped at a random location where there were other detainees. P29 was thrown to the ground, then low-level officials began to kick and sexually harass him. At that time, P29 had longer hair [a note from the Trial Monitor: P29's hair was shoulder-length at the trial]. The officials fondled P29's hair and chest. They put a rifle at P29's bottom as they jumped around and repeated pro-Bashar slogans. The detainees were then put on a microbus. The route was long. At each checkpoint, the door [of the microbus] opened and [the officials] said something along the lines of "we brought Ara'eer عراعر [a derogatory reference to supporters of Ar'our] to you" and had a "welcome party."

Kerber asked if [the welcome party] happened on the bus or at the Branch. P29 clarified that the first party [was on the bus], but the main party was at the Branch.

Böcker did not understand the term that was mentioned and asked the interpreter for clarification. The interpreter said that "Ar'our" is the name of the Sheikh and "Ara'eer" is little "Ar'ours."

P29 said that the detainees arrived at Al-Khatib Branch. He was not tortured. His hands were bound by a zip tie behind his back. Perhaps he stayed like this [he did not mention where] for one or two hours. After that, he was taken upstairs to a low-ranking officer who said that P29 would stay [at the Branch] for a while. [The officer] asked for P29's Facebook and email passwords. P29 tried to provide the correct password with one typo and then was taken downstairs to detention. [The detainees] asked P29 to take off his shoes because [the cell] was where they ate and prayed. During the first few days, there were 100 people (P29 did not remember precisely). It was a long room with a small room on its right-side and a toilet. It was crowded and there was no place for people to sleep. The newcomers either had no place to sleep or alternated spots with old detainees. Ultimately, P29 could not sit for five days. The psychological pressure in the Branch led to group affiliations. People gathered according to city: Damascus, Homs, Hama, Harasta, etc. There was constant fear of the prison guard. The guard was referred to as "Memati ميماتي" after a person in a Turkish series. After four or five days, P29 began to imagine that he was in a reality show. He wanted to sleep. He started to scream and bang on the iron door. The men tried to stop P29, but they could not. A guard came with whips. The detainees were afraid because conflicts were not allowed in the cell. The guard opened the door and spoke with a coastal dialect ("Alawite" dialect). P29 challenged the guard by also speaking the coastal dialect. He said "if you think that you can speak the dialect, then I can speak it better." The detainees were terrified. This was the first time that the guard entered the [cell]. The guard told someone to "go stand and let this donkey sleep." The toilet area was small. There was an Arab-style toilet that P29

slept next to. It became P29's sacred place to sleep and he was not willing to forfeit it. P29 said that he was not directly tortured and was briefly interrogated after the time when he started screaming.

Kerber asked when P29 was detained. P29 said that he tried to forget the date, but his Facebook indicates that he was detained from May 12, 2012 until May 26, 2012.

Kerber asked if P29 knew why he was not tortured. P29 said that [prior to being detained], he asked his friends not to create a Facebook page that advocated for his release because he was not a hero [a Facebook page was commonly made by family and friends of detained individuals to advocate for their release]. Many of P29's friends who were not pro-opposition reached out to contacts to get P29 released. They secured a meeting for P29's mother with a person connected to Hafez Makhoul <sup>مخلوف</sup> حافظ. P29's mother begged the person and, eventually, P29 was released on bail after he signed many blank papers and paid money.

Kerber asked if [P29's release] occurred because of his contact's connection to Hafez Makhoul. P29 said yes.

Kerber asked if a ransom was paid. P29 said no, a ransom was not paid.

### **Questioning by Judge Wiedner**

Judge Wiedner recalled that P29 said during the French police hearing that he was active in the early demonstrations. He asked about P29's observations after he was released. P29 said that there was violence from the first moment [of the uprising in Syria]. He remembered that he witnessed a direct shooting for the first time after a demonstration in Douma <sup>دوما</sup>. He was naive because he was a city boy. He laid on the ground [and pretended to be dead] and people pulled him away. He lost his voice until the demonstration on behalf of the 13 martyrs in Al-Qaboun.

Wiedner asked when [the demonstration in Al-Qaboun] happened. P29 did not remember the exact date, but it occurred between 2011 and 2012.

Wiedner asked if P29 was there when [the 13 people] were killed. P29 said no. The event was a funeral [demonstration] for the 13 people.

Wiedner recalled that P29 said in police questioning that the demonstration was on July 15, 2011 and asked P29 if that was correct. P29 said correct, he participated in the funeral [demonstration].

Wiedner asked if P29 witnessed violence during the demonstrations. P29 recalled many demonstrations in Al-Midan <sup>الميدان</sup> where he heard shooting from a distance and saw injured people [note from the Trial Monitor: "and saw injured people" was not interpreted]. [Violence occurred at demonstrations even before the uprisings, like at] the demonstration against Al-Qaddafi <sup>القذافي</sup> in front of the [Libyan] embassy. P29 wondered why he was summoned to testify in court since he did not witness much: 13 days in detentions was nothing compared to others.

Wiedner said that P29 was detained from a checkpoint and was taken to a location where he was abused. P29 was then taken to Al-Khatib and was eventually released from Al-Jisr Al-Abyad. Wiedner then asked P29 if it was possible that P29 was detained in the same place from where he was released. P29 said that the first time he was released was on May 26<sup>th</sup>. He was taken by car to Al-Jisr Al-Abyad and was released. The following day, he went back to Al-Khatib Branch for his papers.

Wiedner asked if P29 was sure that it was Al-Jisr Al-Abyad. P29 said that he was 80% sure that it was Al-Jisr Al-Abyad. At first, he thought that it was the Council of Ministers, but it was not.

Wiedner asked if P29 recalled a case with the key word “cigarettes.” P29 said of course. [When he was at the random location before he arrived to Al Khatib], the officials threw cigarette butts at the detainees backs to see if the butts would stick to them and burn their skin.

Wiedner asked if that happened to P29 as well. P29 said of course.

Wiedner asked how P29 knew that he was at Al-Khatib Branch. P29 learned that he was in Al-Khatib Branch after he was released. When [the detainees] were in the Branch, many people did not know where they were or what time it was. Some people suspected that they were at Al-Khatib. When P29 returned the following day (after he was released from Al-Jisr Al-Abyad), he saw the door he went through. At that moment, P29 was certain that he was held at Al-Khatib. Based on that, when they [French or German police] asked him to draw a sketch of the surrounding space, he could draw it.

Wiedner asked if P29 remembered anything about the Branch and where it was. P29 said that it was practically in the basement. There was an iron door to the right and a set of stairs, then another set of stairs. There was a place where they had to put their personal belongings and after that was the room of the officer who interrogated him.

Wiedner asked where the interrogation took place. P29 said that it was either on the ground floor or the first floor.

Wiedner asked if P29 remembered the interrogation room. P29 said that the image is completely absent [from his mind]. He remembered what he told the German police (but not the French): there were green curtains, pictures of Hafez and Bashar Al-Assad (like all government departments), and a brown desk with gold decorations on it.

Wiedner recalled that P29 said in police questioning that he was detained in the basement and that the interrogation took place on the first floor. [P29 consulted his attorney]. P29 still thought the same: either the ground floor or the first floor.

Wiedner asked P29 if he was alone in the interrogation. P29 said that he was alone and initially blindfolded. The interrogator was kind and did not call him bad names. [The interrogator] asked P29 to take off the blindfold, then he asked a few questions that were unrelated to P29’s detention. At that time, P29 felt that [the interrogator] had [already] received a call from the parties who were trying to release him.

Wiedner asked if the interrogator received a call during the interrogation. P29 said no, he felt like the interrogator received the call prior to that.

Wiedner asked why P29 had that feeling. P29 felt that way because of the interrogator’s way of speaking and because P29 compared the appearance of people after they returned from interrogations versus P29’s appearance after he returned. Additionally, he got cardiac medicine after two hours, whereas others with much more serious conditions did not get medicine. P29 recalled an incident in which a person had a severe headache and was not given medicine. A sheikh put his hand on that person and read the Quran to him. The prison guard came inside the cell, beat them, and told them “this is how your headache goes away.”

Wiedner recalled that P29 said that he was treated better than others and the interrogator was nice. Wiedner asked about the subject discussed during the interrogation. P29 noted that the interrogator said that P29 was from a kind family, unlike other detainees. [P29 stopped speaking for a moment.] He apologized and said that he did not remember.

Wiedner said that P29 was shown photos during police questioning. P29 said correct.

Wiedner noted that P29 previously pointed to a person in a photo and indicated that the person might be the accused. Wiedner asked P29 how he identified the accused. Böcker objected to the question's phrasing.

Wiedner rephrased the question. He asked P29 if he recognized Raslan in one of the photos and if P29 saw Raslan in Syria. P29 said that he did not want to speak about a [specific] person. At the moment [when P29 was questioned by the police], Raslan was detained and his picture had spread across the internet. Therefore, P29 thought this would influence his answer. When P29 was released, there was a travel ban on him and whenever he wanted to travel abroad, he had to go to the officer who was responsible for him. One time, P29 had to go to another officer because the officer who was responsible for him defected. The original officer was from the Al-Bab الباب area, which conflicts with the location that was mentioned by the media [referring to Al-Houla, where Raslan comes from].

Kerber asked if P29 recognized Raslan as the officer who was responsible for him. P29 said no.

Kerber asked if P29 recognized Raslan as the officer who was connected to P29's release. P29 said that the officer who released him was an official who was connected to Hafez Makhoul.

Wiedner asked if P29 recognized Raslan as the officer who conducted the interrogation. P29 did not remember.

Wiedner said that he was asking because P29 said during police questioning that he recognized similarities between the person in the photo and the officer who interrogated him at Al-Khatib. P29 said correct, but that he questioned his own credibility. P29 asked Wiedner to put himself in P29's position in Syria while he was in front of an officer who could take away his life. [The interrogator] told P29 to remove his blindfold. P29 is not 100% sure, but there are similarities.

Wiedner asked if P29 heard screams and sounds of torture in the interrogation room. P29 said yes.

Wiedner asked from where the sounds came. P29 said that the area between the offices and the basement was not large. He recalled something that happened during the interrogation: [the interrogator] asked P29 "did they torture you?" which made P29 laugh [after the interrogation] because it was impossible not to hear screams and sounds of torture.

Wiedner asked if P29 actually laughed. P29 said no, he did not laugh.

Wiedner asked if the sounds came from the nearby basement. P29 said yes.

Wiedner asked how many times P29 was interrogated. P29 said once.

Wiedner asked whether P29 saw signs of torture on other detainees. P29 specifically remembered the torture of a person whose name P29 did not remember. He was the chief of the [cell]—a position appointed to one of the detainees. One of his tasks was to prevent the prisoners from waking up the guard at night. One time, the detainees woke up the guard. The guard took the chief, shaved off his hair and beard, then beat him. The detainees heard the chief's screams from their cell. The guard returned the chief to the cell and said, "now, I want to sleep." A [prison guard] used to come inside the cell and beat people.

Kerber asked whether P29 wanted a break. P29 said yes.

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[10 minute-break]

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Wiedner asked if it was correct that P29 was not abused during the interrogation. P29 said correct.

Wiedner asked if abuse happened on his way to the interrogation room. P29 said that there were some provocations.

Wiedner asked if P29 could describe the provocations. P29 said that he was pushed and insulted.

Wiedner recalled that P29 said in police questioning that “he was insulted on the way from the cell to the interrogation room and was sexually harassed by the prison guards who put their finger up P29’s anus. However, he was not tortured.”

Wiedner asked P29 to speak about the key word “collective punishment.” P29 recalled that he tried to evade torture [on the way to Al-Khatib] and blasphemed so he would not be accused of being an Islamist. The personnel’s reaction was strange. They got madder and beat him, saying that he was not allowed to blaspheme without an order to do so. One time, [the detainees] were ordered to get off the bus and lay on the gravel. They were then stepped on. P29 remembered that there was constant beating.

Wiedner said that P29 mentioned an incident during police questioning when a guard entered the cell. P29 said this incident was what he mentioned before the break. [The guard] entered the cell with his whip or other tools, then started beating and cursing until the detainees were pushed to the corners. P29 recalled the name of one prison guard, Memati [according to other witnesses named after a character in a Turkish TV series]. Another guard was named Abu Ghadab or Abu Al-Jamajim [father of skulls]. P29 apologized for not recalling many details and said that one forgets things inside the branch.

Wiedner said that it was not a problem and told P29 that he wanted to give him key words and P29 can talk about them if he recalls something. Wiedner then mentioned the key word “cables with open endings.” P29 did not remember the details, but the signs remained on his back. He sometimes had flashbacks, but not many now.

Wiedner mentioned the key word “electricity” and recalled that P29 said in police questioning that “the most brutal method used to torture detainees during interrogations was when water was put on their bodies then electricity was applied. One’s body jerked afterward and there were signs on his back. P29 saw this on someone who was with him in the cell and heard from others when he was released.” P29 asked when he said that.

Wiedner said P29 said this to the German police. P29 said that he did say that, but in a slightly different context. P29 heard in prison about people who were tortured with electricity, but he did not see that. When he was released, he met a close friend from the presidential palace and she was the one who told him about the electricity and water. P29 saw the injuries of people who were tortured with electricity, but they did not tell P29 themselves.

Wiedner asked if these people were in Al-Khatib. P29 said yes.

Wiedner asked about nutrition in the prison, namely the food and water. P29 said that the floor of the [cell] was [clean] for eating and praying. Pots of cooked food were served with bags of bread. The detainees opened the plastic bags to eat on them. As far as P29 remembered, the food was sufficient.



He thought that three meals were served every day. In the morning, “Hawader حواضر” were served (labneh [strained yogurt] and sometimes eggs).

Kerber asked P29 if he lost weight in prison. P29 said that he lost 8kg in 13 days.

Wiedner said that Al-Khatib was a 5-star branch compared to other branches. P29 confirmed.

Wiedner asked how P29 knew about conditions in other branches. P29 said that he had many friends who were detained at the Palestine Branch and Air Force Branch. Detainees at Al-Khatib had water inside their cells, ways to maintain their hygiene, and the place was relatively bigger than what his friend who was at the Palestine Branch told him. “We” used to hear about the conditions in the Air Force Branch. It is true that the detainees at Al-Khatib were collectively punished. But at the Air Force Branch, collective punishment happened every few hours. “We” were beaten for trivial reasons, however, [detainees in other branches] were beaten with or without a reason.

Wiedner asked why P29 thought that he was not abused during interrogation. P29 said that he did not experience abuse personally because his friends intervened.

Wiedner asked if P29 still has residual injuries due to his detention. P29 said that psychiatrists told him that he had no clinical problems [because of his detention]. P29 had a dental bridge that fell out during detention, but there was no link. P29 often thinks about the first welcome party, but those thoughts are philosophical, not psychological: how could people he didn’t know him beat him?

Wiedner asked P29 to confirm that the guard’s finger went inside his bottom. P29 confirmed.

Wiedner asked if the finger really went inside his anus. P29 said no, but the forepart of the rifle’s barrel went inside him during the welcome party while he wore underwear.

Wiedner asked if that happened before Al-Khatib in Al-Jisr Al-Abyad. P29 was not certain if it was Al-Jisr Al-Abyad, but it happened at the first location before Al-Khatib. What was humiliating was the fondling of his hair and chest. The whole situation did not make sense.

Wiedner asked if that also happened before Al-Khatib. P29 said yes. However, the fingering happened later (P29 apologized for the vulgar term).

Klinge asked if P29 was afraid after he was released. P29 said that he was scared every time [he left home] because his ID was still defected and he was from a pro-opposition area. When he went back to Al-Khatib [he was repeatedly summoned after his release and before he left Syria], he was afraid that he would have to sleep there.

#### **Questioning by Defense Counsel Böcker**

Defense Counsel Böcker asked how many times P29 was interrogated at Al-Khatib. P29 said that he was interrogated once at Al-Jisr Al-Abyad (by the low-ranking officer who asked for P29’s passwords), then a second time at Al-Khatib.

Böcker recalled that P29 said in police questioning that he was interrogated at least twice by the same interrogator. P29 did not remember if he was interrogated twice.

Böcker reiterated what P29 said and quoted from the police questioning transcript. P29 said that his statement was probably right, but now he does not remember anything except the instance when the interrogator asked him to take off the blindfold.

Böcker noted that P29 was confused between his client and Al-Gharib. P29 did not remember why he said that.

Böcker asked if P29 said that his client was from Deir ez-Zor. P29 explained that news circulated that Raslan was from Deir ez-Zor, but P29 noted that the defected officer was from Al-Bab, rural Aleppo.

Böcker recalled that P29 said during the German police hearing that "Raslan is from Deir ez-Zor" (full stop) and today P29 said otherwise. Böcker asked if P29 thinks that this affects what [was read from] the transcript. P29 said that, based on his understanding, it could affect his evaluation.

Böcker noted that P29 was asked if the interrogator was from Deir ez-Zor, then P29 apologized because he did not know. P29 said yes. He did not know why Deir ez-Zor was stuck in his mind.

Scharmer interjected that the witness did not say that today, and he asked Böcker to stop confusing the witness.

Böcker asked how P29 was sure that people were tortured during interrogations. P29 said that he was sure because he compared how people looked before and after their interrogations, versus how P29 looked. There was a 16 or 17-year-old boy who was arrived to the Branch before P29. The boy pretended to be tough, until P29 was released and the boy cried. P29 tried to remember his name because he was innocent. If P29 was tortured half as much as that child, then he would have blown himself up. There was something systematic [happening].

Böcker asked if P29 had any other explanation. P29 said that one saw how people went to Najha نجها and cried. One saw how people went to interrogations and were unable to stand on their feet when they returned. That was sufficient [to deduce that things were systematic].

Böcker asked P29 how often he was interrogated. P29 said that the first time was at Al-Jisr Al-Abyad and [the second time was] when he took off the blindfold.

Böcker asked if P29 was interrogated more than once at Al-Khatib. P29 did not remember.

### **Questioning by Plaintiff Counsels**

Plaintiff Counsel Scharmer recalled that P29 said that he was detained at Al-Jisr Al-Abyad, then was abused at some location where there were personnel from Al-Khatib. Scharmer asked P29 how he concluded that the personnel were from Al-Khatib. P29 asked if Scharmer could repeat the question without the introduction.

Scharmer repeated the question. P29 said yes, he found out later the structure [of the intelligence services and how they work]. Personnel from military intelligence cannot detain someone and deliver him to another branch. P29 knew that this checkpoint belonged to General Intelligence.

Scharmer asked if P29 was detained at Division 40. P29 did not have the numbers of the branches memorized. During police questioning, P29 told the police "Al-Khatib" and they told him its number.

Scharmer refreshed P29's recollection by quoting the police questioning transcript: "P29's hands were cuffed behind his back. [The personnel] threw cigarettes at [the detainees]. Sometimes, the cigarettes stuck to the detainees' skin and burned it. After the second cigarette, P29 screamed. They told him that he screamed like women. One of them started fondling his chest. After that, someone inserted the forepart of a rifle into P29's anus." P29 said correct.

Scharmer recalled that P29 said that he was sleeping next to the Arab-style toilet and asked if others used the toilet. P29 said yes. It was impossible to fit one person in that spot. Nonetheless, a person shared that spot with him. That person died later in another branch.

Scharmer asked whether P29 heard about sexual abuse from other detainees. P29 said yes.

Scharmer asked if P29 could describe what he heard. P29 said there were people in Al-Khatib Branch (before he was there) who were overweight and were sexually harassed.

Prosecutor Klinge asked if P29 could describe the sexual harassment. P29 said, in general, there was fondling of chests, nipples, and ears. He added “there was also adhesion from behind” [Branch employees approaching a detainee from behind in a sexual manner].

Klinge asked P29 where that happened. P29 thought it happened at Al-Jisr Al-Abyad.

Klinge asked P29 how many people were harassed. P29 did not remember.

Klinge asked P29 about the minimum number of people harassed. P29 said that there were [at least] two people other than him.

Defense Counsel Böcker asked whether P29 witnessed this or was told about it. P29 said that he saw this when he stood in line near the Branch’s door. The person near him was fondled on his chest. P29 did not remember the people or the whole scene.

Böcker asked whether P29 saw the fondling or only heard about it. P29 saw it.

Presiding Judge Kerber asked whether P29 heard about sexual abuse from other detainees in Al-Khatib Branch. P29 did not remember. In his culture, he could not imagine that someone subjected to [sexual abuse] would speak about it.

Defense Counsel Fratzky asked P29 to explain how he knew about the locations Al-Jisr Al-Abyad and Al-Khatib and how certain he was about the locations. P29 said that, after he was released, it took him a long time to form a [map in his mind]. He was 70 – 80% certain of it. He went back to Al-Khatib and was 100% certain that he was there. He concluded that he was at Al-Jisr Al-Abyad after analysing the motion of the car.

Fratzky asked if P29 was 70 – 80% certain of his conclusion. P29 said that he was 100% certain of Al-Khatib. Regarding Al-Jisr Al-Abyad, he still had questions.

Defense Counsel Böcker said P29 mentioned P6’s name during the German police questioning. P29 thought that he asked the police not to include P6’s full name.

Böcker asked if P29 confused P6 to be a relative of Raslan instead of Al-Gharib. P29 clarified that the mix-up happened because of the news that circulated. The name was just mentioned to read a post.

Judge Wiedner said that P29 mentioned similarities between the photos shown to him during the German police hearing and his memory. P29 recalled saying that then, but he might not be able to remember well now.

Wiedner refreshed P29’s recollection by quoting from the police questioning transcript: “P29 does not know the person in Photo 1. The person in Photo 2 resembles the interrogator at Al-Khatib. P29 was not sure, but thought that they looked similar.” P29 confirmed.

Wiedner continued quoting: “P29 does not know the people in the rest of the photos. After P29 was released, he went back to Al-Khatib approximately three times. One of those times, he was told that the officer who was responsible for him defected and he was from Al-Bab.” P29 confirmed.

Wiedner asked P29 if he was told that he was going to be questioned about whether the name Anwar Raslan means anything to him. P29 confirmed.

Wiedner said that “P29 replied that [Raslan’s] pictures were on the internet, but P29 was not sure if Raslan was the interrogator at Al-Khatib. P29 was asked whether he saw Photo 2 on the internet or in the media. P29 said no, [his answers] were not linked to the internet, but rather to his memory of Al-Khatib. P29 remembered that there was a picture of Bashar Al-Assad.” P29 confirmed.

Defense Counsel Böcker said that P29 was questioned about Al-Khatib at the second police questioning in France. At that time, P29 did not remember the face of his interrogator. Böcker now asked if P29 was familiar with Raslan’s name before the hearing. P29 said that he would not have remembered anything about Raslan had it not been for the hearing.

Böcker asked if P29 remembered how many people were at the hearing. P29 said no.

Böcker said that the transcript indicates that there were three people. He asked P29 if there was an interpreter. P29 said that he remembers, but he did not want to say. [He paused and consulted with his attorney.] P29 asked Böcker if he meant the first or the second hearing.

Böcker said the second hearing. P29 said that he did not remember.

Böcker said that there were four people including: P29, two interrogators, and one interpreter. P29 said yes: a lady, a young man, and an interpreter.

Böcker asked if P29 described the interrogator as being slim and plain-clothed. P29 asked if Böcker was referring to the Syrian officer who conducted the interrogation.

Böcker said yes. P29 explained that he might have said that. He wished that he could identify the person, but he could not.

Böcker asked if the interrogator spoke with an Alawite accent. P29 said “Sir, I do not remember the first interrogation. I was standing on my feet for approximately five days and was semi-crazy.”

The witness was dismissed.

Plaintiff Counsel Scharmer noted that testimonies of witnesses [like P29 validate] the motion by him and Dr. Kroker pertaining to systematic sexual violence used against the Syrian people.

The proceedings were adjourned at 12:15PM.

The next trial will be March 17, 2021 at 9:30AM.

**TRIAL OF ANWAR RASLAN**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 30

Hearing Date: March 17, 2021

*CAUTION: Some testimony includes descriptions of torture.*

**Summaries/Highlights:<sup>1</sup>**

**Trial Day 65 – March 17, 2021**

The plaintiff P30, a 32-year-old man who was formerly working for the [information redacted] testified on his detention and various interrogations he had to endure at Al-Khatib Branch. He explained the court how detainees had to suffer physical torture in the form of beatings and electroshocks during interrogations and on the way there. He also described how they were subjected to psychological torture was well, including, sleep deprivation, constant exposure to sounds of torture, and prolonged waiting outside their cell prior to interrogation. The witness further described the devastating hygienic and nutritional conditions at the Branch. Raslan's defense raised several questions about how exactly P30 joined the case as a plaintiff.

**Day 65 of Trial – March 17, 2021**

The hearing began at 9:30AM with nine spectators and two members of the press in the audience. None of the accredited journalists requested access to the Arabic interpretation. One of the spectators was a court illustrator. The prosecution was represented by prosecutors Klinge and Polz.

**Testimony of P30<sup>2</sup>**

The plaintiff, P30, a 32-year-old man who was formerly working for [information redacted] was accompanied by his counsel René Bahns. P30 was informed about his rights and duties as a witness. He denied being related to the Defendant by blood or marriage.

**Judge Kerber's Questioning**

Presiding Judge Kerber started the court's questioning by asking P30 how he was arrested and how he came into conflict with the regime. P30 explained that he used to participated in demonstrations, however, on March 13, 2012, one of his colleagues betrayed him and P30 was arrested for the first time. He was arrested a second time on March 31 [2012]. P30 said he was taken to Division 40 where he stayed for around one day. After that he was transferred to Al-Khatib. P30 described how on his arrival at Al-Khatib Branch, he had to get undressed to be frisked just like all other detainees.

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<sup>1</sup> 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.

<sup>2</sup> Note from the Trial Monitor: Throughout the testimony, P30 was speaking very unclearly and with a low voice; Although presiding Judge Kerber repeatedly reminded him to speak up and adjust his microphone.



Kerber wanted to know whether P30 was frisked for the first time at Division 40 or Al-Khatib. P30 said it was at Al-Khatib Branch. Beatings and humiliation started immediately after he was frisked. P30 was then taken to a collective cell where the other detainees told him that he was in Al-Khatib (he did not know that before). P30 was then immediately taken to an interrogation. The prison guards blindfolded him and took him one or two floors upstairs. P30 did not remember the exact floor. P30 had to kneel in one of the corridors while he was waiting. People passing by started to beat him. After having to wait like that for more than five hours, P30 was taken to the interrogation room where the interrogation conducted by an interrogator started. P30 explained that his laptop and mobile phone were confiscated. The interrogator told P30 that they found videos on these devices, so they already knew that P30 was participating in demonstrations. P30 told the court that the interrogation was focused on him being from [information redacted] and his religious background as a Shiite. He was questioned why he participated in demonstrations, considering his religion and employment with the government. The interrogation lasted for more than one hour with two people present: one person standing behind P30 and beating him, and the interrogator who was standing in front of P30. After the interrogation, P30 was taken out of the interrogation room, however, he had to wait some time before he was taken downstairs again. His blindfold was removed when he was back in his cell. From the moment he was taken from his cell until he returned, he was exposed to constant beatings. P30 further explained that he was interrogated a second time on that day, following the same procedure as just described. He added that from the moment he was detained at Division 40 “they” knew everything about him, so lying during interrogations was not an option. In sum, he was interrogated eight or nine times during his 18-day stay in Al-Khatib. P30 further told the judges that there were more than a hundred people in one collective cell. They were transferred depending on size and number of raids that were conducted at that time.

Kerber asked P30 if he was detained for 18 days in total. P30 explained he had to stay in Al-Khatib for 18 days before he was transferred to other branches.

Kerber asked P30 to describe the situation in the collective cell. P30 explained that there were blankets and a separate toilet inside the collective cell. The first day in the cell, there was no space to sit, so P30 was forced to stand the entire time. There was a huge psychological pressure. P30 further explained that the overall situation was very bad. Everyone who entered the cell caught the flu, because the air was bad. The military blankets that were lying in the cell were full of lice. According to P30, everyone who entered the cell got infested with lice. [P30 fell silent]

When asked by Judge Kerber if he needed a break, P30 declined, adding that he was just trying to remember.

Kerber went on to ask P30 about the health condition of the other detainees. P30 said their condition was very bad: detainees were sick, some fell unconscious. The ones who still had some energy left, were standing to let the unconscious people lie down, as there was simply not enough space for all of them to sit or lie down. P30 added that he had to stand for two days. An elderly man eventually tried to make some space, so P30 was able to sit as well. P30 further described that one of the detainees was a 22-year-old doctor who had not graduated yet. He took care of sick detainees in the cell. Regarding food supplies, P30 explained they got three meals per day: a dry slice of bread, some olives and Halawa. He added that the guards who took the detainees to the interrogations, were always very harsh and violent. However, the door of P30’s collective cell had a small window that was usually closed. Some of the guards were nicer than others and sometimes opened the window to let fresh air inside the cell. P30 further described that the detainees were not allowed to speak inside the cell. If the guards heard any noise, they entered the cell and beat the detainees up. One of the prison guards was particularly bad. He used to enter the cell and beat people up without any reason, using a quadruple cable.

Kerber asked for this guard's names. P30 explained it was a nickname from a Turkish series. P30 did not watch it, but the detainees were calling him "Memati ميماتي".

Kerber wanted to know why P30 was detained. P30 said he worked for [information redacted]. However, he participated in demonstrations, a fact that was known to many people. P30's friend [and colleague], [name redacted], once asked P30 if he could use his laptop because he did not have his own laptop with him. Although P30 stored all his media files in a hidden folder, his colleague was able to detect and copy them when P30 allowed him to use his laptop. P30 said before he even realized that his files were copied, he was already summoned by his boss (Legal Director General of [information redacted]) and asked if he was participating in demonstrations. After replying that he had the right to be a peaceful protestor, P30 was reprimanded by his boss but eventually allowed to go.

### **Judge Wiedner's Questioning**

Wiedner wanted to know in which demonstrations P30 participated. P30 said in summer 2011, he participated in the demonstrations in Idleb إدلب. In November and December 2011, he demonstrated in Kafar Souseh كفر سوسة. P30 explained that he participated in demonstrations in Idleb on a regular basis.

Wiedner asked P30 to describe how the security forces reacted to the demonstrations. P30 described that one time, a delegation from the Arab League was visiting Idleb when two demonstrations were about to merge. The security forces started to shoot at the demonstrators [delegates were among them] and used tear gas as well.

Wiedner wanted to know if people were injured or killed during this instance. P30 affirmed that the security forces used live ammunition. While he was filming the scene, he spotted a sniper on one of the government buildings.

Wiedner repeated his previous question. P30 confirmed that some people were injured.

Wiedner asked P30 if he witnessed people being injured. P30 denied, adding he rather saw it in the videos, because he had to run away due to the live-ammunition shooting.

Wiedner wanted to know if this happened in Idleb and when it happened. P30 confirmed that it happened in Idleb, adding it must have been around November [2011] as far as he remembered. Asked if that happened in Idleb, P30 said yes, in Idleb.

Wiedner asked about the year when P30 was detained in March. P30 said it was in 2012.

Wiedner wanted to know to what Branch P30 was taken when he was arrested. P30 said he was taken to Division 40 where he had to stay for one day.

Wiedner asked how P30 knew that he was at Division 40. P30 explained that several people who were waiting with him on the corridor, told him that.

Wiedner asked P30 to describe the situation when he was waiting on the corridor. P30 explained he was taken to Division 40 where he had to wait to be interrogated. He was waiting on the corridor where other people told him that they were at Division 40.

Wiedner recalled P30 telling the German Federal Criminal Police (BKA) where division 40 was located and asked P30 to tell the court as well. P30 recalled that he probably told the BKA that Division 40 was in Al-Jisr Al-Abyad الجسر الأبيض.

Wiedner wanted to know whether P30 was interrogated at Division 40. P30 affirmed, explaining that he was interrogated in different offices. One of the interrogation officers showed P30 clips where P30 filmed himself at demonstrations.

Wiedner asked if the interrogation officer wanted to know anything specific. P30 denied.

Wiedner recalled P30 telling the BKA that electroshocks were used at Division 40. P30 confirmed, explaining that a person next to him had to endure electroshocks.

Wiedner wanted to know if P30 had to endure electroshocks as well. P30 described how one of the employees was using electroshocks on the detainees. When this person wanted to use them on P30 as well, another officer pulled P30 away, telling the person with the electroshocks to leave P30 alone. The person with the electroshocks then started beating P30 with his bare hands.

Wiedner asked P30 about sexual violence. P30 explained that during beatings, the guards were deliberately targeting sensitive areas.

Wiedner wanted to know if sensitive areas were also targeted with electroshocks. P30 explained that because he was blindfolded at Division 40, he could only hear other people scream but did not see what areas were targeted.

Wiedner asked P30 if he was beaten on his sensitive areas. P30 said that he was being beaten, but he closed his legs, so they could not beat him there [between his legs].

Wiedner recalled P30 telling the BKA that he and others were being beaten and electroshocks were used on them. P30 confirmed.

Wiedner asked how P30 knew that. P30 said he heard the person next to him saying that.

Wiedner asked how P30 knew that he then was in Al-Khatib and whether the security personnel mentioned something about that. P30 told the judges that other detainees told him that they were at Al-Khatib, the security personnel, however, did not provide any information.

Wiedner wanted to know if P30 was mistreated on the way to Al-Khatib. P30 denied being mistreated in any manner on the way from Division 40 to Al-Khatib. However, when they arrived [at Al-Khatib] there were mistreated.

Wiedner asked P30 to describe his arrival at the Branch. P30 explained he did not see the way to the Branch because he was blindfolded. P30 was dropped off at the entrance door. His blindfolds were removed, and he found himself in a hallway inside the Branch. There was a person to whom people had to hand in their belongings. P30 described how he then had to take off his clothes, stand against the wall and squat, like everyone else.

Wiedner wanted to know if P30 was somehow mistreated in this situation. P30 affirmed, describing that he was questioned but tried not to say anything. While he was beaten, he was also told what he was accused of.

Wiedner said P30 told the BKA something different, citing from the BKA's transcript when P30 said the ride from Division 40 to Al-Khatib, during which P30 was constantly beaten, took around 15 minutes. P30 denied, clarifying that he was sitting alone in the backseat and was blindfolded. Referring to the BKA's transcript, P30 explained he might have referred to the moment when he exited the car.

Wiedner asked P30 to continue his descriptions from the moment he was frisked until he reached the cell. P30 said he was allowed to put on his clothes. He then had to turn left, walk down the hallway until he reached a cell. P30 described that at this point, he had not yet processed that he was detained. When he was pushed inside the cell, he could see that people piled up. Yet, P30 did not fully comprehend that he had to stay in this place. He told the court that in this moment, he still thought that he could somehow leave.

Wiedner asked about the size of the cell. P30 said that he could not sit down the first two days.

Wiedner again asked about the size and wanted to know how many people were detained in this cell. P30 said the cell measured around 4x8 meters. He assumed that there were more than a hundred people inside.

Wiedner asked how P30 was able to sleep. P30 explained that those who were able to sit, could sleep. The rest had to stand for two or three hours until they swapped.

Wiedner asked how the sleeping arrangement turned out for P30. P30 said initially, he did not have a place to sit because he did not know anyone, so he had to stand. After a while, he got to know other detainees. They were chatting about his hometown, reason for arrest, and news from the world outside.

Wiedner cited from the BKA's transcripts saying that P30 did not sleep for the first two or three days. P30 confirmed.

When asked by Judge Wiedner, P30 said he needed a short break.

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[15 minute break]

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Judge Wiedner asked P30 about the situation in the collective cell and the condition of other detainees. P30 recalled that some detainees were tortured every day and returned the following day. Therefore, when they were in the cell, their condition was miserable.

Wiedner asked P30 what he meant by "miserable". P30 said these people were unconscious and covered in blood.

Wiedner wanted to know more about the health conditions of the detainees. P30 said many people were sick and had fever. P30 described a situation that he remembered as the worst condition of a fellow detainee. The guards took a detainee to P30's cell whose back was broken. He was just put on the floor and the guards later returned and took him out the cell again.

Wiedner asked P30 if that person was unconscious. P30 denied, adding that initially he was conscious.

Wiedner wanted to know if P30 knew how this person's back was injured. P30 said the person was tortured with the *German Chair*. He was screaming from pain. Detainees called the prison guards who came back, took the person, and never brought him back to the cell again. P30 said the injured person told the other detainees his father's name and that his father was in Jaramana جرمانا. Some people memorized his name in order to inform his father once they would be released.

Wiedner asked if this person was able to move, considering that according to P30 his back was broken. P30 said the person was lying on the floor. P30 and the other detainees put clothes underneath him.

Wiedner asked P30 what other methods of torture he witnessed or heard about from other detainees. P30 described how several people were taken from the cell at night. Water was poured over them and then they had to endure electroshocks. At night the people were taken (several people) and were splashed with water then were tortured by electricity. When they came back, their bodies just fell on the floor.

Wiedner wanted to know whether P30 saw this himself, was told about it, or endured this himself. P30 said it did not happen to him, but he heard about it.

Wiedner asked P30 if “heard about it” meant he was told about it by other detainees. P30 affirmed.

Wiedner wanted to know what exactly P30 heard from others. P30 said he was told from other detainees that they were hanged (*Shabh*) at night or being tortured while lying on the floor.

Wiedner wanted to make sure that P30 heard about *Shabh*. P30 confirmed.

Wiedner asked for more details: if P30 was hanged himself, and where people were hanged. P30 said he was not hanged. He assumed that people had to hang against the walls because he saw nails and other devices in the walls.

Wiedner asked P30 if he was told about that or saw that himself. P30 said he saw it himself, adding that when one was taken out for interrogation, one could see it [devices on the walls].

Wiedner asked P30 to elaborate on what he saw. P30 said he saw nails, torturing tools...Judge Wiedner interrupted, asking P30 if the nails were in the walls. P30 affirmed.

Wiedner wanted to know what it looked like exactly and at what height the nails were stuck in the walls. P30 did not remember exactly, however, guessed that the nails were at a height of around two meters. He assumed that other detainees were hanged there or from the cell doors. However, P30 did not see anyone being hanged.

Wiedner recalled P30 describing the bad conditions inside the cells. P30 said most of the people who fell unconscious or had fever, were small children. He explained that he was always together with four other detainees. Three of them were students who were arrested at school.

Wiedner asked P30 to estimate the age of these students. P30 said they were in tenth or eleventh grade, around sixteen or seventeen years old.

Wiedner wanted to know what happened to the students. P30 said they had fever, were interrogated and tortured. They were laying down for several days and P30 and others were putting water-damped clothes on them.

Wiedner recalled P30 telling the BKA that detainees used their clothes to fan the children. P30 described that it was not unusual that detainees took off their clothes. Some used them to fan the younger ones.

Wiedner asked if the cell did not have windows. P30 explained there was a small hatch at the toilet, however, it was useless. There would have only been some fresh air if the hatch in the cell door was opened.

Wiedner recalled that this [door hatch being opened] depended on the guards. P30 confirmed, adding that it was depending on the guards' mood, as there was no regulation or anything on when and if the hatch was opened.



Wiedner recalled P30 telling the BKA that the detainees had a strong smell, and they smelled new detainees. P30 affirmed, adding that new arrivals were usually clean. Detainees who had been in the cell for longer, however, were unable to wash, so they smelled.

Wiedner further recalled P30 telling the BKA that whenever a new detainee came to the cell, the other asked him about the date and whether Bashar al-Assad was still the president. P30 confirmed.

Wiedner asked if there was medical treatment in case of fever for any other patients. P30 got emotional and asked for a break.

Wiedner asked how much time P30 needed. P30 said he needs 10 minutes.

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[10 minute break]

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Wiedner asked about the medical treatment in the collective cell. P30 said that there was no medical treatment. There were detainees who had asthma and cardiac problems and asked to receive medical treatment but did not get any. The doctor [young fellow detainee, see context above] requested anti-inflammatory pills for the detainees who had wounds, but as far as P30 remembered, they only got medicine once.

Wiedner recalled P30 telling the BKA that the young doctor used other detainees' clothes as compresses. P30 confirmed.

Wiedner further cited from the BKA's transcripts saying that according to P30 there were instances when people received medical treatment. P30 told the court that one day the cell's door was opened and a man – whose rank or position P30 did not know- asked the detainees if they needed anything. The detainees requested anti-inflammatory pills, asthma medicine, and cardiac medicine.

Wiedner asked if they were given medicine. P30 affirmed, adding that it was however, only this one time and the number of pills they received was very small.

Wiedner recalled that P30 previously told the court about an elderly man with heart problems, and asked P30 if this person received any kind of treatment. P30 affirmed.

Wiedner asked P30 if he was sick and whether he received medicine. P30 said he had fever and the flu, but he received no pills.

Wiedner wanted to know if P30 heard noises of other detainees being tortured and mistreated when he was inside the cell. P30 affirmed, explaining that the noise came from the hallways close to the cell and one could hear it every day.

Wiedner asked if that happened at night as well. P30 confirmed.

Wiedner wanted to know where P30 was interrogated: downstairs where he was imprisoned or upstairs. P30 described how the guards usually took the detainees out of the cell to the hallway, where the detainees were blindfolded and then taken upstairs. There was a smaller corridor on the left-hand side and several interrogation rooms. People had to wait for their interrogation in this small corridor. On the right-hand side there was a room – possibly a kitchen - where people were waiting as well. P30 said he had to wait in this room once and saw food supplies and beds. The room also had a window. He used his friend's back to pull his blindfolds, and saw a residential building opposite to where they were.

Wiedner asked how long P30 usually had to wait before he was interrogated. P30 said it was different each time, but at that instance [in the kitchen], he and others had to wait for four to five hours.

Wiedner wanted to clarify whether P30 had to wait for around five hours in the kitchen-like room. P30 affirmed, adding that the room was upstairs near the interrogation rooms.

Wiedner asked if P30 heard any noise from the interrogation rooms while he was waiting. P30 affirmed, specifying that he heard questions from interrogators, answers by the detainees, and beatings.

Wiedner asked if P30 heard screams. P30 affirmed.

Wiedner wanted to know if P30 was beaten while he was waiting to be interrogated. P30 affirmed.

Wiedner asked P30 to describe the situation. P30 described how the detainees had to kneel with their hands tied behind their backs. There was a person beating them. Sometimes, this person left and returned again.

Wiedner recalled that P30 told the BKA about a specific method that was used before the interrogation and asked P30 if he could explain that to the court. P30 explained that all people who had to go upstairs for the interrogation had to endure the same procedure: they were insulted and beaten before the interrogation.

Wiedner cited from the BKA's transcript saying that P30 heard insults and screams from the interrogation room while he was waiting. There were no breaks between interrogations. Detainees had to wait for three hours and every fifteen minutes a guard came and beat them. P30 confirmed.

Wiedner asked P30 what the interrogators wanted to know from him. P30 said they wanted to know if he was producing videos for Arabic or foreign channels, and whether members from his family were participating in demonstrations.

Wiedner wanted to know if P30 was blindfolded or able to see anything [during the interrogation]. P30 explained that one was blindfolded all the time from the moment one left the cell until one returned.

Wiedner asked P30 if he was able to perceive how many people were present during the interrogation. P30 said there must have been a person in front of him asking questions, and another one behind him who was beating him.

Wiedner wanted to know if there were orders to beat P30. P30 said he did not hear anything, but the interrogator might have used signs.

Wiedner asked P30 how both people were addressing each other and whether P30 could identify a hierarchy between them. P30 recalled that at times, the interrogator ordered the guard to beat P30 on his feet from the front, not from behind.

Wiedner asked P30 from where these orders came. P30 explained that the person in front of him told the person behind P30 to do so, and the person behind P30 replied with "Sidi" [dear sir]. However, P30 did not identify a concrete hierarchy between them.

Wiedner wanted to clarify whether the instructions were given from the person in front of P30 to the person behind him. P30 confirmed.

Wiedner recalled P30 telling the BKA that the person who beat him replied to the interrogator with and wore a "commando" [camouflage] outfit. P30 confirmed.

Wiedner recalled P30 telling the BKA that during his own interrogation, he also heard noises from interrogations in other rooms. P30 confirmed, adding he heard noises of torture as well as questions coming from other interrogation rooms.

Wiedner cited the BKA'S transcript, saying that P30 heard screams from other room, assuming that the detainees were screaming because they were beaten and asked if they carried weapons. P30 confirmed.

Wiedner asked P30 if he thought that there was a chance that the interrogation might end. P30 denied, adding that he was asked the same questions over and over at each interrogation. Every interrogator had his own style: one of interrogators recalled every detail of P30's life from the day he was born.

Wiedner asked P30 how many times he was interrogated. P30 said he was interrogated eight or nine times.

Wiedner wanted to know if P30 was interrogated by the same interrogator, or if there were different interrogators. P30 said there were different interrogators.

Wiedner asked P30 if he saw the interrogators and how he could tell if they were different. P30 said he differentiated between them by their voices. In addition, he was interrogated at different rooms, he was never interrogated in the same room twice.

Wiedner explained that although P30 did not see any of the interrogators, P30 should look to the defendant's bench to his right and tell the court if he ever saw the person sitting there. P30 denied, saying he never saw this person [Raslan].

Wiedner recalled P30 explaining the court how he was beaten on his feet, and asked P30 if there were other methods of torture as well. P30 explained the guards used to beat the detainees with sticks, plumbing objects, sticks, with their bare hands and fists, kicked them. P30, however, was never beaten like that.

Wiedner asked P30 about the general and food related conditions at the Branch. P30 said breakfast and supper were the same. The lunch was something cooked, but eight to ten people had to share one plate, so it was never sufficient.

Wiedner asked P30 if he lost weight during his detention. P30 affirmed, adding that he lost around fifteen kilograms, but he did not stay there for a very long time.

Wiedner recalled P30 talking about students being detained in the same cell than him, and asked P30 if there were other minors as well. P30 described that when he arrived in the cell, there was a man from Bloudan بلودان who had a child with him. Later, there were raids in Duma دوما and Harasta حرستا and one could find detainees of all ages. An entire family including grandfather and children were detained.

Wiedner asked about the age of these children. P30 said he saw children around the age of ten or twelve.

Wiedner wanted to know if there were female detainees as well. P30 explained that he once saw through the gap under the cell's door how a group of male and female detainees – some were wearing hijabs – arrived at the Branch. Two of the men who were severely beaten were taken to P30's cell. P30 said they were injured with scissors, had wounds in their heads, and part of their scalps were removed.

Wiedner asked P30 if he saw that himself. P30 affirmed, adding that two of the men were taken to his cell.

Wiedner wanted to know whether P30 was talking about the men or women. P30 explained that the group who arrived in the hallway in front of P30's cell consisted of men and women. Two of men were taken to the collective cell that P30 was in.

Wiedner asked P30 to confirm that no woman was taken to his cell. P30 confirmed.

Wiedner wanted to know what happened to the women. P30 said they were taken to another cell. P30 knew that because the women's husbands were amongst the detainees in P30's cell. Whenever he was taken for interrogation, she would also be taken out of her cell and interrogated with him.

Wiedner asked P30 if the women were abused. P30 said they were tortured in the hallway upon their arrival. However, someone from the guards covered the gap under the door of P30's cell, so the detainees could only hear but no longer see anything.

Wiedner wanted to know if P30 heard about sexual violence against women in Al-Khatib. P30 denied.

Wiedner asked where the women were imprisoned. P30 said his fellow detainees who had been detained several times told him that women are usually detained in solitary cells.

Wiedner cited the BKA's transcript, saying that P30 described how the women were tortured at night and kept screaming. They were then taken to solitary cells the following day. The solitary cells had a toilet inside and P30 knew from other detainees that sometimes there was more than one person detained in a solitary cell. P30 confirmed the statement.

Wiedner explained that the court's focus would be on Al-Khatib Branch, however, since P30 was transferred to other places, he should briefly describe his experiences there. P30 said he was transferred to the "state security administration", where he spent twelve or fourteen days. He was then transferred to the "Military Security Branch" in Al-Qaboun القابون, where he and other detainees spent one night. P30 said some people were taken to a court and released. The registry office in charge of P30 was in [information redacted] and therefore, he had to be transferred there. He was therefore first taken to Al-Balona البالونة [prison] in Homs, then to Al-Jamiliyyeh الجميلية, then to [information redacted]. P30 then had to stay with the military police for one day.

Wiedner asked P30 about his release. P30 said he was released from the judge's office [court] where he was told about his charges. The judges decided that the time he already spent in prison was sufficient, so he was released. P30 added that he gave the BKA the document that the judges in Syria gave him at his release.

[The following is a recreation of the document that was shown in court, based on what the Trial Monitor was able to see.]

إلى من يهمه الأمر، ومن أهالي [تم حجب الاسم]، والده [تم حجب الاسم]، والدته [تم حجب الاسم]، تولد المعلومة]، عن جرائم نقل أخبار كاذبة [وتحقيق رئيس الدولة والإساءة للقيادة السياسية والعليا. وتقرر تركه من قبل قاضي التحقيق في [تم حجب المعلومة]	
قاضي التحقيقات في [تم حجب المعلومة]	27/05/2012

[The court interpreter translated the document as follows.]

To whom it may concern,

[name redacted], his father is [name redacted], his mother is [name redacted], born in 1989 and from [information redacted], was interrogated concerning crimes of propagating false news and disparaging/belittling the state president and offending the political and higher leadership. And it was decided by the Investigating Judge in [information redacted] that he will be released.

05/27/2012

Investigating Judge in [information redacted]

Wiedner asked P30 what happened to his job after he was released. P30 said he was fired from his job and expelled from university.

When asked by Presiding Judge Kerber whether he needed a break before lunch break, P30 denied.

### **Prosecutors' Questioning**

Klinge wanted to know if P30 heard anything about sexual violence against men in Al-Khatib. P30 denied, adding that he and other male detainees were however beaten on their genitals. However, he did not hear anything about male detainees being "raped or anything like that."

Klinge asked P30 to describe the situations when detainees were beaten. P30 said they were beaten when they had to go upstairs for interrogation.

Klinge wanted to know how exactly detainees were beaten on their genitals. P30 explained how the guards tried to "step" on the detainees' genitals.

Klinge asked if that was deliberate. P30 affirmed, adding that the detainees always tried to keep their legs closed.

Klinge wanted to know whether P30's family was informed about his arrest and detention. P30 denied.

Klinge asked if P30's family asked for information about his whereabouts. P30 explained that his family could not ask anyone, as they were participating in demonstrations as well. However, P30's colleague who betrayed him told P30's brother that P30 was arrested.

Klinge wanted to know if P30 suffered any mental or physical consequences from his detention. P30 said he has only been suffering psychological consequences, explaining that he would still be haunted by nightmares. P30 further said he tried to get treatment in 2018, however, until that very moment in court he did not speak openly about that [trying to get treated for his psychological trauma] before. P30 added he tried to forget about it.

Klinge asked P30 if he wanted to share what happened with him after the treatment. P30 explained that even at the beginning of his treatment, it was difficult for him to talk about his experiences.

### **Defense's Questioning**

Defense Counsel Böcker asked whether it would be correct that the name Anwar Raslan was mentioned during P30's hearing with the BKA. P30 confirmed.

Böcker asked P30 if he mentioned the name Raslan in any other context as well. P30 said he did mention the name, however, he did not speak about any details.

Böcker recalled P30 telling the BKA that he got in contact with a lawyer. P30 affirmed, saying that once he got in touch with that lawyer, he joined the present case [as a plaintiff] with the help of this lawyer.



Böcker wanted to know who this lawyer was. P30 said it was Anwar Al-Bunni.

Böcker asked if P30 met with Al-Bunni in person before P30's hearing with the BKA. P30 denied, saying he only met him a long time after the hearing.

Böcker wanted to know when exactly they met. P30 said they met after P30 provided information to the BKA.

Böcker wanted to reassure if P30 and Al-Bunni met only after P30's hearing with the BKA. P30 affirmed.

Böcker wanted to know when P30 and Al-Bunni met. P30 said it was last year [2020].

Böcker explained he asked these questions because P30 previously stated that he heard the name Raslan from someone in the opposition. Böcker went on to ask P30 how he got to know Raslan's name. P30 explained he heard the name in the media.

Böcker recalled P30 telling the BKA that one of his friends told him that Raslan was the head of interrogations at Al-Khatib. P30 confirmed, explaining that his friend was a journalist who covered the case against Raslan. He said anyone who knows anything about the relevant time frame [was detained in Al-Khatib sometime between March 2011 and September 2012], then one should get in touch with him [the journalist].

Böcker asked if it is correct that it was not Al-Bunni whom P30 got in touch with at that time. P30 confirmed, clarifying that the person he got in touch with belonged to the opposition, however, it was not Al-Bunni.

Böcker further wanted to know if it would be correct to say that Al-Bunni told P30 to get in touch with him after P30 contacted the journalist from the opposition. P30 confirmed.

Böcker asked P30 about the person who connected him and Al-Bunni. P30 explained that he got in touch with Al-Bunni via Facebook. Al-Bunni gave P30 his phone number and P30 eventually called him.

Böcker wanted to know if there was consequently no intermediary connecting the two of them. P30 confirmed that there was no intermediary.

Böcker recalled P30 telling the BKA that Al-Bunni was looking for people who had information about the case [against Raslan]. P30 described that Al-Bunni said everyone who was detained between 2011 and 2012 should get in touch with him to file a case.

Böcker asked if P30 met Al-Bunni in person. P30 recalled how he called Al-Bunni who then referred him to "the European Centre."

Böcker wanted to know if P30 meant the "European Centre for Constitutional and Human Rights (ECCHR)" which he also mentioned during the BKA hearing. P30 confirmed.

Böcker went on to ask with whom at ECCHR P30 got in touch. P30 said he spoke with a female lawyer at ECCHR.

Böcker asked if her name was Ms. Klein. P30 could not remember her name, however, added that he still had her number.

Böcker recalled P30 telling the BKA how he got in touch with multiple lawyers. P30 clarified that in this context he told the BKA about Mr. Kaleck. P30 further explained that he first got in touch with Al-Bunni who then forwarded him to ECCHR, and they eventually started connecting him with several lawyers.

Böcker asked P30 if he knows Wolfgang Kaleck. P30 said he knows that he is the head of the office [ECCHR].

Böcker wanted to know if Wolfgang Kaleck got in touch with P30. P30 explained that Kaleck did not get in touch with him. He was contacted by Patrick [Kroker].

Böcker asked if P30 also had contact with a female lawyer. P30 said he only saw the female lawyer once during his hearing with the BKA.

Böcker wanted to know whether P30 saw her again at a later point. P30 denied.

Böcker asked P30 if he got in touch with Wolfgang Kaleck or Ms. Klein. P30 told the court how he was forwarded to his present counsel [Mr. Bahns], so there was no need to get in touch with any other lawyers.

Böcker wanted to know who forwarded P30 to his counsel Mr. Bahns. [there was a short discussion between plaintiff counsel Bahns and defense counsel Böcker]. Plaintiff counsel Schulz intervened, saying that it would be normal to see more than one lawyer. Plaintiff counsel Scharmer also intervened, asking Böcker about his intentions to ask these questions.

Presiding Judge Kerber asked Böcker to clarify his question. Böcker said he had no more questions for P30.

P30 was dismissed as a witness. When Kerber asked him, he decided to stay in the courtroom.

Judge Kerber handed out copies of an email from a witness to the parties. She explained that the witness summoned for March 24 and 25 preferred not to testify in court. The session scheduled for March 25 would therefore be cancelled and the court summoned the BKA inspector who previously interviewed this witness to testify in court instead on March 24.

Proceedings were adjourned at 12:10PM.

The next trial day will be on March 24, 2021.

**TRIAL OF ANWAR RASLAN**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 31

Hearing Date: March 24, 2021

*CAUTION: Some testimony includes descriptions of torture.*

**Summaries/Highlights:<sup>1</sup>**

**Trial Day 66 – March 24, 2021**

The witness who was initially summoned for the day preferred not to come to Koblenz to testify in court. Although the judges explicitly offered her to remain anonymous, partially cover her face, get legal counselling and moral support from a person she trusts, the witness preferred not to come due to mental health issues and concerns about her and her family's safety. Criminal Chief Inspector Knappmann, who previously interviewed the witness was summoned instead to tell the court about a meeting between Anwar Raslan and the witness in Al-Khatib. He explained that according to the witness, Raslan knew about what was going on at the Branch and had a senior position. Although the witness was under the impression that Raslan tried to help her find her confiscated car, she was convinced that he played a part in the crimes committed in Al-Khatib.

**Day 64 of Trial – March 24, 2021**

The hearing began at 9:35 am with 5 spectators and 2 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 Counsel Kroker was not present. One of Raslan's Defense Counsels, attorney Böcker, joined ten minutes late.

Presiding Judge Kerber opened the session by sharing a submission of witness counsel von der Behrens on behalf of her client, the witness who was summoned for the next session. As none of the parties requested to provide a statement on the matter, Judge Kerber went on to explain that the judges will grant large parts of the defense's [request to introduce evidence in court, dated December 9, 2020](#). She added that the piece of evidence, a [Facebook chat between P17 and Abu Akram](#), would already be on the case file in Arabic, as well as its German translation. The court interpreters will therefore assess the quality of the translation in court, acting as linguistic experts; a practice that was already used several times. Defense counsel Böcker thanked the judges, explaining that the intention of the request to have the chat translated and introduce it as evidence in court was aimed at assessing its content, an assessment of the already existing translation would therefore be sufficient.<sup>2</sup>

Judge Kerber further explained that the judges would now read out the German translation of an English e-mail that the judges received from the witness who was initially summoned for this session.

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<sup>1</sup> 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.

<sup>2</sup> Note from the Trial Monitor: Since the interpreter who previously assisted Eyad Al-Gharib's defense, stepped in for one of the court interpreters, Judge Kerber read out instructions to him regarding his role and obligation when acting as linguistic expert, assessing the quality and correctness of translations in court.

Kerber added that this will serve as explanation for why the witness did not appear in court and the judges instead summoned the BKA officer who previously interviewed her when investigating Raslan's case.

[The following is a recreation of the e-mail as read out in court, based on what the Trial Monitor was able to hear in court.]

*Dear Ms. Schmitt [sic],*

*I received your summons to testify as witness in court. However, I kindly ask you to accept my apologies for not testifying in court, based on the following reasons:*

*After the investigation [questioning by the BKA] in [information redacted] in August 2019, my mental health significantly worsened.*

*Despite protective measures [witness protection] I am concerned about the safety of my family, my old parents, who are still living in Syria, in areas controlled by the criminal regime.*

*I am also concerned about my own safety and the safety of my daughter, in light of the extremist Syrian opposition living outside Syria. They all believe that Mr. Anwar R., a defector and member of the Sunni community is innocent. They are thinking in fanatic categories and I think that they consider me to be Alawite, although I live a secular life.*

*I hereby confirm all statements I made during by hearing with the BKA on [information redacted].*

*I assumed that the situation [her meeting with/interrogation by Anwar Raslan in his office in Branch 251] took place on Thursday April 12 or 19, 2012, based on the fact that during the meeting; Mr. Anwar R. received a sheet of paper for his signature. I was able to see that it was a death certificate of a detainee who died from torture in Branch 251. Mr. Anwar R. said that the corpse should not be handed to the family immediately, to prevent them from burying it after the Friday prayers the next day.*

*I thank you for your efforts to achieve justice and accountability and fighting impunity. I want to pay condolence and respect to all the victims.*

*Sincerely,*

*[name redacted]*

Judge Kerber said that after the court received this email in early March, Judge Wiedner contacted the witness again. Kerber said she will translate and summarize the witness' reply dated March 17, 2021 herself. Kerber said the witness thanked Judge Wiedner for his encouraging words and explained that she cannot come to Koblenz as she is not mentally prepared to be exposed to the matter once again.

Raslan's Defense Counsel Fratzky asked Judge Kerber what Judge Wiedner wrote the witness, as she was referring to his 'encouraging words'. Judge Kerber said the entire conversation took place in English and can be found on the case file. Judge Wiedner added that he told the witness that the court can support her regarding travel arrangements, that she has the possibility to be accompanied by a counsel, an interpreter and can request breaks during her testimony.

Judge Kerber added that Wiedner offered the witness to stay anonymous, partially cover her face, be accompanied by a legal counsel as well as a person she trusts for moral support, that the court would cover all expenses, that she would be supported by a court interpreter during her testimony, that she could request breaks and that the court would take care of all travel arrangements.

As no one had any further questions or objections to this informal read-out, Judge Kerber called the witness who was summoned instead of the initial witness.

#### Testimony of Inspector Knappmann

Criminal Chief Inspector Knappmann, who previously testified in court several times, was informed about his rights and duties as a witness. Judge Kerber further explained that, as already mentioned when he was summoned, his present testimony should focus on the witness interview he conducted with [name redacted], who was initially summoned to testify in court on this day.<sup>3</sup>

#### Judge Kerber's Questioning

Judge Kerber first wanted to know when and how the hearing of the witness took place. Knappmann recalled that after his questioning of a witness (P3) on [information redacted], this witness told the BKA about a friend who lives in Paris. He also said that she was questioned by Anwar Raslan, however, he could not provide further information. The BKA then contacted their French colleagues and eventually heard P3's friend, [name redacted] [the witness] in Paris on [information redacted].

Kerber asked whether the witness was informed about her rights and duties. Knappmann affirmed, adding that she was informed about that according to the law, as is done with every witness.

[Note from the Trial Monitor: Three spectators entered the courtroom and took a seat in the public gallery. One of the court officers asked them whether they were summoned as witnesses. All three denied, indicating that they were there to speak with Raslan after the session.]

Kerber asked how long the hearing went. Knappmann said they interviewed the witness from 2pm until 10pm.

Kerber wanted to know whether the witness's testimony was re-translated for her. Knappmann affirmed. Kerber asked whether the witness made any corrections to her testimony based on the re-translation. Knappmann again affirmed, explaining that these corrections can be found in the transcript in form of handwritten amendments.

#### Judge Wiedner's Questioning

Judge Wiedner asked Knappmann to first describe the overall situation of the witness hearing, particularly regarding communication with the interpreter. Knappmann explained that as usual, they used an interpreter for the interview. In this particular case, it was [name redacted], who had worked for the BKA several times before that and always did a good job in the eyes of the BKA officers. The French police did not provide an interpreter for German-Arabic interpretation, that was the reason why the BKA was accompanied by [name redacted].

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<sup>3</sup> Note from the Trial Monitor: For the purpose of this report, the term "witness" will be used to describe the person who Inspector Knappmann interviewed as part of the BKA's investigations into Raslan's and Al-Gharib's cases. The actual witness of this court session, Criminal Chief Inspector Knappmann, will be called by his name.



Wiedner wanted to know whether the witness was able to communicate with the interpreter or if there were any signs of miscommunication. Knappmann said there were no signs of miscommunication. Just like at every questioning, the BKA officers asked the witness whether she was able to communicate with the interpreter; a question that was affirmed. Knappmann added that throughout the questioning, there were no issues surrounding interpretation.

Wiedner went on to ask about the atmosphere at the interview, asking whether the witness was nervous and/or cooperative. Knappmann explained the witness was very talkative. He did not need to ask many questions and she usually responded fluently and in a coherent manner.

Wiedner wanted to know whether the interview took relatively long. Knappmann referred to his previous statement, adding that including re-translation and corrections to the transcript, the interview happened from 2pm until 10 pm. They had a break at around 8:20 pm before they started to re-translate the transcript to the witness.

Wiedner went on to ask Knappmann about the content of the witness interview. He referred to different logical sections of the interview and asked Knappmann what the witness told the BKA when she was asked to provide personal information. Knappmann shortly explained that the interview was roughly divided in four sections: information about the witness, Anwar Raslan and Al-Khatib, Eyad Al-Gharib, and general questions. He added that three sections dealt with the actual subject matter and that the first part, the section about the witness herself, was relatively long. The witness talked a lot and Knappmann decided that it would not be a good idea to interrupt her, so she kept talking. Amongst others, she said she was born on [information redacted] in Damascus. She grew up in a “politically leftist” family. After she graduated from high school, she studied economics for one year, before she studied drama for four years. The witness then worked as an actress and later received training as a movie director. Knappmann added that she said about herself that she was one of the best actresses in Syria.

Wiedner asked Knappmann whether the witness also spoke about the reason why she left Syria. Knappmann said the witness left Syria in April 2013. She was afraid of further arrests, as she was arrested before that and questioned by the Intelligence Services in April 2012. Knappmann explained that the witness was arrested at a demonstration. She did not participate in the demonstration but supported her friends who participated. She did so by helping them escape from the security forces with her car and by talking to the security forces, trying to prevent them from arresting others. Knappmann said the witness told the BKA that she was taken to Hafez Makhoul's Division in Al-Jisr Al-Abyad, what the BKA identified as Division 40. She had to stay there for 6 hours and was interrogated there. Knappmann added that the witness mentioned that this incident was also covered by Al-Jazeera. She was then questioned in Al-Khatib, where she met Anwar Raslan. After that she was arrested by the Air Force Intelligence and another time when she was questioned about her request to leave the country. However, she could not remember where the last interrogation happened. Knappmann said the witness further told the BKA that before she was able to submit her request to leave, she was under a travel ban and not allowed to work for around one year.

Wiedner wanted to know whether the witness described herself as oppositionist. Knappmann affirmed.

Wiedner went on to ask Knappmann about connections between the witness and Anwar Raslan. Knappmann recalled that after asking her to provide personal information, they went on to ask her about Anwar Raslan.

Amongst others, they showed her eight different pictures, asking her whether she recognized anyone. Without hesitating, the witness pointed at the second photo – Raslan’s picture – and identified him as Anwar Raslan, the person who she met in Al-Khatib.

Wiedner mentioned that the court previously had to deal with different sets of photos that were used during witness interviews to identify the Accused. He asked Knappmann about the number [inaudible] of this set. Knappmann confirmed, adding that it was the set that the BKA previously used. He went on to describe that after the witness identified Raslan on the photo, he and his colleague asked her to provide more information on him and her relationship with him. The witness recalled her arrest in April 2012 and explained to Knappmann that she was not driving her car herself, but a friend. He was arrested as well, and her car was confiscated. The witness further said that she had to stay at Branch 40, where she was beaten, for six hours. After she was released, she went to a friend to use the internet. That was when she found out that according to media coverage, her friend [who drove her car] was arrested as well. Knappmann said that this was when the witness found out that her car was confiscated. She started to search for her car and received a call a few days later. The caller told her to come to Al-Khatib for coffee.

Wiedner wanted to go back to when the witness identified Raslan on a photo during her interview with the BKA. Wiedner asked Knappmann how exactly the witness identified him. Knappmann said she immediately said that she knew the person in the picture and even mentioned the name, although Knappmann and his colleague did not even ask for a name at this point.

Wiedner cited from the BKA’s transcript of the witness’s interview, during which the witness said that she knows the person in picture two. She added that ‘back then’ his skin was a bit brighter, and his name was Anwar Raslan. Wiedner asked Knappmann to provide some information about a birthmark that was mentioned in this situation. Knappmann recalled that in this situation, the witness smiled because all pictures showed people with a birthmark at the same spot on their face. When she asked whether this was on purpose, Knappmann and his colleague affirmed.

Wiedner wanted to know what the witness said about Al-Khatib. Knappmann said she took a taxi to get to the Branch. She explained to him and his colleague that she was generally afraid of the Intelligence Services. Al-Khatib, however, meant nothing but horror to her. She arrived at a gate before she was allowed to enter the compound. Knappmann added that the witness explained to him that she was not entirely sure about certain things that happened. For example, she could not remember whether she was accompanied by someone on her way to Raslan’s office inside the Branch, or whether she was walking alone. In other situations, however, she was able to provide a lot of detail. According to the witness, some instances were ‘burnt into her memory’. Knappmann further described that the witness heard sounds of beatings on her way to Raslan’s office. She explained that she later found out about people being tortured there. She therefore identified the sound she heard as sounds of beatings. However, in the very moment, she could not identify it. To get to the office, she had to go upstairs. In the staircase she met a guard and a blindfolded detainee with a swollen face. Knappmann said that the witness later explained that this was the moment when she made a connection between the sound she heard, and people being tortured. She further described that the detainee’s upper body was undressed and partially swollen. He was very thin. The witness also described that the windows were open, so she could hear the sound of beatings. A noise that first sounded to her like someone was cleaning a carpet. In this moment, the combination of the noise she heard and the apparently tortured detainee, she got afraid of the guard.

Wiedner intervened, asking whether the witness said anything else about torture in Al-Khatib. Knappmann said she did not see blood but remembered that the detainee's face and upper body were swollen. Knappmann went on to describe that the witness felt scared when she was in the staircase. She then entered a waiting room, when an elderly officer entered the room and took her to another room. In this office she could see a desk and a bed. A very young officer entered the room to look for something. He was dressed in civilian clothes and, according to the witness, had an innocent face. She explained that this officer did not look like a member of the Intelligence Services. However, after he left the room, he apparently changed his clothes and came back now wearing a uniform and an angry face. The witness told Knappmann that in this moment, she 'was expecting the worst'.

Wiedner asked how Knappmann, and his colleague interpreted the last sentence [expected the worst]. Knappmann said this would be a difficult question to answer. She was apparently expecting some violent actions. He added that considering that there was a bed, one might make assumptions about rape. However, this would only be his personal interpretation. The witness did not mention anything in this direction.

Wiedner asked Knappmann to continue his previous descriptions. Knappmann said that the witness was scared and called for an officer. However, she had to wait in this office before she was taken to Anwar Raslan's office. When asked about the location of the two offices, the witness said that Raslan's office was on the right side of the stairs whereas the first office was on the left side. However, she was not sure whether they were situated on the same floor.

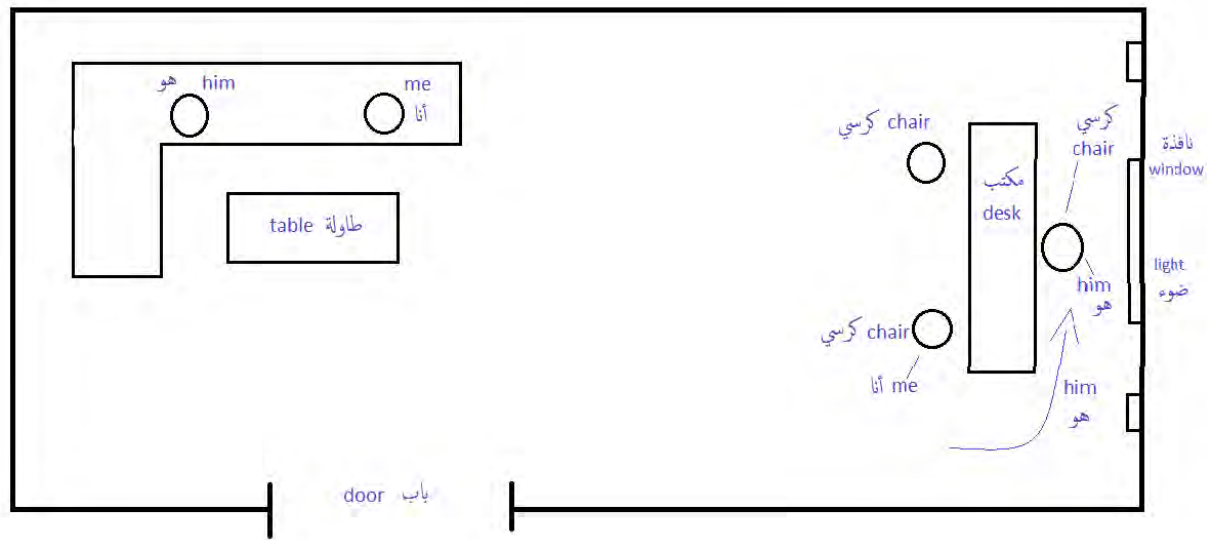
Wiedner intervened, saying that there was a handwritten amendment to the BKA's transcript. According to this amendment, the witness said that she was taken to Raslan's office which was on the left side of the stairs. The first officer's office was on the right side. However, she could not say whether they were situated on the same floor. Knappmann affirmed, adding that the handwritten amendment was made when the transcript of her testimony was retranslated to the witness. Knappmann went on to explain that when the witness entered Raslan's office, he was already there. He was very friendly and offered her a coffee. Knappmann said the witness mentioned to him that 'at least they didn't lie about the coffee'.

Wiedner wanted to know whether the witness described the atmosphere in this situation. Knappmann said she made detailed descriptions.

Wiedner cited from the BKA's transcript according to which the witness said that Raslan was waiting in his office. He was very friendly and shook her hand. Knappmann confirmed. Upon Judge Wiedner's request, Knappmann went on to recall how the witness described the interior of Raslan's office. She said that there was a desk in the back, with a window behind it and two pictures on the wall. One of Hafez Al-Assad and one of Bashar Al-Assad. There were two chairs in front of the desk and in front of these chairs was a sofa and a small table. She said that she sat on the sofa. Knappmann recalled that when the witness drew a sketch of the office during their interview, she explained that she first sat on the sofa together with Raslan. He then left her sitting on the sofa when he went to his desk to work on something. At the end of the meeting, she sat on the right chair in front of his desk.

Judge Kerber said the court will now have a look at this sketch. When asked to describe the sketch, Knappmann added that the witness said there maybe was a computer on the desk, however, she could not say with certainty.

[the following is a recreation of the sketch shown in court, based on what the Trial Monitor was able to see and hear]



Wiedner asked what the witness told Knappmann about the content of the chat between her and Raslan. Knappmann said that according to the witness, Raslan first praised her work. He said that his daughter liked one of her roles in particular. The witness said that Raslan knew many details about her and was obviously well prepared. He only made one mistake when he assumed that [name redacted], a famous Syrian director, was her father. Raslan said he has a lot of respect for him and his role in society. According to the witness, this was Raslan's only mistake regarding information about her. Raslan then went on to ask her about her opinion of certain actors, some of them pro-regime, some against. Knappmann said the witness mentioned three names in this regard during their interview, however, he could not remember them.

Wiedner wanted to know whether the witness described the situation with Raslan as a questioning or a normal conversation. Knappmann explained that the witness was under the impression that it was not a classical questioning but rather a normal conversation. However, she also felt like it was some kind of 'cat-and-mouse game'. She was not sure about Raslan's intentions and tried to 'protect herself', however, did not conceal that she was with the opposition. According to the witness, Raslan did not make any accusations.

Wiedner asked about how Hafez Al-Assad's name was mentioned during the witness's conversation with Raslan. Knappmann recalled the witness saying that Raslan spoke positively about Hafez Al-Assad. She thought that Raslan was a supporter of the old regime. Knappmann explained that the witness told him that her family was rather leftist, and her father was detained for four months and her aunt for four years, when Hafez Al-Assad was in power. Therefore, she was very cautious towards supporters of the old regime.

Wiedner cited from the BKA's transcript, according to which the witness said that Raslan praised the methods of the old president Hafez Al-Assad. She therefore had to be cautious about what to say. Knappmann confirmed, adding that the conversation between the witness and Raslan then reached a turning point, when Raslan said that her passport was found. The witness explained the BKA in this regard that her passport was in her car. It was consequently found when her car was confiscated. However, Raslan did not mention the car or the activist [her friend].

When the witness asked Raslan where she could find her car, he did not know, but told her where she could not find it. The Air Force Intelligence was ultimately the only place that was left [that Raslan did not mention]. She thought that Raslan somehow tried to help her and give her a hint. She therefore assumed that her car would be with the Air Force Intelligence.

Wiedner asked whether the witness mentioned other people who were involved in or present during her conversation with Raslan. Knappmann said when asked about this, the witness denied, however, described that when Raslan sat at his desk, an employee entered the room and spoke with him. He was an elder officer who brought several documents. Knappmann said he also asked the witness about the content of the conversation between Raslan and this officer. The witness recalled that this was when she had to wait on the sofa because the elder officer brought several papers for Raslan. Raslan then asked the officer when ‘this’ happened. The officer answered ‘today, dear sir’. Raslan in turn replied that they should ‘hand him [the corpse] out on Saturday, because of the Friday prayers tomorrow’. According to the witness, Raslan further asked the officer ‘what idiot did this’. The witness came to the conclusion that they were talking about a detainee who died in custody, and that Raslan was signing papers to hand over the corpse.

Wiedner cited from the BKA’s transcript, according to which the witness said that Raslan signed a document and told the officer not to ‘hand him out today, because of the Friday prayers tomorrow’. The witness said she did not know what the conversation was about, but she put everything in context and concluded that Raslan just signed a death certificate. Knappmann confirmed, adding that the witness said that she was scared in this situation. She further said that Raslan was silent for a while after the officer left. He then asked her whether she was scared. According to the witness, she denied, saying that she was sad. Raslan replied that in ‘such chaotic times, the good ones as well as the bad ones die.’

Wiedner asked about another situation when a third person entered Raslan’s office [during his conversation with the witness]. Knappmann said there was indeed another instance when a young officer with rolled up sleeves entered the room. The witness described that he was out of breath and told Raslan ‘mission accomplished, dear sir.’ Knappmann said the witness remembered that Raslan thanked him. She further said that the young officer looked like he just tortured someone.

Wiedner wanted to know whether the witness mentioned anything about her memory. Knappmann affirmed, explaining that the witness sometimes mentioned that certain situations were burnt in her memory. In these situations, she was able to remember many details.

Wiedner cited from the BKA’s transcript, indicating that Knappmann and his colleague asked the witness to provide more detail about how she identified the person as Anwar Raslan and how she knew his name. Knappmann said they indeed asked her how she knew that this person was called Anwar Raslan. She replied that she cannot say for sure when she found out his name, however, she was sure that she knew his name when she was still in Syria. She was not sure whether she got to know his name during their conversation and provided Knappmann and his colleague three options for how she got to know his name. He either introduced himself or there was a sign with his name on the door or desk. A third option would be that the person who called her might have mentioned Raslan’s name when he told her to come to Al-Khatib. The witness also remembered that Raslan gave her his number at the end of their conversation. She therefore must have known his name at this point.

Wiedner cited from the BKA’s transcript confirming what Knappmann just said. Wiedner then asked him whether this passage was also re-translated to the witness. Knappmann affirmed.



Wiedner asked whether the witness was in contact with Raslan at a later point as well. Knappmann recalled the witness telling him that she got to know about Raslan's defection at the end of 2012. He then contacted her via Facebook messenger in 2015. She first thought it would be a fake profile, but he mentioned their conversation [they had in Al-Khatib]. However, the witness did not react to his messages and at the time the BKA interviewed her, she could not remember the content of Raslan's messages.

Wiedner wanted to know whether Knappmann also asked the witness to identify the person whom she had the conversation with, in Al-Khatib. Knappmann explained that he and his colleague showed her the already mentioned photos a second time, explicitly asking her to identify the person with whom she had the conversation, without connecting it to a certain name. The witness again identified the person in the second picture [Raslan], explaining that he was a bit thicker and his skin a bit brighter back then. She also said that he was a bit taller than her, however, not much.

Wiedner wanted to know what happened after this identification. Knappmann said they then asked the witness about Eyad Al-Gharib.

Wiedner asked about the external circumstances of the witness's conversation with Raslan at Al-Khatib Branch. Knappmann explained that when asked about when and where the conversation took place, the witness said it happened between ten and fifteen days after the demonstration and took around three hours.

Wiedner concluded that it was in April 2012. Knappmann confirmed, adding that it was after her first arrest.

Wiedner wanted to know whether the witness followed the news about Raslan. Knappmann said the witness did not follow up on Raslan's fate, nor did she hear any news about him, as she told the BKA.

Wiedner said that for the purpose of the present trial, the section of the witness's interview that dealt with Al-Gharib does not have to be assessed in court. He instead asked Knappmann whether he and his colleague asked the witness additional questions about Raslan towards the end of their interview. Knappmann said that as usual at the end of a witness interview, they asked the witness whether there was anything else that she would like to talk about and that they did not yet ask her. She told them that she was under the impression that Raslan somehow tried to help her by mentioning all the places where she could not find her car. However, she immediately added that she is sure he participated in the crimes committed in the Branch by virtue of his position.

### **Prosecutors' Questioning**

Prosecutor Klinge recalled that the witness described Raslan's height. He asked Knappmann how tall the witness said Raslan was. Knappmann said they did not ask her to provide a number. He recalled that the witness said that Raslan was a bit taller than her. Knappmann further explained that the witness was neither particularly small nor tall. If he was to tell a number, it could be 10cm too much or too small. The only thing he could say is that the witness was smaller than himself, he noted that when they were talking during a break. He would be 1.85m.

Klinge asked whether the witness said anything about her ethnicity. Knappmann said she told them she was Alawite, however living a rather secular life.

**Defense Counsels' Questioning**

Defense Counsel Fratzky recalled the witness saying that Raslan gave her his number. Fratzky said that this would be rather unusual. He assumed that Knappmann did not give the witness his number after their interview. Fratzky wanted to know whether Knappmann therefore asked the witness about the purpose of Raslan giving her his number. Knappmann explained that according to the witness, Raslan told her that she should contact him. She felt like he wanted to help her in some way.

Fratzky asked whether Knappmann and his colleague did not ask the witness further questions about her feeling that Raslan tried to help her. Knappmann denied.

Defense Counsel Böcker said his colleague's questions actually led to another question on his side. Referring to the witness's feeling that Raslan tried to help her, Böcker asked Knappmann whether the witness was able to tell what Knappmann and his colleague intended with their questions and whether she was able to follow them. Knappmann said this would be a very general question. The witness was always able to follow and answer their questions. However, he was not under the impression that she had special skills in telling the purpose of specific questions. Knappmann said he does not know what Böcker actually wanted to know from him.

Böcker replied by saying that he himself did not exactly know that. He recalled again that the witness felt like Raslan wanted to help her. Böcker said this would be a subjective assumption and asked Knappmann whether there were any objective indicators to allow for such a conclusion. Knappmann said he could only recall what the witness told the BKA. He did not ask further questions about this matter. However, as soon as she mentioned that she felt like Raslan wanted to help her, she also added that she was sure he participated in the crimes in Al-Khatib. Knappmann added that the BKA knew from other witnesses that Raslan apparently "had a foible" for artists. However, the witness did not mention anything in this direction.

Böcker wanted to know whether the witness actually found her car at the Air Force Intelligence. Knappmann said they did not talk about her car in detail. When asked about the fate of her friend [who drove her car] she said that he was detained at the Air Force Intelligence.

Defense counsel Fratzky recalled that the witness who told the BKA about his friend did not know about the details of her conversation with Raslan. Knappmann affirmed, adding that he could not say anything concrete about it.

Prosecutor Klinge referred to Knappmann's statement about Raslan's foible for artists and wanted to know whether the BKA spoke with other witnesses (artists) that were contacted by Raslan. Knappmann affirmed, adding that they however did not prepare any specific questions for them. He recalled a witness telling the BKA that he received privileged treatment [at Branch 251] and that Raslan contacted him to ask about his well-being. This witness literally said that he 'received a five-star-treatment'.

None of the Plaintiff Counsels had any questions for Knappmann.

Knappmann was dismissed for the day.

The proceedings adjourned at 10:40 AM.

Next hearings will take place on April 7, 2021.

**TRIAL OF ANWAR RASLAN**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 32

Hearing Dates: April 7 and 8, 2021

*CAUTION: Some testimony includes descriptions of torture.*

**Summaries/Highlights:<sup>1</sup>**

**Trial Day 67 – April 7, 2021**

**P31 [name redacted], a 34-year-old Syrian journalist testified that a person whom he later identified as Anwar Raslan, slapped him in the face on an open street when security forces were preventing a demonstration in February 2011. According to the witness, this person was also observing the funeral of a prominent movie director and activist, together with subordinate members of the security forces. When the witness was detained and interrogated in Branch 251, the person he identified as Anwar Raslan was present at one of the interrogations, beating the witness with his fist. The witness further told the court about constant torture and bad detention conditions at the Branch which already existed in March 2011.**

**Trial Day 68 – April 8, 2021**

**After the witness answered questions from the prosecutors, Raslan's defense submitted a request to take additional evidence. The defense argued that it would be necessary to hear five new witnesses in order to prove that Raslan was never involved in any "repressive activities" against the opposition outside Branch 251, nor would he have ever beaten an alleged member of the opposition. A response to this submission by the judges will be issued within the next weeks.**

**Day 67 of Trial – April 7, 2021**

The hearing began at 9:35 am 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 Kroker and Bahns were not present. René Kleyer was replacement for attorney Khubaib-Ali Mohammed.

Before Presiding Judge Kerber called the witness, she informed the parties that another witness prefers not to testify in court. She added that the judges would be in contact with the witness regarding protective measures, travel arrangements etc., however, one of the following sessions might be cancelled.

<sup>1</sup> 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.

### Testimony of P31

P31 was accompanied by his witness counsel, Antonia von der Behrens. Before Judge Kerber turned to the witness, she asked von der Behrens whether her client would be comfortable saying his name. Von der Behrens affirmed. Judge Kerber turned to P31, explaining that he is free to adjust the volume of his headphones and make himself comfortable before the questioning starts. Kerber thanked P31 for his willingness to testify in court and read out instructions. P31, a 34-year-old Syrian journalist denied being related to the defendant by blood or marriage.

### Judge Kerber's Questioning

Judge Kerber first asked P31 to provide an overview of how he got in conflict with the 'regime', adding that the court already knew that P31 participated in the movement against the regime, and wanted to know more about P31's work and activities. P31 explained that before the start of the revolution, he was working as a journalist in Syria. After the start of the revolution in Tunisia, he participated in demonstrations in front of the Tunisian, Egyptian, and Libyan embassies in Damascus. He said that at this point in time, "it was hard, even crazy to demonstrate", because Damascus was under the control of the security authorities. He said that only a few participated in demonstrations before 2011, although there were some demonstrations. He always hoped to participate in this [demonstrations] and participate in a revolution in Syria. P31 worked for Al-Hayat, a London-based newspaper and later for An-Nahar, a Beirut-based newspaper, that was later banned in Syria. P31 explained that the Syrian regime used to ban certain newspapers, so that either both [Al-Hayat and An-Nahar] or one of them was banned. During his work as a journalist, he received many summonses from the Syrian security agencies. He explained that the agencies often turned to his family when he was still living with them. All summonses were related to his work and he was always questioned about his work.

P31 recalled that there was a call for demonstrations in front of the parliament in February 2011. He was there [in front of the parliament] together with a group of people, however, as there were many members of the security forces, he and the group decided to pretend that they were walking by the parliament, although they actually wanted to demonstrate. P31 explained that they were close to the parliament building, when some of them were stopped by security forces who asked for their IDs and personal information. Two of his friends did not have their IDs with them and when they were stopped by the security forces, they were pulled aside. P31 approached the security forces to ask them why they stopped his friends. He explained that at this time [early February 2011] there were not many demonstrations yet, so people had no experience in dealing with security forces. The security officers beat him and told him to leave. P31 further described that sometime after this incident, he went to the funeral of a prominent movie director to take pictures and videos. He explained that the deceased person was a friend of his and "important for the people in Syria who thought differently."

At the funeral he recognized some of the security officers who beat him at the previous incident. He then decided to film them from further away. P31 said Anwar Raslan was there and he [P31] took a picture of him and saved it on his laptop. According to P31, Raslan was there [near the parliament] when P31 was beaten by Raslan's officers. P31 said he cannot say why, but the picture of Raslan was somehow important to him, so he decided to save it on his laptop. A lot happened in Damascus after the funeral in terms of demonstrations. P31 said in mid-March he was also on TV. On March [information redacted] 2011, security forces entered his home in Damascus.

P31 recalled that he was in shock and thought his life was about to end. Security forces beat him, insulted him, and searched his home. The beatings were very harsh and lasted until the security forces had searched his entire place. After 1, 2 or 3 hours (P31 could not remember exactly) he was bused to Al-Khatib Branch. When he arrived at Al-Khatib Branch he was taken to a “covered” [roofed] yard<sup>2</sup> where he had to wait. The security officers who searched his place carried many bags, as they took all his belongings: CDs, DVDs, documents, books, as well as his laptop. P31 said that at this point, he did not know what he was accused of. He considered himself a journalist who appeared on TV from time to time. While he had to wait, he tried to imagine what the officers possibly want from him. P31 said he felt like this might help him during an interrogation later on. He was 29 years old at this time and it was his first experience of being at a detention facility.

P31 said he had to wait in the yard for quite some time before he was taken inside where his clothes were stripped, and he was asked questions about things that were taken from his home. P31 explained that they found many banknotes in his home because he and his flat mate collected foreign banknotes as a hobby. The security officers beat him and wanted to know the country of origin for every single banknote. However, he did not know that for every banknote, so he started to just say any country. The officers continued to beat him again and again, until he was taken back to the yard where he had to stand and wait for hours. P31 explained that young Iraqi men who were arrested at a park also had to stand and wait in this yard. Overall, a lot of people arrived at this yard while P31 had to wait there. P31 said it was a longish yard where every new arrival had to wait before one was taken to a cell.

Judge Kerber wanted to know whether P31 meant that the yard was “covered” with people or with a roof. P31 said the yard had a corrugated iron roof. There were also windows facing the yard. One could hear screams coming from the direction of the windows. P31 assumed that people were being tortured in the rooms behind the windows. He guessed that these rooms were interrogation rooms. P31 recalled that this situation [waiting in the yard, hearing screams of torture] was the “beginning of the horrors.” He said that one could hear many different screams of torture, one man shouted, ‘Why did you rape my wife?’. After he waited in the yard for one hour, P31 was taken to a solitary cell, measuring 1.5x2 meters. Although solitary cells would usually be used for one person only, P31 said that there was an elderly man inside the cell when P31 arrived. He asked the man how long he had been in the cell and when the man answered ‘15’, P31 got scared because he assumed that he was talking years. However, the elderly man said he had been there for “only” 15 days.

P31 recalled that the first interrogation started the same night after he arrived. His hands were tied behind his back and he was blindfolded. P31 had to lie on the floor with his face and belly facing the floor. P31 was told that he would be in control of how much beating he had to endure, because he would be beaten whenever he was lying. The first questions were about his name, family, and job. He was also asked whether he received money from abroad to organize demonstrations. P31 identified different groups of questions: personal information, family, and activities regarding demonstrations. After that, he was tortured and beaten. According to P31, around three people were present, beating him all over his back and head using a cable. He was then taken back to his cell. One day later, the officers had inspected P31’s laptop and asked him questions about his postings and texts.

<sup>2</sup> Note from the Trial Monitor: The interpreter used the term “covered” [GER: bedeckt]. Judge Kerber later clarified that P31 meant the Yard was roofed.



P31 said they [employees at Branch 251] wanted to know whether P31 was working with ‘hostile’ media outlets or other agencies that would be hostile towards the regime. P31 told them that everything he had written, was published in newspapers, and he was not hiding anything. P31 recalled that he was also questioned about the reasons why he published certain pieces in certain newspapers and why he wrote them in the first place. P31 told the court that there were separate sessions [interrogations] dealing with certain things on his laptop. The interrogators went through all the documents on his computer step by step. He was heavily tortured during these interrogations. P31 described how he was put in a “torture seat”, lying on the floor with his hands tied and eyes blindfolded when he was beaten with whips all over his body. P31 said this was particularly heavy because the beating lasted for a long time. He assumed that he was beaten by several people, whom he asked to stop many times. However, he was told to stand up, which he was unable to do. He was then told to crawl outside and eventually kicked out and taken back to his cell. Judge Kerber wanted to know where P31’s hands were when they were tied. P31 said they were tied behind his back.

Kerber asked how exactly P31 got back to his cell, since he was unable to walk. P31 said he could not remember exactly how he got back to his cell. He remembered that he was kicked out of the room and a guard was called to take him back to his cell. This guard had to make sure that P31 was blindfolded and lowered his head on his way to the cell. P31 explained that the guard took his blindfolds, since P31 was unable to walk. He was so exhausted, he had to crawl all the way back to the cell. P31 remembered a group of guards sitting in a room mid-way on the way back to his cell. The guards were laughing at ‘a journalist who is unable to walk.’

Kerber recalled that P31 was not blindfolded on the way back and asked him whether his hands were still tied behind his back, and how exactly he crawled back to his cell. P31 said his hands were untied on the way back to the cell. He was then left alone for a couple of days before he was interrogated again. This time, the interrogation officers wanted to know how and with whom P31 was working. They wanted information about his colleagues. P31 recalled that during one of the following interrogations he was standing in the interrogation room when the person whom he had filmed was present as well. P31’s blindfolds were taken off. P31 explained that when the picture [he took of one of the security officers at the funeral] was found on his computer, he was interrogated about it. His blindfolds were taken off and Anwar Raslan was there. P31 said Raslan called him a ‘son of a bitch’ and started to beat him.

Kerber asked whether it was Anwar Raslan in the photo on P31’s laptop. P31 affirmed, adding that when he was asked during the interrogation [at Branch 251] why he took the picture and whether he wanted to hurt the person, he answered that this person beat him [near the parliament building]. P31 told the court that he took the picture because he hoped that one day the person would be held accountable for that. P31 explained he said during the interrogation that he did not know who this person was and that he was working at the Branch. He only recognized him at the funeral standing with other security officers around him and he seemed to be an important person, P31 said he was shocked when he found out that this person was working at the Branch where he was detained. He was afraid of revenge. P31 said he had to endure several interrogations at the Branch. After they [interrogation officers at Branch 251] questioned him about general things, they then wanted to know how exactly P31 was working [as a journalist].

P31 said a couple days later he was taken out of his cell at night and transferred to Kafar Souseh, the State Security Branch. One of the guards there told P31 that he could have become a journalist, but he ruined his own career. The guard then started beating him. P31 added that he was transferred to Kafar Souseh by car. He was alone in the car [only detainee], blindfolded, and his hands were tied behind his back.<sup>3</sup> P31 went on to explain that on his arrival at Kafar Souseh, his personal items that were also transferred from Al-Khatib Branch, were registered before he was taken to an underground cell. He said this place was dirty and scary, and the guards there were more brutal than the ones before [at Branch 251]. According to P31, one could hear people screaming from torture all the time. He saw many people coming to the cell who were brutally tortured before. Many of them were arrested at demonstrations in Duma and Damascus. They were injured and covered in blood.

P31 said that even minors, children around the age of 12 to 13 years, were in his cell in Al-Khatib Branch. When P31 arrived at Kafar Souseh, a 16-year-old teenager arrived the same night. P31 said they were both heavily beaten. The guards simply wanted to hear them scream. P31 said the guards hit them with black sticks on their heads and bodies. P31 further recalled that in Kafar Souseh he was beaten on his way from the cell to the toilet, while in Al-Khatib [Branch] he was never beaten on the way to the toilet. In Kafar Souseh, however, guards came into the cell every hour, beating the detainees with batons. Sometimes, they [detainees] were told to stand up, facing the walls. They had to stay in this position for hours. P31 told the court that he was interrogated twice at Kafar Souseh. The interrogators wanted to check his statements from Al-Khatib [Branch]. P31 described that there was “no actual torture” during interrogations at Kafar Souseh. The people there simply wanted to check what he already said in Al-Khatib. Nonetheless, in Kafar Souseh he was beaten in his cell every day, every hour. P31 said it was very scary and he never felt so afraid like in this place [Kafar Souseh]. P31 recalled that one night he and other detainees were taken to a yard, where they all had to stand. There were many people, around 100 persons. They were called traitors and criminals [by the guards] and told that the president issued an amnesty, so all of them were free to leave. P31 said they were supposed to be transported with buses, many people did use the buses, however, P31 decided to take a taxi to one of his friend’s places. He added that ever since he did not return to his flat.

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[15-minute break]

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Judge Kerber explained to P31 that she has no further general questions at the moment, however, Judge Wiedner would now ask more detailed questions.

### **Judge Wiedner’s Questioning**

Judge Wiedner asked when P31 first published articles as a journalist. P31 said he studied at Damascus University before he started working as a journalist in [information redacted]. Around [information redacted] he started working for [information redacted] and in [information redacted].

<sup>3</sup> Note from the Trial Monitor: Judge Kerber apologized to P31 for interrupting him, when she warned a member of the audience to wear his COVID-19 mask correctly.

Wiedner asked whether P31's pieces were political from the beginning or only after the beginning of the uprising in Syria. P31 explained his pieces were not political at all. At the beginning of his career, he rather published articles about the arts and the relationship between the arts and society, using the arts as a way of describing society. His work related to corruption and how artists portrayed corruption, and how artists addressed political topics in general.

Wiedner recalled P31 telling the German Federal Criminal Police (BKA) that he published many political contributions after 2010. P31 said this [political contributions] would be a more complicated description, he explained that one could not address political issues directly. Instead, one could only talk about the arts and society. In Syria, one could not directly write about politics. P31 recalled that at university he was told that Annhar, the newspaper he was working for, was a prohibited newspaper, a hostile opposition newspaper.

Wiedner asked what P31 got to know about the security force's reaction to demonstrations when he documented and participated in demonstrations in spring 2011. P31 explained that he participated in demonstrations in Damascus; mostly vigils in public spaces or in front of the Egyptian or Libyan embassies. After March 15, 2011, family members of detainees organized a demonstration in Damascus. *Shabiha* came and started beating demonstrators. Everyone, including P31, had to flee. P31 said he gave several interviews on TV around this time in March 2011. He reported about the demonstrations, amongst others on Al-Jazeera and Al-Arabia. He sometimes used his real name and sometimes used a fake name instead.

Wiedner wanted to know whether one can say that P31 was a prominent person in Syria. P31 said that many TV stations published his name when he was arrested and spoke about his arrest. P31 concluded that he was well known amongst a certain group of people.

Wiedner recalled that P31 connected Anwar Raslan's name to the events he just described and asked whether P31 knew this name already in March 2011. P31 denied, explaining that he saw this person on a public square together with other officers, however, he did not know his name. P31 added that the number of people who participated in demonstrations at that time was relatively small. Demonstrations were peaceful and short. Members of the security forces only picked out a few people from time to time.

Wiedner clarified that he wanted to know whether P31 knew the name Anwar Raslan or the person. P31 said he did not know the person's name.

Wiedner recalled P31 saying that the person he saw at the demonstration was Anwar Raslan. Wiedner asked P31 how he identified this person as Anwar Raslan. P31 explained that there were always security officers or other members of the security forces watching people at this kind of activities [demonstrations, vigils]. P31 had no experience with detention at that time [March 2011] so he did not know any names, he only knew the faces of the security officers. When he filmed and took pictures of this person [later identified as Anwar Raslan] he did not know his name. P31 concluded that this was one of the craziest things that ever happened to him. After he was released from detention, he spoke to his friends about the events. They mentioned the name Anwar Raslan and described his appearance. P31 said in this moment [in court], when he sees this person, he knows it is Anwar Raslan who was there [at the demonstration, funeral and as interrogator at Branch 251].

Wiedner asked whether this person whom P31 identified as Anwar Raslan would be present in the courtroom. P31 affirmed. Wiedner asked P31 who exactly it would be. P31 pointed at the defendant's bench where Anwar Raslan was sitting.

Wiedner wanted to know when and where P31 saw this person for the first time. P31 said it was on February [information redacted], 2011, at a demonstration in front of the parliament building. The demonstration actually never happened due to the presence of many security forces. The group of people instead walked by the parliament to Az-Zahra' Cinema where two of his friends were arrested.

Wiedner asked whether this was the first time P31 saw the person he identified as Anwar Raslan, or if he already saw him before this event. P31 explained that the first time he memorized Raslan's face was at an event where Raslan was standing with a group of employees. P31 and his friends saw Raslan and the group, and they saw P31 and his friends. P31 stressed that this was when he memorized Raslan's face. Later at the funeral he recognized this person and wanted to take a video of him. That was when P31 knew that this person was the reason why his friends were arrested.

Wiedner wanted to know how Raslan was the reason for the arrest of P31's friends and what led P31 to this assumption. P31 recalled that he and a group of people wanted to demonstrate in front of the parliament but instead decided to walk by. They were stopped by security officers and asked for their IDs and personal information. When their data was documented, they were allowed to go home. However, two of his friends did not have their IDs with them, so they were taken to the entrance of a building nearby. There the security officers started beating P31's friend. P31 said they also took the young woman who was with his friend to this entrance. P31 saw this and approached an officer who was not involved in the beating but standing next to the group. P31 stood on the pavement next to the entrance of the building, while his friends were beaten inside the entrance [hallway]. P31 told the officer to not harm his friends and let them go.

Wiedner asked whom exactly P31 approached. P31 said he approached the security officers, Anwar Raslan and another officer who was standing next to Raslan. One of them hit P31 on open street and told him to go away.

Wiedner wanted to know whether P31 spoke to the person he identified as Anwar Raslan. P31 affirmed, explaining that he remembers well that this person was wearing a brown leather jacket.

Wiedner asked what this person told P31. P31 said he told him 'get lost!'

Wiedner wanted to know what exactly this person [whom P31 identified as Raslan] was doing; whether he gave orders or was just standing by. Wiedner asked P31 how he identified this person's rank and function. P31 explained it was obvious that this person had a higher rank, because usually at demonstrations or vigils, officers were standing behind regular security forces who had a different function. At this time [early 2011], officers were usually wearing civilian clothes because all embassies in Damascus were still open. The regime did not want to show violence because they were under surveillance [by foreign diplomats and personnel in the embassies]. P31 recalled that there were dozens of security employees at every demonstration. They always told the protestors to leave the scene. Some demonstrations took longer. For example, there was a demonstration in front of the Libyan embassy where people were standing for around two hours, calling for freedom and justice. P31 added that, however, none of the demonstrations were specifically directed against Bashar al-Assad.

Wiedner asked whether the person whom P31 identified as Anwar Raslan did not wear a uniform at the incident near the parliament. P31 denied, explaining it was normal that members of the security forces wore civilian clothes even inside the detention facilities.

Wiedner asked whether P31 knew the name of this person. P31 denied.

Wiedner asked whether it was correct that P31 saw this person again at the funeral, only a few days after the incident near the parliament. P31 affirmed.

Wiedner wanted to know at which point P31 identified this person as Anwar Raslan. P31 said he contacted the people who participated in demonstrations before March 2011 because he wanted to know the name of this person. These people then told him his name was Anwar Raslan.

Judge Wiedner summarized that P31 knew the person's name from other people. P31 affirmed.

Wiedner cited the transcript of P31's questioning with the BKA where P31 stated that members of the security forces were present at every demonstration or vigil connected to the Arab spring. 'He' [person identified as Raslan] was there as well. Other members of the security forces addressed him as 'Colonel', whereas the group of demonstrators called him 'Raslan'. Wiedner asked P31 whether he could remember this statement. P31 denied, explaining that at the time [of the demonstrations] people called this person "the evil one", and only after he was released, P31 learned the person's name.

Wiedner wanted to know when exactly P31 learned the name of the person, after his detention or earlier during a talk with his friends. P31 said he heard the name from friends. He never witnessed how this person was called by his name. In detention, P31 only saw the person's face, but did not know his name yet.

Wiedner cited the BKA's transcript, saying that P31 saw the person he identified as Anwar Raslan already before the demonstration near the parliament. However, the first interaction with this person was at this attempted demonstration near the parliament. Wiedner asked P31 whether P31 consequently saw Raslan before his detention. P31 said this [situation described in the BKA's transcript] was the situation he was referring to earlier when talking about a vigil in Damascus. He saw this person for the first time at this occasion. The first close direct contact then happened at the [attempted] demonstration and the second contact was in detention.

Judge Kerber intervened, asking whether it was always the same people participating in demonstrations and vigils. P31 affirmed.

Kerber wanted to know about the connection between these people, whether they all had the same job or if there was any other connection or commonalities. P31 said they were all activists, adding that there were only a few of them in Damascus.

Judge Wiedner asked whether P31 had direct contact with the person [identified as Raslan] at the funeral. P31 denied, explaining that he only saw him from a distance.

Wiedner mentioned that the BKA showed P31 several photos and asked P31 whether he recognized anyone from these photos. P31 said he recognized the same person from the photos that he was just talking about in court.

Wiedner asked whether this would be the same person that is also present in the courtroom. P31 affirmed.



Wiedner recalled that after P31's flat was stripped and he was arrested, he was taken to Al-Khatib [Branch]. Wiedner asked P31 how he knew that this place was Al-Khatib [Branch]. P31 explained he did not know right away, because he was blindfolded on the way to the Branch. He only learned from "detainees who were taken there" after him. P31 added that the Branch has a number, however, he did not remember. Some people were summoned by the Branch before they were detained, so they knew where they were and could tell P31.

Wiedner asked P31 to clarify what he meant by "detainees who were taken there." P31 said he called the people fellow detainees because some of them were summoned to the Branch before they were arrested, and others were arrested at demonstrations and recognized the Branch from the way there.

Wiedner asked P31 to describe his arrival at the Branch. P31 explained how he was taken from his flat to the Branch in a bus. He was first taken to a yard before he was taken to a room. The yard had a corrugated iron roof, and he was taken from this yard to the place where he was frisked. He was taken to some kind of kitchen, a room where a lot of bread was stored and with a sink in the middle of the room. He was frisked in this room and had to sign that the personal items he had to hand out belonged to him.

Wiedner asked P31 whether he had to undress. P31 affirmed, adding he was only allowed to leave on his underwear. He then had to squat twice, a typical move that was used by the guards to ensure that a person did not hide any items.

Wiedner wanted to know if P31 was immediately interrogated or first taken to a cell. P31 explained he first had to go back to the longish yard where he had to wait for hours. More and more people arrived there while he had to wait, up to a point where there were dozens of people in the yard. He was then taken to a cell. P31 added that all detainees were photographed in the yard.

Wiedner asked where P31's cell was located: in the basement, ground floor [first floor] or upstairs. P31 described that the yard and the cells were on the same level, the ground floor. There were a few steps leading inside the building, however, one did not go upstairs to another floor. P31 added that there were collective cells in Al-Khatib [Branch] with a hallway in front, leading to solitary cells. P31 recalled that when he was detained in one of the solitary cells and he had to use the toilet, he was taken outside the cell to a room opposite of the solitary cells.

Wiedner wanted to know where the interrogations took place, whether P31 had to go upstairs or downstairs. P31 explained that the interrogation room were located on the same floor. Coming from his solitary cell he had to walk down the hallway, passing the guards' room, and coming to some kind of yard where the interrogation room were located. Sometimes, he had to go upstairs where more interrogation rooms were located. P31 said the moment one is taken from his cell, one cannot feel anything. Right in front of the cell's door, one is being blindfolded and the hands are tied behind one's back. One then had to go to the interrogation room like that [blindfolded and with hands tied behind the back]. P31 added that the blindfolds only allowed one to recognize the way one had to walk, that was the reason why P31 could describe the way. He added that once, when he was tortured so badly that he was unable to walk, his blindfolds were taken off, so he could see the interrogation room and parts of the way between interrogation room and cell.

Wiedner asked if P31 had to walk upstairs or downstairs on the way back to his cell after an interrogation. P31 said it was usually on the same floor, however, sometimes he had to go to a different floor.

Wiedner asked whether the interrogation at which Anwar Raslan was present was also on the same floor as the cells or whether it was somewhere else. P31 said as far as he remembered, he had to use stairs. The interrogation was in a different room than usual.

Wiedner asked P31 to describe the room [where the interrogation with Raslan happened]. P31 said he could only remember that there was a desk. He was so exhausted at that time that he was not able to memorize more details. He assumed that there was a window, and the desk was wooden and there were chairs as well.

Wiedner wanted to know how many people were present at this interrogation in addition to P31. P31 said he was the only detainee at this interrogation and at least three guards were present, one of them had accompanied P31 to the room.

Wiedner asked P31 to describe the situation and how the person he identified as Anwar Raslan was behaving. P31 said he was taken to a room where he had to stand. Usually, he had to kneel or lie on his belly during interrogations. Shortly after P31 entered the room, someone asked him whose picture P31 had saved on his laptop. When P31 said he did not know, his blindfolds were taken off and someone hit him with his fist.

Wiedner wanted to know who hit P31. P31 said it was the same person, Anwar Raslan. P31 then had to kneel.

Wiedner asked where P31 was hit. P31 said he was hit in his face. He was then questioned why he took the picture and other things related to the photo. P31 said in this moment, he felt as if his life was in danger, because the person from the photo was sitting right in front of him and was free to do whatever he wanted to do. P31 said this person wanted to know everything about the photo. He was questioned again about the photo the following day, however, by a different interrogator.

Raslan's defense counsel Böcker intervened, saying he had a question regarding who exactly was the one hitting P31 with his fist, and who took off P31's blindfolds. Judge Wiender said that this would actually not be the time for Böcker to ask questions, however, Wiedner was about to ask similar questions anyway. Wiedner asked P31 who took off his blindfolds. P31 said it was the same person who hit him with his fist. This person first asked whose photo P31 saved on his computer, then took off his blindfolds and hit him in the face. Wiedner asked whether it was Anwar Raslan. P31 affirmed.

Wiedner wanted to know whether there was more beating during this interrogation. P31 affirmed, explaining that several people started beating him when he was blindfolded again and told to kneel. In this interrogation session, P31 was told not to lie. P31 added that usually, he was simply severely tortured during interrogations and threaten to be killed or cut into pieces.

Wiedner asked whether P31 was threatened during this interrogation as well. P31 affirmed.

Wiedner wanted to know if P31 recognized the rank of the person he identified as Anwar Raslan, compared to the other people present at this interrogation. P31 said the other people addressed Raslan as "Sidi" [dear Sir], so it was obvious that Raslan was higher-ranking, because this term is only used between different ranks.

Wiedner asked whether Raslan gave orders. P31 could not remember, adding that he sat or knelt on the floor while he was beaten by several people from several directions. That was why he could not tell who said what.

Wiedner recalled that P31 told the BKA about another person whom he could not pigeonhole. P31 said there was the interrogation officer, whose voice P31 still remembers well. There were also one or two people who usually carried whips. P31 said he was sitting or even lying on the floor and could hear steps and people whispering, because they did not want P31 to hear what they were talking about.

Wiedner cited the BKA's transcript, saying that P31's video [from the funeral] showed another person who was in the room [interrogation] as well. This person was between forty and fifty years old, had dark hair, a mustache, and a brown leather jacket. P31 told the BKA that he did not know this person's name. P31 confirmed this to the court.

Wiedner asked if and what this person did during the interrogation. P31 explained that this was the same person who took off P31's blindfolds and hit him in the face. P31 clarified he was referring to the person that he took a picture of, and who then hit him.

Wiedner recalled that P31 told the BKA that Raslan was the person who hit him in the face and that there were one or two other people in the video who were also in the interrogation room with P31. P31 explained that he meant there was more than one person in the interrogation room: One who hit him, two carrying whips and one guard who accompanied P31 to the room.

Wiedner said he understood from P31's previous descriptions that the video P31 made at the funeral showed one person whom he identified as Raslan and met again during the interrogation, and that there was another person in this video who was also present at the interrogation. P31 said the interrogation was about his work, postings, and activities during the revolution. He was also questioned about the video and photos.

Wiedner recalled P31 telling the BKA that Raslan was very angry. Wiedner wanted to know what exactly Raslan did, and if he raised his voice. P31 said he hit him in the face. According to P31, this would be enough to describe such a person.

Wiedner said P31 previously described that he continuously heard other people screaming from torture, and asked P31 whether he could also hear these screams in the interrogation rooms. P31 said one could always hear these screams, even inside the cells. However, during interrogations he focused on himself, trying to find ways to reduce beatings. P31 said he could still hear voices of people being tortured, something that was audible everywhere.

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[1 hour break]

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Judge Wiedner said he wanted to know more about the general detention condition in Al-Khatib Branch and had some brief questions about condition in Kafar Souseh at a later point. Wiedner's first question was about the cells in Al-Khatib and how many people were in the same cell as P31. P31 said at the beginning there was one other person, an elderly man. P31 was later transferred to another cell.

Wiedner recalled P31 telling the BKA that there were three people, including P31, in one cell. P31 clarified that on his first day, there was one other person, an elderly man. The third person came on the second day. When P31 was transferred to another cell, he shared the cell with many other people. P31 said there was a lot of movement regarding new arrivals and transfers. Depending on how many new detainees were taken to the same cell, others were transferred.

P31 said he did not stay in the collective cell for a long time. Overall, he did not stay there for years or months, and due to many changing images, he could not remember all the details. P31 concluded he remembered certain things better than others.

Wiedner asked how long P31 stayed in Al-Khatib before he was transferred. P31 said he stayed there for around twelve to thirteen days. He was arrested on March 28, however, he did not remember the exact date he was released. He explained he knew that he was transferred after 12 days, although he lost his sense of time.

Wiedner said P31 told the BKA that he stayed in Al-Khatib from [information redacted], and asked P31 to confirm. P31 explained that he lost his sense of time. He was able to tell night and day, however, he lost his general sense of time, so he assumes that the timeframe he gave the BKA was calculated. P31 confirmed when Judge Wiedner asked whether he was talking about the year 2011.

Wiedner asked how big the collective cell was and how many people were there. P31 said he was in more than one cell. The number of people varied. Sometimes there were twenty people, sometimes thirty, before some of them were transferred. P31 said people were “piled up” in these cells. They had to sleep in shifts. However, the exact number of people was depending on the day.

Wiedner wanted to know if they were woken up at night. P31 said a lot happened inside the cells. Sometimes the detainees were not allowed to sleep. They had to stand in line, facing the wall. P31 described this as mental torture.

Wiedner clarified that all his questions relate to Al-Khatib Branch, referring to P31’s statements with the BKA, according to which people were often woken up at night and forced to face the wall, so that it was impossible to get enough sleep. P31 confirmed, adding that this is what he meant when talking about physical and mental torture.

Wiedner asked if the food was sufficient. P31 said food was not good but they got three meals per day, in the morning, at noon and in the evening. In the evening, they were given eggs, lentil soup and bread. They also got food at noon. P31 said the food was enough but disgusting. He further described that the amount of food was dependent on the cell. In collective cells, they got one portion for all detainees, so one person often did not get a lot of food, while in solitary cells every detainee got his own portion, so the amount was sufficient.

Regarding hygienic conditions at the Branch, Wiedner asked P31 whether there were sanitary facilities at all, if they were clean, and if people were allowed to use them. P31 said one was allowed to use the toilet, however, you only had one minute to go there and leave it again. If one took longer, the guards opened the door and screamed at the person to leave. There was no option to take a shower or bath. P31 did not remember whether there was soap at all. He was allowed to use the toilet up to three times per day, but the smell there was horrible. P31 explained that there were a lot of people, none of them could wash themselves, so that there was a strong smell. P31 said that this disgusting smell of people who did not wash for days, burnt into his memory.

Wiedner asked whether there was medical treatment at Al-Khatib Branch. P31 said some detainees received pills and medicine. He heard such stories relating to diabetes. He also heard people asking the guards for medicine. P31 himself did not need any pills or medicine, so he never asked for it.

Wiedner wanted to know whether P31 saw injured or sick detainees who would have been in need of medical treatment. P31 said there were different groups of sick people: high blood pressure, diabetes, and heart-related issues. These people asked for specific pills, however, P31 did not notice whether they received them or not. P31 also saw people, mainly from Duma and Damascus suburbs, who suffered fractures. Some wore bandages. P31 added that they were covered in blood and bleeding from their heads as well. They apparently had to endure severe beating.

Wiedner asked whether these people received medical treatment or were just left alone. P31 said they wore bandages. However, they were in pain. He added that people with chronic sickness asked for medicine. P31 said he does not know whether the bandages qualified as proper medical treatment. He further witnessed people who obviously “went crazy.” They were screaming they had hard issues when guards came and started beating them. However, P31 could not tell whether these people were actually sick or not. He also did not see any doctors. P31 concluded that although he saw some people receiving pills and others wearing bandages, he did not see a doctor at Al-Khatib Branch.

Wiedner wanted to know if P31 witnessed other detainees being tortured and what torture methods were applied at the Branch. P31 described how he saw detainees returning to the cell after an interrogation with hematomas all over their bodies. They were beaten with cables and their entire bodies were red. P31 recalled a fellow detainee from Jordan. He had darker skin than P31 and was heavily beaten. The guards told this person that he could bear a lot. P31 recalled other “crazy situations” when people from Duma arrived at the cell, who obviously had to endure severe beating before that. P31 said he and other detainees “tried to put them back on their feet.” P31 further explained that he himself witnessed on his way to the toilet how detainees were handcuffed to their cell doors, so they could not sit down. P31 concluded that the aim was to mentally break people.

Wiedner asked whether this was in Al-Khatib. P31 affirmed, explaining that later in Kafar Souseh one of the people he shared a cell with was tortured like that [handcuffed to the cell’s door] in Al-Khatib. When P31 was in Al-Khatib he saw himself how people were handcuffed to the doors of their solitary cells.

Wiedner wanted to know what exactly was done to these people. P31 explained that the iron doors of the solitary cells had small windows that were used by the guards to watch the detainees from outside or to let some air inside the cell. These windows were barred, and the detainees’ handcuffs were attached to the bars. This was done so that people could not sit down. P31 said he later understood that this was used as punishment. However, when he was still in Al-Khatib no fellow detainee in his cell was tortured like that, so he could not ask anyone and only found out later.

Wiedner asked at what height the people were handcuffed to the window bars, whether they had to stand up. P31 said the windows were at eye level. In his solitary cell, one had to stand up to look through the window. P31 guessed the windows were at a height of 160 to 170 centimeters. He added that the function of these windows was for guards to open them and watch the detainees.

Wiedner wanted to know if P31 knew about other torture methods like electroshocks or *Doulab*. P31 affirmed that electroshocks and *Doulab* were applied and used to threaten people. P31 said he witnessed people being whipped and tortured with the *Flying Carpet*. P31 explained he was once put in a *Doulab* and beaten. Another time he was threatened that electroshocks would be applied to certain parts of his body so he would “no longer be able to have children.” On Judge Wiedner’s request, P31 affirmed that this happened in Al-Khatib Branch.



Wiedner asked P31 to describe the situation when he was tortured using *Doulab*. P31 explained that this happened during the interrogation after which he was unable to stand or walk. He was put in a *Doulab* [tire] and beaten twice or three times. However, this would not have been as intense as the regular use of these methods. P31 said he was sometimes also threatened that two metal sticks would be attached to his body to impose electroshocks.

Wiedner asked whether P31's family was informed about his whereabouts. P31 denied.

Wiedner further wanted to know if P31 was beaten on the way to interrogations. P31 said he was beaten on the way in Al-Khatib. One could not say that these beatings were systematic. One was [arbitrarily] beaten against his head with sticks or one's head was smashed against the wall. P31 said this was not as intense as the torture and beatings that followed later [in Kafar Souseh]. P31 said the way from his cell to the toilet was very long in Kafar Souseh and one was massively beaten on the way.

Regarding Al-Khatib Branch, Wiedner wanted to know if P31 could say anything about the hierarchy between guards and interrogators. P31 said as a detainee in this Branch he would be beaten by the guards on a daily basis. They were the only people that the detainees had contact with either on the way to the toilet or when they got food. According to P31 there were also people working in human resources or at the exhibit department where the detainee's personal items were registered and stored. The latter asked P31 about his father and other relatives. P31 added that there were also interrogators and transcript writers.

Wiedner wanted to know whether people acted in a certain way so P31 was able to tell if there was some kind of hierarchy. P31 said he was not familiar with ranks. However, some people addressed others with "sidi" [dear sir]. P31 explained that as a detainee his only contacts were with the guards.

Wiedner recalled P31 telling the BKA that the interrogators were in charge of ordering interrogations or deciding that nothing would happen to the detainee. P31 further told the BKA that it seemed like the treatment was already agreed on before and the aim the interrogators had in mind decided about the detainee's fate. P31 told the court that this is what he meant when describing that the guards addressed the interrogation officers with "sidi" [dear sir]. The guard who accompanied the detainees from the cells to the interrogation rooms had a lower rank than the interrogation officers.

Wiedner said P31 further told the BKA about hierarchies that higher ranking people used a harsh note towards lower ranking personnel; they exercised their power verbally. P31 told the judges that he was referring to this when talking about the term "sidi". He only used this term to make conclusions about the ranks of people.

Wiedner said the court was particularly interested in P31's experiences in Al-Khatib Branch and asked him to tell whether Al-Khatib was worst or if other intelligence branches were worse. P31 said that each experience [Branch] was bad. He said he was beaten most and had to endure the greatest pain in his life when he was in Al-Khatib Branch. Later in Kafar Souseh, he was also beaten and insulted by guards, however, "that was part of it." P31 explained that at his second arrest months later, he was taken to Branch 215. His hand was injured and a doctor was called to put on bandages. He had to stay at this Branch for 60 days.

Presiding Judge Kerber asked P31 if he needed a break. P31 said he had a headache and a hard time remembering things, so he would like to have a break.

Raslan's defense counsel Böcker intervened, saying that he and his colleague would not have any questions for the witness, because they needed to talk to their client first.

Since the prosecutors indicated that they only had a few questions, Judge Kerber ordered a short break before the session would be closed after the prosecutors' questions.

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[10 minute break]

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Presiding Judge Kerber said P31's counsel told her that P31's headache got worse. Kerber therefore decided to close the session for the day and continue with the prosecutors' and the defense's questions the following day.

Proceedings adjourned at 2:15PM.

#### **Day 68 of Trial – April 8, 2021**

The hearing began at 9:30 am with six 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 Kroker and Mohammed were not present.

Presiding Judge Kerber read out instructions to P31 again before she handed over to the Prosecutors.

#### **Prosecutors' Questioning**

Prosecutor Klinge referred to demonstrations and vigils in early 2011 and asked P31 whether it was known that certain people there belonged to the security forces. P31 affirmed, explaining that one could tell that they were members of the security forces because they were always on the phone. He added that "one knew how they were acting." P31 said that some of the activists participating in these demonstrations were already summoned by the Intelligence Services, so they knew some of the people. A common term for these summons and general questionings would be "to get a cup of coffee."

Klinge asked if it was also known to which agencies they belonged: General Intelligence, Military Intelligence, Air Force Intelligence or Political Security. P31 said he wanted to talk about his personal story: he had already been [in early 2011] invited [summoned] by the Political Security and Palestine Branches. He therefore knew some of the people there. Friends of his were also summoned and knew some of the Intelligence employees as well. In addition, one had to bear in mind that the security forces in Syria are not hiding. Their approach would be to control everything. That was why P31 and his friends were afraid.

Klinge referred to the [attempted] demonstration on February [information redacted], 2011 and asked P31 whether he knew to which Intelligence Agency the people belonged. P31 explained that on this day, a group of people wanted to gather in front of the parliament building in Damascus. Around twenty to thirty people therefore met at [information redacted]. A person came into the café and took P31 outside, asked for P31's ID, documented his data and sent him back inside.

P31 did not know to which agency this person belonged, he did not wear a batch or anything else to identify him. After P31 and the group left the café, some of P31's friends were stopped and asked for their personal data as well. Many buses were waiting outside the café on both sides of the street. P31 said he and his friends knew that the young men in the buses were *Shabiha*. The café is close to the parliament, around 30 meters down the road. However, P31 and the group were so scared due to all the buses and officers, that they decided to keep walking and not do the demonstration as planned. Some of the security forces asked people for their IDs and data, others were waiting in the buses. The group kept walking until they reached Az Zahra' Cinema, around 100 meters further down the road. They checked whether they could do their demonstration there but decided not to do so. P31 explained that they were not walking as one big group but in pairs or small groups of three people. Two of his friends were stopped at the corner of the street and taken to the entrance of a nearby building. P31 went in their direction. P31 said there were so many people dressed in civilian clothes, it was impossible to identify to which Branch they belonged, unless one was summoned by that Branch before and therefore knew some of the faces.

Klinge asked about the name of the movie director at who's funeral P31 took pictures and made a video. P31 said his name was [information redacted].

Klinge further wanted to know whether P31 saved video or picture files on his computer and with which device he took the pictures/videos. P31 said at the funeral he filmed with a Sony video camera, a so-called hand camera. He filmed the funeral procession carrying the coffin and people walking behind it. P31 said many people attended the funeral: artists, politicians, as well as security forces. He shot a video of the events and while he was filming, he recognized the person who beat him on an open street before. He therefore took a picture of this person. Later, when P31 was at home, he saved the picture file on his computer. He told the court that he was afraid and nervous in this moment because his mere presence at the funeral was problematic. In addition, he also filmed security forces, something that was not easy in Syria.

Klinge asked if P31 consequently took a screenshot of this particular person from the video file. P31 denied, explaining that he used his camera to zoom in on the person. He stopped the video and took a picture. P31 added that the camera allowed to shoot a video and take pictures at the same time.

Klinge wanted to know whether P31 zoomed in and took the picture at the funeral. P31 affirmed.

Klinge asked if Anwar Raslan was clearly visible. P31 affirmed.

Klinge further wanted to know whether P31 was standing aside or amongst the crowd. P31 said he was in the crowd, adding that the previous day - after his testimony in court - he tried to find the picture file somewhere in his emails. However, his computer was confiscated when he was arrested in 2011. However, he did not find the file. P31 further explained that back then in Syria, it was dangerous to save any files because at every arrest one was questioned about social media accounts and passwords for all devices and accounts. P31 said he did not get his computer back after he was released, adding that he would have preferred to find the file as it would have explained a lot.

Klinge said P31 just answered his next question and went on to ask P31 where in the hierarchy at Al-Khatib he would rank Anwar Raslan. P31 said he had the feeling that this person [Anwar Raslan] was higher-ranking. The office where he was interrogated when this person was present was not the usual interrogation room. It was obvious to P31 that the person had a higher rank than the interrogation officers and guards. P31 explained that this also became obvious to him when he saw the person outside the Branch; standing there surrounded by security officers, and from the way this person interacted with them.

Klinge wanted to know if P31 noticed any orders coming from this person [Anwar Raslan]. P31 said he already described different situations inside the Branch when Raslan was addressed as “sidi”. However, P31 was so afraid that he did not notice if Raslan gave any orders.

Klinge asked whether a higher-ranking person gave orders to the person P31 identified as Raslan. P31 explained that during the interrogation there was only an interrogator and one or two guards present. They all addressed Raslan as “sidi”.

Klinge wanted to clarify whether all three people at the interrogation had lower ranks than Raslan. P31 affirmed.

Klinge asked P31 if he would be a witness or victim of sexual violence at Al-Khatib Branch. P31 denied, adding that he saw how detainees were forced to undress, and witnessed threats that one would be sterilized by electroshocks.

Klinge recalled that P31’s detention in Al-Khatib Branch was at a relatively early point in time, asking if P31 witnessed people dying inside the Branch or saw corpses there. P31 denied.

Klinge last wanted to know if P31 suffered from any physical or mental consequences of his detentions. P31 denied.

Neither defense nor plaintiff counsels had any questions.

P31 was dismissed as a witness.

Presiding Judge Kerber was about to close the session when defense counsel Böcker requested to read out a request to take additional evidence. He explained that the request was just submitted to the court in writing. Kerber permitted Böcker to continue. Plaintiff counsel Scharmer mentioned that none of the parties to the case knew about Böcker’s request, nor did they get a copy beforehand. Böcker apologized, explaining that due to limited resources, the defense was not able to send a copy to all parties before the trial day, however, everyone should have received a relevant email by now.

[The following is recreation of the defense’s request, based on what the Trial Monitor was able to hear in court when the request was read out.]

*Following P31’s testimony in court, the defense requests the court to take additional evidence in the form of five witness testimonies and the visual inspection of two diagrams.*

- 1) The defense requests to hear two employees of the German Intelligence Agency (BND) as experts, and to visually inspect two diagrams that were attached as annexes to an agency-report that the two witnesses drafted.*

*To be heard as experts:*

- [name redacted]*
- [name redacted]*

*To be visually inspected:*

- Diagram dated June 16, 2016, visualizing the structure of the Syrian General Intelligence Service.*
- Additional annexes of the relevant report drafted by the BND.*

II) *The defense requests the court to summon and hear three additional witnesses.*

- *[name redacted], currently based in Turkey*
- *[name redacted], currently based in Turkey*
- *Witness “Z080421” who wishes to remain anonymous*

Reasoning:

I) *[name redacted] who works at the department for self-protection measures at the BND drafted an agency-report detailing the structures of the Syrian Intelligence Services. This report was sent to [now] Criminal Chief Inspector Deußing at the BKA. [name redacted], was involved in drafting this report as a clerk.*

*The report details the structures of the Syrian Intelligence Services and assigned Division 40 as a sub-division of Branch 271. It also details that Division 40 was tasked to surveil demonstrations, hostile movements, and members of the movements who were opposing the regime. This mandate was also confirmed by several witnesses during the present trial: [CCI Deußing testified on April 24, 2020](#) that Division 40 was a decentralized subdivision of the General Intelligence; [Anwar Al-Bunni testified on June 4, 2020](#) that Division 40 was acting in Damascus only; [P5 testified on July 2, 2020](#) how Division 40 went to demonstrations to surveil and quell them.*

*The defense deems it necessary to hear the abovementioned experts and read out the relevant annexes of the abovementioned report because P31 testified on April 7, 2021 how he allegedly met Anwar Raslan – employee of Branch 251 - at a demonstration in front of the Parliament in Damascus and later at a funeral. P31’s testimony in court also showed several inconsistencies in relation to his previous statements with the BKA dated [information redacted]. It is impossible that P31 saw Anwar Raslan at a demonstration, due to a lack of competency on Raslan’s side in this regard. The present request to take evidence is therefor of immense value as P31 could not have seen Raslan at the demonstration and later recognized him.*

II) *[name redacted] worked as a prison guard at Branch 251 from at least February 2011 until April 2011. He will be able to testify that Raslan – neither before nor after this time – was ever outside the Branch, nor present at any demonstrations. He can further testify that Raslan was serving indoor service solely and never participated in any state-led repressive activities or similar activities against demonstrators outside the Branch.*

*[name redacted] was working at Branch 251 at least since the beginning of February 2011. He will be able to testify that Raslan – neither before nor after this time – was ever outside the Branch, nor present at any demonstrations. He can further testify that Raslan was serving indoor service solely and never participated in any state-led repressive activities or similar activities against demonstrators outside the Branch.*

*“Z080421” worked at Branch 251 in early 2011. He will be able to testify that Raslan – neither before nor after this time – was ever outside the Branch, nor present at any demonstrations. He can further testify that Raslan was serving indoor service solely and never participated in any state-led repressive activities or similar activities against demonstrators outside the Branch.*

*The defense points out that P31 falsely identified Anwar Raslan and was unable to recognize his face. The interrogation situation that P31 described on April 7, 2021, is incompatible with Raslan’s character and his opinion towards the opposition.*





Presiding Judge Kerber asked the defense if “Z080421” would be present in Germany or abroad. Böcker explained this person would be present in the middle east, however, neither Turkey nor Syria. Böcker added that the judges can find further information about this in the emails that the defense just sent the court.

Proceedings adjourned at 10:15AM.

The next session will be on April 14, 2021.

**TRIAL OF ANWAR RASLAN**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 33

Hearing Dates: April 14 & 15, 2021

**CAUTION: Some testimony includes descriptions of torture.**

**Summaries/Highlights:<sup>1</sup>**

**Trial Day 69 – April 14, 2021**

P32, a 28-year-old Syrian woman testified about a meeting she and her family had with Raslan while searching for P32's sisters who were detained in Al-Khatib Branch. P32 also testified about her own detention at the Branch, detailing torture and incidents of sexual violence she endured. She further spoke about another meeting she had with Raslan while she was detained, claiming he refused her request to be transferred out of solitary confinement so that she would not lose her mind.

**Trial Day 70 – April 15, 2021**

Raslan's defense read out a statement from Raslan, providing his view on the meetings he had with P32. When asked by the Prosecutors, P32 reacted to Raslan's statement by saying she had to defend herself against a criminal's accusations and he was denying everything she told the Court.

The Judges read out a notice to the parties to inform them that previous plaintiff testimonies gave rise to the possibility of charging certain crimes that these plaintiffs were victims of as ordinary crimes under domestic German criminal law. The Judges will further request an expertise on Syrian law relating to the alleged crimes. The Prosecutors read their statement reacting to the defense's request to take additional evidence allegedly debunking Raslan's alleged involvement in activities outside of Branch 251. The Prosecutors said they do not support this request as the proposed witnesses would not be suitable to testify in this regard, nor would their testimonies provide new information. Another witness scheduled for one of the following sessions preferred not to testify in court due to concerns about his family's safety, despite protective measures proposed by the Court. One of the plaintiffs requested to no longer be a plaintiff in the trial.

**Day 69 of Trial – April 14, 2021**

The hearing began at 9:30 am with ten spectators and six members of the press in the audience. One accredited journalist requested access to the Arabic interpretation. [P30](#) and a court illustrator were among the spectators. The prosecution was represented by Prosecutors Klinge and Polz.

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<sup>1</sup> 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.

Testimony of P32<sup>2</sup>

P32 was accompanied by her witness Counsel, Dr. Kroker, and informed about her rights and duties as a witness. P32 said that she was 28 years old, living in Switzerland and was not related to the defendant by blood or marriage.

Judge Kerber's Questioning

Presiding Judge Kerber started her questioning by recalling that P32 was previously interviewed by the German Federal Criminal Police Office (BKA) and asked P32 to describe her arrest in Syria, the events leading to her arrest and how she got in conflict with the Syrian regime. P32 explained that her sister [sister 1] was detained on March 15, 2011. P32 said she wanted to mention this detail before describing her own experience. She continued by explaining that on May 25, 2012, the Al-Houla الحولة massacre was committed in Homs, causing the death of 50 children. P32 further recalled that May 25, 2012, was a Friday and on Sunday, May 27, 2012, a sit-in was organized as condemnation of the massacre. The sit-in coincided with the anniversary of the death of a child named [REDACTED]. P23 and others therefore participated in a sit-in in Al-Talyani الطلياني in Damascus. The protestors held banners and [REDACTED] picture. The slogans on the banners condemned the Al-Houla massacre. P32 was holding a sign saying "The children of Al-Houla are no terrorists" which was discrediting the regime's narrative that the revolution consisted only of terrorists and armed people.

P32 recalled that after only a few minutes, shots were fired. The protestors did not scream, they were simply standing, holding their banners. P32 said they later found out that the regime knew that the sit-in would take place, the shots that were fired were proof of that knowledge. When the first shots were fired, the protestors ran away. P32 said she went to Al-Rawda الروضة, a district close to Al-Talyani. There were only a few people. Two security officers on a motorcycle stopped her and asked what she was doing there. P32 told them that she was at the market (the area was known to be a shopping area). The officers then asked P32 for her ID and when they read her name, they said "Ah! You are [sister 1's] sister" and menacingly added: "you came to us with your own legs." P32 told the Court she was wearing glasses that day. When one of the officers slapped her face, her glasses broke, and her nose started bleeding. P23 further described [using her hands] that there was a street and to her right was a real-estate office. The two security officers forcefully evacuated the real-estate employees, pulled P32 inside and forced her to sit on a chair. P32 said one of the security officers called a van to pick her up, the other one pointed a rifle at her, holding it close to her face. P32 sat on the chair when one of the officers who was standing told her "I swear to god, if it was up to me to decide your faith, I would [he made a noise like pulling a trigger, indicating he would kill her]".

P32 further explained that her mother was at the sit-in as well. However, not to demonstrate but because she was worried about P32. Before P32 was approached by the two security officers, she tried to call her mother but could not reach her. P32 recalled that once the security van came, she saw her mother inside, when she was pulled in as well. Her mother's hands were behind her back and she was looking down. The bus was full of male and female detainees and the seat next to her mother was free. For a short moment, P32 thought her case might be bigger and she did not want the officers to know that this was her mother, so she would not get involved. However, P32 approached her mother, asking if she could sit next to her. They looked at each other and cried. P32 said the van drove for a few minutes to Al-Jisir Al-Abyad الجسر الأبيض. It was known that there was Hafez Makhoul's branch [Division 40]. P32 recalled that when they arrived at the division and got off the van, they had to go upstairs.

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<sup>2</sup> Note from the Trial Monitor: P23 was very emotional during the entire testimony. She also sometimes corrected the interpreter by making him aware that he did not translate the end of her sentence.

There was a member of the security forces standing on every other step. These members of the security forces were young. They were heavily beating the people [detainees] passing by, until the detainees reached a small corridor at the end of the staircase. P32 said after this procedure, all detainees had to face the wall and cover their eyes with their hands, so they could not see what was going on around them.

P32 said this was when the Division's IT officer approached her, holding many papers and documents. He told her all the papers would be for P32, as if he wanted to tell her that she was wanted and now came to the Division by herself. He pulled sheets of paper, reading out one of P32's Facebook posts in which she said that all pro-regime people would be slaves. The IT officer shouted at her "Are we slaves, you bitch?". P32 apologized for using this word in a courtroom, adding that she assumes everyone in the courtroom would know that this was one of the less bad words used at the intelligence branches. P32 went on to explain, that men and women were separated. The girls were taken to a room where they had to stay for 10 hours. P32 described how she asked to use the toilet before her interrogation. She then saw a man who she thought was a policeman and asked him for a phone. She said she was in hysterics because she urgently wanted to talk to her father or sister. When the policeman asked P32 what she would give him in return, she told him she would give him 'whatever he wanted.' He allowed her to make a call and P32 returned to the room from where she came.<sup>3</sup>

P32 said she was interrogated by the "hacker" [IT-person, see context above]. She entered his office where he was waiting with another person. He then requested access to her Facebook account through her email address and password. The person also told P32 that she tried to bribe a police officer, which would be a serious crime leading to imprisonment. P32 explained to the Court that because she was participating in demonstrations, she had contact with a person living abroad who specialized in IT and knew whenever she wanted to demonstrate. P32 said the procedure was that whenever the intelligence services arrested a person, this person would immediately switch off his/her phone. This was a signal to others [like P32's friend living abroad] to inform them that this person had been arrested so the friends could delete the person's Facebook account. P32 described that she therefore told the IT person at the Branch her email address and the password for her Facebook account. He was unable to access her Facebook account, however, he could still open her regular email account.

P32 recalled that in one of the folders there was an email she had sent to Al-Muhajreen المهاجرين coordination committee. The coordination committee was responsible for organizing demonstrations. P32 wrote to the committee about a person who was an assistant lecturer at the faculty of [REDACTED] at her university. His name was [REDACTED]. P32 attached his photo in the email. In the email, P32 informed the committee that this person participated in demonstrations to turn people over to the security forces. According to P32, she further detailed that this person pretended to be a demonstrator and that there would be many victims because he pretended to be one of the demonstrators. P32 told the committee "if you see this person, then stop the demonstration". P32 told the court that the interrogator considered this email as an incitement against security forces. However, according to P32 everyone knows that since the beginning of the revolution there had been neither weapons nor the Free Syrian Army [FSA] in Damascus until this very day [meaning that the alleged incitement was obviously ineffective and could not have been considered incitement at all]. P32 returned to the other detainees afterwards. P32 told the Court that a lot of things happened during the interrogation, but she could not remember most of them. She explained that interrogations were over at around 12:00AM and all detainees who participated in the sit-in were taken. The nine women were separated from the men (P32 did not remember how many men were there).

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<sup>3</sup> Note from the Trial Monitor: It did not become clear whether P32 made the call or not.

They were all taken in a van and driven to Al-Khatib. When they arrived, they had to go downstairs. P32 said she does not know how to describe the Branch, however, one could say it was like an animals' barn at most.

Presiding Judge Kerber asked P32 whether she was blindfolded or able to see what happened around her. P32 remembered she was able to see. P32 described the smell of blood, urine, and toilets when she entered the Branch, adding that there was no ventilation. P32 further described how the detainees had to go downstairs and turn right to the place where the Branch's doctor was. There were two female nurses from the Red Crescent as well. They frisked one detainee after the other until it was P32's turn. P32 said all female detainees had to gather at the doctor's office and the female nurses came to take one at a time to frisk them. P32 remembered the frisking felt very humiliating because she had to strip naked, and her sensitive areas were frisked in a way that was close to being a violation [sexual assault]. After being frisked, the detainees had to leave this room and go to the left.

Judge Kerber wanted to know if the doctor or the female nurse did the frisking. P32 said the two nurses searched every detainee. She added that the female detainees were afterwards put in a collective cell. P32 said that they were nine detainees (who just arrived) and a total of seventeen detainees in the female collective cell. P32 said the cell had walls, a floor, blankets, and it was full of insects, particularly lice that were nesting in the blankets. The place was too small, so they split in three groups to allow every group to sleep for seven hours. [Judge Kerber told P32 that she can drink water at any time if needed. P32 thanked Kerber and continued] P32 recalled that there were not only political prisoners in the collective cell, but detainees with all kinds of backgrounds: including girls who were there because of prostitution charges. The atmosphere was not comfortable enough for them to talk to each other, because someone from the regime could have been among them.

P32 told the Court that everything she just described was one thing, but the fact that she was there with her mother was another thing. P32 said she was constantly worried about her mother. P32 told her mother she would confess anything to keep her out of trouble. However, P32's mother told her that staying there and being able to see P32 right in front of her was better than being outside and not knowing anything about P32 [P32 got emotional]. P32 said it was her birthday night when one of the prison guards brought a plate of olives that were picked right off the tree [particularly bitter]. Her fellow detainees sang her Happy Birthday and P32 got very emotional. P32 explained that all detainees in the collective cell who were arrested at the sit-in had been interrogated on the first day after their arrival, except for P32 who had not been interrogated after six days. P32 therefore asked the prison guard when she would be interrogated. He told her that her interrogator was an important person and would come the following day.

P32 was indeed interrogated the following day. Her interrogator was different from the one who interrogated the other detainees. P32 explained that her hands were tied behind her back with a plastic strip. She was not blindfolded (P32 was not entirely sure about this aspect). P32 said she was interrogated by a person who was not Anwar [Raslan]. The person who interrogated her started mentioning Shadi Al-Jalabi شادي الجلابي. P32 told the Court that this would be the reason why she mentioned her sister's arrest as well and went on to explain that her sister was arrested at a demonstration by a person called Shadi. P32 added that the demonstration at which her sister was arrested became very well-known at the beginning of the revolution, so did her sister. There would even exist a video of this demonstration that is still online. One could see Shadi appeared in the video. It was therefore known that this person detained [sister 1]. The Free Syrian Army in Darayya داريا [western Ghouta] declared that they "killed Shadi for [sister 1's] sake". P32 explained that [sister 1] was abroad and P32's family had no contact with the Free Syrian Army at all, but [sister 1's] name became a symbol of the first demonstration. According to P32, her family did not know about these activities by the "group that calls itself Free Syrian Army".



Nonetheless, the security forces decided to detain P32 and accuse her of inciting the killing of their comrade Shadi. P32 said that apparently, Shadi was important to the other security officers and they were looking for a scapegoat, a role that P32 had to fill. P32 further described how the interrogator told her that inciting the killing of his colleague would lead to at least ten years imprisonment, and how he used some very bad terms that would be known to everyone in the courtroom.

Kerber asked if the interrogator threatened P32. P32 affirmed, explaining that there were five sheets of paper she had to sign. She was told that if she does not sign them, she would be tortured, and they would “hunt her down” for Shadi’s death.

Kerber recalled P32 previously telling the police that she was threatened to be tortured in the Basement. P32 confirmed, adding that - as she just said- he threatened her with torture.

Kerber asked P32 whether she was threatened with rape as well. P32 denied, saying “there was only verbal rape.”

Judge Wiedner intervened, asking whether it would be correct that P32 was threatened to be detained for a long time. P32 confirmed, saying this was “100% correct”. She went on to describe how she was taken downstairs to the basement and tortured with *Shabh* [hanging]. Someone had tea or some other hot drink with the person who tortured her and threw it at her. P32 said she still has the scar on her stomach. P32 further explained that while she was hanged from her wrists, she was beaten. She then had to lie on some kind of wooden plank. She was tied to the plank and beaten on her feet. P32 said she remembers previously telling the police that she was tortured with electricity, however, she could not remember it in the very moment in court. P32 added that she also forgot if she was taken upstairs to the interrogator or back to the collective cell once the torture ended. P32 said that when she went back to the collective cell, she showed many signs of beating. She stayed there for six days before the prison guard called for her mother. P32 said it felt strange because she was happy her mother would be released but felt sad at the same time.

Judge Kerber intervened, asking how exactly P32 was hanged: e.g. on a wall, from the ceiling or door. P32 said she had to hang from the ceiling.

Kerber asked how P32 was hanged: e.g. using hooks. P32 did not remember, saying the image was distorted.

Kerber recalled P32 mentioning that she did not remember the electricity situation and asked P32 to describe the situation with the wooden plank. P32 said the plank was curved at one end. Her legs were tied to this high end of the plank.

Kerber asked if it was correct that P32 was beaten in this position. P32 affirmed, explain she was beaten on her feet.

Kerber wanted to know if this instance happened before or after the sexual assault. P32 said it happened before.

Kerber asked if P32 was beaten while she was hanged. P32 affirmed, explaining that she was hit on her stomach and hot liquid was splashed at her.

Kerber wanted to know if P32 “was touched” in this situation. P32 denied, saying there were ‘only’ many insults and humiliation.

Kerber asked whether P32 remembered the prison guard’s name. P32 affirmed.

Kerber wanted to know the name. P32 said the guards did not have real names, but nicknames like Abu Ghadab أبو غضب, Abu Aita أبو عيطة and Abu Shamleh. There were more guards according to P32, but she only remembered those names.

Kerber asked which guards were present when P32 was tortured. P32 said Abu Ghadab was the only one.

Kerber wanted to know if Abu Ghadab was the one who “touched” her during the sexual assault. P32 denied.

Kerber asked who it was. P32 explained that this [sexual assault] happened with another guard, Abu Shamleh. It did not happen while she was tortured.

Kerber wanted to know what happened after P32’s mother was called. P32 said a few minutes after her mother was called, she was called as well and taken out of the collective cell. [P32 used her hands to describe where she had to go] P32 had to leave the collective cell, got to the right and then left to where the solitary cells were. She was taken inside one of the solitary cells. P32 recalled that when the guard took her to the cell, she did not want to be alone [P32 got emotional]. She broke down and did not know what to do, so she asked to go to the toilet. On her way to the toilet, P32 thought the women in the collective cell should know that she had not been released, so they could inform others about her whereabouts if one of them was released. P32 described how she decided to do a little charade on her way to the toilet [P32 again used her hands to describe the spatial situation]. Her idea was the following: On the way from P32’s solitary cell to the toilet, she had to walk by the women’s collective cell. When she was in front of the collective cell, P32 pretended to lose consciousness and fell on the floor. The prison guards started laughing at her and said, “Leave her to stand up alone”, prodding her. P32 then said in a very high voice, “For God’s sake! Don’t put me in the solitary cell”, to let the women in the collective cell know that she was in the solitary cell. P32 told the Court that she executed this idea and then went to the toilet and back to her solitary cell.

P32 requested a break. Presiding Judge Kerber asked if P32 she preferred 15 or 30 minutes. P32 said that she prefers 30 minutes.

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[30-minute-break]

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Presiding Judge Kerber asked P32 to describe what happened after she was taken back to the solitary cell. P32 explained it was summer – July 2012 – and very hot inside her cell. The time she had to spend alone in the solitary cell was very difficult, if not to say the most difficult time of her life. P32 said she still suffered from the psychological consequences of this detention. P32 went on to explain that one never knew whether it was day or night, and one could not breathe because there was no ventilation. There was a yellow light, P32 assumed it was put there to torture people, as it was never switched off. The size of the solitary cell was 175 x 75cm. The only item inside the cell was a brown blanket full of lice. Detainees were allowed to use the toilet every 12 hours, after they got food. P32 said for dinner they were served olives and “what they [personnel at the Branch] considered to be Halawa” (it was sesame and sugar). Because P32 had difficulties telling what time it was, she used to hide an olive pit to know that one day has passed. P32 further explained the Court that while she was in this solitary cell, she made the most difficult experience in Al-Khatib Branch: A prison guard, Abu Shamleh, opened the small hatch at the cell’s door to watch her. P32 said this is how it started.

He then told her to take off her jacket, asking her “don’t you feel hot?”.<sup>4</sup> P32 said that she was young, 20 years old, and there was no escape but the corner of her cell. One time, Abu Shamleh told her to show him her breast. Then one time (P32 did not know whether it was day or night) he opened the door and entered the cell. P32 said he opened her zipper [of her jacket], touched her breast, undressed, took his genitals out and put his hand on her mouth. P32 said it happened within a second, she did not know what was going on, and unable to keep him away. [P32 got emotional] Abu Shamleh was in control: one hand on P32’s breast and the other one on her mouth. P32 explained she could not do anything. She bit him and started to scream, so he got scared and went out. P32 concluded that this was what she had to endure.

In addition, one heard people groaning, screaming “please, Sidi [sir]”, and sounds of beating and whipping 24 hours a day. P32 described that during her time in the solitary cell, she had a mental breakdown, searching for ways to end her life. She added that there were lines carved in her cell’s wall [by former detainees] indicating the number of days and the fact that they were actually uncountable. P32 explained that this was also the time when she asked to see the interrogator Anwar Raslan, because she knew his name and face from the meeting they had during her sister’s detention. P32 said she only had one request: to go back to the collective cell, so she would not lose her mind. Because Raslan was the only person she knew [at the Branch], she asked the prison guards to take her to see him. P32 was urging the guards for 3 to 4 days, when a guard opened the door and took her to Anwar [Raslan].

P32 described the Court that she had to go upstairs and entered Raslan’s office. She was blindfolded. P32 added she remembered these moments and would be certain about what happened. According to P32, the blindfold covered 80% of her eyes. However, the people around her were not aware that she was able to see some things. P32 further recalled going upstairs to a small corridor with three or four offices. One was the office of colonel Anwar [Raslan]. “It” [P32 being able to see some things] was good because she now could be sure that she was taken to Anwar [Raslan]. The prison guard got P32 in and she read on the sign “Colonel Anwar Raslan” [she did not explain if the sign was on the door or on the desk]. Raslan addressed her as “عمو” [addressing her like she was his niece], and asked her why she participated in demonstrations rather than focusing on her studies. P32 said Raslan was not harsh and did not insult her. P32 went on to describe that she broke down crying, telling him to transfer her back to the collective cell because she could not stay alone. According to P32, the request to be taken back to the collective cell was like heaven for her at the time, adding that this was all she asked for and she knew he would not have lost anything by granting her request.

[P32 got emotional, and Presiding Judge Kerber announced a 2-minute-break for P32 to drink some water]

Kerber asked P32 if she preferred a longer break. P32 said she was fine to continue.

Kerber recalled P32 mentioning that she was able to see through her blindfold, asking P32 if she was able to see the face of the interrogator. P32 affirmed, saying the interrogator was Anwar [Raslan]. According to P32 she asked him many things...

Defense Counsel Böcker interrupted, recalling that P32 said she saw the face of the interrogator Anwar [Raslan] when being asked whether she saw the face of the interrogator. Böcker added it was unclear to him when exactly P32 saw his face.

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<sup>4</sup> Note from the Trial Monitor: P32 got very emotional at this point. It did not become clear if the guard took off her jacket, made her do it by watching and talking to her, or if she took it off at all.

Kerber rephrased her previous question. P32 said that she did not understand.

Kerber recalled P32 asking the interrogator to be taken back to the collective cell when she saw a name plate with Raslan's name on it. Kerber wanted to know if P32 saw the interrogator's face in the same situation. P32 confirmed, adding this was 100% correct.

Kerber went on to ask P32 who the interrogator was. P32 said it was Anwar Raslan, she begged him to let her go back in the collective cell with the other females. According to P32, Raslan then told her: "Ok, alright عمو [see context above]. I told the prison guard to take you to the women's collective cell". P32 said this was when Raslan called a prison guard (P32 forgot his name) told him to take P32 to the collective cell instead of the solitary cell. P32 explained that she saw Raslan raising his eyebrows [usually meaning "no"] as if to give the guard a sign to do something else than what he just said. And indeed, the prison guard took P32 back to the solitary cell. P32 broke down, suffered bleeding in her stomach and her nose bled profusely. P32 said she did not know whether it was an attack of sadness. After all, she had still a soul fighting to get out of this place. P32 therefore "did a trick": she collected the blood coming from her nose and put it on her clothes and the walls until the entire place was covered with her blood. She then called a guard, telling him she did not know what happened when he asked her about all the blood in her cell. P32 explained to the Court that she was too broken at that time, so she could not remember whether this happened immediately after the situation with Raslan. However, P32 said she knew that she stayed in the solitary cell for days after her meeting with Anwar [Raslan]. One morning (P32 remembered she had had dinner and then slept) the guard opened her cell and told her to come with him. P32 went out of her solitary cell to the corridor. There was a collective cell, so P32 assumed she would be taken there, however, the guard opened the door of a second solitary cell. P32 was wondering why they wanted to transfer her to another solitary cell. When the guard opened the cell's door, P32 was surprised to see her mother was not released but was there in the solitary cell. [P32 got emotional] P32 recalled that her mother was sick, tired, her lips were pale, and insects eroded her body.

P32 requested a short break to recover. Presiding Judge Kerber announced a 15-minutes break.

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[15-minute-break]

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Judge Kerber continued her questioning by asking P32 what happened after she was taken to her mother's cell. P32 said she entered the cell, adding she was not sure why Anwar [Raslan] or other interrogators did this. According to P32, they probably saw she was going to die and decided to transfer her to her mother. However, it would obviously be systematic torture to put P32 in one solitary cell and her mother in another one. P32 described she went inside her mother's cell and they sat together. P32 explained that the cell was actually not big enough for one person, not to say two people. P32 went on to describe that she later learned how her charade of falling on the floor in the hallway let her mother know that P32 was still there and alive. There was a small gap under her mother's cell door through which her mother saw how P32 fell. P32 further said that her mother told her how she always looked out for P32's shoes through the gap under her door, so she saw whenever P32 was going to the toilet. [P32 got emotional]

Days passed by without P32 or her mother being interrogated. They were just eating, going to toilet every 12 hours, and getting weaker as the insects eroded their bodies. The place was so small that P32 had to sleep on her side hugging her mother, otherwise P32 could not sleep. After a while (23 days in Al-Khatib in total) her mother's name was called, and she was released.

P32's name was called thirty minutes after that and a van took her to another branch, the Military Branch 285 in Kafar Souseh كفرسوسة. P32 said she had to stay at this Branch and in Al-Khatib for a total of around one and a half months. At the Military Branch, P32 was interrogated once, and her file was referred to the military judiciary, not to the Palace of Justice. P32 was detained for the following reasons: incitement to kill; possession of records and documents; major treason; participation in demonstrations; supporting the Free Syrian Army; and other "non authentic" [made up] charges. P32 was transferred to Adra prison where she was imprisoned for around 1.5 months before she was released on parole on [REDACTED], 2012.

Judge Kerber wanted to know which Branch, 251 or 285, was worse. P32 said Al-Khatib was definitely worse, adding that there would be no comparison.

Kerber asked if P32 was mistreated during the interrogation in Branch 285. P32 denied.

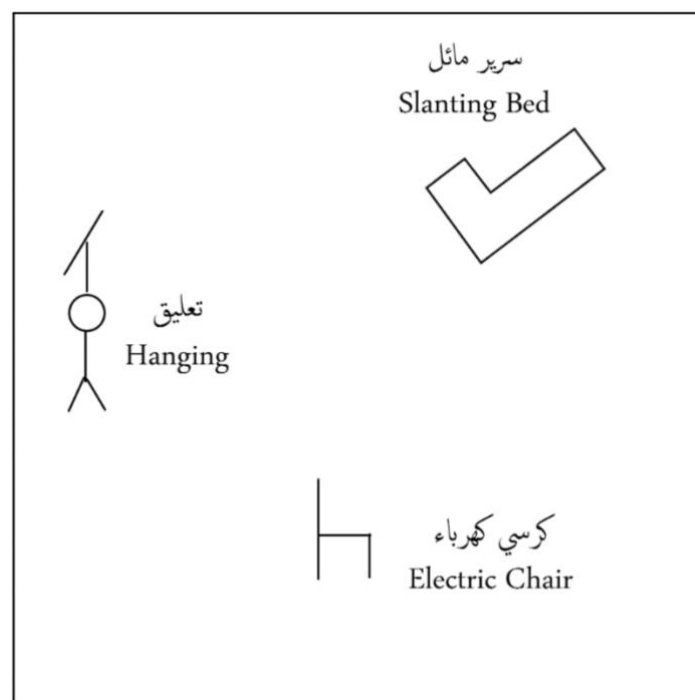
Kerber wanted to know if P32 still suffered from medical consequences of her detention. According to P32 some scars and injuries remained but not long-term. She only had an abdominal scar as previously mentioned, and a slipped disc.

Kerber asked P32 about the cause of the scar. P32 said it was caused by the hot water in the basement [see context re: interrogation in the basement above].

Kerber asked P32 to provide more details about the hot water she mentioned when drawing a sketch during her police questioning. P32 explained that her memory about the torture room was distorted, because she decided to abandon her memories. However, in the police questioning, she tried to remember some things.

Kerber recalled P32 drawing a sketch during her police questioning on [REDACTED] and asked P32 if she remembered. P32 confirmed.

[The following is a recreation of a sketch shown in court, based on what the Trial Monitor was able to see and hear in court.]



Kerber wanted to know who wrote the German words on the sketch. P32 said it was her.



Kerber wanted to know if P32 remembered sitting on an electric chair. P32 explained she would be in a psychological state that is preventing her from remembering everything.

Kerber asked P32 if she preferred to continue in the afternoon. P32 explained that before the trial, she tried to retrieve memories. However, she “decided to stay away from the Middle East” when she started over in Switzerland. P32 added that she consulted a psychosocial specialist to accept what had happened to her and move on. She still clearly remembered some stories like the attempted rape by a prison guard and the bodily harm she suffered. According to P32, these memories haunted her for too long and even affected her relationship with her daughter. Therefore, P32 decided to close this chapter.

Kerber explained she “unfortunately” had more questions regarding the room where P32 was tortured. Kerber added she would refresh P32’s recollection by quoting the transcript of P32’s police questioning. For each quote, P32 should tell the Court if she 1) remembered that this happened to her 2) remembered that she said that in the police questioning. Kerber started quoting from the transcript:

“P32 often saw Abu Ghadab and Abu Shamleh during the torture sessions and when the food was served.” P32 confirmed.

“P32 was tortured with a bed-like object to which she was tied.” P32 said she remembered that, however, would not be sure.

“There were tools to hang people, sometimes from their hands, sometimes from their feet. P32 heard that from other detainees.” P32 said she remembered saying this during the police questioning, adding that she was not familiar with other witnesses’ testimonies.

“P32 drew a sketch. She was asked what happened to her. She replied that Abu Ghadab hit her with his hand”. P32 said she remembered but was not sure.

“P32 sat on the chair”. P32 confirmed.

“P32’s feet were tied, and she was tortured with electricity”. P32 said she remembered saying that, but now forgot what happened.

“Keyword: amperage”. P32 said she did not remember, because she was in a [bad] psychological state. P32 said that she was in a state [during the torture], in which she was feeling pains.

Kerber said that it is alright and asked P32 if she could remember the following: “the amperage was increased whenever P32 did not mention a name. It [amperage] was intense”. P32 said that she remembers saying that in the [police] questioning.

“P32 was laid down on the floor”. P32 said she remembered saying that.

“P32 was beaten on her feet seven or ten times”. P32 said she remembered saying that.

“P32 was not able to stand up”. P32 said that she forgot that.

“P32 was not able to walk on her feet”. P32 said she was not sure [if this happened].

“Abu Ghadab sexually abused P32 and took off her clothes”. P32 said she forgot; maybe it did happen, maybe it did not. She added that she might have imagined it happened because she was terrified.

“He [Abu Ghadab] undressed P32 and touched her breast”. P32 said she remembered saying that. Regarding her breast, she was referring to the incident in the solitary cell.

Kerber asked whether P32 remembered if that [Abu Ghadab/a prison guard touching her breast] happened once or twice. P32 explained she only remembered that she was beaten and touched by someone in the torture room, in addition to the pain she felt. However, she did not know if the touching was intended as sexual abuse.

“P32 was traumatized by the abuse, broke down, and fell unconscious. Abu Ghadab then took her back to the interrogator”. P32 recalled she previously told the Court that she did not know whether she was taken back to the cell or to the interrogator. Regarding the sexual abuse, P32 explained that it affected her psychologically and her marriage for years. But the prison guard was Abu Shamleh [not Abu Ghadab as provided in the transcript].

Kerber wanted to know if P32 remembered being taken back to the interrogator’s office after she lost consciousness. P32 explained she was half conscious; therefore, she could not remember the circumstances of when she woke up.

“P32 sat on the same chair during the interrogation. Because of the beating and the sexual abuse, she was unfocused. P32 did not mention any names [during the interrogation] and was taken back to the women [collective] cell”. P32 said she remembered that this happened.

“P32 had her clothes on”. P32 said she remembered.

Kerber asked P32 whether she preferred to continue for another thirty minutes or have a longer break. P32 said that she preferred to have a break.

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[60-minute break]

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### **Judge Wiedner’s Questioning**

Judge Wiedner wanted to know if it was correct to say that P32’s sister was politically active. P32 confirmed, adding that her family was known to the security authorities. In the beginning of the revolution – before March 15, 2011, there was no revolution yet – people were following the news of the revolutions starting in Tunisia, Egypt and Libya. At that time, the Syrian people had very little hope to start a revolution – as people know the Syrian regime is a dictatorship and people did not dare to go to the streets – nevertheless, people had hope to [at least] go out to the streets. P32 said she had no idea when on March 15, 2011, all of a sudden a demonstration was secretly organized, and her sister was one of the organizers. P32 described that the demonstration was very small, and her sister went to Al-Hariqa الحريقة in Damascus together with other people. P32’s sister was wrapped in a big Syrian flag, cheering along with others “Long live free Syria” After a few moments, security forces attacked P32’s sister and other protestors.

Wiedner asked P32 if her sister was active on the internet. P32 affirmed, adding that the demonstration she just described was the only demonstration that her sister participated in, and she was detained on this occasion. P32 went on to explain that her other sister [sister 2] was arrested at her workplace as well and detained in Al-Khatib.

Wiedner asked P32 if she was politically active as well. P32 said that in March 2011 she was not active. After the detention of her sisters by the security forces at the beginning of the revolution and until her own detention, P32 did participate in demonstrations to document them.

Wiedner wanted to know if P32 was at the demonstration on March 15 [2011]. P32 denied.

Wiedner asked P32 which of her family members were detained. P32 said herself, her sisters [sister 1] and [sister 2] and her mother were detained.

Wiedner wanted to know if they were all arrested on March 15 [2011]. P32 explained that on March 15, 2011 only her sisters were arrested. However, in total all four of them were detained.

Wiedner asked other family members in addition to P32's sisters were arrested. P32 denied, adding that only her sisters [sister 1] and [sister 2] were arrested.

Wiedner wanted to know what happened to P32's sisters after they were arrested. P32 explained that [sister 2] was released three days after her arrest. [sister 1] was not released. P32 added that her family never knew what would happen to P32's sisters. No one knew what would happen to someone who entered a Syrian prison.

Wiedner asked how P32's family knew that her sister was in Al-Khatib. P32 said that they knew "according to initial information" that such practices were under the responsibility of Al-Khatib. They knew that this was the course of the events, but they were not sure.

Wiedner wanted to know if the family tried to help P32's sister. P32 said the family tried to contact people from the government by all means, to get information about her sister's whereabouts. P32 added that Rama was released after 3 days, so they knew that it [her other sister's place of detention] was Al-Khatib.

Wiedner asked if the family paid money to facilitate the release of P32's sister. P32 denied.

Wiedner wanted to know what happened to P32's sister. P32 said the family was allowed to visit [sister 1] in the office of the interrogator Anwar Raslan.

Wiedner asked P32 about her experience [of this meeting] and asked P32 how the family got permission to visit Al-Khatib Branch. P32 said that she had no idea how they reached that point, but they were eventually able to go to Al-Khatib and meet her sister.

Wiedner wanted to know who went to this meeting. P32 said it was her, her mother, and her father. P32 did not remember whether [sister 1] went as well.

Wiedner asked P32 what she remembered from the visit. P32 said she remembered how they entered the Branch, there were of course many checkpoints on the way. At the entrance, there was a staircase leading to the basement where the cells were. Another staircase led to the offices. P32 said they entered the office of the interrogator Anwar [Raslan] who let a prison guard take [sister 1] to the office as well. She was wearing a Hijab that was full of blood. Her face was blue and full of bruises from the beating. P32's father was anxious and asked Anwar [Raslan] that he be allowed to take [sister 1] home. However, Anwar [Raslan] told them they would keep her a few days in order to "educate her." And indeed, the family was able to see [sister 1], but she had to stay at the Branch when they left. P32 recalled Raslan also told the family that he would keep [sister 1] for a few days and then send her home.

Wiedner wanted to know if P32 knew how her sister got the bruises and injuries. P32 assumed it was due to "the beating that happened downstairs."

Wiedner recalled P32 mentioning during her police questioning that something happened at the meeting and asked P32 if she remembered. P32 said she forgot. She apologized, saying she knew that she said something during the police questioning, however, forgot what she said as her mind was distorted. She only remembered that the family saw [sister 1] and then left.

Wiedner recalled P32 telling the police that it was Anwar Raslan's office, and asked P32 how she knew that. P32 referred to what she already told the Court when talking about her detention: there was a name plate. P32 added the person also introduced himself as Colonel Anwar Raslan.

Wiedner asked if this was at the first meeting after March 15, 2011. P32 said Raslan introduced himself, furthermore, she saw the sign.

Wiedner asked P32 if she was able to recognize Raslan in the courtroom. P32 affirmed.

Wiedner wanted to know whom she identified as Raslan [in the courtroom]. P32 said he was sitting to her right side [defendant's bench].

Wiedner asked if this was the same person whom she saw during her detention. P32 affirmed.

Wiedner asked how Raslan reacted when he was asked to release P32's sister. P32 said he denied the request, saying he would keep her [at the Branch] "to educate her."

Wiedner quoted the transcript of P32's police questioning during which she said "We begged him [Raslan] to release her [P32's sister]. He said 'not now, later.' He did not ask for something". Wiedner asked P32 if she remembered. P32 affirmed, saying she would not contradict what she just said.

Wiedner wanted to know whether P32 knew if her parents paid money in her sister's case. P32 said if Wiedner meant whether they paid money to get her released, then the answer would be no.

Wiedner said he meant whether they paid money to go and see her sister. P32 said they did not have to go [to the Branch], because she was released after 3 days.

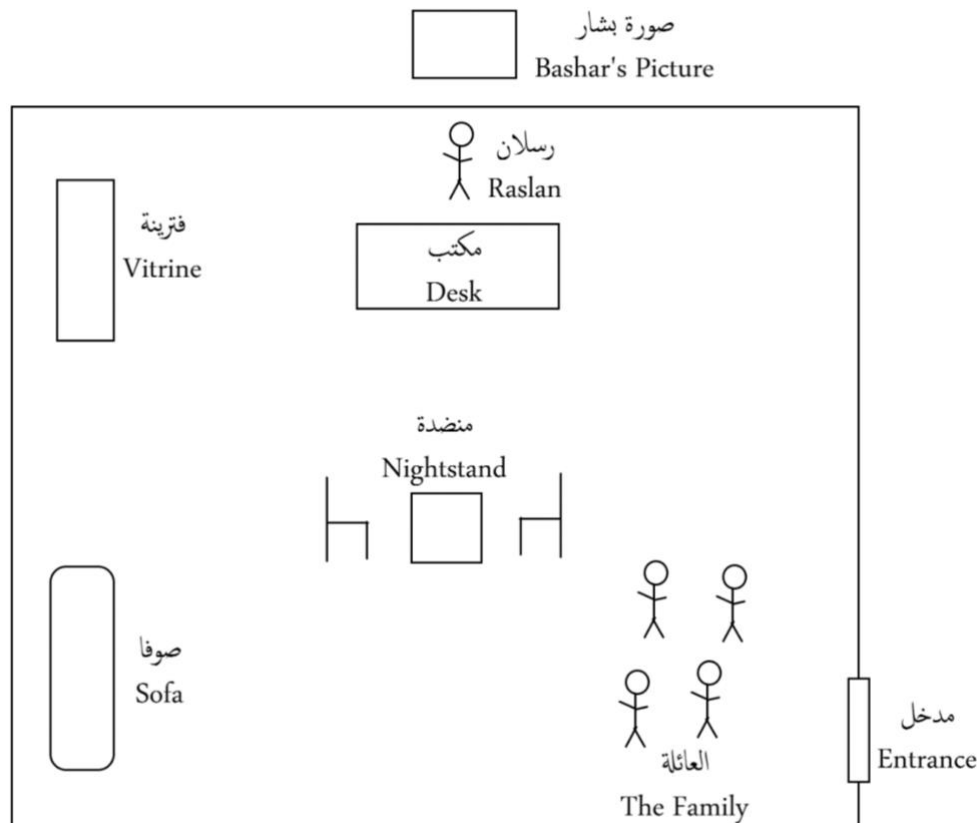
Wiedner recalled that regarding 'money' P32 told the police that "parents paid money in order to see her sister, but P32 did not know whom they paid." Wiedner asked if P32 remembered. P32 said of course she remembered. She added that their family was in contact with someone, because people in Syria know that the regime works that way [using contacts and bribery to facilitate things].

Wiedner asked P32 to describe the office where she saw Raslan at the meeting. P32 explained that the room was square, and the office was situated to the right of the entrance. There was a place for the table and the chair. That is what remained in P32's memory.

Wiedner wanted to know if the office was big. P32 denied, adding it was "normal".

Wiedner wanted to know more about the furniture. P32 said that it was neither simple nor luxurious, concluding that it was a normal office with neat furniture.

[The following is a recreation of a sketch shown in court, based on what the Trial Monitor was able to see and hear in court.]



Wiedner asked whether one had to go upstairs or downstairs to get to this room. P32 said they [P32 and her family, see context above] went upstairs.

Wiedner wanted to know who wrote the German words [there were German words in the sketch, detailing what was there]. P32 said it was her.

Wiedner asked P32 to explain her sketch. P32 said that the entrance was to the right and everything else was like she drew in the sketch.

Wiedner wanted to know if the object in the corner would be a display case. P32 said the object might have been behind him [Raslan].

Wiedner recalled P32 telling the police that “the office was maybe in the 3<sup>rd</sup> or 4<sup>th</sup> floor. It was luxurious. There was a sign with his name on it, written in a special Arabic font”. Wiedner wanted to know if P32 remembered. P32 affirmed.

Wiedner wanted to know more about ‘a picture’. P32 said that there was a picture of Bashar Al-Assad.

Wiedner asked if there was another picture. P32 did not remember if there was a picture of Hafez Al-Assad as well, because there would be pictures of Bashar and Hafez in every Branch.

Wiedner confirmed that P32 provided the BKA a similar description by quoting the transcript of the questioning.

Wiedner again quoted the transcript of P32’s police questioning during which P32 said “the office was 40 m<sup>2</sup> and there was a computer on the nightstand”. Wiedner asked if P32 remembered. P32 affirmed, adding she would not remember details. She explained to the Judges that both times [when she was in Raslan’s office] she was not in a state to concentrate, because [one time] her sister was detained and beaten and [the other time] P32 was detained. She therefore did not pay attention to details.

Wiedner said it would be alright, P32 only had to mention what she remembered.



Wiedner wanted to know what Raslan wore; a uniform or something else. P32 recalled he wore a uniform; however, it was not a military uniform but a normal suit with a tie.

Wiedner further wanted to know if Raslan wore the same outfit when P32 saw him during her detention. P32 affirmed, saying of course it was the same.

Wiedner asked if both meetings happened at the same office. P32 affirmed, explaining that the fact she went to the same office, helped her identify him when she met him the second time, because she had already seen him before.

Wiedner wanted to know how long the first meeting [P32 and her parents visiting the Branch] lasted. P32 said that it was only a few minutes.

Wiedner asked how P32 felt about Raslan, whether he was helpful and how she reacted to him. P32 said he would be “an apathetic human being without any feelings”.

Wiedner wanted to know why P32’s sister was released. P32 said she had no idea, maybe things were still at a preliminary stage, and they wanted to get rid of her to not cause a revolution. P32 added that “for the record,” her sister was detained a second time.

Wiedner asked when the second detention was. P32 did not remember precisely, saying it might have been at the end of 2011. Her sister was then smuggled abroad. P32 detailed that her sister was detained for seven days before she was released on an agreement with an officer who gave her a cell phone so she could turn people in, working undercover for the regime.

Wiedner asked if P32’s sister told her that her first detention was in Al-Khatib. P32 said her sister told her that she was detained with [REDACTED] and they were detained in the same women’s cell where P32 was detained as well [later].

Wiedner wanted to know if P32’s sister told her if she was abused or what happened to her. P32 explained that her sister said she was beaten and interrogated to get the name of those responsible for the demonstration [on March 15, 2011].

Wiedner asked if P32’s sister mentioned Raslan’s name as well. P32 affirmed.

Wiedner wanted to know what exactly P32’s sister told P32 about Raslan. P32 explained that she spoke with her sister about Raslan, because they shared similar experiences with Raslan. However, her sister was beaten by prison guards and P32 was not sure whether she was also beaten by Raslan.

Wiedner wanted to know if P32 told the police that her sister was beaten by prison guards and not by Raslan. P32 did not remember.

Wiedner again quoted the transcript of P32’s police questioning: when P32 was asked about what Raslan did to her sister, P32 said he interrogated her sister and hit her on the head. Her sister told the family when she was released, but she was not beaten by him”. P32 confirmed that this was what she told the police. P32 added that her sister was certainly interrogated by Anwar [Raslan], but P32 did not know if her sister was beaten during that interrogation. P32 concluded that this [beating by Raslan during an interrogation] did not happen to her.

Wiedner recalled that when P32 was arrested at a demonstration in May 2011, shots were fired. P32 confirmed.

Wiedner wanted to know if people were injured or killed. P32 did not know.

Wiedner asked how P32 knew that she was transferred to Al-Khatib from Division 40. P32 referred to a previous answer to a question in court: Syrians knew that people who were arrested would be transferred to Al-Khatib in 90% of the cases, especially when arrested in areas like Al-Jisr Al-Abyad. P32 explained she was also able to identify the place because she went there previously when she visited her sister. P32 did not remember whether she was blindfolded on the bus ride from Division 40 to Al-Khatib, however, she recalled the image when the detainees entered the Branch.

Wiedner again quoted the transcript of P32's police questioning, saying that "P32 knew that it was Al-Khatib from visiting her sister, although she was blindfolded on the way to it". P32 confirmed.

Wiedner asked if P32 was beaten when she was taken up or downstairs. P32 said did not remember, adding she would only remember being beaten when she entered Division 40.

Wiedner recalled that P32 told the police she was not beaten and asked P32 if she said that. P32 affirmed.

Wiedner wanted to clarify whether P32 remembered in that very moment in court if she was not beaten. P32 recalled previously saying [in her police questioning] that she and other detainees were not beaten in the second branch.

Wiedner asked if P32 was beaten when she arrived at Al-Khatib. P32 said she did not remember.

Wiedner reassured P32 that it would be alright if she did not know. P32 said ok.

Wiedner wanted to know if P32 remembered how other detainees looked like when they returned from interrogations and whether she spoke with them. P32 said she forgot how the women looked like when they used to return from interrogations. P32 said she was focused on herself and avoided talking to others as she had absolutely no trust. Even when talking to her mother, P32 would whisper.

Wiedner asked whether it was possible for someone in the basement to hear what happened to other detainees. P32 said one could hear that "all the time."

Wiedner wanted to know if the noise and voices could be perceived to come from the same floor. P32 said 100%. The sounds were very close, coming from the corridors or sometimes at the door when a prisoner would bang his head against a cell door.

Wiedner asked whether P32 meant male or female voices. P32 said male.

Wiedner wanted to know if P32 saw corpses. P32 said that she saw "bodies" [أجساد], explaining that on her way to the toilet, she used to see men sitting on their knees facing the wall.

Wiedner asked if they showed signs of abuse or injuries. P32 said she saw injured and whipped people. Their backs were full of blood as a result of beating with certain objects.

Wiedner recalled P32 telling the police that she once saw someone on the floor whose feet were tied, and his back was full of blood. P32 confirmed.

Wiedner recalled the situation when P32 requested to meet him and asked to be relocated to the women's collective cell. Wiedner wanted to know if P32's nose bled before or after the meeting. P32 said it was after her meeting with Anwar [Raslan].

Wiedner said P32 said the opposite in the police questioning. P32 said this would be because she would not be sure whether it happened before or after.

Wiedner wanted to know how long P32 stayed in the solitary cell where she was abused. P32 said around 11 days.

Wiedner recalled P32 previously saying she had problems with her spine and asked P32 if these problems were due to her detention. P32 explained the problems with her spine were caused by a blow on her neck with a rifle stock. She added that she was not sure if this was the cause, however she was x-rayed after the blow. The x-ray showed she had a disc prolapse. P32 also suffered a gastric ulcer.

Wiedner wanted to know if P32's family was informed about her detention. P32 said that if Wiedner wanted to know if her family was notified, then "no."

Wiedner asked if it would be correct to say that P32 was threatened to be detained for a very long time, unless she would mention names. P32 confirmed, explaining that she was threatened with 10 years imprisonment. She was also told that the reason behind such a long imprisonment would be because she was directly or indirectly involved in the death of Shadi.

Wiedner quoted the transcript of P32's police questioning saying "He told P32 that she would be imprisoned for 10 years if she does not confess or mention other names". Wiedner asked if P32 actually confessed and mentioned names or if she was held accountable. P32 said that he [the interrogator] was talking with her in such a way, so that she gives him names, as like "if you give me names, I will help you to not serve/spend the whole period [in prison]". In any case, P32 had to sign papers and give fingerprints.

Wiedner wanted to know if P32's memory would be better on this very day in court than compared to the police questioning or if her memory was better back then or the same. P32 said she remembered better back then, because after the police questioning, she decided to forget everything because she got tired.

Presiding Judge Kerber asked the parties how much time they needed for their questions. Defense Counsel Böcker said the defense needed some time to talk to their client in order to prepare a statement.

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[20-minute-break]

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P32 said she preferred to pause her testimony for now, because it had been going since the morning and was very intensive for her.

Presiding Judge Kerber dismissed P32 for the day, explain that this would also provide enough time for the defense to talk to their client.

Proceedings adjourned at 3:00PM.

The trial will continue on April 15, 2021.

### **Day 70 of Trial – April 15, 2021**

The proceedings began at 9:30AM with ten spectators and six members of the press in the audience. One of the accredited journalists was permitted access to the Arabic interpretation (same person as on trial day 30). A court illustrator was among the spectators. The prosecution was represented by Prosecutors Klinge and Polz.

Defense Counsel Fratzky said the defense had prepared a statement which he wanted to read out. Plaintiff Counsel Scharmer suggested it could be delayed until the end of the session. Presiding Judge Kerber asked Fratzky about the importance of the statement for the course of the proceedings. Fratzky said it would be important.

Presiding Judge Kerber allowed the defense to read out the statement, explaining it would be read out loud once P32 had left the courtroom [P32 and her Counsel Dr. Kroker were preparing to leave the courtroom]. After P32 went outside, Kerber asked the interpreter to tell P32 that she was free to stay or leave. P32 went back inside and said she preferred to stay [Dr. Kroker discussed with P32 and they left again].

Presiding Judge Kerber noted that plaintiff P30 just entered the courtroom before Defense Counsel Fratzky started reading the statement:

[The following is a recreation of Raslan's statement based on what the Trial Monitor was able to hear in court.]

*"[Raslan first recalled P32's testimony from the previous day regarding her arrest, detention, and meeting with Raslan]. I said in my previous defense statement that P32 was arrested along with [sister 1], however this was a mistake: it was rather [sister 1], [sister 2] and another girl from the [REDACTED] family. They were beaten and humiliated by the officers from Division 40, and I intervened to end the beating, although these officers were not under my command. This was, however, not the case with the second girl, she was not beaten. Tawfiq Younes demanded me to interrogate [sister 1], but I did not beat her. I searched her phone and Facebook account "The Damascene Rose" and found videos of demonstrations. I do not know if they paid money for the visit, but the parents visited the Branch on the same evening without P32. Her father threatened to light himself on fire in front of the Branch. Tawfiq Younes told me to come and bring [sister 1] along. In Younes' office, the father slapped his daughter so heavily that her headscarf was removed, and blood dripped on it. I asked the father to remain calm. Younes asked me to release [sister 2] and the girl from [REDACTED] family. I did interrogate [sister 1] three times. She was arrested again by Palestine Branch one week later, where she was released. I do not know why P32 slandered me on Facebook. She claimed to have asked me to be transferred to the collective cell, however, I do not remember that. Nonetheless, she would not have done that if she had heard bad things about me from her sister. In that case, she might as well have asked Abu Ghadab for help. The fact that she did approach me proves that her sister did not say anything bad about me. The mother was detained later. I met her around 40 to 45 days after having met her on March 15. The witnesses' mother was also arrested by Division 40".*

*Signed by Anwar Raslan*

Presiding Judge Kerber asked Raslan if that would be his statement. Raslan shook his head [He appeared surprised].

Defense Counsel Fratzky asked for a break.

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[5 minute break]

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Presiding Judge Kerber repeated her question, asking Raslan if the statement was his. Raslan affirmed [in Arabic]. Kerber asked Raslan's interpreter, to translate what Raslan said. The interpreter clarified Raslan said "yes."

Prosecutor Klinge said the statement distorted the organizational flow of the day. Defense Counsel Böcker replied it would have been necessary and better than inviting P32 again at a later point. While one of the court officers distributed paper copies of the statement, Judge Kerber noted that P32 might want to consult her Counsel Dr. Kroker. Plaintiff Counsel Scharmer asked to inform both that the break would be extended.

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[15 minute break]

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#### Testimony of P32<sup>5</sup>

##### **Prosecutors' Questioning**

Prosecutor Polz recalled P32 saying that there was a doctor when she was transferred from Division 40 to Al-Khatib, asking P32 what the doctor was wearing. P32 said he was dressed like a doctor.

Polz asked if there was a sign on his clothes indicating that he belonged to the security forces or services. P32 denied.

Polz wanted to know if P32 heard from other detainees about sexual abuse of women or men. P32 denied.

Polz recalled P32 seeing detainees with blood and injuries on their backs, asking P32 if she also saw dead people or people being killed. P32 denied, adding she remembered the voices of the prison guards chatting when she was in the solitary cell. It seemed from their conversation that there was a corpse, they said something like "Look! This one died. Wrap him in a carpet and take him outside". P32 said they sounded like they were talking about a burlap bag or an animal.

Polz noted P32 using the pronoun "him" and asked if P32 meant that the dead person was male. P32 affirmed.

Polz wanted to know where P32 was during this conversation. P32 said she was in the solitary cell, alone.

Polz asked if it was day or night. P32 did not know, explaining there was no difference between day and night, and she had no sense of time.

Polz wanted to know if other detainees in Al-Khatib mentioned people dying. P32 said she did not remember talking about such things with other detainee.

Polz asked if P32 saw children while she was detained. P32 explained she would not know what Polz meant by "children", but P32 neither saw nor heard of children. However, there were people who belonged to the regime. P32 added that one might know the term "Corvée مُسْخَرَة [forced labor] meaning that they were forced to clean.

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<sup>5</sup> Note from the Trial Monitor: As on the previous day, P23 was very emotional during the entire testimony. She also sometimes corrected the interpreter by making him aware that he did not translate the end of her sentence.



Polz wanted to know whether P32 saw these people and how old they were. P32 said they were not allowed to have direct contact with the detainees, only with the prison guards. They were treated like slaves and were told “come here and go there.” For that reason, there was no visual contact with them, but they were young.

Polz asked if P32 consequently did not see them. P32 said she did not see them, as far as she knows, only prison guards had contact with them.

Polz wanted to know how P32 knew that. P32 described how the detainees always heard the voices of the forced laborers. The detainees heard the guards giving orders to the forced laborers in the hallways. P32 added the conversations between guards and forced laborers “were like radio,” the detainees could hear them.

Polz asked if P32 could confirm that they were children. P32 said she was certain that they were forced laborers: slaves. However, she would not be sure about the age at all, adding she didn’t know if they were detainees as well. P32 said one would know that they were seventeen or eighteen years old, and before they were taken to the army, they were used as forced laborers.

Polz wanted to know more about P32’s family, asking if she had other siblings than her sisters. P32 said that she has two sisters and a brother.

Polz asked if they all lived in Syria. P32 affirmed.

Polz wanted to know if all siblings are in contact with each other. P32 said that they had a normal family relationship.

Polz asked if P32’s family would openly address an issue if something went wrong. P32 explained she thinks “family” is derived from “unity”. P32 therefore assumed that if something would happen, the family members talked with each other.

Polz explained that Raslan had just submitted a statement [read out by his defense, see context above]. Polz would like to read it out loud. The statement might be long but Polz could repeat any part if P32 wanted:

“P32 claimed she met Raslan twice in his office: Once when she was detained along with her sister [sister 1] and their parents were visiting Raslan.” P32 said Raslan might be mistaken, it was just [sister 1] [who was detained at this meeting].

[Polz continued reading the statement aloud]

Polz asked if P32 had something to say about the statement. P32 explained that exclamation and question marks were popping in her head right from the start of the statement. However, now that Polz finished, P32 had many things to address. P32 said she just wanted to say that Koblenz is beautiful, but she had not come for tourism. She would be a witness, a plaintiff, and a victim. She would not be in the position to listen to someone whom she considers a criminal, and it felt strange to have to defend herself against a criminal.

Polz said P32 would be in court as a witness and Accused Raslan denied the statements she made in her testimony. [Polz read the statement again] P32 asked Polz to repeat her question. Polz explained P32 that the content of Accused Raslan’s statement differs from what P32 said the prior day. Polz asked P32 if she was present during the first meeting with Raslan. P32 said that if Polz would like to address the points one by one, then Polz could read aloud and P32 would stop her to address certain points.

P32 added that if Polz had questions, then she would answer them. If the question was, however, what her response is, then the answer would be that it feels weird because Raslan has done nothing but to deny.

Defense Counsel Böcker asked if he could ask a question. Presiding Judge Kerber denied. Böcker said ok, however, the prosecutor's question was not answered.

Polz wanted to know whether P32's parents visited Raslan by themselves regarding the matter of P32's sister. P32 denied, adding her parents would not have told her that.

Polz recalled P32 saying she was present during the meeting. P32 confirmed.

Polz asked if her father smacked her sister. P32 said that the narrative is "no".

Polz asked if the Facebook account named "The Damascene Rose" *الوردة الدمشقية* belonged to her sister [sister 1]. P32 said she had no idea, one should ask her sister about that.

Polz wanted to know if P32 remembered the name of her sister's Facebook account. P32 said she forgot. Out of fear, everyone used to create accounts with fake names. P32 said that now at this very moment, if one would search for Al-Warda Ash-Shamiyya *الوردة الشامية* (in Arabic), one would find dozens of accounts with this name.

Polz asked if P32 knew whether her sister was active on the internet. P32 explained that she knew that her sister was active online but did not know any details. Even on March 15, no one from the family knew about it. P32 said she had a small query: Raslan said the detention lasted forty to forty-five days. This made P32 wonder if there was a misunderstanding on Raslan's side regarding the time of detention of herself, her mother and her two sisters. P32 explained that it sounded like Raslan assumed all of them were detained around the same time, however, her sisters were detained in 2011 while P32 and her mother were detained in 2012. P32 added sarcastically that the difference here would "only" be one year.

Judge Kerber intervened, asking P32 in which year she was detained. P32 said in 2012.

Prosecutor Polz recalled Accused Raslan mentioning that P32's sister's hijab was white. Polz asked P32 if that was correct. P32 confirmed.

Polz asked if it would be correct that P32's father threatened to burn himself. P32 said this would be unthinkable, her father would not say such thing. P32 asked if she may address a point where there would a terrifying contradiction: it was strange that the trial had been going on for a year, and Raslan would still think that P32 was detained along with her sister [sister 1] (confused both sisters). At the same time, he allegedly remembered the situation in his office. P32 said it sounded strange to her: Raslan got confused with fundamental things yet remembered certain details. P32 concluded that she thinks Raslan could not remember who was detained, because there were thousands of detainees entering and leaving this prison.

Polz said that unfortunately she could not give an answer. P32 thanked Polz for giving her the opportunity to talk.

### **Judge Wiedner's Questioning**

Judge Wiedner recalled P32 telling the Court that her sister was detained on March 15, 2011. Wiedner wanted to know how much time passed until her family met Raslan in his office. P32 said she did not remember how much time passed. However, P32 recalled that security forces raided their house on the same day. They were searching for papers relating to organizing demonstrations.

They took many documents because P32 studied [REDACTED], so the forces assumed that some of her study materials were flyers and related to demonstrations.

Wiedner asked how many days it took them to meet Raslan in his office. P32 did not remember an exact time, adding that [sister 2] was detained together with [sister 1] and [sister 2] was released after three days. The family consequently did not see Raslan earlier than three days after her sisters were arrested.

Wiedner recalled P32 telling the police that the meeting took place on March 20, asking P32 whether that sounded right to her. P32 affirmed, explaining that she assumed that [sister 2] was released three days “after the family knew.”

### **Defense’s Questioning**

Defense Counsel Fratzky asked P32 about her father’s job was. P32 said he was a merchant.

Fratzky asked P32 how her father positioned himself towards the regime. P32 said that like 90% of the Syrians, he was against the oppression by the regime, but the family was afraid [of the regime] like everybody else.

Fratzky recalled P32 asking to see Raslan during her detention in 2012 and asked why she wanted to see him. P32 referred to one of her previous statements, saying she wanted to get out of the solitary cell, because she was close to a break down. P32 added that she did not ask to see Raslan because he was kind to her sisters, but because he was the only person whose name she knew.

Fratzky said P32 mentioned other names the prior day, asking why P32 did not ask them [to be transferred to another cell]. P32 asked Fratzky to clarify what names he was referring to. If he meant the prison guards, they did not have the competence to address her request.

Fratzky asked P32 how she knew that. [P32 got very upset] P32 said she knew because it would be general knowledge in Syria and everywhere else that prison guards do not have such far reaching competencies. They would only be competent to open and close doors.

Fratzky asked if P32 knew about any other detainees trying to petition Raslan. P32 did not know, adding she did not ask about it and did not care. P32 explained her only request was to get out of the solitary cell.

Fratzky stated that although P32 was a detainee she had the courage to make a request to Raslan, asking if she had hoped that Raslan would help her. P32 explained her survival instinct pushed her to do what she did. She added that Raslan was a person who was able to sign her execution papers. It was only the survival instinct who made her do what she did.

Fratzky wanted to know why P32 tried to ask Raslan, if she had to expect that the answer would be no. [P32 got upset] P32 explained that there were simply no lawyers or angels of mercy. The only option for the detainees was to talk to the criminal.

Fratzky said that P32 did not answer his question, however, thanking her.

Defense Counsel Böcker asked P32 if her sister was released after the meeting with Raslan. P32 did not understand the question. Böcker said he wanted to know whether her sister was released after she saw Raslan. P32 said that if she understood correctly, then his question would be weird, because her sister was present together with P32’s mother, father and P32. After her sister was released, she said that Raslan interrogated her.

Böcker asked P32 how much time it took after that meeting for her sister to be released. P32 said that as she said the previous day and during the police questioning: 11 days.

Böcker asked whether P32 knew anything about what happened to get her sister released after 11 days. P32 said she does not know anything about the subject.

Böcker wanted to know if P32's sister's release was related to the meeting with Raslan. P32 asked Böcker to repeat the question. Böcker said that P32's sister was released 11 days after meeting with Raslan, asking whether P32 can connect both events. P32 said she does not know if anyone understood the question, asking Böcker to clarify and adding that her sister was not released 11 days after meeting with Raslan. 11 days were the entire detention period. P32 asked which events Böcker wanted her to connect.

Böcker asked how long it took for her sister to be released after the meeting with Raslan. P32 said one of the judges already asked the same question, adding that it took around three to four days if she remembered correctly.

Böcker asked if P32 sees any connection between her sister being released and the family meeting Raslan in his office. P32 said that she does not have an idea if there was a connection.

Böcker asked P32 whether she thought about the possibility of a connection. P32 asked "connection to what?" Böcker explained that if he would have been in P32's place then he would have thought about... P32 interrupted saying she understood. She did not think about it, it was only important to her that her sister was released.

Böcker intervened, asking P32 to allow him to finish his question. He repeated that if he had a sister and she would be in the same situation as P32's sister, then he would have thought about a possible connection between her release and a conversation with the interrogator a few days earlier. P32 said that this might be what would have happened if Böcker were in her place, but he would not be. P32 added the only thing she cared about was that her sister was released.

Böcker again wanted to know if P32 thought about a connection of the two events, or whether she tried to ask about the reasons for her sister's detention in the Branch. Plaintiff Counsel Scharmer intervened, saying Böcker should have said "the reasons of the release" not "detention". He told Böcker not to confuse the witness. Böcker said his colleague Scharmer was right. P32 replied she did not have an idea, nor did she want to know. Even if she wanted to know, she would have been arrested. P32 asked how she should have tried to find out about the reasons without being arrested herself.

Böcker recalled that P32 was arrested one year after her sister, still she asked to see Raslan. Böcker wanted to know why P32 asked to see Raslan. P32 said that as she mentioned before, she requested to see Raslan to get out of the solitary cell. He was the only person [in the Branch] she knew.

Defense Counsel Fratzky wanted to know how P32 and her parents visited Raslan in his office. Plaintiff Counsel Scharmer said the question was already answered on the previous day.

Fratzky asked if P32's parents told her what they were expecting from the meeting. P32 said they hoped to get her sister released.

**Plaintiff Counsels' Questioning**

Plaintiff Counsel Scharmer recalled P32 previously telling the Court how she was frisked by 2 nurses and mentioned that the situation was humiliating. Scharmer asked P32 to describe what exactly felt humiliating. P32 said she would only provide a brief answer, because she found [the situation back then] to be annoying. P32 explained that "in a humiliating manner" meant "they searched inside me".

Scharmer recalled P32 saying that when her sister was detained again, she was released and given a cell phone. He asked P32 if her sister worked with the regime. P32 said of course she did not work for the regime. However, her sister accepted the offer [to work for the regime] in order to be released and then leave the country.

The witness was dismissed. Kerber told P32 she was free to stay in the courtroom [P32 stayed].

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[10 minute break]

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Presiding Judge Kerber announced that the previous court interpreter was officially released from his duties and another sworn-in interpreter [Al-Gharib's interpreter] would replace him.

Presiding Judge Kerber read out a ruling from the Judges, detailing that certain charges considering ordinary crimes under German law could be added to the indictment, since they were committed against some of the plaintiffs.

[The following is a recreation of the Judges' statement based on what the court monitor was able to hear in court]

- I) Presiding Judge Kerber explained that the limitation of a trial to the alleged crimes detailed in the indictment does not apply to cases where certain crimes were committed against plaintiffs. The Judges therefore informed the parties that bodily injury, severe bodily injury, sexual assault, and deprivation of liberty as provided by German law are to be added to the charges.

Kerber found that the detention conditions in Al-Khatib Branch – overcrowded cells, lack of oxygen, deprivation of sleep, lack of hygiene, lack of medical treatment, constantly audible abuse of fellow detainees, and malnutrition – qualify as bodily injury under German law. Beatings that the witnesses described would further qualify as severe bodily injury.

- II. Referring to the testimonies of the plaintiff so far, Judge Kerber said that all of them were affected in their bodily well-being which would qualify as causing bodily injury under German law:

- 1) [P1](#) was beaten with cables and batons to make him provide information about his life, his movie materials, and alleged cooperation with foreign powers. He was further told that he would have to stay in detention if he did not cooperate. In addition, a stick was inserted in his anus. Kerber concluded that these descriptions are indicators of crimes of severe sexual assault/rape §§ 177 (1) Nos 1 and 2 StGB, 177(2) s. 2 No. 1 StGB, 177 (4) No. 1 StGB [[version valid until 2016](#)], sexual abuse of detainees § 174a (1) StGB, bodily harm §223 StGB, dangerous bodily harm §224 (1) No. 2 StGB, unlawful imprisonment §239 (3) No. 1 StGB, hostage taking §239b StGB.



- 2) [P11](#) was told to provide names of members of the opposition and beaten on the soles of his feet using cables and tubes. Kerber concluded these descriptions were indicators of crimes of bodily harm § 223 StGB, dangerous bodily harm §224 (1) No. 2 StGB.
  - 3) [P12](#) was beaten with cables and threatened with torture. He was further told to provide names of opposition members. Kerber concluded these descriptions are indicators of crimes of bodily harm § 223 StGB, dangerous bodily harm §224 (1) No. 2 StGB, unlawful imprisonment §239 (3) No. 1 StGB.
  - 4) [P19](#) was beaten and touched on her breasts by a prison guard. Kerber concluded these descriptions were indicators of crimes of sexual assault/rape § 177 (1) Nos. 1 and 3 StGB [version valid until 2016], sexual abuse of detainees § 174a (1), bodily harm § 223 StGB, dangerous bodily harm § 224 (1) No. 2 StGB, unlawful imprisonment § 239 (3) No. 1 StGB.
  - 5) [P25](#) was beaten with an object similar to a tube. Kerber concluded this description was an indicator of crimes of bodily harm § 223 StGB, dangerous bodily harm §224 (1) No. 2 StGB.
  - 6) [P27](#) was beaten with a cable. Kerber concluded this would be an indicator of crimes of bodily harm § 223 StGB, dangerous bodily harm § 224 (1) No. 2 StGB.
  - 7) [P28](#) was beaten with several different objects. Kerber concluded this description was an indicator of crimes of bodily harm § 223 StGB, dangerous bodily harm § 224 (1) No. 2 StGB, unlawful imprisonment § 239 (3) No. 1 StGB.
  - 8) [P30](#) was beaten with the open end of a cable. Kerber concluded this would be an indicator of crimes of bodily harm § 223 StGB, dangerous bodily harm § 224 (1) No. 2 StGB, unlawful imprisonment § 239 (3) No. 1 StGB.
- III) Referring to the testimonies of [P1](#) and [P19](#), Kerber found that their description are also indicators of sexual assault as crimes against humanity as provided in § 7 (1) No. 6 var. 1 VStGB.
- IV) Referring to the testimonies of [P17 and P18](#) regarding the death of their brother/cousin Kerber found that these are indicators of crimes of murder § 211 StGB and manslaughter § 212 StGB. However, Judge Kerber added that one must take into account that the body of the allegedly dead person was never found and both witnesses mentioned it might be possible that the person was still alive.
- V) Judge Kerber explained that the Judges will request an expert opinion on the above-mentioned criminal offences and their evaluation in Syrian law at the time the relevant acts were committed.

Presiding Judge Kerber went on to read out an email that the Court received from [REDACTED] [listed as a plaintiff on trial day 1]. [REDACTED] thanked the Judges for offering her protective measures and support and explained that she was not only worried about her family, but has other concerns as well and would therefore prefer not to testify in court.

Plaintiff Counsel Kroker said his client [REDACTED] would no longer participate in the trial as plaintiff and also not testify in court.

Judge Kerber announced that the trial days schedules for April 28 and 29, 2021 would be canceled since the witness will not testify in court. She added that the Court was informed by [REDACTED] via email that he preferred not to testify in court.

Defense Counsel Böcker requested to be informed about such emails and decisions on time, since his office has to arrange the schedule accordingly.

Prosecutor Polz read out the Prosecutors' statement regarding [the defense's request to take additional evidence](#) in the form of five witness testimonies.

[The following is a recreation of the Prosecutors' statement based on what the Trial Monitor was able to hear in court.]

- 1) The Prosecutors objected to the defense's request to hear [REDACTED] from the German intelligence service (BND) as expert to testify on the competencies of Division 40 of the Syrian General Intelligence Directorate. The Prosecutors argued that the two proposed witnesses would be unable to testify on something they directly experienced, therefore their testimony would be either irrelevant or unsuitable: If the proposed witnesses were to testify that Division 40 was only in charge of demonstrations that took place in Damascus, their testimony would be irrelevant because the work of Division 40 is not relevant to the trial against Anwar Raslan. If the proposed witnesses were to testify that Division 40 was the only division/branch in charge of demonstrations in Damascus, their testimony would be unsuitable as the exclusive mandate of Division 40 was not part of the BND's expert report. The BND's report rather states that tasks and mandates of the different intelligence agencies in Syria were overlapping, and it was often unclear who was in charge of a particular situation. According to the prosecutors, the report also states that all intelligence agencies were involved in fighting the opposition. The prosecutors referred to Eyad Al-Gharib's statement with the BKA, saying that members of Division 40, members of other sub-divisions of Branch 251, members of the Ministry of Interior, and members of the Air Force Intelligence were present at protests in Duma. The prosecutors concluded that in case there would be any open questions about the competencies and mandate of different Syrian intelligence agencies, Criminal Chief Inspector Deußing from the BKA could be summoned as a witness once more.
- 2) The prosecutors objected to the summons of [REDACTED] and two other people as witnesses, due to a lack of connectivity. The prosecutors explained that it would be unclear how the proposed witnesses would be able to know that Accused Raslan was neither present at a protest nor at the funeral of a Syrian movie director. [REDACTED] worked downstairs in the prison of Branch 251 while Accused Raslan had his office on the first floor of the building. [REDACTED] would therefore not be able to confirm that Raslan was not present at the above-mentioned events as claimed by the defense, since he and Raslan were not together all the time. The prosecutors stated that the same would be the case for the two other proposed witnesses. According to the prosecutors, the defense's submission requesting to summon these people as witnesses would not indicate how these witnesses would be able to testify about Raslan's behavior. In any event their testimony regarding Raslan's behavior would be a mere subjective impression rather than a fact.

All plaintiff counsels announced that they would join the Prosecutors' statement. Plaintiff Counsel Scharmer added that it would nevertheless be interesting to hear [REDACTED] as a witness, however, for different reasons than those put forward by the defense.

Proceedings were adjourned at 12:10PM

The next trial day is scheduled for April 21, 2021.

**TRIAL OF ANWAR RASLAN and EYAD AL-GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 34

Hearing Date: April 21, 2021

*CAUTION: Some testimony includes descriptions of torture.***Summaries/Highlights:<sup>1</sup>****Trial Day 71 – April 21, 2021**

**P33, a 57-year-old Syrian woman, testified regarding her own detention in Al-Khatib Branch, as well as her daughters' detention at the same branch. Although she was not subjected to torture herself, she witnessed other detainees being tortured at the Branch, including women. She further described the extremely unhygienic conditions. During the search for her daughters who were detained in Al-Khatib Branch, she also met Anwar Raslan in an office at the Branch and identified him as a higher-ranking employee. Raslan's defense as well as the prosecutors flagged several contradictions between P33's and P32's testimony regarding a meeting with Raslan. P33 confirmed that her testimony would represent the event how she remembered it. P33 and two other persons requested to join the trial as plaintiffs.**

**Day 71 of Trial – April 21, 2021**

The hearing began at 9:30 am 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 Counsel Bier substituted for Dr. Oehmichen.

**Testimony of P33**

P31 was accompanied by her witness counsel, Dr. Kroker, and informed about her rights and duties as a witness. P33 detailed that she was 57 years old, had four children and was not related to the defendant by blood or marriage.

**Judge Kerber's Questioning**

Presiding Judge Kerber recalled that P33's daughter testified the previous week. Based on her testimony, the judges would like to ask questions regarding three different topics: arrest and detention of P33's 1<sup>st</sup> daughter [daughter 1]; arrest and detention of P33's 2<sup>nd</sup> daughter [daughter 2, [P32](#)], and P33's own arrest and detention. Kerber asked P33 to first describe to the court what happened to her and her family in 2011. P33 explained that it all started on March 15, 2011. Her oldest daughter [daughter 1] studied at the college and was supposed to come home after her classes.

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<sup>1</sup> 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, relatives called P33 and told her that [daughter 1] was demonstrating at Al-Hamidiyah Souq, holding a Syrian flag and shouting. P33 said she got very afraid because she knew how the regime would deal “with such things.” P33 therefore visited her 3<sup>rd</sup> daughter [daughter 3] at her work. When the two were talking, an SUV appeared and four people who got out of the car told her daughter that they wanted to talk to her and ask her questions. P33 wanted to accompany her daughter, but she was not allowed. P33 described that the men eventually took her daughter, and she was unable to do anything against that. When P33 returned home to inform her husband, their flat was packed with security officers who searched the entire flat. The officers also asked questions about P33’s daughters and told P33 that she would have her daughters back in two hours. P33 recalled that this happened around 3PM, however, when she did not get her daughters back at night, she decided to do something dangerous the following day.

P33 went to the presidential office where she loudly requested to talk to the president to ask about her daughters. P33 said she was laughed at and given a phone number of a man, whom she was told to call. However, she was unsuccessful in her attempts to reach someone. She then went home and drove from [intelligence] Branch to [intelligence] Branch with her car, searching for her daughters. P33 said she was at the Political Branch, the National Security Branch, at Kafar Souseh, at Palestine Branch, and the Military Security Branch. She was laughed at and sent away from all these Branches. The criminal police could not help her either. P33 recalled that she felt bad when she returned home. She did not get any information about her daughters the following day. On the third day [after her daughters were arrested] a young man (P33 did not know how he got her phone number) called her at around 5PM to tell her that there was a sit-in in front of the palace of justice. P33 went there together with her husband and son. P33 said there were many people participating, waiting for their loved ones who were being held at the palace of justice. She assumed that her daughters would be held there as well, however, their names did not appear on a list that was shown there. A man who introduced himself as [REDACTED], a human rights advocate, approached P33 and told her that she would be right and should keep asking for her daughters as loud as she could.

P33 said that everything was silent, except for P33, her husband and son, who were shouting for their daughters. The prosecutor of Damascus looked out of his window, down on the protesters and ordered to bring the three screaming people to him. P33 further recalled that when entering his office, she asked if her daughters would be “down there” as well. However, the prosecutor told them they were not. During their conversation, a tall man who was talking on the phone entered the room. He said that P33’s family would be an honorable and respectable family. They were told that their daughter would be with Colonel Khalid from Political Security, and that they would be taken there to see their daughter. P33 said she and her husband (her son was not allowed to accompany them) were directly taken to Al-Khatib Branch by car. According to P33, she was looking everywhere for her daughters, but never imagined that they could be at Al-Khatib.

P33 said that it was silent when they entered the building; she was afraid. She further described that people were working at their computers in their offices. P33 and her husband had to wait for 30 minutes or longer before they were taken to another office. P33 described it as a big office with one man sitting behind a desk and two other people being present as well. She said it was obvious that the person behind the desk was important, as the two others “were sitting respectfully.” P33 explained that she and her husband did not know anyone at this point. Later, they found out that one of the people was Anwar Raslan.

P33 went on to describe that both their daughters were eventually taken to the office as well. [daughter 3] was in very bad condition, because she had spent three days in a solitary cell, not knowing what she was accused of. [daughter 1] was there as well. She was also exhausted, however, in a better condition than her sister. P33 said [daughter 1's] hijab was covered in blood, she had blue and red marks in her face. To downplay the situation, P33's husband immediately asked [daughter 1] why she participated in the demonstration. P33 recalled that she sat next to [daughter 1], however, she told P33 to not touch her, as her entire body was hurting. P33 and her husband apologized and assured that their daughter would never again participate in a demonstration. [daughter 3] was then released. Regarding [daughter 1], P33 explained that the person behind the desk left the room to come back and tell the family that he spoke to the president [Bashar Al-Assad] on the phone. The president denied that [daughter 1] would be released.

Judge Kerber apologized for interrupting P33 and asked who the man behind the desk was. P33 said she and her family did not know any names back then. Later, they recognized the person in a photo, identifying him as Jamil Hassan.

Kerber wanted to know if Jamil Hassan spoke to President Bashar Al-Assad in this situation. P33 affirmed, adding that he at least told them so.

Kerber asked P33 to continue with her general description. P33 went on to explain that they were allowed to take [daughter 3] home, along with many items that were confiscated from their flat. [daughter 1] was not allowed to come with them. P33 said they had to wait for ten days. On the 11<sup>th</sup> day, there was an amnesty from the president, regarding protesters. P33 said she was very happy and immediately went to Al-Khatib Branch together with her family to take [daughter 1] home. P33 recalled how they met Anwar Raslan at this occasion. They were all sitting in Raslan's office, talking to him. P33, her husband and their children were all allowed to talk to [daughter 1], however, she was not yet released. P33 said allegedly they had to deal with certain things before [daughter 1] could be released. P33 further recalled that Lieutenant-Colonel Abdel Hassan was there as well. He was nice and helped P33 and her family to get [daughter 1] back. [daughter 1] returned home sometime after that.

### **Judge Wiedner's Questioning**

Judge Wiedner asked if it would be correct to summarize that P33 searched for her daughters at different Branches after their arrest. She then went to the palace of justice together with her husband from where she was driven to Al-Khatib Branch. P33 confirmed.

Wiedner wanted to know whether P33 and her family hired intermediaries to get information about their daughters before they eventually met at Al-Khatib Branch. P33 said to be honest, they did not know anyone who worked for the government and did not have any relationship with "such people." They tried to contact a lawyer (friend of the family) but no one dared to get involved. P33 explained she was afraid that her husband or son would be arrested when asking about her daughters, she therefore decided to search for them herself.

Wiedner asked if they paid money [to release their daughters]. P33 said they did not pay money the first time.

Wiedner wanted to know if that means that they paid money at a later point. P33 affirmed, explaining that they paid money when [daughter 2] was detained at the Military Security, to secure her freedom on certain conditions.



Wiedner concluded the family did not pay money in March 2011. P33 affirmed.

Wiedner asked how many days after her daughters' arrest the family was taken to Al-Khatib. P33 said it was around three days later, however, they only got one daughter out.

Wiedner wanted to know whether P33 knew the place [Al-Khatib Branch]. P33 explained that the Branch had a very bad reputation, everyone in Damascus knew that. She recognized the Branch due to its proximity to the Red Crescent Hospital.

Wiedner asked who exactly was present at the first meeting in Al-Khatib Branch. P33 explained that she did not know any names at the time, they only found out their names at a later point. She added that Jamil Hassan was sitting behind the desk. Raslan was sitting on a sofa on the right, P33's husband sat next to him. On the left sat a person named Khaled, who took them [P33 and her husband] to the office.

Wiedner wanted to know if [daughter 2] was present as well. P33 denied.

Wiedner asked if P33 recognized any of the people from the office in the courtroom. P33 affirmed.

Wiedner asked whom she recognized. P33 said she recognized Anwar Raslan.

Wiedner recalled that P33 did not know the names Jamil Hassan and Anwar Raslan initially and asked her how she got to know the names. P33 explained that when she was at the Branch to pick up her daughter, there was a nameplate on the desk.

Wiedner wanted to know if that happened later or on the same day. P33 said it did not happen on the same day.

Wiedner recalled that at the first meeting, both of P33's daughters were in a bad condition, especially [daughter 1]. Wiedner asked which daughter was hurt. P33 described that one of her daughters had red and blue marks in her face and her hijab was covered in blood. When P33 tried to hug her daughter to comfort her, she denied, because her entire body was hurting.

Wiedner wanted to know if [daughter 1] was beaten by anyone in the office. P33 said she was not beaten when P33 was present.

Wiedner recalled that P33 was at the Branch a second time, asking her when and why this happened. P33 said she went to the Branch as soon as media reports about a presidential amnesty for protestors started spreading. She went to the Branch together with her family to meet [daughter 1]. Anwar Raslan received them in his office and Abdel Hassan told them that they could wait there.

Wiedner wanted to know which family members were present. P33 said it was her husband, son, [daughter 2], [daughter 3] and herself.

Wiedner asked how the meeting went. P33 explained that they were welcomed with the request to assure that their daughter would not participate in demonstrations again. P33's husband assured that none of his daughters would participate in demonstrations again. They were then told that "such thing cannot happen and cause serious consequences."

Wiedner wanted to know who said that. P33 explained that Anwar Raslan sat down for a bit and told them things like that. Abdel Hassan was present as well.

Wiedner asked P33 if she could tell the court anything about Raslan's rank; whether he was giving orders, was helpful, or dismissive. P33 described that during their first meeting, Raslan was sitting respectfully before another person who was sitting behind the desk. It was apparent that he treated this person with respect. P33 added that in this situation she was only worried about getting her daughters back. This was at their first meeting, when the family was allowed to take [daughter 3] home. At their second meeting, when they got to know Raslan, they realized that he was the head, controlling everything.

Wiedner wanted to know if both meetings took place in the same office. P33 denied, explaining that it was the same building, however, different offices.

Wiedner further wanted to know whether Raslan was wearing a uniform or civilian clothes. P33 said he wore a civilian suit.

Wiedner read out Raslan's statement regarding his meeting with the family [Raslan's defense submitted the statement the previous week]:

*On the same day (when the daughters were arrested) their father and mother came [to Al-Khatib Branch]. The father threatened to light himself afire. I [Anwar Raslan] do not know anything about money that has been paid. [daughter 1]'s parents were taken to Tawfiq Younes, I [Raslan] went there as well. [daughter 1] was beaten by Division 40 and therefore had a swollen face. When the family was with Tawfiq Younes, the father hit his daughter. I [Raslan] told him that he should keep calm.*

P33 said this statement would be entirely wrong. She explained that the family only learned about the whereabouts of their daughters on the third day. Her husband never said he would burn himself; they were only yelling in front of the palace of justice. A person called Khaled took them to Al-Khatib. Her daughter was not beaten in the office. P33 concluded that they were only at Al-Khatib Branch on the third day [after her daughters were arrested].

Wiedner said he had a more general question, asking if P33's daughters were part of the opposition and regularly participating in demonstrations. P33 said before March 15, 2011, no one had a clue about demonstrations. Everyone was surprised that something like that would be possible in Syria. [daughter 1] protested in front of the Libyan embassy, however, the family did not know about that. After this date, [daughter 1] continued her activities [protesting against the government].

Wiedner asked whether P33's daughter published anything on the internet. P33 asked what Wiedner was referring to. Wiedner explained that he wanted to know if her daughter published anything against the regime, like critical articles. P33 denied, adding that her daughter did not post anything on Facebook, because she was too afraid. However, she participated in demonstrations in the city [Damascus].

Wiedner wanted to know if [daughter 1] told P33 anything about her detention after she was released. P33 denied, explaining that [daughter 1] did not want to talk about it. All that P33 wanted to know from [daughter 1] was if she was bodily or sexually hurt, since that would be considered as particularly bad by society.

Wiedner asked if they spoke about obvious injuries. P33 affirmed, adding that [daughter 1], however, did not want to talk about it. It was a bad experience for [daughter 1] and she preferred not to talk about it. P33 said the most important thing for the family was that [daughter 1] was released.

Wiedner wanted to know if [daughter 1] mentioned that she was interrogated by Anwar Raslan. P33 explained that her daughter was interrogated several times. However, she was always blindfolded and could not see any details. P33 added her daughter suffered physical and well as mental harm.

Wiedner asked whether [daughter 1] did not tell P33 who had interrogated her. P33 recalled her daughter saying that Raslan beat her and another person interrogated and beat her.

Regarding Raslan beating [daughter 1], Wiedner asked P33 how this interrogation went. P33 explained that her daughter did not feel well and did not want to tell P33 any details. She only said that the interrogation officer was evil and treated her badly. However, she did not provide further details as to the kind of beatings. P33 said [daughter 1]'s reaction was to continue demonstrating.

Wiedner asked how [daughter 1] knew it was Raslan who beat her. P33 explained that when the family came to his office to get [daughter 1], Raslan's name was on the nameplate on the desk, and he was there.

Wiedner asked if P33 was referring to the second meeting. P33 confirmed.

Presiding Judge Kerber intervened, asking whether P33's daughter said she was interrogated by two people. P33 affirmed.

Kerber wanted to know which interrogator was the evil one. P33 said they were both evil.

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[15-minute break]

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Judge Wiedner wanted to know how the second meeting was arranged; whether the family made an appointment or simply went to the Branch. P33 said they simply went there as soon as they heard about the amnesty.

Wiedner asked if [daughter 1] was beaten at the second meeting. P33 affirmed.

Wiedner further asked if the bloodstains that were visibly at the first meeting were also visible at the second meeting. P33 affirmed, adding that her daughter kept the hijab until this very day, as keepsake.

### **Prosecutors' Questioning**

Prosecutor Polz wanted to know if P33's family spoke about the first meeting at home. P33 asked for clarification. Polz specified she wanted to know if the family spoke about the meeting with [daughter 2]. P33 said of course they spoke about the first meeting.

Polz asked where [daughter 2] was during the first meeting. P33 said [daughter 2] was at home.

Polz wanted to know whether the family told [daughter 2] what they were up to, that they were planning to go to Al-Khatib Branch. P33 explained that when they left the flat, they did not know they would end up at Al-Khatib. They only planned to participate in the sit-in.

Polz asked P33 why they did not take [daughter 2] with them. P33 said they were afraid, explaining they were living in a society that was always worried about their daughters.

Polz further recalled that [daughter 2] told the court the previous week that she was present during the first meeting [with Raslan]. Plaintiff counsel Scharmer intervened, saying that [daughter 2] did not say that. She rather said she was present during one meeting. Polz asked P33 why [daughter 2] said she was present at a meeting [P33 previously said [daughter 2] was not present at the first meeting.]. P33 said [daughter 2] was present during the second meeting.

Polz recalled [daughter 2] saying that [daughter 3] was present during the meeting that [daughter 2] was present as well. P33 affirmed, explaining that [daughter 3] was present at the second meeting, because she had already been released.

Polz said [daughter 2] told the court that [daughter 3] was still detained at the meeting at which [daughter 2] was present. Polz asked P33 how it comes that [daughter 2] remembers the meeting like that. P33 said she does not have an explanation for that. Maybe there was a misunderstanding when they talked about it. P33 explained that [daughter 1] and [daughter 3] were arrested. [daughter 3] was released on the third day. [daughter 2] accompanied the family when they went to pick up [daughter 1] at a later point.

Defense Counsel Fratzky complained he did not understand the interpretation. P33 repeated her statement: Both daughters, [daughter 1] and [daughter 3], were arrested. P33 did not know where they were for three days. When P33 went to the sit-in she was taken to Al-Khatib where she found out that both daughters were at this Branch. P33 said this would be the first meeting which she attended only together with her husband.

Regarding the second meeting, Polz asked P33 about Raslan's behavior. She wanted to know if Raslan was understanding or authoritative. P33 said since Raslan saw that she and her husband did not agree with their daughters' behavior [protesting], Raslan was "normal". He was neither mad nor upset.

### **Defense's Questioning**

Defense counsel Böcker wanted to know how Raslan saw that P33 and her husband did not agree with their daughters' behavior. P33 explained that Raslan demanded that the family takes care that their daughters would not participate in demonstrations again. P33 said her "husband did so."

Böcker asked if P33 and her husband consequently made some kind of declaration [regarding their daughters' future behavior]. P33 denied, adding that they simply wanted to do anything to leave the Branch as soon as possible. They simply agreed [with what Raslan demanded].

Böcker wanted to know if it was correct that the first meeting took place three days after P33's daughters were arrested, and the second meeting took place 11 days after the arrest. P33 confirmed.

Böcker further recalled that the arrest was on March 15, 2011. P33 confirmed again.

Böcker wanted to know how P33 could still remember this exact date, although it was a long time ago. He added that it would not be the first time that the court heard this date. P33 said she could never forget this date since it marks the beginning of the Syrian revolution. It was the start of peaceful demonstrations in Damascus.

Böcker asked if P33 was 100% sure about the 3-day time frame [for the first meeting]. P33 confirmed.

Böcker asked if P33 would be sure about the 11-days time frame to the same degree. P33 confirmed.

Böcker recalled that P33 and her family did not know anyone at the first meeting. They only learned their names at a later stage. P33 affirmed, adding that she did not know any names on the meeting three days after the arrest, but she could remember the faces.

Böcker concluded that there were no name plates at the first meeting. P33 confirmed.

Böcker further concluded that P33 recognized Raslan at a later stage. P33 confirmed.

Böcker asked if P33 recognizes Raslan today [in court] as well. P33 affirmed.

Böcker wanted to know if P33 saw Raslan in the media. P33 denied, adding that she saw him when she herself was detained in his [Raslan's] Branch [Al-Khatib].

Böcker recalled P33 mentioning an important person who was present at the first meeting, and that P33 mentioned several names in this context. Böcker said he was confused as P33 said that one person was important, however, another person was in charge. P33 explained that this person came and said he would take over the matter regarding P33's daughters. This person was not the leading person in the building; however, he had a certain rank. P33 added her daughters were the first women who were detained at this Branch [Al-Khatib]. Her family would be a very conservative Damascene family. And they wanted to get rid of the whole issue.

Böcker concluded that this person [high rank but not in charge of the Branch] was a person who was treated with respect. Böcker further wanted to know if it was correct to say that this person was in charge on the first meeting and leading the conversation, three days after the arrest. P33 said one can describe the situation like that. She added that ten days later, when they came to pick up [daughter 1], they found out that Anwar Raslan was the person in charge.

Böcker wanted to know how P33 came to the conclusion that Raslan was in charge and the reason she describes Raslan like that today [in court]. P33 explained that at the second meeting when they went to pick up [daughter 1], P33 saw that Raslan was treated with respect and addressed as "sidi" [dear sir]. He also gave orders.

Böcker concluded that at the second meeting, Raslan acted like the other person did at the first meeting. P33 confirmed.

Böcker recalled that Raslan's statement on the meeting was just read out again when P33 said it was all wrong. According to Böcker however, there were several commonalities between Raslan's statement and P33's description of the meetings.



What is different between the two descriptions is first the identity of the important person at the first meeting. Second, the condition of P33's daughter's hijab. Third, P33 spontaneously described in court that at the first meeting, P33's husband immediately asked their daughters about the demonstrations [why they participated]. Böcker asked P33, as far as she remembered, to describe her husband's reaction in this situation. P33 explained that her husband said that [why they protested] to their daughters to pick up the anger of the other people who were present. He also said that their daughters would not protest again.

Böcker wanted to know where the anger that P33 describes came from, if she actually felt it or simply assumed it. P33 explained that she did not expect such anger. However, everyone knew how the regime reacted and struck back [to demonstrations]. That was why her husband tried to explain that their daughters participated in demonstrations only once and would never do that again.

Böcker wanted to know if P33 and her husband had a strategy for this meeting, if he agreed beforehand to try calm everyone down by explaining their daughter's participation in demonstrations was a one-time event. P33 explained that when she, her husband and son went to the sit-in in front of the palace of justice, they did not have any plan. They did not know they would be taken somewhere, so they did not talk about a strategy before.

Böcker asked if P33's daughter reacted to her father's declaration about her participation in demonstrations. P33 said she did not react. Her entire body was shaking, P33 tried to calm her down.

Böcker wanted to know who said that P33's daughter would be released. He wanted to know if P33 knew who ordered the release or only knew about the final result. P33 referred to her previous statements about a person leaving the room and coming back to say he spoke with the President. P33 said she does not know whether it was true that the person spoke to the President on the phone or whether it was just acting. However, this person said the President decided that [daughter 3] shall be released and [daughter 1] shall "be educated."

Böcker recalled P33 saying [daughter 3] was not beaten while P33 was present. P33 affirmed, adding that no one was beaten.

Böcker asked if P33 was present at the meeting all the time. P33 affirmed, adding that she was always together with her husband.

Böcker further asked if P33 and her husband entered and left the room at the same time. P33 affirmed.

Böcker recalled P33 saying the second meeting took place ten days after the first meeting, but another time also saying that the second meeting took place 11 days after the arrest. P33 explained the second meeting took place ten days after the first meeting and 11 days after the arrest.

Böcker wanted to know how long the family had to wait after the second meeting until their daughter was released. P33 said they had to wait for around two days.

Böcker asked if P33 and her family ever found out why the daughter was released two days after the second meeting. P33 said there was a presidential amnesty for all protesters.

Böcker wanted to know if it would also be possible that P33's daughter was released because the family spoke to Raslan who tried to help them and initiated the daughter's release. P33 said if this would have been the case, their daughter would have been released earlier.

Böcker asked if this would be the only reason why P33 believed that it would be impossible that Raslan helped them. P33 said there would be bureaucracy and a lot of paperwork and documents.

Böcker wanted to know why P33 thinks it was not Raslan who released her daughter. P33 said this hypothetical question would raise even more questions.

Plaintiff counsel Bahns intervened, objecting to the defense's hypotheses. Defense counsel Böcker asked plaintiff counsel Scharmer to stay silent and not interrupt him. Plaintiff counsel Scharmer clarified that he did not object to anything, it was Bahns who objected Böcker's question.

Defense counsel Böcker continued his questioning by asking P33 why she assumes that her daughter's release was not ordered by Anwar Raslan. P33 said she and her family heard about the presidential amnesty and their daughter was released two days after that.

Böcker said there was only one general presidential amnesty, which was declared on May 31, 2011. Plaintiff counsel Scharmer intervened, asking for Böcker's source of information. Böcker said one can read that on the internet. Scharmer said this would be a criminal trial, internet sources would be insufficient. Presiding Judge Kerber intervened, asking defense counsel Böcker to come up with a proper question for the witness.

Böcker asked P33 if she was sure that the amnesty was declared on March 26, 2011 as she mentioned earlier. P33 said she does not remember the exact date, all she remembered was that her daughter was released because of that [presidential amnesty], adding that these events happened ten years ago.

Böcker said he only knows about one presidential amnesty, which was declared on May 31, 2011. He asked P33 if she wanted to change her testimony since Böcker was of the opinion that there was no amnesty on the date that P33 mentioned. P33 said the amnesty she referred to was declared "in an attempt to control the anger of the street." This amnesty was not issued by the parliament. P33 recalled, that she was told the President issued a general amnesty, so P33 and her family went to Al-Khatib Branch to get her daughter back. P33 added that her family knows another person who was arrested on March 18, 2011 and released almost the same day as her daughter.

Böcker wanted to know if P33 spoke to [daughter 2] after [daughter 2]'s testimony. P33 affirmed, explaining that she asked her daughter about how she was doing, however, they did not talk about any details of [daughter 2]'s testimony. P33 said she only wanted to know how her daughter was doing mentally, because her daughter was in a bad condition.

Böcker concluded his questioning by telling plaintiff counsel Scharmer that Scharmer's "sham objections" would be disruptive and often superfluous. Böcker said he wanted to clarify an important aspect [when Scharmer allegedly interrupted him].

Presiding Judge Kerber asked plaintiff counsel Scharmer if he wanted to reply. Scharmer said the first objection was made by plaintiff counsel Bahns, adding that Böcker should use headphones to keep track of what is said in court by whom.

Presiding Judge Kerber asked if Scharmer or another plaintiff counsel had any questions for the witness.

### **Plaintiff Counsels' Questioning**

Plaintiff counsel Scharmer said the [German newspaper "Zeit" wrote in June 2014](#) that President Bashar Al-Assad issued several amnesties. P33 confirmed, explaining that there were several presidential decrees. Many young men were arrested [in the context of demonstrations], the decrees and amnesties were attempts to control the anger of the street.

Scharmer recalled that [daughter 1] was a woman who was arrested right at the beginning of the demonstrations. He asked P33 if [daughter 1] was therefore known in Syria. P33 affirmed, saying that [daughter 1] was the first woman to loudly demonstrate in Damascus. Her daughter showed great bravery.

Scharmer said that P33 spoke to [daughter 1] [about [daughter 1]'s detention], however, they did not talk about any details. Scharmer wanted to know if it was normal for P33's culture that people would not talk about "such things" [experience in detention, especially sexual violence] openly in their families. P33 said it was a new experience for them [Syrian society]: Young women who were detained. P33 added it was most important for the families that their daughters were not sexually abused. [P33 started crying, the interpreter gave her a tissue] P33 said as a mother, she wanted to know what her daughters had to endure. Maybe she did not ask with enough emphasis, but as a mother she wanted to know.

Presiding Judge Kerber suggested a break, since the next complex of questions would be bigger, and a break would give everyone the chance to calm down. She added that if P33, however, wanted to get over and done with the questions, they could continue as well. P33 said she preferred to have a break.

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[70 minute break]

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Presiding Judge Kerber reopened the session by saying that the judges used the break to do some research. They came across a German newspaper article detailing presidential amnesties in Syria. Copies of the article would be handed over to the parties and the court interpreter would provide a simultaneous interpretation for the Accused. Kerber read out the [article dated March 25, 2011](#).

Defense counsel Böcker said this press-article would be contradictory to other articles. However, it would be clear in any event that these presidential amnesties were never executed. He said the defense might submit a declaration in this regard at a later point if necessary. Defense counsel Fratzky added an article from the [German news magazine "Der Spiegel" dated May 31, 2011](#), details the presidential general amnesty that his colleague Böcker was referring to earlier.

Böcker added that the article which Judge Kerber just read out would certainly not be the ultimate truth. Presiding Judge Kerber said the defense would be free to submit a formal statement in this regard.

Defense counsel Fratzky mentioned that his client's statement regarding the events described by [daughter 2] and P33 were read out to P33 several times now. Fratzky said the defense requests that photos of Tawfiq Younes and Jamil Hassan would be presented to P33. Judge Kerber asked Fratzky to tell the court where to find these photos on the case file. Defense counsel Böcker said if anyone knows where to find these photos on the casefile, the defense wanted them to be presented to P33.

Judge Kerber said P33 had to wait for a long time now. Judge Wiedner would now begin his questioning regarding the second thematic complex [[daughter 2]'s and P33's arrest and detention].

### **Judge Wiedner's Questioning**

Judge Wiedner explained he now wants to know more about [daughter 2]'s and P33's arrest and detention, and asked P33 to describe the context, time frame and details of how this happened. P33 described that "the regime started to react strongly." There was a massacre in Al-Houla where 50 children and babies were "butchered" with knives. P33 said this event left its marks on the Syrian society. Young people and the opposition reacted to it and many people were arrested all across the country. P33 said she was very worried about [daughter 2] because she was active [demonstrating] as well.

Wiedner wanted to know when this happened. P33 said it was in May 2012. [daughter 2] and her friends decided to participate in a sit-in. P33 therefore decided to be there [at the sit-in] as well to protect [daughter 2]. P33 said she was always close to [daughter 2], but the *Mukhabarat* somehow found out that the sit-in was supposed to take place. P33 recalled that demonstrators had banners with sayings against the Al-Houla massacre and against the killing of children and babies. Suddenly many members of the security forces appeared and first fired warning shots in the air. People started fleeing to the side alleys. P33 said she was in great fear and hysterical because she could no longer see [daughter 2]. Security forces noticed P33's behavior and knew that she participated in the demonstration as well. P33 said she was pulled inside a van that was standing at the entrance of a small side alley. After 5 minutes, P33 saw how [daughter 2] was pulled inside the van as well. [daughter 2]'s glasses were broken, and her nose was bleeding. P33 recalled that [daughter 2] was surprised to see her mother in the van and asked the security officers if she could sit next to this woman [her mother P33] when she saw her. P33 said the security officers told them how to sit and everyone was silent. There were around 18 to 20 people in the van. P33 further described to the court how the van drove to Division 40, which would be in Jisr al-Abyad and belonged to Makhlof. P33 said they were beaten when they got out of the van. When they had to walk up the stairs, there was one security officer standing on each step, beating the detainees who had to take the stairs. P33 said she and the other detainees were then told to face the wall and fold their hands. They were later taken to big room where they had to wait. The officers asked everyone for their names, but only took [daughter 2] with them. [daughter 2] was then taken back to the room and taken out a second time. P33 said the guard who took [daughter 2] back to the room the second time yelled at her and accused her of being responsible for his friend's, Jalabi's, death. He tried to attack [daughter 2] but his colleagues held him back. P33 said [daughter 2] later told her that she was already beaten before she was taken inside the van. That was why her glasses were broken and her nose was bleeding.

P33 further described that when they had to wait in the big room, some officers looked at her, saying “she is the mother of the two denigrators and will now be held accountable.” P33 said she was quiet and later, at night, taken downstairs to the same van and taken to Al-Khatib Branch. P33 added that since she had already been there before, she knew it was Al-Khatib Branch. A new episode started there, said P33.

Wiedner asked if P33 was able to see the way to Al-Khatib or if she was blindfolded. P33 said she was not blindfolded but had to lower her head during the ride.

Wiedner wanted to know if P33 was also interrogated at Division 40. P33 said only [daughter 2] was interrogated there. They [interrogators] logged in to her Facebook account and wanted to see her posts. However, one of [daughter 2]’s friends deleted her account immediately after she was arrested.

Wiedner asked how P33 knew that. P33 said she found out later.

Wiedner wanted to know what happened to P33 in Al-Khatib Branch. P33 said all detainees were immediately taken to the basement, where their personal belongings were confiscated. Two women frisked them before they were taken to a collective cell, measuring 3x3 meters. The cell was very small and had no windows as it was in the underground and had a broken toilet. P33 said she was in shock and no one talked to them [new detainees] for two days. P33 said she could not recognize any of the faces there.

Wiedner asked whether P33’s daughter was still with her at that time. P33 affirmed.

Wiedner asked how many people were inside the 3x3 meters cell. P33 said there were 18 to 20 people, maybe more.

Wiedner asked if there were only women. P33 affirmed.

Wiedner asked P33 to continue. P33 described that due to her high blood pressure, she always had to take pills. When she was without her pills for two days, her blood pressure was so high that she suddenly screamed before falling unconscious. Her daughter was so afraid, she knocked against the iron door of the cell, screaming for help. P33 said a guard opened the door and saw P33 lying on the floor. He closed the door to talk to his boss. P33 said they [she and her daughter] were allowed to go to the room next door, around 30 minutes after the guard first opened the door. A doctor and two nurses were waiting in this room. The doctor gave P33 pills to lower her blood pressure and painkillers. P33 said she tried to give the doctor her phone number, so he could call her family to let them know about her and [daughter 2]’s situation. However, the doctor was too afraid and declined. P33 said she and her daughter were then taken back to the collective cell where [daughter 2] was called for interrogation four days after. When [daughter 2] was taken back to the cell after her interrogation, she did not react to P33’s questions. P33 described that everyone in the cell was interrogated separately by calling their names and taking them to interrogation. P33 described that the interrogators at her own interrogation told her they would be nice to her, however, they had to be harsh to her daughter. P33 had to sign blank sheets of paper and the interrogators told her to be nice, otherwise the blank sheets would be filled with whatever they wanted.

Wiedner wanted to know where P33’s interrogation took place. P33 said she had to go to the ground floor [first floor] and back after her interrogation.

Wiedner asked whether P33 could see her interrogator or if her eyes were covered. P33 said she was not blindfolded.



Wiedner asked if she consequently was able to identify her interrogator. P33 denied.

Wiedner concluded that P33 was not interrogated by Anwar Raslan. P33 confirmed.

Wiedner further asked if the interrogator asked P33 any specific questions. P33 denied, saying that the questions were rather general. The interrogator wanted to know why she was at the Branch and why she had been arrested. P33 said after she signed the blank sheets, she was taken back downstairs [to the collective cell], before [daughter 2] was called for interrogation. P33 recalled that when [daughter 2] came back to the cell after this interrogation, she told P33 that she was exhausted. When P33 asked her if she was beaten [P33 started crying] [daughter 2] denied, saying she was just tired. P33 described that [daughter 2] was lying in her mother's lap for around 15 minutes before P33's name was called. [daughter 2] told her to not be afraid, adding that she would be released for sure. P33 told the court that there were four or five solitary cells opposite to the collective cell where she was first detained. When P33's name was called, she was taken directly to one of the solitary cells and the door was closed behind her. P33 said the cell was 1.5 meters wide. The iron door had a small window and a 3 to 4 centimeters gap to the floor. P33 said she was shocked when she heard that [daughter 2] was called. She heard her screaming, asking where she would be taken. P33 said she then heard a loud bang and could see through the gap below her cell's door how [daughter 2] fell on the floor and was then pulled away. P33 said she was alone in the solitary cell for four days. She was allowed to use the toilet every 12 hours. Detainees were called one after the other to use the toilet. P33 said she was always relieved when she could see [daughter 2]'s shoes through the gap below her cell's door. That meant [daughter 2] was still able to walk. P33 said she sometimes wanted to knock on her door to let her daughter know she was there.

Defense counsel Böcker interrupted saying that since P33 was crying and sobbing, they should take a break. P33 replied she would be fine and want to continue her testimony. P33 then described that she never dared to knock on the door because she was too afraid that something would happen to [daughter 2] if she did. On the fourth day, the door of P33's cell was opened, however not at the usual toilet time. P33 saw how [daughter 2], covered in blood, entered her cell. P33 said she was very relieved to be with her daughter. [daughter 2] cried a lot and apologized to P33 for putting her in this position. P33 said [daughter 2] thought her mother had been released. They had to stay in the cell together for around 18 days before P33 was released.

Judge Wiedner assured P33 she could ask for a break at any time if needed. P33 thanked Wiedner, saying that she would be able to continue without a break. Wiedner then concluded that P33 was detained in a solitary cell together with her daughter and asked how big this cell was. P33 said the cell was 1.5 meters long and 0.75 meters wide.

Wiedner asked if P33's daughter told her what happened to her. P33 said when the door was opened to use the toilet, her daughter mentioned to the guards several times that she knew Anwar Raslan and requested to talk to him. According to P33, her daughter was in pain due to the interrogations, one time her nose started bleeding and she did not know what to do. Her clothes were covered in blood and when [daughter 2] saw the blood, she collected it with her clothes and threw it at the walls of the cell. When a guard opened the door after [daughter 2] knocked on the door, he thought [daughter 2] would die. P33 said she assumes that in this situation, the guard thought it would be best if [daughter 2] would be with her mother, so she was taken to P33's cell.

Wiedner asked if [daughter 2] told P33 anything about abuse, mistreatment, or sexual assaults. P33 said there were no sexual assaults but harassment. Someone tried to touch [daughter 2] and asked her if she was a virgin, which [daughter 2] affirmed. P33 said there were no assaults, however.

Wiedner further wanted to know if [daughter 2] mentioned any injuries or if P33 saw injuries on [daughter 2]. P33 described that [daughter 2] was in a very bad condition, she was lying in her mother's arms all the time. Someone poured hot tea or boiling water over [daughter 2], as her skin was burnt on the right side of her torso. P33 further explained that one was only allowed to use the toilet twice a day and one bottle of water, which was not bigger than around 0.5 liters had to be used by [daughter 2] and her and could only be refilled every 12 hours. Ever since this detention, P33 has issues with her kidneys because she was only able to use the toilet twice a day and did not get enough water. What increased the suffering, according to P33, was the fact that, especially in her solitary cell, she heard voices screaming of torture all the time. She always thought that [daughter 2] could be one of them. P33 added that she could hear everything through the iron door of her solitary cell. She was also able to hear when young men arrived as new detainees and were forced to strip naked and bend down. P33 said she once heard a man saying 'I am an old man. I could be your father. I am a lawyer and the fact that I have to get undressed is outrageous.' P33 said the man still had to get undressed. He was insulted and the guards started insulting his god as well. P33 said she further saw blood on the floor and walls on her way to the toilet.

Wiedner asked if [daughter 2] mentioned whether she had contact with Raslan during her detention. P33 denied, saying they did not talk about that. P33 added this, however, happened during the four days she was alone. P33 recalled that she was called by a guard and taken outside her cell. The guard asked P33 if anything happened to her and if she got her medicine. P33 said she denied, and the guard told her that she would soon be allowed to take her medicine. P33 said after she was released, she found out why the guard was so nice to her: [daughter 1] gave an interview for Al-Arabiya during which she said that her mother was detained and sick, and if anything would happen to her mother, the regime would be responsible for it. [P33's counsel Dr. Kroker had a short consultation with P33]

Presiding Judge Kerber concluded that P33 was only interrogated once. P33 confirmed.

Kerber asked again if the witness was only asked general questions and told to sign blank sheets of paper. P33 confirmed.

Kerber wanted to know if P33 was told to influence her daughters. P33 said she was told that when she was about to be released. She told the guards she had been detained for 23 days, asking for the reason for her arrests and detention. The guards replied that P33 had to learn that she raised her children to hatred.

Kerber asked if P33 saw dead or injured people at the Branch. P33 denied.

Kerber asked if P33's orifices were inspected. P33 denied, explaining she was thoroughly frisked, but not inside her orifices.

Kerber further wanted to know if P33 had to endure sexual assault or if she was threatened that she or her daughters would have to suffer sexual assaults. P33 denied.

Judge Wiedner asked how long P33 was detained at Al-Khatib Branch. P33 said she was there for 23 days.

Wiedner asked the same question regarding [daughter 2]. P33 explained that [daughter 2] was released one or two hours after P33 and transferred to the Military Intelligence Branch. Wiedner concluded that [daughter 2] was consequently not released but transferred, asking P33 when [daughter 2] was eventually released. P33 said she was detained for a total of three months, however, P33 did not remember the exact date of [daughter 2]'s release.

Wiedner wanted to know how exactly P33 was threatened, insulted, or mistreated in Al-Khatib Branch. P33 explained that on the way to the toilet she was always hounded and had to endure bad insults. In general, guards insulted her and her god.

Wiedner asked if P33 was beaten during detention. P33 denied.

Wiedner wanted to know if P33 met Anwar Raslan during her detention. P33 explained that on her release she was taken upstairs where Raslan told her he had nothing against her, and she would be released. When P33 asked about her daughter, Raslan told her not to worry, and said P33 was allowed to go.

Wiedner concluded that P33 was in Raslan's office. P33 confirmed.

Wiedner said this would be a difficult question to answer, nonetheless he would like to know if P33 recognized the office from before. P33 said she assumed it was Raslan's office. It as a luxurious room with many files. The room was not longer than 5 meters.

Wiedner asked if P33 was alone with Raslan. P33 said there was one other man who took her to the office and then received the order to release her.

Wiedner wanted to know if Raslan interrogated P33 in this situation or why she was in his office. P33 said she was there so Raslan could tell her that he allowed her to be released.

Wiedner asked if Raslan consequently gave the order to release her. P33 affirmed.

Wiedner asked if she was released immediately after that. P33 affirmed, adding it was around 10PM at night.

Wiedner asked P33 if she wanted to have a short break. P33 affirmed.

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[20 minute break]

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Wiedner recalled P33 telling the court that one of the most terrible things about her detention in Al-Khatib Branch was the constant screams of torture that she heard. He asked her how often she heard them "downstairs" [in her cell]. P33 said she heard them most of the time, adding she did not hear them always, but most of the time.

Wiedner asked if she also heard these screams when she was "upstairs" [interrogation room and offices]. P33 affirmed.

Regarding detention conditions, Wiedner asked P33 to describe the food supplies at the Branch. P33 explained that she had to sleep on a very thin blanket. There were lice everywhere, and P33 "even got an allergy." She further described that her skin was itching all the time, as did her daughter's skin.

She said they had to endure these conditions “on top of the overall detention conditions” and went on to say that they were only allowed to fill their 1-liter water bottle every 12 hours when they were using the toilet. The 1-liter bottle then had to be used by two people for 12 hours. P33 further described that they got food twice a day. After they got the food, they could use the toilet. Regarding the food, P33 said they got a flat bread with either rice or bulgur around noon and a flat bread with some yoghurt as their second meal.

Wiedner wanted to know if the food was enough. P33 said if one actually ate the food, it was enough. However, she did not want to eat and lost 9 kilos during the 23 days of detention.

Wiedner asked about the air inside the very small cell that P33 shared with her daughter. P33 laughed, saying that there was no air conditioning. She explained that fresh air only got inside the cell through a small, barred window above the 2-meter-high cell door. P33 added they could not sleep at the same time and had to take turns sleeping.

Wiedner wanted to know why they were unable to sleep at the same time, asking if it was because they were detained in May/June. P33 said it was very hot inside the cell. They moistened their lips to get at least some liquid to their bodies. They could not take off their clothes because the guards constantly opened the small window to check what was going on inside the cell.

Wiedner recalled that P33 told the court the cells were located in the basement, asking her if there was daylight or if they could tell day from night because for example, the lights were switched on and off accordingly. P33 said there were no lights inside the cell, the only light in the cell shone through the small, barred window from the hallways in front of the cell.

Wiedner asked if P33’s relatives were informed about her and her daughter’s whereabouts. P33 explained that the news about her and her daughters arrest spread in the media and on the internet. The doctor who treated her in the Branch, [REDACTED], saw their pictures on the internet and was able to tell P33’s husband that she and her daughter were at Al-Khatib Branch.

Wiedner wanted to know if P33’s family was officially informed by officers at Al-Khatib or the General Intelligence Directorate. P33 denied, adding that an activist posted photos of her and her daughter on Facebook. This activist was also arrested. P33 assumed that the doctor saw these pictures on Facebook, recognized her and her daughter, and felt sorry for them.

Wiedner asked if P33 saw children or juveniles in Al-Khatib Branch. P33 denied.

Wiedner recalled P33 explaining how [daughter 2] was taken to P33’s solitary cell by using her own blood to get out of her previous cell. Wiedner then asked P33 if [daughter 2] told her any details about how she tried to get out of her previous cell. P33 said [daughter 2] did that [using her own blood] just to get out of the cell she was detained. According to P33, [daughter 2] did not know that P33 was still at the Branch.

Wiedner further recalled P33 telling the court that [daughter 2] approached one of the guards in an attempt to get out of the cell. P33 confirmed, adding that every time [daughter 2] was allowed to use the toilet, she begged to talk to Raslan because she knew him from the time her sister was detained.

Wiedner asked if her begging was successful, if [daughter 2] met Raslan. P33 denied.

Presiding Judge Kerber intervened, asking if [daughter 2] did not tell P33 about it or if [daughter 2] did not meet Raslan. P33 said she tried to find out, but [daughter 2] did not want to talk about it. All that P33 cared about was that [daughter 2] had not been sexually abused.

Judge Wiedner asked if what P33 just described was her only detention. P33 affirmed.

The Judges had a short discussion after which Presiding Judge Kerber said she would now hand over to the prosecutors and maybe intervene if the judges had any more questions arising from the prosecutors' questioning.

### **Prosecutors' Questioning**

Prosecutor Klinge asked P33 to describe the condition the detainees were in after returning from interrogations. P33 said she saw how a Palestinian woman, around the same age as P33, returned to the cell in a horrible condition. It was obvious that this woman was beaten. P33 recalled a young woman who was taken for interrogation, which lasted ten minutes. After she returned to the cell, she was again called for interrogation. When she returned from the second interrogation, she said she experienced horrible things. However, P33 did not ask about any details. P33 said the young woman sat in a corner, crying for the entire night. One could see bruises on her face, throat, and chest. P33 described that the detainees in the cell tried to comfort the ones who returned from interrogation. However, they never asked for their names, as this "was best for everyone" [to stay anonymous].

Klinge wanted to know if any detainee's clothes were ripped. P33 affirmed, saying the young woman's clothes were ripped.

Klinge further asked if P33 saw blood or bruises on other detainees. P33 affirmed.

Klinge asked about [daughter 2]'s mental and physical condition during detention. P33 was said [daughter 2] was in constant shock, she cried and was on the ropes.

Klinge wanted to know if P33 believed [daughter 2] when she told P33 after an interrogation that nothing happened to her. P33 said she only asked [daughter 2] whether she was sexually harassed or abused and believed that [daughter 2] told her the truth about that.

Klinge asked if P33 saw bruises on [daughter 2] or noticed something when [daughter 2] was walking. P33 said there was no option to walk, so she did not notice that [daughter 2] was hobbling. However, [daughter 2] had hematomas all over her body.

Klinge wanted to know if P33 saw malnourished detainees. P33 denied, explaining that she was in the shared cell for only four days.

Klinge asked if P33 was able to shower or wash herself. P33 laughed and denied. Klinge asked if she never had the chance [to shower]. P33 denied, saying her skin got inflamed due to the bad hygienic condition.

Klinge wanted to know if P33 knew the names of individual guards at the Branch. P33 said she only knew nicknames. One of the guards was called Abu Ghadab, another one was called Abu Shamleh.

Klinge asked P33 to describe Abu Ghadab. P33 said he was brutal; his nickname would already indicate that: he was the "father of anger".

Klinge wanted to know if P33 learned anything about the hierarchy at Al-Khatib while she was detained there. P33 said there was a hierarchy: some people gave orders, others followed orders.



Klinge asked if Anwar Raslan had an important position at the Branch, recalling that P33 described earlier how Raslan gave orders to others when P33 was released. P33 said the guard in this situation [when she was released] was afraid of Raslan.

Klinge wanted to know if P33 suffered any long-term consequences from her detention. P33 said she still had issues with her kidneys.

Klinge asked if she also suffered psychological long-term consequences. P33 affirmed, adding that they occurred recently. P33 said she though she was done with these issues, however, they reoccurred.

Klinge wanted to know if P33 received psychosocial treatment. P33 denied.

Klinge said he had one last question for P33 if she felt comfortable answering it. He wanted to know about the worst part of P33's detention. P33 started crying and explained that the worst part for her was, that her daughter was in a different cell and she was unable to help her daughter, although she was so close to her. P33 said she was constantly worried that something would happen to her daughter.

Presiding Judge Kerber said the judges received photos from Criminal Chief Inspector Deußing from the German Federal Criminal Police Office (BKA). The judges would now like to visually inspect these photos. Witness counsel Dr. Kroker intervened, saying his client P33 needed a break.

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[10 minute break]

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Judge Wiedner explained he used one of the previous breaks to contact the BKA and ask for photos. Presiding Judge Kerber added the court would now visually inspect two photos that CCI Deußing sent the judges via email. Kerber asked P33 to identify the people shown in the photos.

[A photo (of Jamil Hassan) was shown in court]

P33 said the man in the photo was sitting behind the desk at the first meeting.

[Another photo of (Jamil Hassan) was shown in court]

P33 said she thinks this is the same person than in the first photo.

Presiding Judge Kerber said these answers would be sufficient. Judge Wiedner explained that he asked CCI Deußing for Photos of Jamil Hassan and Tawfiq Younes. The two photos that were just shown in court were photos of Jamil Hassan, as there would be no photo of Tawfiq Younes on the casefile as Deußing told him.

### **Plaintiff Counsels' Questioning**

Plaintiff counsel Scharmer asked P33 if she was able to talk to [daughter 2] without being disturbed once [daughter 2] and P33 were in the same solitary cell. P33 denied, explaining that they were in a cell right next to the guards. The guards would knock on the door at the lowest noise.

Scharmer wanted to know if P33 spoke to [daughter 2] about details of [daughter 2]'s detention once they were both released. P33 denied, saying that [daughter 2] did not want to talk about it.

Plaintiff counsel Reiger wanted to know if P33 and her family had to pay money to get [daughter 2] released. P33 said to be totally honest, they had to pay money to the Military Intelligence to get her daughter free. She asked if Reiger wanted to know more details. Reiger said her answer would be sufficient for him.

### **Defense's Questioning**

Defense counsel Fratzky wanted to know if [daughter 2] mentioned why she wanted to talk to Raslan when she was detained. P33 said [daughter 2] wanted to tell Raslan that he knew the family and that she was innocent.

Fratzky asked why [daughter 2] wanted to talk to Raslan in particular and not to someone else. P33 said this was because Raslan was the head of the Division.

Defense counsel Böcker asked where exactly P33's family had to pay money and which daughter was released because of that money. P33 described that [daughter 2] was transferred from the Military Intelligence Branch to Adra prison. The papers for her release were supposed to be signed by the Military Intelligence. P33 and her family approached the relevant judges many times, however, they did not want to release [daughter 2]. The family therefore paid a bribe.

Böcker wanted to know when they paid the bribe. P33 said it was at the end of [daughter 2]'s detention, around July 18, [2012].

Böcker concluded that the bribe was paid a long time after [daughter 2] was detained in Al-Khatib or the Military Intelligence Branch. P33 affirmed, adding that [daughter 2] was detained in Al-Khatib Branch for 23 days, before being transferred to the Military Intelligence and then to Adra prison. However, [daughter 2]'s file stayed with the Military Intelligence who was in charge of releasing [daughter 2].

Presiding Judge Kerber thanked P33, she was dismissed as witness. P33 thanked Judge Kerber, adding in German: "You [2<sup>nd</sup> person singular] are a very nice person." Judge Kerber thanked P33 for the compliment and thanked her saying "Shukran".

Judge Kerber explained to the parties she would hand out copies of the [legal reference](#) and the relevant Arabic translation. She added the prosecutors would now have time to issue their formal statement until April 25, 2021. Kerber further explained that the court received a letter from attorney Scharmer, requesting the inclusion of P33 as plaintiff. Kerber asked if any of the parties had objections to this, defense, prosecutors and other plaintiff counsels said they had no objections, agreeing that the judges could now make a decision on this matter in a timely manner. Judge Kerber went on to say that the judges further received two requests to include two other people as plaintiffs as well. Both people were not yet interviewed. Kerber said the BKA asked the Berlin State Criminal Police Office (LKA) for the interviews of both people, however up to this very moment, CCI Deußing sent the judges a transcript of the interview of one of them, however, without attachments. Kerber considered the transcript to be sufficient, nonetheless. The second person had not been interviewed yet, the judges told the relevant counsel to agree on a date until April 27, 2021. If counsel would not cooperate in finding a date within the given time frame, the police would be free to set any date. Defense counsel Böcker asked who the relevant counsel was. Kerber said her name was Otto-Hanschmann.

Proceedings adjourned at 3:05PM.

The next session will be on May 5, 2021.

**TRIAL OF ANWAR RASLAN and EYAD AL-GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 35

Hearing Date: May 5, 2021

*CAUTION: Some testimony includes descriptions of torture.***Summaries/Highlights:<sup>1</sup>**

On day 72 of trial, the Court heard the testimony of Fayeze Sarah, a 70-year-old Syrian journalist, author, and politician who resides in London. He discussed his background as an opposition leader going back to the 1970s and his involvement with the national coalition. Fayeze Sarah also described his three experiences in detention. During his last detention in 2011, he was briefly taken to Branch 251 where he was insulted by a group of intelligence personnel before his interrogation with someone whom he could not see. He later learned that Anwar Raslan was the person who conducted the interrogation. Fayeze Sarah emphasized that this trial is beyond Raslan; it is about holding accountable the Syrian regime, under which Raslan was also a victim.

**Day 72 of Trial – May 05, 2020**

The proceedings began at 9:30AM. There were eight spectators and three members of the press in the audience, including a court illustrator.

Klinge and Polz represented the prosecution. Plaintiff's Counsel Kroker was not present.

Counselor Mohammad was permitted not to wear his cloak by Judge Kerber who said that the honour of the court would not be damaged.

Judge Kerber confirmed that Fayeze Sarah arrived to Germany the prior day. She also announced that the session would start at 10:30AM on May 19, 2021. A witness who was invited for the sessions on May 19-20 may or may not be able to attend – there was a 50/50 chance. Even if the witness does not attend, court will still be in session.

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[30-minute-break to wait for Fayeze Sarah]

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Fayeze Sarah arrived at 10:05AM. Instructions were read and Fayeze Sarah was informed of his rights as a witness.

**Testimony of Fayeze Sarah**

Judge Kerber asked Fayeze Sarah if he is related to the accused by blood or marriage. Fayeze Sarah said no. This was the first time he saw the accused, and he did not know the accused.

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<sup>1</sup> 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.

Questioning by Judge Kerber

Before giving his testimony, Fayeze Sarah thanked Judge Kerber and expressed his honour to be in a court that serves Syrians who were treated unjustly. He then told his story. Fayeze Sarah was detained for the first time on March 29, 1978 because of his involvement in pro-opposition activities. He was released on February 10, 1980. During that detention, he was held in Branch 251. Fayeze Sarah was detained a second time in Branch 251 on January 3, 2008 for being an opposition leader involved with the Damascus Declaration. He had a court hearing alongside 12 of his colleagues and was sentenced to 30 months in prison. He was released eight months before the March 2011 revolution.

When the revolution started, Fayeze Sarah immediately said that he was pro-revolution. Then on April 30, 2011 a patrol from the Internal Security Services stormed Fayeze Sarah's office, arrested him (in front of his wife), and took him to Al-Khatib Branch where he was looked at with disdain from the moment he entered. This period of detention was far worse for Fayeze Sarah than his previous interactions with the intelligence services. When he first arrived, his hands were cuffed behind his back and he was blindfolded. He entered a room where he was met by a group of personnel. They insulted him using language that was not normally said to "special detainees" who were highly revered, then they took him to a nearby room. He could not see (because he was blindfolded), but he heard someone say, "bring a chair for Mr. Fayeze Sarah." Fayeze Sarah felt slightly more secure after he was referenced as "mister." The reference meant that he was known to the interrogator, unlike the people in the previous room who clearly did not know him based on the fact that they insulted him.

The interrogator asked Fayeze Sarah if he organized demonstrations at Mohammad Mosque in Masaken Barzeh مَسَاكِن بَرْزَة. Fayeze Sarah denied the accusation and mentioned that he did not know of a neighbourhood named Masaken Barzeh or Mohammad Mosque. He did not even pray. The interrogator asked why Fayeze Sarah appeared on Al-Jazeera and attacked the Syrian media. Fayeze Sarah confirmed that he spoke to Al-Jazeera and that he criticised the Syrian media. This interrogation was essentially a recapitulation of the Al-Jazeera situation which happened three days prior to his arrest. [He noted that he and Raslan were now smiling as they heard a story from ten years ago.] After the interrogation, he was transferred to Branch 285 – Kafar Souseh كَفْرَسُوسَة, along with George Sabra جورج صبرا (who became the head of the council of the opposition). Then they were both transferred to Adra عَدْرَا prison where they stayed for a month before being released on May 11, 2011. One of Fayeze Sarah's friends was a lawyer, and he paid Fayeze Sarah's 5000 Lira (100 USD) bail.

Questioning by Judge Wiedner

Judge Wiedner noted that Fayeze Sarah was politically active. He asked Fayeze Sarah to describe his position in the opposition and his activities before he was detained. Fayeze Sarah explained that he was in the leftist opposition to Hafez Al-Assad in the 1970s. The regime imprisoned all of its opponents at this time. Fayeze Sarah was detained without a court hearing for this reason. He was charged with establishing an unofficial organization against the government ("or something like that"), and his detention lasted a little over a month.

Wiedner asked why Fayeze Sarah was detained for a second time in 2008. Fayeze Sarah explained that, after the Damascus Declaration (around November 30, 2007), an intelligence officer called Fayeze Sarah and asked to speak with him in person. Although the officer said that the matter was urgent, Fayeze Sarah declined. The officer kept calling and Fayeze Sarah ignored him. Fayeze Sarah was detained on January 3, 2008 from his office. This was the first time that he was told "you are under arrest" when he was being detained, which reminded Fayeze Sarah of an Egyptian drama. He was then taken to Branch 251 where he received papers (he stayed in the car outside of Branch 251 – the officers got them). Then he was taken to Branch 285.

Wiedner asked if Faye Sarah was convicted of a charge in 2008? Faye Sarah said that he was transferred to the second criminal court in Damascus. There were court sessions and lawyers. He was charged with weakening national sentiment, undermining the national will, and establishing an opposition organization. These charges could be applied to anyone.

Wiedner recalled Faye Sarah's statement that he was released eight months before the revolution started in 2011. Wiedner asked if Faye Sarah was an active opposition member at this time and, if so, what were his activities. Faye Sarah explained that he took six or seven months to take stock of his situation after he was released from prison. But he was interested in what was happening in Syria. He anticipated a revolution and he thought the regime had too. In February 2011, Brigadier General Tawfiq Younes (the head of Branch 251) requested to speak with Faye Sarah. Faye Sarah noted that he was not active at this time. There were no [opposition groups] aside from the Damascus Declaration and Faye Sarah was not involved.

Wiedner asked if Faye Sarah participated in demonstrations. Faye Sarah confirmed.

Wiedner asked Faye Sarah about the situation in April 2011, if there were demonstrations at this time, and how the regime reacted. Faye Sarah explained that [the regime] tried to tell people that nothing would happen in Syria, and if something did happen, then the regime would solve the problem. Regardless, people expressed their concern over a potential revolution on social media and in shadow chat rooms. In the two months before the revolution started, young people held events outside the embassies of other countries where revolutions were happening, like Egypt, Libya, and Tunisia. Faye Sarah knew a lot of these people, among whom were former members of civil society and former politicians. These events were attended by only a few dozen people. People lit candles, cheered, sang, and discussed.

Wiedner asked if the regime reacted violently to demonstrations in April 2011. Faye Sarah confirmed. He noted that the regime uses violence, but not as a habit: [the underlying issue] was that [the regime] does not know how to interact with people. During the Damascus Spring, the protestors made an effort to ask the regime how they should communicate with it. They did not want to be secretive or bring about change violently. Rather, they wanted to [have open dialogue] and be peaceful. But even the protestors who said they wanted peace were beaten and detained. So, the simple answer is yes [the regime reacted violently] beginning in Dar'a درعا on March 18, 2011.

Wiedner asked if the reason why Faye Sarah was detained was because he participated in demonstrations and organized them. Faye Sarah clarified that he was only accused of organizing demonstrations at Mohammad Mosque in Masaken Barzeh. He had told the interrogator that he didn't even know of a neighborhood called Masaken Barzeh, and if he wanted to organize a demonstration, then he would have done it near his office because it was close to Al-Hasan Mosque [a famous mosque in the Al-Midan neighborhood where demonstrations often started]. He participated in demonstrations.

Wiedner asked Faye Sarah if there could have been another reason for his detention. Faye Sarah thought the reason could have been the Al-Jazeera debate or an official meeting he attended with Samira Al-Masalma سميرة المسالمة, a regime defector and the editor-in-chief of Tishreen تشرين newspaper which was linked to the presidential palace, as well as General Manaf Tlas مناف طلاس (close to Bashar [Al-Assad] and the son of Mostafa Tlas مصطفى طلاس) and Omran Az-Zo'bi عمران الزعبي (who became the Minister of Information in the government of Riyad Hijab رياض حجاب soon thereafter).



Kerber clarified that the official reason for Fayeze Sarah's detention was that he organized demonstrations. She asked Fayeze Sarah if there were other reasons, such as if someone reported him to the intelligence services. Fayeze Sarah did not think that the reason for his detention was that he was reported. He had been reported many times before [and was not detained]. So, either they wanted to detain him any way they could, or there was a misunderstanding.

Kerber asked if the authorities knew about Fayeze Sarah's meeting with Al-Jazeera. Fayeze Sarah confirmed.

Wiedner recalled Fayeze Sarah's statement that he had never seen Raslan before, but Fayeze Sarah told the police that Raslan interrogated him. Wiedner asked how Fayeze Sarah knew that he was interrogated by Raslan. Fayeze Sarah explained that he was in Istanbul as a member of the coalition three years after he was interrogated in Branch 251. The coalition's representative, [Mohammad Al-Morawweh] told Fayeze Sarah that he spoke with Raslan about Fayeze Sarah. [Fayeze Sarah originally said that the representative's name was Mohammad Al-Matroud محمد المطرو , but he clarified the name after the break.] During that conversation, Raslan told [Al-Morawweh] that he interrogated Fayeze Sarah and asked [Al-Morawweh] for Fayeze Sarah's phone number. This was when Fayeze Sarah learned that Raslan interrogated him and why he said [at the beginning of the hearing] that this was the first time he had seen Raslan (he was blindfolded during the actual interrogation).

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[15-minute-break]

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Wiedner asked if Fayeze Sarah had personal contact with Raslan after he learned that Raslan interrogated him. Fayeze Sarah said no. Al-Morawweh gave Raslan Fayeze Sarah's phone number, but then nothing happened.

Wiedner asked if Fayeze Sarah knew about Raslan when Fayeze Sarah was still in Syria. Fayeze Sarah said that he knew about Raslan generally. There was talk of Raslan, but Fayeze Sarah knew that a lot of the gossip in Syria was not necessarily accurate.

Wiedner asked Fayeze Sarah what people said about Raslan. Fayeze Sarah explained that no one thought Raslan [was a saint]. They said he was an officer with the intelligence services and the head of the interrogation division, and that "his body fits clothes." The same way an employer would fire someone who did not do his job, the intelligence services would fire an officer who had no value to them.

Wiedner asked Fayeze Sarah about his personal experiences with Raslan and how Raslan treated him in 2011. Fayeze Sarah explained that he could not separate his [good treatment] by Raslan from how he was insulted and threatened by the other personnel. This was the first time he felt goaded into responding in a manner that would warrant his punishment or death. He felt that the treatment was interconnected because the personnel would not have done something of which Raslan would not approve. He did not believe that Raslan was good, and only the people who surrounded him were vulgar (which is what some pro-government people said about Al-Assad and the people who surrounded him).

Wiedner quoted Raslan: "[Fayeze Sarah] was treated and received hospitably. He was offered drinks and the interrogation lasted for an hour." Fayeze Sarah clarified that Raslan asked his staff to bring Fayeze Sarah a chair. But Fayeze Sarah speculated that Raslan remembered how Fayeze Sarah refused to sit and was not offered a drink, nor would Fayeze Sarah have asked for a drink. Fayeze Sarah knew dozens of people who were summoned for coffee and remained in prison for twenty years.

Wiedner asked about Branch 251's reputation. Faye Sarah said that Branch 251 was involved with everything. It was founded in the beginning of the 1970s to be a local branch in Damascus. Captain Farid An-Noqri فريد النقيب became the head of the Branch. He was later detained and tortured in Branch 251 because he worked for the Iraqi Ba'th Party. Mohammad Kheirbek محمد خيربك [who was known as Abu Wa'el أبو وائل] became the new head of the branch and served for twenty years. He was an influential general in the intelligence services. He changed the Branch's policies to reflect political situations, like the relationship with the Iraqi Shiite and Lebanese political forces, and profile of the people in the Syrian government and businesses. He was one of the few officers who were directly connected to Hafez Al-Assad.

Wiedner recalled that Faye Sarah was detained multiple times in Branch 251. He asked if Faye Sarah noticed any changes in detention conditions before and after 2011. Faye Sarah said that he was just passing through the branch during his last two detentions, so he did not see anything because he was taken directly to the interrogator and then left. When he was detained in 1978, Faye Sarah was interrogated, tortured, saw other prisoners, and saw prison guards. Criminal methods were used then. However, he did not personally experience [any criminal methods] in 2008 or 2011, except for the group of personnel [Faye Sarah called them scumbags, the interpreter used the term "young bad people" throughout the testimony.] in the room nearby where he was interrogated.

Wiedner asked if Faye Sarah was subjected to abuse in 2011 other than what he already described. Faye Sarah explained that the situation he described only lasted for 15-30 minutes. Also, he and George Sabra were put in a cell the size of a table in front of him [2x1m] with a height slightly above Faye Sarah's head [he was 185cm]. After about 30 minutes, a third person was who was three times bigger than Faye Sarah was brought to the cell. This man was from Al-Mo'addamiyyeh المعصمية, a town adjacent to Damascus and the Al-Mazzeħ المزة neighborhood where the most heinous crimes were committed. Faye Sarah thought this was a "top" [said in English] [situation of] torture and there was nothing worse than that. He recalled how Judge Kerber called for a break because the air in the courtroom was bad. "Imagine the air there and how much the contempt of human beings was." This is an example of torture applied to prisoners.

Wiedner asked Faye Sarah to confirm that he did not experience physical violence. Faye Sarah confirmed.

Wiedner asked why Faye Sarah thought he was not beaten or subjected to physical violence. Faye Sarah said that the people who were beaten and tortured during the revolution were young and did not have files with the intelligence services. People like Faye Sarah who had big files were not beaten because the intelligence services already knew everything about them. When someone goes to the intelligence service, the person is given paper and a pen, then told to write everything about himself since he was born until the current moment. Faye Sarah had to do that many times. He used to tell the intelligence services that "it is not enough. Take more paper." Now the intelligence services wanted to know about the new detainees, especially the young ones, so they beat and coerced the detainees to get information. Faye Sarah heard of many confirmed stories where people could not leave [detention] until they wrote a statement that they were members of armed groups and that they killed people from security forces and the army. They did not need to torture Faye Sarah because they already had information on him.

Wiedner recalled Faye Sarah's statement during police questioning that detainees got treated differently depending on their age, health, position, and media coverage of their cases. Wiedner asked if those factors were among the reasons why Faye Sarah was treated relatively well. Faye Sarah confirmed.

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[One-hour lunch break.]

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The Prosecution did not have questions.

Questioning by Defence Counsel Böcker and Fratzky

Defence Counsel Böcker noted that Faye Sarah was detained on April 20, 2011. He asked if the interrogation took place on the same day. Faye Sarah confirmed.

Böcker asked Faye Sarah how long he was [in Branch 251] before he departed. Faye Sarah clarified that he was not allowed to wear his watch while he was detained, but he estimated that he spent 30 minutes between the group of personnel and [Raslan]. There were procedures, like handing over jewellery and money. He and Sabra were taken to Branch 285 on the same day. This all took maybe four or five hours.

Böcker recalled that Faye Sarah heard pages turning [during the interrogation]. He asked if Faye Sarah saw or heard anything else. Faye Sarah clarified that he heard, not saw, the pages turning because he was blindfolded. He could see slightly from the bottom of the blindfold, but not in front of him.

Böcker asked if Faye Sarah heard anyone else in the room. Faye Sarah did not know if there was anyone else. He only heard the voice of his interrogator.

Böcker asked if Faye Sarah knew that he was being interrogated about the content of the papers. Faye Sarah did not know. He only knew that there were voices and questions. He added that he was released from Adra with two other people: George Sabra, and Kamal Sheikhو كمال شيخو...

Böcker interjected and asked if the papers had anything to do with the interrogation. Faye Sarah said no. He asked if Böcker wanted to know the contents of the papers (which he learned after the interrogation). Böcker said no, his question was already answered.

Defence Council Fratzky asked if Faye Sarah knew Ahmad Al-Jabra أحمد الجبرا . Faye Sarah said that Al-Jabra was his friend and they worked together at the National [Syrian] Coalition.

Fratzky asked if Faye Sarah met Al-Jarba at his home. Faye Sarah said that he met with Al-Jarba hundreds of times, so Fratzky should clarify if he was referring to a specific occasion.

Fratzky asked about Istanbul, Ataköy. Faye Sarah said that Ataköy was where [Al-Jarba] lived.

Fratzky asked if there was a meeting with Al-Jarba and Aqbeq أقبيق. Faye Sarah said that they worked together.

Fratzky asked if they met Raslan. Faye Sarah did not [think so], unless there was a meeting at which Raslan was unknown.

Fratzky said that this was theoretically possible. Faye Sarah added “and practically.”

Böcker asked if Faye Sarah knew Robert Ford. Faye Sarah said yes, the American ambassador.

Böcker asked if Ford spoke about Raslan in the meeting with Al-Jarba. Faye Sarah said that it is important to clarify that he did not know Raslan before the story with Mohammad Al-Morawweh. He reiterated that today was the first time he saw Raslan.



Böcker did not have further questions.

Judge Wiedner asked if Faye Sarah knew anything about Raslan's pro-opposition activities. Faye Sarah explained that he never liked being at the Geneva Conference, even though he was an advocate for negotiations and for finding a solution for Syria. He was not told that Raslan would be in Geneva. He learned this later and thought it was arranged by Al-Jarba. It was normal for the president to bring whoever he wanted without telling others. Faye Sarah did not oppose the presence of people like Raslan, as long as they said that they were with the coalition. For Faye Sarah, [the trial] is not about Raslan. It is about convicting the regime in some way. "Even Anwar Raslan is a victim of the regime like the rest of the Syrians." Whether Raslan's role was good or bad, he was [subjected to] the regime's intimidation or the fake beliefs of those people. Ten years later, Faye Sarah still cannot understand how people could be pro-regime while children suffered from hunger, died, and lived [like animals]. Faye Sarah added that it is not beyond the eyes of the court to see that the conviction of the regime is more important than the conviction of individuals forced to act by the regime. He thanked the Court and wished it success in its attempt to deliver justice.

Judge Kerber dismissed the witness. Faye Sarah thanked the Court again, as well as the interpreter for bearing with his mistakes.

Kerber announced that the following day was cancelled. The session on May 19<sup>th</sup> would start at 10:30AM. There was a 50-50 chance that the witness scheduled for May 19 and 20 would participate.

The proceedings were adjourned at 1:55PM.

The next trial will be May 19, 2021 at 9:30AM.

**TRIAL OF ANWAR RASLAN**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 36

Hearing Dates: May 19 and 20, 2021

*CAUTION: Some testimony includes descriptions of torture.*

**Summaries/Highlights:<sup>1</sup>**

**Trial Day 73 – May 19, 2021**

The witness initially summoned for the day declined to testify in open court. The judges announced they will summon the police investigator who previously questioned the witness to testify in court on a later date. Two other witnesses also preferred not to testify in Koblenz. Transcripts and summaries of their prior statements were read out in court instead. Following a request from the defense, the judges also read out the German translation of a Facebook chat between P17, his brother and “Abu Karam”. The latter was allegedly detained with their brother and told them about his death.

**Trial Day 74 – May 20, 2021**

Before the judges continued to read out the German translation of the above-mentioned Facebook chat, a Scientific Analyst from the German Federal Criminal Police Office (BKA) testified on detention conditions and torture in Branch 251 based on information from more than 50 witnesses interviewed by the office.

**Day 73 of Trial – May 19, 2021**

The hearing began at 10:35AM with four 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 Counsel Bahns was not present.

Presiding Judge Kerber recalled that the judges did not hear back from the witness, [name redacted], who was summoned for the day. She asked one of the court officers to see if the witness, contrary to expectations, decided to come. In the meantime, she explained that the judges received a response from the [Max Planck Institute regarding the criminal liability of certain acts under Syrian law](#).

Since the witness did not appear, Judge Kerber explained to the parties that the witness was initially summoned for January 6 and 7, 2021. After the summons, Judge Wiedner contacted the witness, followed by an email conversation between the witness and Judge Wiedner. Judge Kerber summarized the conversation:

<sup>1</sup> 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.



After the witness received the summons, Judge Wiedner wrote an email to the witness on November 30, 2020, explaining to him in English how the court can help him with travel arrangements and what documents are needed for his testimony. The witness replied on December 8, 2020, thanking Judge Wiedner, and explaining that he already told the BKA after his questioning that he would not be willing to testify in court for personal reasons. Judge Wiedner replied the following day, asking if the witness would not be willing to testify at all, or might be available at a later date. The witness wrote on December 14, 2020, that he might be able available to testify sometime in July. Judge Wiedner replied on December 17, 2020, if the witness would also be willing to testify at the end of May. The witness affirmed on the same day and was officially summoned. Wiedner wrote a follow-up email on December 28, 2020 to offer the witness support regarding travel arrangements. As the witness did not reply, Wiedner wrote another email on May 3, 2021. The witness replied in French on the same day. He explained the reasons why he though the trial would not make a difference and said he felt sorry for Raslan's family. Wiedner again contacted the witness via email on May 11, 2021 and Prosecutor Klinge also wrote an email in French on May 12, 2021 stressing the importance of the trial and the witness' in-court testimony. However, the witness did not reply.

Kerber said that the court will most likely summon Inspector Knappmann to testify on his questioning of the witness. Kerber further explained that two other witnesses declined to testify in court as well. Witness [name redacted] and NW15 will not appear in court. However, [name redacted] agreed that the transcript of his previous questioning would be read out in court. None of the parties made any statements regarding the read-out of [name redacted] transcript.

Regarding NW15, Kerber explained that he was initially summoned for December 9, 2020 via the Norwegian police. Following the official summons, Judge Wiedner again started to follow up. On October 30, 2020 the Norwegian police emailed Judge Wiedner to tell him that they contacted NW15 who declined to testify. The Norwegian police agreed that NW15 was allowed to stay anonymous. He agreed that an anonymized summary of his police questioning can be shared with other European investigation authorities. This is how the summary made its way to the German BKA. However, NW15 said from the beginning that he is not willing to testify in a German court. Wiedner asked the Norwegian police on November 3, 2020, if NW15 would be willing to testify via video link. The police replied the following day that NW15 is not willing to testify in a German court, under any circumstances.

Judge Kerber explained regarding [name redacted] that he was summoned for March 11, 2021. He is residing in France. The court received confirmation that he received the summons, so Judge Wiedner again started to follow up via email. Wiedner wrote the first email on February 17, 2021 offering the witness to support him regarding travel arrangements. The witness replied three days later, using a code name, however, his real name became clear from his email address. He told Judge Wiedner that he would not testify in Koblenz. Judge Wiedner asked him on February 24, 2021, if he would be able to testify on another date. Kerber said the court has so far not received any reply from the witness.

Kerber added that both witnesses already indicated during the investigation phase that they would not be willing to testify in a German court. Criminal Chief Inspector Deußing explained in a note on the case file dated August 14, 2019, that the French Police contacted [name redacted] who told them that he would not be willing to testify in a German proceeding.

Regarding NW15, Deußing noted on August 12, 2019, that it would not be possible for the BKA to question NW15 who was previously summoned by the Norwegian Police in week 12. NW15 did not provide a personal statement to the German authorities, however, he was generally willing to testify at a later point. The Norwegian Police contacted him again when NW15 told them that he would not be willing to testify in a German proceeding.

Presiding Judge Kerber explained that the judges would now read out the respective transcripts of the initial police interviews of [name redacted] and NW15 according to the following chamber decisions:

The transcript of the questioning of [name redacted] by the French Police dated November 2015, will be read out in court according to §251(1) Nr.3 StPO. The witness cannot be heard in court. He said during the investigation that he would not be willing to testify in a German proceeding. After the summons by the court, he was contacted by the judges several times. He first provided a very short answer and then did not reply at all. The court therefore assumes that the witness will not come to testify in court.

The summary of NW15's police questioning including sketches he drew during the questioning will be read out and shown in court according to §251(1) Nr.3 StPO. NW15 was questioned by the Norwegian Police on October 17 and 25, 2018 and December 19, 2019. NW15 said during the investigation that he will under no circumstances testify in a German proceeding. Based on this and the follow-up information provided by the Norwegian Police, the court assumes that NW15 will not appear pursuant to the summons.

Judge Kerber handed over copies of the transcripts to the court interpreters so that it was easier for them to simultaneously translate it as they would be read out in court.

#### **Police Questioning [name redacted] [FR17]**

FR17 was questioned by the French Police on [information redacted]. The questioning started at 10:17AM.

FR17 provided his personal details (born [information redacted] 1978 in Damascus) to the French Police and was introduced to the translator. P17 was informed about his rights, and the context of the questioning, as the French Police had already conducted pre-investigations into crimes committed in Syria and received copies of the Caesar Files in 2015.

The investigator asked when FR17 came to France. FR17 said he came to France via Jordan in February 2015 after he was questioned by French authorities in Jordan.

When asked about his work, FR17 said he is a chef.

The investigator wanted to know if FR17 had already testified on another occasion. FR17 explained this questioning was the first time he testified with the police. However, he previously told the OFPRA [French Refugee Office] that he was detained three times between 2011 and 2013.

FR17 was asked when he left Syria. He said he left Syria in March or April 2012 together with his wife and son after he was released.

They went to Jordan where they lived in Irbid for three years. He had a job and a flat and applied for refugee status with the UNHCR. He was told by UNHCR to go to France and learned in August 2014 that he was supposed to go to France. FR17 added that he was questioned by the OFPRA at the end of 2014 when he also got his ID card.

The investigator asked where FR17 lived in Syria. FR17 said he had been living in [information redacted] in Damascus since 2008.

FR17 was asked about his ethnicity and where his parents came from. He explained that he was Muslim, a Sunni. His father was a tailor.

The investigator further wanted to know if FR17 attended university and asked him to describe his career. FR17 explained he did not attend university. He finished his education after primary school and started working at his father's shop in 1987. He worked there for 10 years until he started working in a clothing store in [information redacted] in Damsacus. He worked there until 2007 before he opened a grocery store that he ran until he left Syria.

When asked about affiliation with or membership of political parties, FR17 denied.

The Investigator further wanted to know if FR17 was related to a member of the Syrian government or had any connections to the government. FR17 denied.

FR17 further denied being affiliated with armed groups, security forces or militias. He explained that he officially served mandatory military service, however, he paid an officer, so he did not actually serve in the military. FR17 said he did not even attend the basic military training.

When asked why he left Syria, FR17 explained that after demonstrations in Syria, an armed conflict escalated turning into a civil war. He said he did not want to get arrested again after he was detained for the second or third time.

The investigator asked if FR17 was put on trial after his third arrest. FR17 denied, adding that he was never put on trial, however, he was interrogated many times in Al-Khatib Branch.

FR17 was then asked to describe what changed for him after March 2011. He said that he participated in demonstrations in Damascus, [information redacted], his hometown, because he knew all the escape routes. FR17 explained that he wanted to change his situation, but the protestors were treated like a sect. According to FR17 the protestors were showing banners, shouting slogans, and protesting peacefully but security forces started beating them, using live ammunition and tear gas. He said they were soldiers in uniforms. FR17 said he witnessed several times how security forces tried to arrest everyone they could get ahold of. He also filmed these incidents and sent the material to Al-Jazeera or posted it on Facebook. However, he did not have the memory card anymore. He further explained that he tried to get some distance in June 2011 and moved to Turkey, trying to start a new life. However, it did not work out and FR17 lost \$20,000. Back in Syria, he was arrested in his shop two weeks after his return. FR17 described how twenty members of the security forces entered his shop. He said they were members of Division 40, the division led by Hafez Makhlof. FR17 said they pulled him in a pick-up where other people [detainees] were already waiting. They were taken to Division 40.

FR17 was there for the first time, but he knew that Hafez Makhlouf was the head of the division. When the detainees arrived at the division, they were blindfolded and beaten. Someone hit FR17 with the elbow on his back, FR17 suffered a slipped disk from it.

FR17 went on to describe that he and the other detainees were taken to Al-Khatib Branch the following day. At Al-Khatib he was beaten with fists and cables on his feet. During interrogations he was asked why he participated in demonstrations and if Turkey supported the demonstrations. FR17 said he was interrogated and beaten in the basement again and again for one week. He shared a tiny cell with 50 other detainees. They were unable to sit down, and it was hot inside the cell. They only received some bread, but no water. FR17 explained that since there was no toilet inside the cell, detainees had to wet themselves. Other detainees were tortured as well, as FR17 could see from the signs on their backs and feet. Detainees were only wearing trousers, because they used their shirts as band aid. FR17 described that some detainees had already been at the Branch for several months. He did not see dead bodies. FR17 added that he was interrogated in the hallway. He was blindfolded but could hear people calling the person who interrogated him "Mimati". He was interrogated again ten days after that, but his family paid the interrogator. He had to sign documents to assure that he would not demonstrate again. He was then released after five days in Kafar Souseh.

FR17 said he went home to a friend when he was released. He was in pain but did not want to go to a hospital, so he was treated by a friend who was a doctor. He was arrested again two weeks later, at the end of 2011. According to FR17, a cousin of his wife denounced him, claiming he was collaborating with the Free Syrian Army (FSA) and contacted them when he was in Turkey. FR17 explained that the circumstances of this arrest were the same as before: He was arrested by Hafez Makhlouf's division and then transferred to Division 40 and Al-Khatib. However, this time FR17's family reacted quickly. They paid \$20,000 to a General who was sympathizing with the rebels. FR17 was again questioned about the opposition and the FSA for two days. He said he denied everything and was taken to Kafar Souseh three days later. He had to stay there for another twenty-five days but did not experience violence or interrogations.

FR17 described that after he was released, he thought about leaving Syria. In January 2012 he was again arrested, this time in his flat. He described how two officers came to him with an arrest warrant, stole \$300 from the register at his shop, but did not use any violence against him. FR17 was again taken to Hafez Makhlouf's division and transferred to Al-Khatib Branch where he had to stay for two days. On the first day, he was beaten and on the second day, he was interrogated. FR17 said that he was asked the same questions as during his previous detention: about Turkey and his connection to the FSA. His family again bribed someone, paying \$20,000. FR17 explained that his father, although he was a tailor, was rich because he had his own shop and owned some real estate. After two days [in Al-Khatib Branch] FR17 was transferred to Kafar Souseh where he had to stay for thirty-two days without having to endure violence. FR17 said his family paid \$2 per day, so that he did not have to suffer violence.

FR17 went on to describe his second arrest in 2012. He was detained in a collective cell in the basement, together with twenty other detainees who were all waiting for their release. According to FR17, the only "problematic" thing in this cell was the humidity because there was no sun. They also got food in this cell. FR17 was released in March or April 2012.

He went home and seven days later, he went to Jordan. He explained that his parents followed him and three of his brothers and two sisters were already living abroad.

The investigator wanted to know whose decision it was to arrest FR17. FR17 assumed it was Hafez Makhoul, as he was arrested within his purview, however, FR17 never asked whose decision it was.

The investigator further asked if FR17's relatives were informed about his arrests and whereabouts. His family only learned about his arrest through third parties, his employees. FR17 added that it was known in his neighborhood that Quasbi, a police Lieutenant was strolling around in the area.

When asked about names of officers at Al-Khatib Branch, Division 40 or Kafar Souseh, FR17 said he did not know any names. The people there were nameless, he was always blindfold.

FR17 was further asked if he knew the names of people who tortured him and used violence. FR17 again denied, adding that he was always blindfolded and unable to see anything.

The investigator asked FR17 if torture was a regular practice. FR17 affirmed, explaining that it was used systematically. Everyone was tortured. FR17 said he talked about it with others. Jamal Halabi could provide more information about torture practices.

When asked if he saw dead bodies, murderers, or executions, FR17 denied. He said he only saw dead bodies at demonstrations.

The investigator asked if FR17 identified people from the Caesar Files. FR17 denied, saying he did not know anyone from the Caesar Files.

When asked about French detainees in Syrian detention facilities, FR17 denied having seen any French detainees.

The investigator further wanted to know if FR17 knew any bi-national French detainees and could provide names. FR17 denied.

FR17 was asked if he knew people responsible for war crimes and crimes against humanity who were present in the EU. FR17 denied.

The investigator wanted to know whether other victims of detentions etc. were present in France. FR17 explained he did not have much contact with others, he knew no one.

The investigator asked if FR17 wanted to add anything he was not yet asked about. FR17 denied, saying he is in a rush because he needs to take his child to the hospital.

The witness questioning ended at 1:30PM and the transcript was re-translated to FR17.



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[5-minute break]

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Judge Kerber explained that the judges initially wanted to read out the German translation of a Facebook chat as requested by the defense on the following day after hearing the witness summoned for that day. However, they might start reading out the translation on this day already.

Judge Wiedner started reading out the German translation of the summary of NW15's questioning with the Norwegian police:

### **Police Questioning NW15**

NW15, born in 1990 in Syria, was questioned by the War Crimes Unit of the Norwegian Police on three afternoons. The summary was created afterwards, based on the transcripts, and is divided into thematic areas that the witness covered during the interviews which took place on August 17 and 25, 2018 and December 19, 2018. The witness read through the transcripts after the last hearing and made amendments that were respectively highlighted. Although an interpreter was present at every interview, the witness mainly testified in Norwegian, verifying with the interpreter on only a few occasions. The witness agreed that the anonymized summary can be shared with other investigation authorities in the EU. If his testimony was to be shared in a different format, he requested to specifically consent to this. Name and personal details of NW15 are therefore redacted throughout the summary. The witness was informed about his rights according to the Norwegian code of criminal procedure.

NW15 is from Syria but lived in Beirut. He had to return to Syria to extend his residency permit for Lebanon. Since the revolution in March 2011, he participated in the revolution in Lebanon and had contacts with media agencies. NW15 was arrested at the Syrian border on April [information redacted] 2012 and detained in different facilities until November [information redacted] 2012. His detention periods were the following:

Day after arrest	Duration	Detention Facility
1-4	3 days	Division 40
4-33	30 days	Al-Khatib/Branch 251
33-65	32 days	Branch 248, solitary cell
65-110	45 days	Branch 248, collective cell
110-150	40 days	Al-Qaboun Military Prison
151-217	66 days	Adra Prison

NW15 explained that he had to go back to every facility to "check-out" as a detainee. By the time he was in detention, he did not know that he was in Branches 251 and 248, he only learned that afterwards during the check-out.

When he was released from Adra Prison, he had to go to the military police to check if there were any other pending charges against him. When he was at the border [to Lebanon], he was told to go to Branch 255. NW15 said he was allowed to drive there on his own.

Branch 255 was the main office for documentation, close to the Damascus fire brigade. NW15 went to Branch 255 on November [information redacted] 2012 and showed them a document saying that he was arrested on April [information redacted] 2012 because he tried to leave the country, and should now be checked-out from Branch 255. He was however told that he was never detained in Branch 255 and should go to Division 40 in Al-Jisr Al-Abyad.

#### Arrest and Division 40

NW15 told the Norwegian Police that he went to Syria by Taxi on April [information redacted] 2012 to get a stamp for his residence permit in Lebanon. In Syria, he had to queue at the border when his name was called and he raised his hand. A person wearing a uniform approached NW15 and told him to come with him. NW15 was beaten on the back of his head and fell unconscious. When he woke up, he was somewhere else, at Division 40. He said he was taken there from the border. NW15 said he had to stay there for three days in a small cell upstairs. The cell was around 3 m<sup>2</sup> big and 1 m high. It was situated under a staircase. NW15 said he was always alone in this cell. That was also where he woke up [after being hit on the back of his head] and had to lie for a long time until someone came.

He was interrogated three times. On one occasion, he got the order to stand up and face the wall. Although he was wearing a blindfold, he could see the arm of another detainee, showing signs of beatings with a plastic tube. NW15 was also able to see the floor, which had black and white tiles, like a chessboard. He was taken two stairs down to the interrogation room which was probably in the basement. NW15 explained that he was unable to see anything during the interrogation, as he was blindfolded. He had to kneel and was questioned about his job and allegedly financing the opposition. He was further accused of activities opposing the regime and called a nickname because he was detained once when he was younger.

NW15 described that he was detained for four days when he was still in school because he was politically active. During the interrogation [in Division 40] NW15 was supposed to sign a paper to be released. However, NW15 refused to do so and was consequently beaten on his back and neck. He also had to suffer electroshocks that were attached to his fingertips. NW15 explained that because he was studying law at the time, he asked for his right to contact a lawyer. The people at the Division replied, "here is your lawyer" and started beating him. NW15 further explained that he was once interrogated in a different room where there was a computer. He was told to log in to his Facebook account and the guard wrote down his password. NW15 said during the three days he had to stay at Division 40, he was detained alone and interrogated three times. He got food once a day and was allowed to use the toilet once a day. NW15 described that there was a mirror in the toilet, so he could see the bruises on his face and the blood that ran out of his right ear. NW15 said that he suffered a hole in his eardrum. NW15 did not see any guards. Only when he was alone in his cell, was he not blindfolded. NW15 said that this division was led by Hafez Makhoul and provided a sketch of the facilities to the Norwegian police.

[Due to the very limited time that the sketch was shown and read out in court, the Trial Monitor was unable to recreate the sketch in detail. This is the case for all other sketches drawn by NW15. The sketches will therefore not be included in this report.]

NW15 further described that he was taken to a car on the fourth day of his detention in Division 40. He was alone during the transport, accompanied by guards who were sitting next to him, holding his arms, and pushing his neck and head down. NW15 was blindfolded on the way.

Al-Khatib Branch

NW15 said the same guard who accompanied him to the car in Division 40 was now accompanying him on his way inside Al-Khatib Branch. NW15 was still blindfolded but could see that the guard was carrying a file and a bag with several items in it. The guard said that all items belonged to NW15. NW15 had to provide his fingerprint to confirm that the items belonged to him, although no one checked if any of the items were his. NW15 explained to the Norwegian police that the guards were celebrating a welcome party for every new detainee who arrived at the Branch. The celebration included beating and kicking the detainees. According to NW15, there was a competition amongst the guards for who could beat the hardest. NW15 arrived alone. He was taken to cell No. 2 which was 1x2m and around 4m high. There was a small light on the ceiling and a gap under the door through which he received food. NW15 said he had to stay in this cell for 30 days. He received food twice a day and was allowed to use the toilet once per day. NW15 said it was “psychological torture” that he could constantly hear screams of torture. NW15 was not sure whether the screams were real, or a tape was played.

He was taken for interrogation for the first time after three days. NW15 said he was tortured during interrogations, including *Doulab* and the *German Chair*. He was interrogated several times and had to endure *Doulab* around 19-20 times. NW15 explained that he did not know how long the interrogations lasted, as he fell unconscious many times and was woken up with a bucket of water. He was often tortured with a combination of *Doulab* and the *German Chair* and asked the same questions as in Division 40. NW15 further described that he was interrogated many times, sometimes the interrogators were “friendly” and he was merely told to sign a paper. Other times, he was tortured.

According to NW15 he was not blindfolded in his cell in Al-Khatib. It was not allowed to look in the eyes of the guards. However, sometimes he was able to see them from the side and recognize faces and voices. NW15 told the Norwegian police about two guards in particular. One was very violent. He counted to ten or thirty when NW15 was using the toilet and started to beat him immediately afterwards. The other guard was friendlier and even helped [name redacted/fellow detainee] to write an SMS.

[A sketch of Al-Khatib Branch provided by NW15 was shown in court.]

NW15 said he was alone in his cell except for one day. On day fifteen or sixteen a person called [name redacted] was taken to his cell. He would now [time of the interview] be in Germany. He also participated in a documentary by [name redacted] where he showed the shivers in his body. He got these shivers because his house was bombed. NW15 said that [name redacted] and others got arrested and four of them were taken to Al-Khatib. [name redacted] came to NW15’s cell but he could not hear much, as he was deaf from the explosion. NW15 said [name redacted] was arrested on April [information redacted] 2012 and stayed in NW15’s cell for one day. NW15 further explained that [name redacted] who should now be in Sweden, was detained in Al-Khatib as well. He also lived in Lebanon. He was allegedly involved in the same situation as NW15. NW15 described that he was in an interrogation room where [name redacted] was waiting. NW15 was told to confirm that he knew [name redacted], but he denied. NW15 said he and [name redacted] were separated in Al-Qaboun when NW15 was transferred to Adra Prison. [name redacted] was first detained in a solitary cell in Al-Khatib and later in a collective cell. He was then transferred to Branch 285 and Branch 275 before he came to Al-Qaboun. NW15 said he knew that because after [name redacted] was released in October 2012, they were in contact.

NW15 further told the Norwegian Police that he did not see dead bodies in Al-Khatib. However, there would be a YouTube video showing a room full of corpses. According to NW15, the video was released by a defector.

NW15 said when he was transferred to Branch 248 from Branch 251, he had to take two stairs up and go outside. A car was waiting outside, smaller than the vehicle with which he was taken to Branch 251. He was the only detainee in that car and not informed about the destination. NW15 said this happened on May [information redacted]2012.

#### Branch 248 – Military Security, solitary cell

NW15 described that when he left the car, he saw a red and brown building, indicating that it was a public building. He could also see spruces and cypresses. When he was taken inside, there was a brown paper bag with several items inside. NW15 was stamped and taken downstairs [two stairs]. When he entered the room, he had to perform a “safety-move” to check that he was not hiding anything. NW15 said he had to strip naked. After that, he again received a “welcome party” before he was taken to his cell. NW15 said there were six cells per “box”. He had to stay in this cell for 56-58 days. During this time, he was beaten with a military belt and beaten on his feet, so-called *Falaqua*. NW15 said he received severe punishment, adding that there is a saying that if one did not suffer *Falaqua*, he was never detained. According to NW15, *Falaqua* and *Doulab* were the two most common torture methods. NW15 further said he was asked the same questions as before.

NW15 said he did not always get something to eat. He rather had to endure *Shabeh*, meaning he was hanged from the ceiling at his wrists, only touching the floor with his toes. He was only taken down to eat. Two dead people were hanging next to him. NW15 said he had to hang there until day 65 when he asked to see an officer. Every time he was taken down to eat, he was beaten after he ate and hanged again. He was also beaten again and again while he was hanging. NW15 summarized that he was simply beaten all the time. When he was taken down to eat, it was almost impossible to move his arms as they were shaking. One time, he was taken down and put on the floor. As he was shaking, one of the officers laughed at him, telling him to eat and then sign a paper.

NW15 was lying on the floor for hours before he got some water and food. When the officer returned, he was smoking a ‘Alhamra’ cigarette. NW15 asked for a cigarette and remembered the bad smell of the officer when he came closer to light NW15’s cigarette. After this incident, NW15 was taken to an interrogation during which he was asked about a person called [name redacted]. NW15 told the Norwegian police that he was asked about this person before. When the officers told him that this person had a shop in [information redacted], NW15 realized that they were talking about his uncle. When he said this person was his uncle, he was beaten, because he denied knowing this person before. He was then told by the officers to write everything down. NW15 was accused of instigating resistance and obstruction of state authority. NW15 was supposed to be transferred to a collective cell afterwards.

#### Branch 248 – Military Security, collective cell

After the interrogation, NW15 was pulled to the collective cell, which was situated next to the staircase. NW15 said he was pulled downstairs by his legs, so his blindfold fell off, and he was able to see some things around him.

[A sketch of Branch 248 provided by NW15 was shown in court.]

NW15 said the collective cell was so crowded, that the guard who took him there was unable to open the door. The guard started yelling “sons of a bitch”, so the detainees got up, moved away from the door, and the guard was able to open the door to take NW15 inside. NW15 explained that the ceiling of the cell was three or four meters high. However, above the toilet it was only two meters high. There were tubes above the toilet and detainees put blankets on the tubes, so others could sleep on it. One could see some light through the ventilation gap, and the detainees were able to tell day from night. NW15 said there was a *Shawish* among the detainees. He was responsible for organizing the group. According to NW15, the detainees were divided into groups. There were around eight to eleven groups with ten to thirteen detainees each. Each group had a leader who had a plastic plate. Every group leader got a bread which he had to divide between the detainees in his group. NW15 said they had two small plastic buckets in the cell which they could use to scoop water from the toilet. NW15 said [name redacted] and [name redacted], were the *Shawishs* in the cell.

NW15 described that he was no longer tortured in the collective cell. However, the guards came and took people to beat them when there was noise inside the cell. NW15 said he was never taken to be beaten. According to NW15 one person died inside the collective cell. When he returned from the interrogation, he was “branded” and had slime around his mouth. When he fell asleep, he never woke up. NW15 said other detainees were tortured with *Falaqua* but he did not know any of their names.

On day 110 of NW15’s detention, it was the beginning of Ramadan or July 21 or 22, one of the guards opened the hatch in the cell door. He said that Bashar Al-Assad had a gift for the detainees because Ramadan would start the next day. NW15 said the guard then gave an apple for each prisoner through the hatch. Sometime later, one of the guards called NW15’s name. NW15 added that it was normal that detainees were called and taken out of a cell to whatever place. If they were military prisoners, they bribed corrupt guards to get clothes. This time, NW15 was called and taken to a room, the same room as when he arrived at the Branch, where he had to wait alone.

#### Military Court

NW15 said that he was taken to the court that was behind Kafar Souseh Branch the following morning. One detainee after the other was called to be presented to the judge. NW15 described the inside of the building as bright, it was tiled. The detainees were neither blindfolded nor were their hands tied. NW15 said the guards left and the court guards were corrupt. NW15 had to wait in the court building until 3PM when the court closed and NW15 was taken back to Branch 248. NW15 said he was taken to court again the next morning. He explained that there were three courts, he had to go to the court that had jurisdiction over the North of Syria, because he was from Idlib (Aleppo court).

#### Al-Qaboun – Military Police Prison

NW15 described how he was put in a van together with other detainees. It was very hot, as it was July. It was during Ramadan. NW15 said the detainees were tied to each other with a chain. When they arrived, they were told how and where to walk, as they were blindfolded. The blindfold was taken off inside. NW15 said that he was in one of three collective cells.

[A sketch of the military prison provided by NW15 was shown in court.]

NW15 further explained to the Norwegian Police that the prison in Al-Qaboun was horrible if one was a civilian detainee. Most of the detainees were members of the military and looked down on the civilian detainees. The detainees inside the collective cell were divided in two groups: civilians and members of the military. Many detainees got mange and lice.



They got an awful smelling creme against the mange. According to NW15, the food for the detainees was served by officers as disciplinary punishment. One could recognize some of them later working as guards. NW15 described that detainees in Al-Qaboun prison were treated differently. They were only waiting to be transferred to a court. The guards were not allowed to beat the detainees.

NW15 said he was waiting to be transferred to Aleppo via Al-Mezzeh, however, there were difficulties. He started banging his head against the cell door out of frustration. Others felt similarly, so the detainees eventually started fighting and riots developed in their cell. NW15 said this was on day 130. His face was bleeding from a fight he got into. One of the guards was worried when he saw NW15's bleeding face, because NW15 was a civilian. The guard called a doctor to check on NW15. NW15 was told by the guard that there were more than 5,000 detainees in this prison, so the guards did not want to risk any disturbances. He told NW15 to take care that the detainees in his cell would calm down. NW15 said they already calmed down when he got back from the doctor.

The following day, the detainees were allowed to go to the roof top in smaller groups to get some fresh air. NW15 wanted to buy a fan on this occasion. He explained that there were sandbags in front of the window, so there was no fresh air in the cell. NW15 and a guard agreed that NW15 was allowed to buy a fan. The guard told NW15 that the prison existed for over 40 years and NW15 was the first to demand a fan. NW15 paid 5,000 Syrian Lira for two fans. He said he had a better status among the detainees afterwards and they even got better food. Detainees were allowed to smoke, buy soap or chat with the guards. NW15 asked the officer whom he contacted first, if they could now be transferred to court since it would be Eid. However, the situation was still difficult. NW15 demanded to write a letter to the Ministry of Justice, so he got paper and a pen. However, he did not receive an answer until Eid. Some days after Eid, NW15 told one of the guards that the judges should simply come to Al-Qaboun instead. Indeed, it was announced via loudspeakers that the judges from Aleppo and Homs would come to the prison. This was on day 148 or 149 of NW15's detention. The name of the officer with whom NW15 spoke at the prison was Ali. NW15 did not know his surname or names of other guards.

NW15 described that three judges came. They were placed in three different rooms and the detainees were called one after the other. According to NW15, military detainees were sent to either Sednaya, Homs, or Palmyra. The civilian detainees were either released or sent to Adra Prison. NW15 was presented to a judge who asked him if NW15 was armed or told someone to take up arms. NW15 denied and was sent to a civil judge in Al-Hamidiya. He was transferred to Al-Hamidiya on day 150 of his detention. The guards told the detainees that all of them would be released. However, NW15's name was not called by 4:30PM. All detainees whose names were not called by that time were either transferred to their home districts or to Adra Prison.

Judge Kerber thanked the court interpreters for their work and ordered a break before reading the rest of NW15's summary.

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[1 hour break]

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Judge Kerber announced that the judges would finish reading out NW15's summary and start reading out the translation of the Facebook chat until the trial day would end at around 3:15PM.

Judge Wiedner continued reading out NW15's summary:

### Adra Prison

On a document that NW15 handed over to the Norwegian police, it says that he arrived at Adra prison on [information redacted]. As a detainee from the northern district, he was handed over to the Welfare Association of Prisoners and their Relatives. NW15 said his hair was cut, he was cleaned, and received new clothes, as the clothes of the new detainees were covered with lice. There was a gym at the prison, one could buy pizza and kebab. NW15 said the prison was clean.

[A sketch of Adra Prison by NW15 was shown in court.]

NW15 further explained that there were bunk beds on each side of the cell. However, there were more detainees than beds, so some of the detainees had to sleep on mattresses on the floor between the bunk beds. The cell also had a kitchen and two bathrooms. There were no beds for the thirteen new detainees, who consequently had to sleep on the mattresses on the floor. NW15 had to borrow a mattress from another detainee. The *Shawish* ensured that everything was in order, and was in charge of the remote control for the TV that was above the door. The detainees received lunch and dinner. After the dinner, they were allowed to make phone calls. NW15 said this time of the day was always very chaotic. New detainees were the last ones to make their calls. NW15 was only able to reach his grandmother [father's mother] at 4AM and then talk to his father. Because the calls were wiretapped, his father only asked NW15 quickly about his wellbeing and promised to get him out. NW15's father hired a lawyer who met with NW15 in the lobby of the prison and gave him some money, 500 Lira, so NW15 could buy items at the prison shop. The lawyer also wanted to arrange for a judge from Damascus to be transferred to Adra Prison for questioning [with NW15].

NW15 explained to the Norwegian police that he was transferred from division 4 to division 10. NW15 stayed at division 4 for two to three weeks. Division 10, the division where smugglers were detained, was the "5\* division". The detainees there had money, were able to bribe the officers, and buy anything. With the help of some connections, NW15 was transferred to this division and not to division 6, where the murderers were detained. NW15 further explained that Adra Prison was led by the civilian police. The detainees were not interrogated, and the guards were friendly. NW15 heard that 10,500 people were detained in Adra Prison. The guards therefore wanted to prevent any riots. The officer even took off their shoes when they entered the cells. NW15 said he did not know any names of guards at Adra Prison, however, he was never blindfolded. There were other divisions as well, for example the Islamist and murder division. When the detainees were allowed to go to the yard, they also met detainees from other divisions. NW15 did not know about division 9 or a division for executions. He described division 10 as a long corridor with multiple cells.

### Release

NW15 was told on [information redacted] 2012, that he was supposed to be presented to a judge. He was taken to Al-Hamidiya the following day where he also met his lawyer. However, NW15's name was not called by the time the court closed at 3PM. He was therefore taken back to the prison and supposed to be taken to court again the following day. NW15 said he was released the following day at 5PM. His lawyer prepared him for the judge's questioning. the judge asked NW15 if he knew [name redacted]/a prominent actor who was involved in demonstrations in Lebanon. NW15 replied he knew his name because he was famous, but he preferred another actor. NW15 was also asked if he impeded authorities. NW15 denied. The judge then explained that NW15 was accused of obstruction of authorities, instigation to disobedience, as he confessed in Branch 248. NW15 said that at this point, he was no longer afraid as he had already seen the worst.

He said that he was just a student and had to confess under torture. His lawyer got upset, as they rehearsed what NW15 was supposed to tell the judge. Nonetheless, NW15 was released. Before he was allowed to go, he had to check-out at Adra Prison. He was taken back to the prison to get his belongings from the cell. However, when he had to wait in the waiting area to check his register with the criminal police, there was a power outage and NW15 had to go back to the cell. He was then taken to the building of the criminal police the following day, since the register could not be checked electronically.

#### Criminal Police

NW15 said he was transferred to the criminal police in Bab Musalla on November [information redacted] 2012, together with a bigger group of detainees. They were called one after the other. When it was NW15's turn, he had to go upstairs in an office where his lawyer and the chief of the police were waiting. His uncle joined as well. NW15 took care of everything, so he was released quickly. After he got his belongings back, he went to his uncle's place. NW15 and his uncle agreed that NW15 would return to Lebanon, so he took a Taxi to the border.

#### The father's search for his son

NW15's family learned about his arrest by chance. [name redacted], a neighbor of NW15's brother in Lebanon was working as a spy for the Syrian government. When he gave his phone for repair, he received a message which the person in the repair shop read. The message said that NW15 was "with us" [government side] because this spy previously informed the Syrian government officers that NW15 was on his way to Syria. The person in the repair shop understood the message and showed it to NW15's brother who informed their father. NW15 told the Norwegian Police that this happened five days after his father went to Syria. He travelled to Saraqib on March/April when it was liberated. NW15's father contacted an officer in Damascus whom he then visited. He then found out that NW15 was at Division 40, because he was allegedly involved in something big. When NW15's father went to Division 40, he met an officer called Amar who told him that he was too late, NW15 would be in Al-Khatib Branch. NW15's father therefore contacted [brother of NW15's mother] and they went to Al-Khatib Branch together. There they were approached by someone from the supply service who offered to contact someone. However, he also said that NW15's father and uncle should forget about NW15 because he was involved in an assassination attempt against Bashar Al-Assad. They did not learn that NW15 was transferred to Branch 248. NW15's uncle learned that NW15 was there and supposed to be presented to a judge. NW15 said that this was how his father learned about his whereabouts. His uncle helped his father. A fellow detainee from Branch 248 also contacted NW15's family after his release to let them know that NW15 was still alive.

#### After the release

When NW15 was at Branch 255, he found out that he was first detained at Division 40. He went to Division 40 on November [information redacted] 2012 and asked about Amar, as he previously provided information to NW15's father. Amar came and offered NW15 coffee. NW15 had to wait for thirty minutes until he got the documents he needed. These documents said that he was detained at Division 40 from [information redacted], before he was transferred to Al-Khatib. NW15 consequently went to Al-Khatib and Branch 248, as officers from these Branches had to sign the document as well. When NW15 was at Al-Khatib, he was in a different building than where he was detained. It was rather an external office, outside the building complex. NW15 told the Norwegian Police he did not know if he still had the document.

### Caesar Files

NW15 told the Norwegian Police that he knew the Caesar Files, however, he did not recognize anyone in the photos. He explained that relatives of his died in detention, but they were not among the Caesar Files. NW15 further explained that the Syrian regime would now publish lists with persons who died in detention. His cousin allegedly died in detention in 2013, but he might have been arrested in 2012.

NW15 provided several documents to the Norwegian Police, including sketches of Branches 251 and 248, his visa application and the document he was handed over by the judge at the end of his detention.

The transcripts of NW15's interviews with the Norwegian Police were retranslated and approved by NW15.

Presiding Judge Kerber said the judges would now start reading out the Facebook chat while the interpreters would simultaneously check the translation. She told the defense that they should let her know when they think that their request to read the chat in court would be fulfilled. Defense counsel Böcker confirmed. Judge Kerber explicitly asked the Accused Raslan if he understood. He affirmed.

Kerber handed the German translation over to the interpreters, so they could check its correctness.

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[5 minute break]

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Judge Kerber started reading the Facebook chat between P17, Abu Karam [a nickname], and P17's brother.

[The following is a recreation of the private chat based on what the Trial Monitor was able to hear in court.]

12/17/21 – 2:09AM	P17's brother	Hello
12/17/21 – 2:09AM	Abu Karam	Hello, brother.
12/17/21 – 2:09AM	P17's brother	All Hail.
12/17/21 – 2:09AM	Abu Karam	I was busy on December 7.
12/17/21 – 2:09AM	P17's brother	How are you?
12/17/21 – 2:09AM	P17	All Hail.
12/17/21 – 2:09AM	P17's brother	Keep talking.
12/17/21 – 2:10AM	Abu Karam	I was in a collective cell [This was initially translated as "parlor" but corrected by the court translators and respectively amended throughout the chat.] No. 29 in Al-Khatib until [information redacted]. On day four or three came a new detainee. I cannot remember exactly, but he was around 180cm tall, had dark hair and a white beard.
12/17/21 – 2:11AM	P17	I'm all ears.
12/17/21 – 2:11AM	Abu Karam	I approached him. I could see that he was gentle. He said he was a cardiologist in a field hospital in [information redacted]. His name was [name redacted].

12/17/21 – 2:13AM	P17	I asked him about his punishment. He said he got three months [imprisonment] because of regime henchmen.
12/17/21 – 2:13AM	Abu Karam	Yes.
		Another detainee hit him, saying that doctors were thieves. I tried to calm him [person who was beaten] down. When it was time for breakfast, he did not wake up. He died two days after his arrest. He was wearing a black pullover and 'Lagos' trousers. When he died, I took his clothes. I was told to sign that he died a natural death. He was an award-winning doctor.
12/17/21 – 2:16AM	P17's brother	Really
12/17/21 – 2:16AM	P17	Did you see him before his death?
12/17/21 – 2:16AM	P17's brother	Keep talking.
12/17/21 – 2:17AM	Abu Karam	He said you are seven siblings, all doctors. Is that right?
12/17/21 – 2:17AM	P17's brother	Four siblings.
12/17/21 – 2:17AM	P17	That's true, but we're not seven.
12/17/21 – 2:17AM	Abu Karam	There are some gaps in my memory. But one of you is in Darayya, right?
12/17/21 – 2:1AM	P17	Bassem is here to ask about the condition of our little brother.
		Our cousin is in Al-Zabadani.
12/17/21 – 2:19AM	Abu Karam	So, he [person he was talking about] is your brother?
		Did you bribe someone?
12/17/21 – 2:19AM	P17	Yes, brother.
12/17/21 – 2:19AM	Abu Karam	400? [Syrian Pounds]
12/17/21 – 2:19AM	P17	That's wrong.
		We did not pay any money.
12/17/21 – 2:19AM	Abu Karam	Or 500,000?
12/17/21 – 2:20AM	P17	We did not pay anything.
12/17/21 – 2:20AM	Abu Karam	The nurse who knows your cousin said someone else was a witness [of the situation regarding their cousin/brother] as well. I told him that maybe your brother was not dead but just not moving. But he said that he was dead because he had foam at his mouth.
12/17/21 – 2:22AM	P17's brother	Keep talking, I'll ask you afterwards.
12/17/21 – 2:22AM	Abu Karam	The detainees who carried him [P17's brother] said he was stiff, so he must have been dead for two to three hours.
12/17/21 – 2:24AM	P17	Good. Who beat our cousin?
12/17/21 – 2:24AM	Abu Karam	His kidneys stopped working, he was breathing heavily, and his temperature was rising. Sleep did not help him. [name redacted]. I don't know if he's released or not. [name redacted]?
12/17/21 – 2:26AM	P17	From the family Al-Azzi.
12/17/21 – 2:26AM	Abu Karam	Was he [cousin/brother] still alive?
12/17/21 – 2:27AM	P17	He was unconscious.
12/17/21 – 2:27AM	Abu Karam	



12/17/21 – 2:28AM	P17's brother	What did you sign?
12/17/21 – 2:28AM	Abu Karam	They approached me. They thought I'm Christian but actually, I'm Muslim. The First Sergeant told me to come up with a legal formulation, saying he [cousin/brother] was healthy, everything was fine, and he suddenly died.
12/17/21 – 2:31AM	P17's brother	Did you see our cousin in [...]?
12/17/21 – 2:31AM	Abu Karam	No, just the nurse.
12/17/21 – 2:32AM	P17's brother	Which Sergeant told you to write those papers?
12/17/21 – 2:32AM	Abu Karam	He said, they would inform [the victim's] family. His name was Abu Shakrem, he was an Alawite. The head of Al-Khatib was present as well.
12/17/21 – 2:33AM	P17's brother	What is his name?
12/17/21 – 2:33AM	Abu Karam	They provided a fan.
		I don't know his name.
12/17/21 – 2:34AM	P17's brother	How many people were in the collective cell?
12/17/21 – 2:34AM	Abu Karam	Around 200.
12/17/21 – 2:34AM	P17's brother	How big was it?
12/17/21 – 2:34AM	Abu Karam	4x7meters. Seven people died besides [name redacted]. Some went crazy.
12/17/21 – 2:35AM	P17's brother	Were you able to drink water?
12/17/21 – 2:36AM	Abu Karam	Yes, there was a tap in the bathroom of the collective cell. There was nothing good, but the water. Just like al-Fijeh water.
12/17/21 – 2:36AM	P17's brother	What about the food?
12/17/21 – 2:36AM	Abu Karam	We got Bulgur, potatoes, tomatoes, and olives
12/17/21 – 2:36AM	P17	How much food did you get? Was it enough?
12/17/21 – 2:37AM	Abu Karam	We got one bowl per ten people and pears for digestion. We were served two meals, one at 3PM and one at 3AM.
12/17/21 – 2:38AM	P17	Did [name redacted] eat something?
12/17/21 – 2:38AM	Abu Karam	Yes, but I cannot remember exactly.
12/17/21 – 2:39AM	P17	Who told you that we were given a corpse after three months?
12/17/21 – 2:39AM	Abu Karam	The nurse.
12/17/21 – 2:40AM	P17	Good. How many hours were between the beating and when you recognized that he was dead.
12/17/21 – 2:40AM	Abu Karam	Around two hours.
12/17/21 – 2:40AM	P17's brother	Did you see the foam at his mouth?
12/17/21 – 2:40AM	Abu Karam	No. My friend said he was dead because there was foam.
12/17/21 – 2:41AM	P17's brother	What color was the foam?
12/17/21 – 2:41AM	Abu Karam	My friend said it was blue.
12/17/21 – 2:42AM	P17's brother	What about [name redacted] clothes?
12/17/21 – 2:43AM	Abu Karam	He was naked to his underwear because he put his clothes up to dry.

12/17/21 – 2:44AM	P17's brother	What happen to his clothes?
12/17/21 – 2:44AM	Abu Karam	I wore them when I returned home. I feel so sorry about it.
12/17/21 – 2:45AM	P17's brother	So, the clothes are with you?
12/17/21 – 2:45AM	Abu Karam	I do not have them anymore. Maybe they got lost with my home.
12/17/21 – 2:46AM	P17's brother	What about the friend whom [name redacted] saw?
12/17/21 – 2:47AM	Abu Karam	That is difficult. I don't know where he is. We have been displaced.
12/17/21 – 2:47AM	P17's brother	God bless you.
12/17/21 – 2:47AM	Abu Karam	He is from Harasta. I don't know anything about his current whereabouts.
		May God bless you! I regret it [taking the clothes] so much.
12/17/21 – 2:48AM	P17's brother	Do you know any other names?
12/17/21 – 2:48AM	Abu Karam	I know [name redacted]. Why?
12/17/21 – 2:50AM	P17's brother	Be assured that I and everyone will be cautious about your safety.
12/17/21 – 2:50AM	Abu Karam	I will tell you but
12/17/21 – 2:50AM	P17's brother	I will not take any actions now.
12/17/21 – 2:50AM	Abu Karam	Good. Once it is quiet in Harasta and we're all back.
12/17/21 – 2:51AM	P17's brother	Apologies for asking so many questions. If someone loses a loved one, they just want to know every detail
12/17/21 – 2:51AM	Abu Karam	I will take you to a person who can tell you what happened to him [brother/cousin]
12/17/21 – 2:51AM	P17	Did someone render first aid? What did the guards do?
12/17/21 – 2:51AM	P17's brother	Did they take him to the hospital?
12/17/21 – 2:51AM	Abu Karam	They left him in front of the door of the collective cell.
12/17/21 – 2:52AM	P17	So, he was not taken to a clinic?
12/17/21 – 2:52AM	Abu Karam	He was taken away; I don't know where. My friend, what did they tell you?
12/17/21 – 2:53AM	P17's brother	Nothing. They would not give us the corpse. How is that possible? We were later told to get a corpse.
12/17/21 – 2:54AM	Abu Karam	Corpses are stored in Harasta for more than a year now.
12/17/21 – 2:56AM	P17's brother	How do you know he [cousin/brother] is dead?
12/17/21 – 2:59AM	Abu Karam	Apologies, I did not have reception.
12/17/21 – 2:59AM	P17's brother	Don't worry, that's fine.
12/17/21 – 2:59AM	Abu Karam	[...]
12/17/21 – 2:59AM	P17's brother	We are lucky that the reception is good today.
12/17/21 – 2:59AM	Abu Karam	There are so many detainees piled up in Harasta.
12/17/21 – 3:00AM	P17's brother	We are brothers.
12/17/21 – 3:00AM	Abu Karam	Harasta was always deep into the uprising. Do you know what I was accused of?
12/17/21 – 3:01AM	P17	What?
12/17/21 – 3:01AM	Abu Karam	Rendering first aid for demonstrators pulling them from the streets.

12/17/21 – 3:02AM	P17's brother	Did [name redacted] say that he was a field doctor?
12/17/21 – 3:02AM	Abu Karam	And that he was beaten.
12/17/21 – 3:02AM	P17's brother	Are you sure that he said it like that?
12/17/21 – 3:03AM	Abu Karam	That he is from [information redacted]. He told me he had bad luck and
12/17/21 – 3:03AM	P17's brother	What exactly did he say?
12/17/21 – 3:03AM	Abu Karam	That he will be transferred to either Sednaya or [...] prison. I asked him why he would be transferred there and about his punishment. He said he would get three months [imprisonment] due to a report from the head of the hospital, because a trap was set for him.
12/17/21 – 3:06AM	P17's brother	Did he not say anything else?
12/17/21 – 3:06AM	Abu Karam	He said he hoped everything will be fine, he sat together with Shadi and said all his siblings were doctors.
12/17/21 – 3:09AM	P17's brother	Did he say that he had a fight with a colleague?
12/17/21 – 3:09AM	Abu Karam	[...] his colleague was Alawite and affiliated with the regime.
12/17/21 – 3:10AM	P17's brother	Please, try to remember.
12/17/21 – 3:11AM	Abu Karam	He started complaining about Alawites. A trap was set for him and someone said he allegedly defected.
12/17/21 – 3:12AM	P17's brother	This is what happened. He was no field doctor. He did not know anyone. He had a fight with his colleague.
12/17/21 – 3:14AM	Abu Karam	He said he wanted to kill his colleague for revenge after his release. My colleague told him to calm down. I think this is what happened.
12/17/21 – 3:14AM	P17's brother	He was no [...]
12/17/21 – 3:14AM	Abu Karam	I don't know. He told me he did not trust anyone. I told him to not dishonor his sister. He said the Ishmaelites would support the revolution.
12/17/21 – 3:17AM	P17's brother	What else?
12/17/21 – 3:20AM	Abu Karam	Friends, what I told him was that I'm an author writing short stories.
12/17/21 – 3:21AM	P17's brother	We might have overtaxed you- Please, try to focus. When did he come to the collective cell? At what time?
12/17/21 – 3:23AM	Abu Karam	He told me I found fat prey. I told him
12/17/21 – 3:24AM	P17's brother	Go on
12/17/21 – 3:24AM	Abu Karam	It was more than a breakfast.
12/17/21 – 3:25AM	P17's brother	Did he come to the collective cell for breakfast? When did he come to the cell?
12/17/21 – 3:29AM	Abu Karam	We had no sense of time.
12/17/21 – 3:29AM	P17's brother	Good.
12/17/21 – 3:29AM	Abu Karam	We could not tell day from night for sure. We only got two meals. I was guessing the time.
12/17/21 – 3:30AM	P17's brother	Intention is what is important, not what you do.
12/17/21 – 3:30AM	Abu Karam	This is...

12/17/21 – 3:30AM	P17's brother	Can you explain how [name redacted] beat him? The number of hits and kicks?
12/17/21 – 3:30AM	Abu Karam	...everything.
12/17/21 – 3:30AM	P17's brother	How much time after he came to the cell did [name redacted] beat him?
12/17/21 – 3:31AM	Abu Karam	Two days. He kicked him on his kidney and [...] beat him on his back
12/17/21 – 3:31AM	P17's brother	Is that all? Was he not hit in his face?
	Abu Karam	No. The people from Harasta came for his rescue. They dragged him away, away from [name redacted]. One of the people from Harasta got into a fight. We told [name redacted] he should not beat anyone again because 'we from Harsata would eat him and defecate.'

Presiding Judge Kerber said being mindful of the court officers' working hours, the judges would stop reading the chat for now and continue the following day.

Proceedings adjourned at 3:15PM.

#### **Day 74 of Trial – May 20, 2021**

The hearing began at 9:35 am with four 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.

Before starting the session, presiding Judge Kerber apologized to Raslan, as he had to wait for a long time to be taken back to the prison after the session on the previous day. She said that this would not be ideal, however, the prison was currently busy doing many prisoner transfers, so some had to wait a bit longer.

Kerber further explained that [name redacted], who [previously requested to join the proceedings as plaintiff](#), had been questioned by the police and the transcript of the questioning including annexes would now be on the case file.

#### **Testimony of Scientific Analyst Strell**

Instructions were read out to Kai Strell, a 37-year old Scientific Analyst with the German Federal Criminal Police Office (BKA).

#### **Judge Kerber's Questioning**

Presiding Judge Kerber wanted to know how the BKA obtained the Facebook chat. Strell explained that his colleague, Criminal High Commissioner Okotutsch, questioned P17 as a witness in [information redacted] on [information redacted]. During the questioning, P17 said that his brother [name redacted] was arrested in [information redacted] on [information redacted] and taken to Al-Khatib Branch. [name redacted/Abu Karam] later contacted P17 and told him that he was detained with P17's brother who died in detention. P17 handed an Arabic transcript of a chat over to the BKA. The chat took place in December 2012 and was between P17, one of his brothers, and [name redacted].

CCI Deußing told Strell after the questioning to analyze the German translation of the chat. Strell therefore checked the descriptions of detention conditions with testimonies from other witnesses.

Kerber asked who [name redacted] was. Strell said he used the name Abu Karam in the chat.

Kerber wanted to know how Strell concluded that Abu Karam's real name was [name redacted]. Strell explained that it became clear from the context and content of the conversation in the chat. P17 also mentioned the name during his questioning with the BKA.

Plaintiff counsel Scharmer asked Strell to speak slower, so that Scharmer and his colleagues would be able to take notes.

### **Judge Wiedner's Questioning**

Judge Wiedner recalled Strell saying that he compared the content of the chat with other information that was already known to the BKA. He asked Strell if the descriptions of detention conditions and other things in the chat matched with existing information. Strell explained that the main topic of the chat was [name redacted]. There were only a few descriptions about general detention conditions. According to Abu Karam, the cell in Al-Khatib Branch was 4x7meters. Strell said this matches with testimonies from other witnesses. One witness who was detained at Al-Khatib Branch twice told the BKA that there were different areas: one bigger hall and a smaller cell with around 150 detainees. This description aligns with Abu Karam's statement that there were around 200 people in the collective cell. Strell further recalled that another witness told the BKA that there was a cell measuring 5x5meters with around 30 detainees. Other testimonies mentioned cells that were 5x5 meters or 3x5 meters big. Abu Karam also said in the chat that the food was insufficient. Strell explained that this description as well as the kind of food (Bulgur, Potatoes, and tomatoes) that Abu Karam described, would be in line with the descriptions of other witnesses. According to Strell, others told the BKA that they got olives, eggs, and potatoes, most of them adding that it was insufficient.

Wiedner mentioned that in his written analysis, Strell made a comment about 200 people being detained in a cell measuring 4x7 meters. Strell said he found it hard to imagine so many people in such a small room. However, others confirmed it, talking about up to 400 people being detained in a cell measuring 5x5 meters.

Wiedner asked about a responsible person in each cell. Strell said that Abu Karam mentioned a "Kapo". However, the conversation was mostly focusing on [name redacted]. Strell added that the term "Kapo" was used to describe so-called "prisoners functionary" in Nazi concentration camps. These prisoners were tasked to watch and supervise other prisoners in exchange for certain privileges in detention. According to Strell, other witnesses also told the BKA that there were certain prisoners in Al-Khatib who were responsible for taking care that it was quiet in the cells. A witness told the BKA that one time, the responsible detainee was not able to keep his fellow detainees quiet. He was consequently taken out of the cell. The other prisoners heard him scream in the hallway. When he returned to the cell, his hair and beard were removed. Strell added that [Garance Le Caisne](#) also described in her book that the detention facilities in Syria were overcrowded since March 2011. Therefore, detainees were used as "Kapos", so-called called sergeants or forced laborers.

Wiedner wanted to know if deaths from detention conditions were also discussed in the Facebook chat. Strell explained that [Abu Karam] described that the cells were very small with up to 200 people detained in one cell. Abu Karam at one point mentioned that their elbows were against the heads of others. Strell further explained that it was very hot inside the cells.



According to Abu Karam, seven people suffocated, and a fan was placed inside the cell afterwards. Strell added that it was hard for him to imagine that so many people were detained in such a small room, however, it was clear that it was hot inside the cell and detainees at least had trouble breathing. He added that they were talking about July 2011, the hottest month in Syria with average temperatures of around 37.5°C Judge Wiedner corrected from the case file that the average temperature was 35.8°C].

Wiedner asked Strell to examine the credibility of Abu Karam's descriptions based on the overall context of the BKA's investigations. Strell said that if compared to other witness testimonies and assessed in light of the overall context, Abu Karam's descriptions would be credible. Strell recalled that Abu Karam provided much detailed information about [name redacted]. Information, that one could only know if he knew the person. Abu Karam's descriptions of the detention conditions, food, and overcrowded cells were in line with what other witnesses said. They also mentioned that there was a water tap inside the cell.

The prosecutors had no questions for Strell.

### **Defense's Questioning**

Defense counsel Böcker said Strell received a document from a colleague which would be a letter from [name redacted] dated [information redacted]. Böcker wanted to know if Strell knew the content of the letter. Strell denied.

According to Böcker, the letter detailed that [name redacted] was arrested, and the family did not receive any official information about his whereabouts. Böcker added that Strell's colleague noted that he sent this document to Strell. Böcker asked if Strell contacted this colleague regarding the letter. Strell denied.

Presiding Judge Kerber added that CHC Okotutsch would be summoned for August, and could then be questioned accordingly.

There were no questions from the plaintiff counsels.

### **Judge Wiedner's Questioning**

Judge Wiedner mentioned that Strell created many reports during the investigations. Wiedner asked Strell if, based on the overall context, he could identify certain red threads. Strell explained that regarding Al-Khatib Branch, he created notes based on witness testimonies about torture during interrogations, as part of the overall detention, and about the general detention conditions.

Regarding torture in the general context of detention, Strell detailed that several witnesses described a so-called "welcome party" where detainees were arbitrarily beaten when they entered the Branch. According to Strell, around 19 witnesses provided these descriptions. Others did not mention the term "welcoming party" but told the BKA that they were arbitrarily beaten with tools, a green tube, and kicked upon their arrival at the Branch. Strell added that based on the witness testimonies, one got the impression that detainees at the Branch had to expect to be beaten at any time: When they were allowed to use the toilet, they were beaten on the way there, and afterwards, if they did not finish within 10 seconds; guards also came inside the cells to beat the detainees if they were talking, or without any reason.

Regarding torture as part of the detention, Strell explained that detainees were beaten during interrogations while the interrogation officers were present. They were beaten with or without tools, kicked, electroshocked, tortured with *Falaqa*, *Doulab* or *Shabeh*.

Judge Wiedner wanted to know more about a note that Strell wrote on the “flying carpet”. Strell affirmed he wrote the note, adding that the flying carpet was a torture method where people would be tied to a plank which is then folded in a way that the person’s spine is stretched.

Wiedner went on to ask about sexual violence in Al-Khatib Branch. Strell recalled that one witness told the BKA about torture during an interrogation which included sexualized violence.

Wiedner wanted to know what time frame the BKA was investigating. Strell said they were investigating incidents between January 2011 and December 2012.

Wiedner wanted to know if Strell identified a certain pattern in the general detention conditions and interrogations, asking if the instances were isolated or rather part of a general treatment. Strell said he was under the impression that the treatment of detainees was systematic. He added that an insider witness also told the BKA that the “welcome party” was routine. According to this insider, it was normal that new detainees were treated like that, there were no specific orders. Strell further explained that the witness testimonies were very similar regarding the questions that were asked during interrogations at Al-Khatib and the mistreatment during interrogations. He concluded that based on the testimonies, one could identify a repeating pattern that occurred throughout the entire period from January 2011 until December 2012. According to Strell, many different witnesses provided similar descriptions to the BKA.

Wiedner wanted to know more about a hierarchy and orders in Al-Khatib Branch. Strell said he analyzed around 29 testimonies regarding orders and practice of informing relatives of detainees. He detailed that the term “Sidi” [sir] was used by the detainees to address all employees at the Branch. The guards used the term to address the interrogation officers. The other way around, guards were often insulted by interrogation officers. According to Strell, the prison guards therefore had a lower rank than the interrogation officers. Witnesses further told the BKA that there were two kinds of guards at the Branch: the one who would take detainees to the interrogation, and the ones who would be present during interrogations. However, there was no obvious hierarchy between them.

### **Defense’s Questioning**

Defense Counsel Böcker wanted to know whether Strell would call himself an expert [*Sachverständiger*] for torture techniques and hierarchies within foreign state powers. Strell said that based on how people addressed each other, one could indeed conclude that there was a hierarchy between them.

Böcker again asked if Strell would call himself an expert [*Sachverständiger*]. Strell said he would not know the legal definition of this term.

Böcker wanted to know if Strell was trained to document torture methods or published about torture and hierarchies. Strell denied.

Böcker said he now wanted to mention specific witness testimonies to ask Strell further questions. However, he would be worried to mention names of witnesses who were anonymized. Plaintiff Counsel Dr. Oehmichen intervened, saying that it would strongly depend on who Böcker would refer to. Presiding Judge Kerber said Böcker was only allowed to mention names if there would be no connection to a testimony. Böcker explained that he wanted to mention specific names and ask Strell a question about the name. Judge Kerber wanted to know what exactly Böcker envisioned to achieve with his questions and what exactly he wanted to know from Strell. Böcker said he wanted to know if Strell questioned each of the witnesses he was about to name. Judge Kerber said Böcker could get this information by asking a more general question, and without risking to mention the names of anonymized witnesses.

Böcker clarified that he was referring to a specific note that Strell wrote and wanted to know if Strell personally questioned any of the witnesses cited in this note or if he was rather quoting from transcripts.

Judge Kerber intervened, asking Strell if he was present during interviews by the BKA. Strell affirmed, adding that he started working with the BKA in 2019. He was present at several interviews, around seven.

Böcker said that Strell could have a look at the note, which was 77 pages long, and see if he remembered any of the names. Strell said some names would certainly sound familiar to him.

Prosecutor Klinge intervened, saying that by identifying certain names that sound familiar to Strell, the issue of anonymization would still exist. Klinge therefore requested a short break to identify the names that Böcker was referring to and check if the witnesses were anonymized or not.

Böcker replied that anonymization would not be an issue here. He just wanted to know which parts of the note were based on Strell's own experience and which parts he simply "copied" [from transcripts of witness questionings].

Presiding Judge Kerber asked Strell how many witness testimonies he used for the note in total. Strell said he used information from around 50 witness interviews. He received the transcripts of the interviews from CCI Deußing. He then read all of them from beginning to end and scanned them for detention in the above-mentioned time frame [January 2011 – December 2012]. If there were indicators that a witness was detained in this time frame, he started scanning the transcripts for specific torture methods, detention conditions etc. Strell said he proceeded like that with every transcript, including those where he was present during the interview. He always worked with the transcripts. Strell added that whenever he was present at an interview, he was in charge of transcribing, since he would not be a police officer. He only focused on transcribing every detail during the interviews. Later, he received all interviews in the form of transcripts.

Böcker concluded that Strell "copied" his note based on the existing files. Strell affirmed, explaining that he read and analyzed every single transcript.

Böcker wanted to know if the note should therefore read like "I read that witness xyz said that..." rather than "witness xyz said...". He added that it would be more of a 'statement of a statement'. Strell affirmed.

Judge Kerber asked if the defense's questions had been answered now. Defense counsel Fratzky said he had a few more questions.

Fratzky wanted to know if Strell added any information to his note for interviews during which he was present. Strell denied, saying he only relied on the wording of the transcript.

Fratzky asked if he stuck to the wording even if he realized that the witness said or did anything which was not included in the transcript. Strell denied, explaining that when he was present during interviews, he was only focusing on providing an accurate transcript.

Fratzky asked Strell if he did not add or change anything in cases where the transcript for example said "apple" but Strell remembered that the witness said "pear". Strell denied, repeating that he was only focusing on providing a proper transcript during the interviews and based his notes solely on what one could double-check.

Judge Kerber asked if Strell ever noted discrepancies between the transcript and his memory. Strell denied, adding that whenever he identified discrepancies within one testimony, he highlighted that.

### Prosecutors' Questioning

Prosecutor Klinge asked Strell about the form/appearance of his notes. Strell said he wrote status reports [*Sachstandsberichte*], but they called them notes [*Vermerke*].

Klinge wanted to know if Strell was familiar with the term evaluation note [*Auswertungsvermerk*]. Strell said they usually used the abbreviation "note".

Scientific Analyst Strell was dismissed as a witness.

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[10-minute break]

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The judges continued to read out the second half of the Facebook chat.

[The following is a recreation of the chat based on what the Trial Monitor was able to hear in court.]

12/17/21 – 3:31AM	P17's brother	Good. Did [name redacted] tell you about an interrogation he had before he was taken to the collective cell?
12/17/21 – 3:34AM	Abu Karam	No, he was not interrogated.
12/17/21 – 3:34AM	P17	What did [name redacted] tell you after he was beaten? What did he do?
12/17/21 – 3:34AM	Abu Karam	He thanked Abu Khaled. We considered the issue to be solved. He slept and did not wake up.
12/17/21 – 3:35AM	P17's brother	Was he in pain from the beating?
12/17/21 – 3:35AM	Abu Karam	Yes, but he was upset and despondent. He did not suffer a lot of pain, I swear.
12/17/21 – 3:36AM	P17's brother	Did any of the responsible people [at the Branch] order [name redacted] to beat [name redacted] [correction/continuation of sentence, see below]?
12/17/21 – 3:37AM	Abu Karam	Yes,
12/17/21 – 3:37AM	P17's brother	[name redacted] [see above]
12/17/21 – 3:37AM	Abu Karam	They were whispering and [name redacted] was pointing at him
12/17/21 – 3:37AM	P17's brother	Did he beat him right after that or later?
12/17/21 – 3:38AM	Abu Karam	He waited. I think he beat him later. I don't know what they said or ordered.
12/17/21 – 3:39AM	P17's brother	Why was [name redacted] detained?
12/17/21 – 3:39AM	Abu Karam	Yes because...
12/17/21 – 3:39AM	P17's brother	Why did they arrest him?
12/17/21 – 3:39AM	Abu Karam	...he said he seceded the government. He allegedly came to an agreement.
12/17/21 – 3:39AM	P17's brother	So, you don't know why he was arrested?
12/17/21 – 3:39AM	Abu Karam	He approached the authorities on his own. He turned himself in. His brother is an investigator.

12/17/21 – 3:39AM	P17's brother	And did he listen to your conversations?
12/17/21 – 3:39AM	Abu Karam	Yes, amongst others. I did not know because he was not sitting close.
12/17/21 – 3:40AM	P17's brother	Did he hear everything [name redacted] said?
12/17/21 – 3:40AM	Abu Karam	Because we are from Harasta, we showed him his boundaries.
12/17/21 – 3:40AM		I don't think so. He was far away, and it was loud.
12/17/21 – 3:40AM	Abu Karam	You said seven people died. Did they all die in the collective cell or in different cells?
12/17/21 – 3:41AM	P17	No, they all died in our collective cell.
12/17/21 – 3:41AM	Abu Karam	And all of them [died] while you were there?
		One of them was from the [name redacted] family. [name redacted] from [information redacted], yes. And one from [information redacted] quarter. [name redacted] and one from [information redacted] was affected as well. Two more did as well. They took pills when they were arrested. When they arrived at the cell, they were hallucinating. One of them died immediately, the other one died the following day.
12/17/21 – 3:43AM	P17's brother	How old is [name redacted]?
12/17/21 – 3:44AM	Abu Karam	He was 34.
12/17/21 – 3:44AM	P17's brother	Is he from Rukneddine?
12/17/21 – 3:45AM	Abu Karam	No, he is from [information redacted]. He lived opposite of the bakery.
12/17/21 – 3:45AM	P17's brother	Did he beat anyone else except from [name redacted]?
12/17/21 – 3:45AM	Abu Karam	Yes, [he beat] many. But he did not beat me. I did not acquiesce to it. I "kicked him in his balls" and the people from Harasta attacked him. He was rescued by the security guards.
12/17/21 – 3:46AM	P17's brother	[...]
12/17/21 – 3:46AM	Abu Karam	He wrapped a pullover around a piece of soap and used it like a slingshot.
12/17/21 – 3:48AM	P17's brother	Did he beat two times or more often?
12/17/21 – 3:48AM	P17's brother	And [name redacted] did not [...]
12/17/21 – 3:48AM	Abu Karam	No. [name redacted] hit [name redacted] and then the people from Harasta started beating him. He hit me later.
12/17/21 – 3:50AM	P17's brother	How were you able to sleep in such a cramped cell?
12/17/21 – 3:51AM	Abu Karam	Head [at] elbows, and knees.
12/17/21 – 3:51AM	P17's brother	Go on.
12/17/21 – 3:52AM	Abu Karam	I am an activist since the beginning. After I was released I got even more radical, as I'm no longer afraid of anything.
12/17/21 – 3:52AM	P17's brother	May God bless you.
12/17/21 – 3:52AM	Abu Karam	Yes.



12/17/21 – 3:53AM	P17's brother	If God pleases, we will be brothers for eternity. Maybe we can meet soon. You were the last person to be in contact with [name redacted].
12/17/21 – 3:53AM	Abu Karam	May you live long, doctor. I'm afraid [...]
12/17/21 – 3:54AM	P17's brother	That's enough to be one of us.
12/17/21 – 3:55AM	Abu Karam	That's comforting me. I'm so happy.
12/17/21 – 3:55AM	P17's brother	My apologies.
12/17/21 – 3:55AM	Abu Karam	Why?
12/17/21 – 3:55AM	P17's brother	Apologies for bothering you and taking your sleep today. And for asking you more questions. If a loved one dies, one just wants to know everything. [name redacted] was raised by us. I'm 15 years older than him. He was like a son to me.
12/17/21 – 3:58AM	Abu Karam	You're right.
12/17/21 – 3:58AM	P17's brother	I hope you understand.
12/17/21 – 3:58AM	Abu Karam	I'm sorry for being a witness of such evil.
12/17/21 – 3:58AM	P17's brother	Apologies for being so stubborn.
12/17/21 – 3:59AM	Abu Karam	Apologies.
12/17/21 – 3:59AM	P17's brother	No, quite the contrary.
12/17/21 – 3:59AM	Abu Karam	We're brothers for eternity.
12/17/21 – 3:59AM	P17's brother	You are such a benefactor. Without you, we would never learn anything [about their brother's death]
12/17/21 – 3:59AM	Abu Karam	I consider you brothers.
12/17/21 – 3:59AM	P17's brother	As God pleases.
12/17/21 – 4:00AM	Abu Karam	God...
12/17/21 – 4:00AM	P17's brother	We as well [consider you a brother]
12/17/21 – 4:00AM	Abu Karam	...was the one who brought us together.
12/17/21 – 4:00AM	P17's brother	You got to know [name redacted] and made your personal picture.
12/17/21 – 4:00AM	Abu Karam	He was a good person.
12/17/21 – 4:00AM	P17's brother	You have the same core.
12/17/21 – 4:00AM	Abu Karam	He was human. May God [...]
12/17/21 – 4:01AM	P17's brother	If you want, we can get to know each other better. [...]
12/17/21 – 4:01AM	Abu Karam	I'm praying for it.
12/17/21 – 4:01AM	P17's brother	I want to add something.
12/17/21 – 4:01AM	Abu Karam	Rosy times will come.
12/17/21 – 4:02AM	P17's brother	Something that might please you.
12/17/21 – 4:02AM	Abu Karam	Yes, say it.
12/17/21 – 4:02AM	P17's brother	We are hopeful that [name redacted] is still alive.
12/17/21 – 4:02AM	Abu Karam	As God pleases. I pray for it.
12/17/21 – 4:02AM	P17's brother	We're hopeful that he was not dead when you saw him.
12/17/21 – 4:02AM	Abu Karam	God [...]
12/17/21 – 4:03AM	P17's brother	Maybe he received first aid. But we're not sure.
12/17/21 – 4:03AM	Abu Karam	I pray for it.
12/17/21 – 4:03AM	P17's brother	There are indications.
12/17/21 – 4:03AM	Abu Karam	To that ...

12/17/21 – 4:03AM	P17's brother	But it is not confirmed.
12/17/21 – 4:03AM	Abu Karam	...your instinct is not wrong.
12/17/21 – 4:03AM	P17's brother	That's how people hold on to hope.
12/17/21 – 4:04AM	Abu Karam	Yes, of course!
12/17/21 – 4:04AM	P17's brother	That is why you are our new brother.
12/17/21 – 4:04AM	Abu Karam	Doctor.
12/17/21 – 4:04AM	P17's brother	We want you to be one of us and [...] Don't tell anyone a word about it.
12/17/21 – 4:04AM	Abu Karam	We will, as God pleases. I swear. Your wish is my demand.
12/17/21 – 4:05AM	P17's brother	If he is alive, it [talking about it] could endanger him.
12/17/21 – 4:05AM	Abu Karam	You're right. I did not know...
12/17/21 – 4:05AM	P17's brother	You think that he is dead.
12/17/21 – 4:05AM	Abu Karam	...that [name redacted] would publish it immediately.
12/17/21 – 4:05AM	P17's brother	You're thinking that for a reason.
12/17/21 – 4:06AM	Abu Karam	Exactly.
12/17/21 – 4:06AM	P17's brother	We're not reproaching you, quite the contrary. This is how we could communicate.
12/17/21 – 4:06AM	Abu Karam	After I was released, I saw [name redacted]. Yes.
12/17/21 – 4:06AM	P17's brother	It was important he spread the word.
12/17/21 – 4:06AM	Abu Karam	Right.
12/17/21 – 4:07AM	P17's brother	You cannot imagine how grateful we are.
12/17/21 – 4:07AM	P17	What did [name redacted] say after you were released?
12/17/21 – 4:07AM	Abu Karam	I said 'are you sure that [name redacted] was totally exhausted?' He said he wiped foam off his mouth. I said I didn't see any foam. This is why until today I am not a 100% convinced of his death. There are still 10% doubts.
12/17/21 – 4:09AM	P17's brother	What was his temperature when he would not wake up?
12/17/21 – 4:10AM	Abu Karam	Average.
12/17/21 – 4:10AM	P17	You said it [body temperature] increased after the beating. Did you touch him?
12/17/21 – 4:12AM	Abu Karam	It did increase after the beating. When I woke up, I saw how [name redacted] wetted his pullover and put it on [name redacted] body.
12/17/21 – 4:13AM	P17's brother	Did he have bruises on his back?
12/17/21 – 4:13AM	Abu Karam	Not there [back]. He had red signs. When I put my ear on his heart, I could not hear a heartbeat. Maybe it was because it was loud and I'm not an expert.
12/17/21 – 4:15AM	P17	But you signed the piece of paper?
12/17/21 – 4:15AM	Abu Karam	Yes
12/17/21 – 4:15AM	P17's brother	When [did you sign the paper] after he was taken away?
12/17/21 – 4:15AM	Abu Karam	I had to write that he was OK.
12/17/21 – 4:16AM	P17's brother	After two or three hours Did someone say that he died?

12/17/21 – 4:17AM	Abu Karam	No. I asked what happened and they told me it was none of my business. I was told to write that I saw him, that he was not hurt, and that he did not wake up.
12/17/21 – 4:17AM	P17's brother	How exactly did you formulate it?
12/17/21 – 4:17AM	Abu Karam	Yes, I signed it.
12/17/21 – 4:18AM	P17's brother	Could you repeat the exact wording?
12/17/21 – 4:20AM	Abu Karam	I confirmed that the above-mentioned detainee died. I confirmed that I saw him. He did not suffer, he was not hurt. Everything was fine until he fell asleep. He slept until he started to feel sick, his condition worsened. We informed the relevant authority. That's what was written on the paper. I did not [...]
12/17/21 – 4:21AM	P17's brother	No officer said he was dead?
12/17/21 – 4:21AM	Abu Karam	We did not discuss such things [...]
12/17/21 – 4:24AM	P17	Thank you, brother. Maybe we could stay in touch and set a date for tomorrow to [...]
12/17/21 – 4:25AM	Abu Karam	Whenever you want.
12/17/21 – 4:25AM	P17	Good night.
12/17/21 – 4:25AM	P17's brother	Thank you.
12/17/21 – 4:25AM	Abu Karam	You're welcome.
12/17/21 – 4:25AM	P17's brother	Good night.
12/17/21 – 4:25AM	Abu Karam	Doctor, I want to ask a favor.
12/17/21 – 4:25AM	P17	It depends on the electricity.
12/17/21 – 4:25AM	Abu Karam	Please. Yes.
12/17/21 – 4:25AM	P17's brother	Go on.
12/17/21 – 4:26AM	Abu Karam	Doctor [name redacted], I suffer from drumstick fingers, and I don't have medicine. Could you help me?
12/17/21 – 4:26AM	P17's brother	[...] it is normal when you [...]
12/17/21 – 4:27AM	Abu Karam	I swear.
12/17/21 – 4:27AM	P17's brother	It is no sickness.
12/17/21 – 4:27AM	Abu Karam	<i>This message has preliminary been deleted as the account of the sender needs to be verified.</i>
12/17/21 – 4:27AM	P17's brother	It is no sickness.
12/17/21 – 4:27AM	Abu Karam	<i>This message has preliminary been deleted as the account of the sender needs to be verified.</i>
12/17/21 – 4:28AM	P17's brother	<i>This message has preliminary been deleted as the account of the sender needs to be verified.</i>
12/17/21 – 4:28AM	Abu Karam	It's normal.
12/17/21 – 4:28AM	P17	<i>This message has preliminary been deleted as the account of the sender needs to be verified.</i>
12/17/21 – 4:28AM	Abu Karam	I will ask you questions about your body at another time.
12/17/21 – 4:28AM	P17's brother	<i>This message has preliminary been deleted as the account of the sender needs to be verified.</i>
12/17/21 – 4:29AM	P17's brother	Good night.

12/17/21 – 4:29AM Abu Karam

*This message has preliminary been deleted as the account of the sender needs to be verified.*

*This message has preliminary been deleted as the account of the sender needs to be verified.*

12/17/21 – 4:29AM P17's brother

May peace be with you.

12/17/21 – 4:29AM P17

May peace be with you. Take care.

12/17/21 – 4:29AM P17's brother

Brother, take care.

12/17/21 – 4:30AM Abu Karam

*This message has preliminary been deleted as the account of the sender needs to be verified.*

Presiding Judge Kerber asked the Accused and the defense counsels whether they would now consider their relevant request to take additional evidence as fulfilled. All three affirmed.

Kerber announced that she would now read out a decision of the chamber regarding a [further request from the defense to take additional evidence](#) [trial day 68]. She added that copies of the decision would be handed over to the court interpreters to ease simultaneous interpretation.

[The following is a recreation of the chamber's decision, based on what the trial monitor was able to hear in court.]

1) On April 8, 2021, defense counsels Böcker and Fratzky requested to take additional evidence in the form of: visually inspecting diagrams from the German Intelligence Service (BND) detailing the structure of the Syrian General Intelligence Directorate, and reading the relevant notes on the structure.

*The diagrams as well as the notes were already read out and visually inspected on [November 4, 2020](#). The right to repeat the inspection and read out is not given. The counsels did not demonstrate any reasons for a repetition, nor are such reasons apparent.*

2) On April 8, 2021, defense counsels Böcker and Fratzky requested to take additional evidence in the form of: hearing [name redacted] and [name redacted] from the BND as witnesses. This request was rejected.

a) One could only conclude that [P31's](#) testimony needs to be excluded because he did not tell the truth, if the above-mentioned witnesses could confirm that it was the sole responsibility of Division 40 to batter demonstrations. They would need to confirm that no Division or Branch other than Division 40 was involved in quelling demonstrations.

b) The present request cannot be considered a request to take additional evidence according to §244 (3) s.1 StPO, as it is lacking connectivity.

*Both witnesses are BND officers who are responsible for the report on the Syrian Intelligence Services provided by the office. This report states that the general mandate for all intelligence services was the "fight against terrorism". There were overlaps of authority and it was often not possible to identify an individual service which was in charge. However, the report also states that certain focuses of work were visual. Anwar Raslan was involved in investigations at Branch 251 of the General Intelligence Service. This Branch was generally responsible for fighting terrorism, equipped with certain executive functions, and supported by Division 40, the so-called "quick reaction force". The BND report also states that all services were involved in the fight against terrorism. There was not a division of mandates, solely certain areas of focus, including many overlaps in authority.*

*It is not obvious what the above-mentioned witnesses would know to contradict their previous findings.*

- c) The court already fulfilled its obligation to establish the truth (§244 (2) StPO) by reading out the BND report and visually inspecting the attached diagrams. There are no indications that the state of knowledge changed.*
- d) If one was to treat the present request as a request to take additional evidence, it would be void (§ 244 (3) s. 2 StPO). The conclusion that Anwar Raslan was not present at the demonstration and the funeral, and that [P31](#) consequently did not tell the truth is mere circumstantial evidence and not relevant for the judgments.*

*Even if Division 40 was formally speaking the only division tasked to quell demonstrations, reality does not exclude that tasks were exercised differently. Such a constellation seems extremely likely due to the limited availability of intelligence staff during the time in question. This was also confirmed by the experts [Thurmann](#) and [Al-Bunni](#) who testified that several intelligence services worked together. Eyad Al-Gharib also told the BKA that at a demonstration in September or October 2011, members of General Intelligence Branch 251 were present. Experts [Engels](#), [Al-Bunni](#), [Darwish](#), and [Thurmann](#) further added that the Syrian regime was collecting information about critics prior to and after the Arab Spring. It is therefore plausible that higher-ranking officers were involved in field operations as well.*

*3) The request to hear [name redacted] and two other witnesses was rejected.*

- a) All three witnesses are present abroad, two of them in Turkey and one in Saudi Arabia. In determining the request, the court needs to consider this fact, according to applicable law.*
- b) The hearing of these witnesses residing abroad is consequently to be denied. All of them are former employees of Branch 251. [name redacted] was a prison guard. However, the position of the other two witnesses is unknown. According to the defense, all three witnesses are supposed to testify that Anwar Raslan was never outside of Branch 251, was solely working an office job, and that beating a person would be against his character.*
  - aa) In hearing the above-mentioned three witnesses, the defense seeks to confirm that Anwar Raslan was not present at the demonstration and to shatter the credibility of P31's testimony [Kerber quickly recalled that P31 said Raslan was present at a demonstration, at a funeral, and slapped his face during an interrogation at Branch 251]. The request insofar relates to the behavior of the Accused which P31 described in his testimony.*
  - bb) The value of [P31's](#) testimony [regarding Raslan's character] is low but not essential. Many other witnesses also told the court about interrogations or conversations with Raslan. They described his position and location, which was also confirmed by insider witnesses. [P31](#) only described one single punch resulting from enragement. If his testimony would be omitted a lead indicating that the violent treatment of detainees was not foreign to Raslan himself would get lost.*

*Evidence so far confirmed that Raslan was mainly serving an office job inside the Branch. However, it would also be possible that he was working outside as well in his capacity as a Colonel. There is a considerably marginal possibility that any of the requested witnesses would testify something else. To do so, they would need to exclude that Raslan was not outside the Branch for half a day only. However, this is very unlikely. The defense's request is lacking connectivity here.*



*Almost every previous witness testified that Raslan's office was upstairs. Based on the evidence so far, [name redacted] was, however, working downstairs in the basement, as he was working as a prison guard. He was therefore two levels apart from Raslan. The position of the other two requested witnesses is unclear, however, it is not apparent that they worked closely with Raslan.*

- cc) The same reasoning applies with regards to Raslan's character and his attitude towards the opposition. There is no averment and a connection to how the witnesses would know about Raslan's character does not become apparent from the request. [P31](#) merely described an impulse.*
- dd) In its overall determination, the chamber further must consider that all three witnesses would have to provide extensive – possibly self-incriminating – information. All three would have the right to refuse testimony and to consult a witness counsel. They would most likely make use of their right to refuse testimony. All three witnesses are further present outside of the EU. A relevant request for legal assistance would take around four months until the witnesses could be questioned via video. This would prolong the trial.*

*Overall, it is not necessary to hear the three proposed witnesses. Further clarification of facts is not to be expected from their testimonies.*

- c) The present request cannot be considered as a request to take additional evidence according to §244 (3) s.1 StPO as it does not become apparent how the proposed witnesses should have a certain knowledge. There is consequently no need to hear these witnesses in light of §244 (2) StPO.*

Before closing the session, Presiding Judge Kerber announced that one of the court interpreters [he previously worked for Eyad Al-Gharib] requested to be released from his duties at the court. Kerber said the court now found an adequate replacement and thanked the interpreter for his services.

The proceedings were adjourned at 12:00 AM.

The next session will be on June 16, 2021.

**TRIAL OF ANWAR RASLAN**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 37

Hearing Dates: June 16 &amp; 17, 2021

*CAUTION: Some testimony includes descriptions of torture.***Summaries/Highlights:<sup>1</sup>****Trial Day 75 – June 16, 2021**

**P34, a 34-year-old Syrian man and plaintiff in the trial, testified regarding his own detention in Al-Khatib Branch, as well as his brother's detention at the same Branch. P34 described the generally bad detention conditions at the Branch and said he heard people being tortured with electroshocks every day. He further explained to the court that his sister told him that their brother who was detained in Al-Khatib Branch, was interrogated by Anwar Raslan who threatened him to arrest and rape his sister if he did not confess. P34 also showed the court a picture from the Caesar Files that shows his brother-in-law who allegedly died at Al-Khatib Branch.**

**Trial Day 76 – June 17, 2021**

**P35, a former Syrian athlete testified on his detentions at Al-Khatib Branch as well as the physical and psychosocial consequences of his 13 detentions in Syria. The judges acknowledged that it was difficult for P35 to testify in court and remember details due to the psychosocial trauma that was caused by multiple detentions and torture. P35 identified Raslan as head of interrogations at Branch 251 with far reaching competencies and influence.**

**Day 75 of Trial – June 16, 2021**

The hearing began at 9:30 am with six 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 Counsel Dr. Kroker was not present. Plaintiff counsel Kleyer substituted for Khubaib Ali Mohammed.

A new court interpreter was sworn in and informed about his duties as a linguistic expert in the trial.

Presiding Judge Kerber said Plaintiff counsel Bahns who accompanied P34 recently sent a picture to the court and asked Bahns to explain this to all parties. Bahns said his client spoke about his brother-in-law [note for the translator: his sister's husband] during his questioning with the police [BKA]. When Bahns spoke to P34 some time after the questioning, P34 told him that his family identified his brother-in-law in one of the pictures from the Caesar Files. P34 sent the picture to Bahns who thought he had sent it to the BKA, but apparently did not. He therefore sent the picture directly to the judges, so it could be included in the casefile and made available for all parties. Presiding Judge Kerber handed out color-copies of the picture to all parties to the case.

<sup>1</sup> 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.

Testimony of P34

P34 was accompanied by his plaintiff counsel and informed about his rights and duties as a witness. P34 detailed that he was 34-years-old and working as a care worker at a school for disabled children.

Judge Kerber's Questioning

Presiding Judge Kerber explained that P34 would need to repeat in court what he already told the police during his questioning at the end of last year. She asked P34 to describe why and how he was arrested in Syria. She added that Judge Wiedner would then ask additional questions if needed. P34 asked if he should tell how he was arrested or provide general descriptions. Judge Kerber said he should tell the court how he was arrested and what happened after his arrest.

P34 explained that demonstrations started to take place in March 2011. His brother, his uncle and others participated in these demonstrations. There were demonstrations in the old town of Damascus and in Al-Hamidiyah. P34 said his brother and his uncle were arrested at a demonstration and the family found out that they were taken to Al-Khatib Branch, where they were detained for one month. When they were released, one could see signs of torture and mistreatment. After their release, P34's brother started organizing demonstrations against Bashar Al-Assad which spread all over the country. P34 said he participated in demonstrations in [information redacted]. P34's brother organized demonstrations on a large scale. This was the reason why P34's brother's name eventually appeared on a list. He was strongly suspected and urgently searched for.<sup>2</sup> P34 explained that he and his other brothers were also demonstrating, so their names appeared on the list as well. At the end of July 2011, members of the military stormed the family's house. P34 said these people were members of the army/military carrying Kalashnikovs. They destroyed the door and stormed the house. P34 said he and two of his brothers were taken away. They were taken to a Branch and downstairs. P34 explained that he was able to see that there were three vans that were accompanied by Jeeps ahead and behind the convoy.

Presiding Judge Kerber intervened, saying she noticed a gesture from P34 that might indicate that there were weapons. She asked P34 if the people in the Jeeps were carrying weapons. P34 said there was one pick-up that carried a big weapon. He asked whether he should explain all details. Kerber affirmed.

P34 went on to describe that his and his brothers' mobile phones and purses were taken. P34 only wore a vest/undershirt and shorts. He was barefoot, his hands were tied behind his back, and he was blindfolded. P34 said he was grabbed by his neck, taken downstairs, and put inside one of the buses. Members of the military were waiting inside the bus, one of them carried a weapon. P34 explained that because he was barefoot, one of the people wearing military boots stepped on his feet. Every time that he or one of his brother's raised their heads, they were beaten. P34 said they arrived at their destination after around one hour. He was only able to see that they were taken downstairs. They were placed inside a queue at a hallway. P34 said there were cells in this basement. He further told the court that he and his brothers had to take off their shorts and lie on the floor.

<sup>2</sup> Note from the Trial Monitor: P34 said his brother was wanted by the *Mukhabarat*, however, the interpreter translated that he was urgently searched for. Throughout his testimony, P34 corrected the interpreter several times.

The guards then searched their anuses to check whether they were carrying anything. P34 said if someone carried anything with them, it was taken away.

After this, P34 and his brothers were taken inside a collective cell. The cell was already crowded and completely packed, when P34 and his brothers arrived. Then two people carrying big batons entered the cell and started beating everyone standing in the front rows. Once the door was closed, one could hear that people were tortured with electroshocks, said P34. He and his brothers were waiting for their turn to be interrogated. P34 added that when they entered the cell, some people were immediately accused of having owned bombs and weapons. He went on to describe that they got food twice a day, however, the food “was nothing.” He said they were constantly hungry and only got a tomato or flatbread. New detainees arrived at the cell every two or three days. P34 said there were around 125 in this small cell. On his first day in the cell, he saw a child, who was around eight or nine years old. He also saw an elderly man, around 80-years-old. P34 told the court that detainees were taken for interrogation, others returned to the cell after interrogations. There was no water inside the cell and they had to drink water from the toilet. According to P34, the detainees had to sleep while standing as there was simply no space.

P34 said he was in this cell for around five days, maybe longer. During this time, he constantly heard people screaming. After a few days, he was taken to the hallway. His hands were tied behind his back and he was blindfolded. He had to stand in the hallway where he could hear screams from torture. He was then taken to a room. There was a person behind him in this room who carried a baton. P34 said he could not see much of what was happening in front of him but he could see that there was a person sitting behind a desk. P34 had to kneel and was asked questions about whether he participated in demonstrations or if he planned anything against the government. He denied everything and received a hit from behind for every denial. He was also asked if he ran a website opposing the regime. He denied and every time he denied, he was beaten. P34 said he was taken to a hallway after the interrogation. He had to stand there with his head down. Every time he raised his head, he was beaten. He was then taken to another hallway where he had to sit on the floor for around two hours before he was taken back to the same cell from where he was taken. He was then told that he and his brothers would be released in two or three days.

He and his brothers were taken to a hallway. They had to take some steps downstairs to get there. P34 explained he assumed they would be released but they were transferred to a smaller cell. P34 and one of his brothers shared a cell while his other brother was taken to a different cell. P34 described that around 35 or 36 people were detained in the small cell. They had to stay there for a couple days. P34 recalled that he met two older men there. One of them had been in this cell for nine years, another one had been there for twelve years. Both were there without any indictment and had never seen a judge. P34 described another person who was detained in the same cell. He was from Douma and one could see signs of torture all over his body. P34 added that this person’s body was blue and green. According to P34, this person was unable to eat or drink but did not receive any medication. P34 said if one looked at this person, one could tell that he must be taken to a hospital, or he would die. P34 said this person was already in the same cell than P34 before and they were transferred together.

P34 said he was detained at the Branch for eleven days in total. They were taken out of their cell and told that they could go home. P34 added that the person with severe signs of torture was taken out of the cell every two days and returned “with even more suffering.” When P34 and his brothers were released, this person was still in detention. P34 assumed he died there because he did not receive any medical treatment.

P34 told the court that [when they were about to be released] they had to go upstairs [from where the cell was] where they were gathered. Their hands were tied with cable ties. P34 explained that the person who told them they were allowed to go home, smiled while he said that. However, they were put in buses and blindfolded. P34 described that he was able to see some of the way. The situation was similar to the previous one [when they were taken to the Branch from their home]: military vehicles were accompanied by additional vehicles. A person was waiting at the entry of the bus. He was carrying a weapon and wearing a uniform. P34 said he was surprised when they were taken to the State Security Branch.

P34 explained that this Branch was a city for itself. After they entered through the big entrance gate, they took the street to the left and were let off the bus. They had to assemble at a yard when guards came and started beating some of the detainees. P34 said they had to wait there for two to four hours before the guards started taking them downstairs. The cells were located at an even lower level and the detainees were allocated to different cells. P34 added that the cells were around 2x1 meters big with 25 people inside. They all had to stand as there was not enough space. P34 further added that guards constantly came and beat detainees using a baton. One day, their hair was cropped. P34 said that was around Ramadan.

He further explained that they got food twice a day. However, the food was bad, dirty, and not enough. He said he lost 20kg in 20 days. P34 said the rules at the Branch were very strict. They were only allowed to use the toilet twice a day, maybe even only once. He said that every time they wanted to use the toilet, they had to stand in line with guards carrying batons standing next to them. The guards then beat the detainees on their way to the toilet and back. P34 added that one had five or six seconds to use the toilet. If one took more time, a guard came and started beating the person. P34 said they were also beaten on their way back to the cell.

P34 further described that one of the guards was particularly beastly. This guard started beating everyone when he was in a bad mood. P34 recalled that one time a detainee wrote the word "Allah" on the wall of the cell. P34 said if he remembered correctly, the person used blood to write on the wall. When the particularly beastly guard saw the writing, he started beating all detainees and said "there is no God, just Bashar Al-Assad." P34 further recalled that after he was in this cell for a couple days, he was blindfolded and taken to a corridor in the basement. P34 added that he thinks they were taken to another building through a tunnel. They then had to go upstairs to the first or second floor until they arrived at an office where a guard was standing next to the door. P34 was then taken inside the office where he had to stand. He was asked if he participated in demonstrations or organized activities against the regime. P34 said the interrogator had P34's brother's phone and was asking him about names from the contacts. P34 first thought it was his own phone but then found out that it was his brother's. P34 denied all questions. He told the court he did not care. According to P34 he was lucky that the interrogator was in a good mood. He was watching TV during the interrogation and zapping through the channels. After the interrogation, P34 was taken back to his cell. P34 explained that he was detained in Al-Khatib Branch for eleven days and nine days in this branch.

P34 described that he sat in his cell until guards came with a list of names and were calling people's names. P34 and his older brother were detained in the same cell while their younger brother was detained in a different cell. Nonetheless, their younger brother's name was called. P34's name was called as well. He was surprised that he would be released. P34 described that everyone whose names were called, were blindfolded and their hands were tied behind their backs.



They were taken upstairs and some people, around eight or ten, had to wait in a yard. P34 said that two officers and other members of the military were standing in the yard as well. They told the detainees that they were chosen to be released. However, they should make sure to never be arrested again. If they would be arrested again, ‘they’ would already know what to do with them. P34 said the officers also told them to be on the side of the “fatherland”. The detainees were then put inside a small van that had no seats. Their hands were untied, and the blindfolds were taken off. P34 said this happened at night. The van then drove for around 500 meters. They drove outside the Branch to a street when the van suddenly stopped and the detainees were kicked out. P34 explained that this was a strange situation because he was just wearing shorts and a shirt – what he wore when he was arrested. He was barefoot and no taxi driver was willing to stop to take him home. P34 said everyone ran away in different directions. At some point, a taxi stopped and took P34 home. He added that when they were kicked out of the van, he could see that they were in Al-Baramkeh neighborhood in Damascus.

P34 told the court, that when he came home, his parents had not heard anything about the whereabouts of their sons. They hugged each other and P34’s parents started to cry. P34 further recalled that his brother (who had not been home since P34 and his brothers had been arrested) also came home. P34 said he was the only one who was released, his two other brothers were transferred to a third branch. According to their descriptions, they were transferred to a military branch close to Damascus airport. P34 said that the treatment of detainees was very bad there. They were put in a hole and doused with dirty water. P34’s brothers were released twenty days after he was released. He recalled that after his release, he was able to regenerate a bit. He had lost a lot of weight during his detention. P34 added that he was afraid to sleep at his home. He was in constant fear and worried all the time. P34 further said that he had some money in his purse when he was arrested – around €100 – but he only got back his empty purse when he was released.

Judge Kerber thanked P34 for his descriptions and asked about the date of his release. P34 said it was in mid-August 2011, during Ramadan.

Kerber wanted to know how P34 knew that the first Branch he was detained at was Al-Khatib. P34 said he knew from people who were detained with him. They recognized the streets. Some people who were already in the cell when P34 arrived also told him and his brother that they would be at Al-Khatib Branch. P34 added that after he was released, he was also told that he was detained at Al-Khatib Branch as this Branch was in charge of the area he lived in.

Kerber recalled that other witnesses mentioned names of guards and asked P34 if he knew any names as well. P34 said he does not remember very well, but one guard got a nickname: Mimat. [The translator added that this would mean pigeon breeder in German].

Kerber asked if the nickname derived from a TV series. P34 affirmed, adding that he was not entirely sure because this happened ten years ago.

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[15-minute break]

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**Judge Wiedner's Questioning**

Judge Wiedner said he had a few more detailed questions for P34, starting with a question about the time before his detention when he participated in demonstrations. Wiedner wanted to know how the Syrian security forces reacted to the demonstrations. P34 said he participated in demonstrations, particularly in [information redacted]. Security forces and police fired shots at the protestors using Kalashnikovs at every demonstration. There were big buses with members of the military carrying batons and weapons at every demonstration. Streets were blocked in addition and vehicles with heavy ordnance were present as well. P34 added that some people were killed, others were arrested. If one was killed, the many protestors participated in the funeral, chanting slogans against Bashar Al-Assad. According to P34, security forces were present at the funerals as well, shooting at people.

Wiedner asked if P34 participated in such a funeral himself. P34 denied, adding that he participated in demonstrations where shots were fired.

Wiedner wanted to know when and where these demonstrations happened. P34 explained the demonstrations took place in Al-Midan and Al-Qadam. He recalled that at one demonstration in Al-Midan, people were gathering after Friday prayers, close to the Al-Hasan Mosque, and shouting parols against Bahar Al-Assad. Security forces came and started shooting at protesters in a "hysteric manner". P34 said he was very afraid at this incident. He further recalled another demonstration in Al-Midan that took place on a Friday as well. According to P34 security forces fired smoke-bombs at the protesters.

Wiedner wanted to know if these incidents happened before P34's arrest. P34 affirmed, adding that it was in May or June [2011]. His uncle was killed by a sniper at a demonstration in Al-Qadam. His funeral turned into a demonstration and security forces started beating people.

Wiedner asked when this happened. P34 said it was summer 2011, however, he could not remember the exact date.

Wiedner went on to ask P34 if he was directly taken to Al-Khatib Branch at his arrest or if he was taken to another place before. P34 said it was early morning when he and his brothers were taken to the buses and directly taken to Al-Khatib.

Wiedner recalled P34 telling the German police that he might have been at Jisr Al-Abyad after his arrest. P34 explained that he assumed that Al-Khatib Branch was located in Jisr Al-Abyad. However, he asked someone who used to demonstrate with his brothers and who was detained in Al-Khatib as well according to his descriptions of the cells. This person then told P34 that Al-Khatib Branch was not located in Jisr Al-Abyad but close to the Red Crescent Hospital. P34 added that he did not know Al-Khatib Branch because there are just so many branches in Damascus. According to P34 the person who told him about the location of Al-Khatib also told him about Anwar Raslan and that he and P34's brother were interrogated by Raslan.

Wiedner wanted to know if P34 met Raslan during his detention. P34 denied, adding that he could not see due to the blindfolds.

Wiedner went on to ask about the detention conditions. He recalled that P34 said that around 125 people were detained in one cell and asked P34 about the size of this cell. P34 said it was around 6 or 7 meters long and around 1 to 2 meters wide.

Everyone had to stand all the time, and one could not lie down to sleep. P34 said it was very crowded and he had to lie on the side when he wanted to sleep and could not move.

Wiedner asked about the air inside the cell, considering that it was in the middle of summer. P34 said there simply was no air. He got a skin rash and the situation inside the cell was very bad. It was very hot and while some people slept, others used their shirts to wave some air. P34 concluded that the situation was unbearable.

Wiedner wanted to know if there was daylight in the cell. P34 denied.

Wiedner asked if the light was switched off at night. P34 denied, saying it was burning all the time.

Wiedner wanted to know why P34 got a skin rash. P34 explained that there was no water, the cell was full of dirt and there was no soap to wash.

Wiedner asked if P34 heard other detainees being mistreated, and if so, how many times he heard it. P34 said he heard people screaming from torture with electric shocks every day. He also saw a person from Douma who showed signs of torture. His entire body was green and blue. P34 recalled that a person who came from the same town that P34 tried to flee [on his arrest]. He was then thrown from the balcony, broke his foot, and was detained. P34 said the one person in his cell who was tortured the most would have needed medical treatment.

Wiedner wanted to know what this person had to suffer and if he was injured. P34 explained that this person's body was covered with bruises. He could barely breath and was unable to eat or drink. He was lying on his back and the others thought he was about to die any time.

Wiedner asked if someone told the guards and if they were aware of the situation. P34 said of course someone told the guards, they already knew this person and knew about his situation.

Wiedner wanted to know if P34 spoke with others about interrogations. P34 said that people from Douma explained what happened to them. According to P34 the focus was on people from Douma. One of them carried fireworks and was therefore suspected to have stored bombs. P34 was questioned whether he participated in demonstrations against Bashar Al-Assad or organized them. He was also questioned if there was a link between him and his brothers and Al-Jazeera, if they filmed demonstrations and sent the material to Al-Jazeera. P34 concluded that the interrogations had various aspects and varied from one detainee to another. Some were tortured more than others.

Wiedner recalled P34 telling the German police that information about detainees was written somewhere. P34 said he remembered that one detainee had been detained for nine years, another one for twelve years.

Wiedner said P34 told the police that some detainees had information written on their arms. P34 said that some people told him about this.

Wiedner wanted to know if fellow detainees told P34 about specific torture methods. P34 asked if Wiedner was referring to Al-Khatib Branch. Wiedner affirmed. P34 described that most people were tortured with electric shocks and massively beaten. He also heard people saying that they were hanged at a wall upside-down.

Wiedner asked if there were elderly people or children at the Branch and if P34 saw them himself. P34 said on one day he saw a child and elderly people.

Wiedner wanted to know where he saw them and how long they were at the Branch. P34 explained that when he was taken to the big cell in the morning, there was a child as well. He could not remember exactly but assumed that the child was taken from the cell the same day.

Wiedner asked if it was a teenager or rather a child, recalling that P34 once mentioned the child was around eight or nine-years-old. P34 affirmed the latter. He explained that if a house was stormed, security forces simply took everyone with them. This was particularly the case with families living in Douma and also depended on the family: if several people from one family were wanted, they took everyone from the family to create pressure.

Wiedner wanted to know if P34 saw women being detained in Al-Khatib Branch. P34 denied.

Wiedner asked how many times P34 was interrogated. P34 said he was interrogated once in Al-Khatib Branch and once at the State Security Branch.

Wiedner wanted to know where the interrogation room in Al-Khatib Branch was located: if it was within the cell area or somewhere else. P34 said he could not remember very well but thinks that the room was located in the cell area, maybe upstairs. He added that it was close to the cells. P34 explained that if he remembered correctly, the interrogation rooms were on the same floor as the cells; starting from his cell, he had to go left. P34 added that he was able to see the ceiling through his blindfold and that the ceiling was low.

Wiedner asked if the ceiling was as low as it was in the basement where P34 usually was. P34 affirmed, saying it was the same height as the ceiling in his cell.

Wiedner further wanted to know where the screams that P34 heard came from: the prison area or somewhere else. P34 said they came from the prison. In his first cell, there was some kind of window, a bricked window in the wall. One could hear screams coming from this direction. The screams were very close. They were screams from electric shocks and he was able to hear the sound of the electric shocks.

Wiedner asked how many people were present during P34's interrogation based on the voices he could hear considering that he was blindfolded. P34 said one person was standing behind him and another person was behind the desk. He added that the person behind him was a guard and carried a baton. P34 assumed that the person behind the desk was an officer, he asked the questions.

Wiedner wanted to know if the guard received orders to beat P34. P34 said he could not remember very well but he thinks that they communicated with their eyes.

Wiedner asked where P34 was beaten. P34 explained that he had to kneel and remembered being beaten on his back.

Wiedner asked how long the interrogation lasted. P34 said it lasted around ten minutes.

Wiedner recalled P34 telling the German police about the faith of his brother-in-law and wanted to know what he could tell the court about that. P34 explained that the area where his family lived was firmly controlled by revolutionaries. The air force carried out airstrikes on the area and it was bombed. P34 said the gunfire came from a military area close by. Many people who lived in the area decided to leave their homes. P34's sister and her husband lived close by but P34's brother-in-law did not want to leave. The area was eventually surrounded and targeted by airstrikes.

Wiedner asked when this happened. P34 said it was in early 2012. He explained that his brother-in-law lived in a house where he also had his own lock smithery. He was still working at the time and had to deliver things, so he was driving around a lot. P34 added that due to the situation his brother-in-law was of course not working as he did before. Although P34 was at home at the time, he did not have much contact with his brother-in-law. However, one day his brother-in-law did not return home with his business van. His sister was then alone with their two toddlers. P34 said his brother-in-law stayed away for one to four months. Everyone knew that he was arrested because there was a checkpoint outside the area they lived. Everyone was arrested at this checkpoint. The family therefore assumed that he was arrested there as well. P34 explained that his brother-in-law did not participate in demonstrations, but members of his family who had the same last name demonstrated. P34 told the court that if one who has the same last name as a wanted person gets checked at one of the check points, he gets arrested.

P34's family then arranged for his sister and their daughters (two and six years old) to leave their home. P34's parents already lived somewhere else as did his entire family. P34's father was killed in Darayya when the fourth Division invaded. His sister moved to his family who lived in a suburb of Aleppo shortly after their father died. Two or three years later, the Caesar Files were published, and the family found a picture of P34's brother-in-law amongst the Caesar Files.

Presiding Judge Kerber said the court would now visually inspect the picture that P34's counsel Bahns recently sent the court.

[A picture was shown in court showing the head of an apparently dead person, similar to the pictures from the Caesar Files that were previously shown in court.(see [TR#36, day 40](#) and [TR#17, day 41](#))]

P34 said the picture shows his brother-in-law.

Judge Wiedner wanted to know where P34's family found the picture. P34 said that relatives of his found it on the internet. He explained that there was a website for people demonstrating in Syria. This website published things like the Caesar Files. Amongst the pictures from the Caesar Files that were published by this website was the picture of P34's brother-in-law that relatives spotted.

Wiedner asked if P34's relatives were informed when he was arrested and informed about his place of detention. P34 denied, adding that no one was allowed to ask about it. P34 explained that 'not being allowed' means that people were afraid to ask because they feared that they would be arrested themselves. P34 recalled that one of his brothers was detained for one month. His mother decided to go to the Palestine Branch and asked about her son. She thought that no one would harm an elderly lady. However, she was sent away at the entrance and told that if she would not go away, she would be taken inside. P34 concluded that no one could ask about their whereabouts.

Wiedner wanted to know what the worst thing for P34 about his detention was. P34 said it was simply being there. The cell was tiny, there was no food, air, or sun. P34 said his detention at the State Security Branch was very hard because the cell felt like a grave. The cell was so tiny, one could not even lie down as he was able to do in Al-Khatib Branch.

Presiding Judge Kerber asked whether P34 needed a break or if the prosecutors could ask their questions. P34 said he was good to continue.



**Prosecutors' Questioning**

Prosecutor Klinge recalled that P34 was transferred to another cell during his detention in Al-Khatib Branch. He wanted to know more about the cell regarding size, number of detainees, windows, and heat. P34 said one could say that it was hot everywhere. It was unbearable. P34 said the cell was tiny but around 36 people were detained there. There was a toilet inside the cell, but it was merely a hole in the floor. There was no water. P34 said he was not sure but there might have been a tap or a tube and a can. The cell as well as the toilet was very dirty. There was no window, just a small hatch above the toilet. If one looked through this hatch, one could see big buildings. P34 therefore assumed that the Branch was located in the middle of Damascus.

Klinge asked about the air inside the cell. P34 said there was no air. There was only a small hatch but a lot of people.

Klinge wanted to know about skin rashes, scabies, and lice. P34 said he assumes there were lice and people suffering scabies. He added that many people were suffering from skin conditions because they were detained in such a cell.

Klinge asked if P34 saw corpses at Al-Khatib Branch. P34 denied.

Klinge recalled P34 telling the court that his brother and an acquaintance were interrogated and asked P34 what he knew about these interrogations. P34 said the person with whom he spoke about this would currently live in Turkey. P34 did not know this person, he only got to know him after he was arrested together with P34's brother in March [2011]. This person was arrested together with P34's brother and P34's uncle. The person said that he saw Anwar Raslan and was interrogated by him. When P34 spoke with this person about the interrogation, P34 realized that the interrogation room which the person described was the same room where P34 was interrogated as well. The person further told P34 that P34's brother was also interrogated by Anwar Raslan. P34 asked Klinge what else he wanted to know.

Klinge asked how the interrogation was, what happened, and how the treatment was. P34 asked if Klinge was referring to P34's interrogation. Klinge said he was talking about P34's brother's and the other person's interrogation by Anwar Raslan. P34 said he first did not know that his brother was at Al-Khatib. This person told him and P34's sister confirmed. She told the family that the interrogator was very strict and that their brother and uncle were tortured and had to sign something before they were released. [P34 consulted his counsel. He continued his testimony in German but immediately switched back to Arabic]. P34 explained that he got this information from his sisters, not from his relatives. After his questioning with the German police in Bonn, his sister told him that their brother had to sign something. He first refused to sign but Raslan threatened to arrest and rape his sister. His brother then signed and was released together with [name redacted] who was arrested together with P34's brother in March.

Defense counsel Fratzky intervened, saying he did not understand the last part of P34's answer. P34 said that his brother signed something that could be considered a confession and was released afterwards. Defense counsel Böcker intervened, saying he did not get the part where P34 was talking about a third person. Plaintiff counsel Bahns intervened, saying Böcker should use headphones like everyone else. He would constantly ask for clarification because he never uses headphones.

Böcker replied that no one could force him to wear earphones, he just wants clarification regarding what P34 just said. Presiding Judge Kerber said everyone should calm down and repeated what P34 just told the court. P34 nodded.

Klinge wanted to know how P34's sister knew about the threats. P34 said his brother told his sister and their relatives about it. P34 was working a lot at that time and only returned home at night, so he did not know everything that was going on at home.

Klinge asked when the interrogation by Anwar Raslan took place. P34 said his brother was arrested in March 2011.

Klinge asked when P34's brother was released. P34 said he was released around one month later. He added that the demonstration where his brother was arrested happened in mid-March and his brother was released around mid-April.

Klinge wanted to know if P34 was a victim or witness of sexual violence at Al-Khatib Branch. P34 denied.

### **Defense's Questioning**

Defense counsel Böcker recalled P34 mentioning that he heard from his sister after his questioning with the German police in Bonn. Böcker asked if P34 was questioned by the German Federal Criminal Police Office (BKA). P34 affirmed.

Böcker asked if this happened in Bonn or Meckenheim. P34 said it was in Bonn.

Böcker wanted to know if the questioning took place in Winter 2020. P34 said it might have been in Meckenheim, but he arrived at the main station in Bonn.

Böcker asked if the questioning took place in December 2020. P34 said he thinks so, adding that it was cold and the questioning lasted from morning until evening.

Presiding Judge Kerber asked the plaintiff counsels if anyone had questions. Plaintiff counsel Scharmer nodded, saying that he would however prefer to have a break before.

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[15-minute break]

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### **Plaintiff Counsels' Questioning**

Plaintiff counsel Scharmer recalled P34 telling the court that right at the beginning of his detention at Al-Khatib Branch, he had to undress, lie on the floor, and his anus was searched. Scharmer apologized for the question, adding that it would, however, be important, and asked P34 if he was touched in this situation. P34 said he can remember this instance very well. After they had to undress, they had to lie down on the floor. They also had to squat and were insulted by the guards at the same time. P34 added that no acts of a sexual nature were performed on him, the situation was rather humiliating.

Scharmer wanted to know more about the physical and psychological condition of the children that P34 saw during his detention. P34 explained that he could not talk to them. It was his first day at the Branch and everyone was shocked and in fear. There were so many people in the cell and P34 did not talk to many of them.

Scharmer recalled P34 mentioning that his brother-in-law might have been arrested at a checkpoint. Scharmer asked P34 where this checkpoint was. P34 said he cannot say which checkpoint it was because there were checkpoints on all sides [of the area where P34's sister and brother-in-law lived]. Coming from the city, there were two ways leading to P34's brother-in-law's home from al-Qadam and two ways from Sbeneh. One was the "Street of the Adara Factory" or "Factory Street" but P34 did not remember the official name of the street. He added that he did not know where his brother-in-law was and what exactly he did, so he could not say at which checkpoint he was arrested.

Scharmer asked who was in charge of the checkpoints. P34 said he did not know, but he was told by others that Al-Khatib Branch was in charge of the area where P34 and his family lived. But other intelligence services were involved as well. According to P34, the air force intelligence had its own checkpoints as well because people were also arrested by the air force.

Scharmer wanted to know if P34 later heard where his brother-in-law was detained or where he died. P34 said he and his family would not know for sure. They only saw the picture.

Scharmer asked if P34 and his family were informed about the whereabouts and death of his brother-in-law. P34 denied, adding that if someone was arrested, he disappeared.

P34 was dismissed as a witness.

Presiding Judge Kerber said the prosecutors were able to secure another witness and organized his questioning. This witness was summoned for June 23. Copies of the transcript of the witness's questioning were handed over to the parties. Kerber explained that the summons for June 23 would provide enough time for everyone to prepare. She added that the court had difficulties arranging the appearance of the witness who was scheduled for the following day, however, they were able to solve these difficulties and the witness will testify in court as scheduled. Kerber further explained that the court summoned a witness from abroad for July 1 and 2, however, the witness did not yet react to Judge Wiedner's attempts to contact him. The court therefore also summoned the relevant BKA officer in case the witness cannot come. Kerber added that there would be more witnesses who prefer not to testify in court, but the judges would try their best to arrange for them to testify in court.

Defense counsel Böcker said he just scanned through the transcript that was handed out and realized that there are many redactions. To ease preparation, he wanted to know why there were redactions. Prosecutor Klinge explained that the witness was forwarded to the Prosecutor General by the German Migration and Refugee Authority (BAMF). The witness mentioned names of other people who could be in danger. He was also questioned about other possible suspects. Therefore, parts of his testimony had to be redacted for the purpose of this trial. Klinge said that the reasons for redactions would also become apparent from the transcript.

The proceedings were adjourned at 12:05PM.

**Day 76 of Trial – June 17, 2021**

The hearing began at 9:40 am with seven spectators and two members of the press in the audience. A three-person camera team was allowed to film inside the court room before the start of the trial day. The team also filmed outside the court room when people were leaving and returning to the courtroom during breaks. None of the accredited journalists requested access to the Arabic interpretation. The prosecution was represented by prosecutors Klinge and Polz. Plaintiff Counsel Khubaib Ali Mohammed was not present.

Presiding Judge Kerber asked Plaintiff Counsel Kroker to explain the events leading up to the witness's testimony in court this day. Dr. Kroker explained that the witness's initial counsel was attorney von der Behrens, however, she unexpectedly fell sick. Kroker therefore substitutes von der Behrens and acts as witness counsel for this witness.

Plaintiff Counsel Böcker mentioned that the names of different attorneys appear on the case file in relation to this witness: Kaleck, von der Behrens, Hackmack. He asked on what basis Kroker would now act as witness counsel. Judge Kerber explained that von der Behrens was admitted as witness counsel but fell unexpectedly sick, and Kroker now had the power of attorney.

[The witness was called and entered through a side door]

**Testimony of P35**

Before Presiding Judge Kerber asked the P35 about his personal details and informed him about his rights and duties as a witness, P35 started sobbing. Kerber said that the witness can ask for a break at any time and can always consult his counsel Kroker in case he has any questions. P35, a 40-year-old Syrian now living in [information redacted] where he [information redacted], was informed about his rights and denied being related to the Accused by blood or marriage. Judge Kerber explained that the court needs to hear the information which P35 already provided the German police during his questioning. She handed over to Judge Wiedner. The witness was emotional throughout his testimony and had difficulty composing himself.

**Judge Wiedner's Questioning**

Judge Wiedner first asked P35 to provide an overview of his background, how he got in conflict with the regime, and when and where his several detentions happened. P35 said he was a [information redacted] and was part of the Syrian national team. His family worked as merchants and was well-known in Syria, as was P35. He explained that starting in 2001, he and his family voiced their political opinion. They were very surprised the regime was passed on from father to son. P35 therefore had a certain political opinion and was eventually excluded from the national team, although he was the Arab champion. He explained that he was relatively young at the time and the regime started persecuting him due to his political opinion. He was detained in Branch 251 in 2007 and met Anwar Raslan on his first day at the Branch in Raslan's office.

[P35 asked for a one-minute break]

Wiedner said this would be a good opportunity to ask a small question. He wanted to know if P35 was detained before his detention in 2007. P35 said before 2007, he was detained by the Military Security.

Wiedner wanted to know when this happened, if P35 was still part of the national team at that time. P35 explained that he was excluded from the team in 2011 and had to endure massive torture in 2011 and 2012. He therefore had gaps in his memory and had been receiving medical care for this reason.

Wiedner said it would be OK and asked P35 to continue with the events that happened in 2007. P35 said there [Branch 251] were two people who supervised torture. Anwar Raslan was the head of investigations at the Branch. P35 said he received electric shocks. One could still see the scars; he showed them to the German police. He was tortured with *Shabeh* as well. P35 described that his hands were tied and he was hanged. He added that he has to take medicine because of these experiences.

Wiedner wanted to know if that happened in Branch 251. P35 affirmed, saying it happened in Al-Khatib, also known as Branch 251.

Wiedner asked about the year. P35 said it was in 2007 if he remembered correctly.

Wiedner wanted to know why P35 was arrested. P35 explained that he was accused of being an oppositionist and spying for foreign countries.

Wiedner asked how P35's was arrested: if he was summoned or taken from somewhere. P35 said that patrolling security forces came to his place. They blindfolded him, put him in a car and took him with them. P35 added that he was arrested 13 times, so he might get confused a bit.

Wiedner asked P35 to try and remember. He wanted to know how P35 knew that he was in Al-Khatib Branch. P35 said there was a gathering place where other detainees told him that it was Branch 251.

Wiedner wanted to know what the place looked like. P35 described that the situation there was very bad. There were screams, torture, and humiliation.

Wiedner asked where P35 was taken after he was arrested. He asked if he was taken to a prison. P35 said he was taken to the place he just described. Wiedner asked what the building and the detention rooms looked like. P35 explained that the cell had an iron door with a small hatch. He asked if he should describe the prison as well. Wiedner affirmed. P35 said this happened 14 years ago and he forgot many things.

Wiedner wanted to know whether the prison was upstairs or downstairs. P35 said it was downstairs. His [Raslan's] office was upstairs, but the cells were downstairs.

Wiedner asked about the size of the cells. P35 explained that he was first detained in a bigger collective cell and then transferred to a solitary cell.

Wiedner wanted to know if there were other detainees as well. P35 affirmed, adding that there were many.

Wiedner wanted to know what P35 was able to remember from his interrogation. P35 said he remembered that he met him [Raslan] at the Branch. P35 was asked why he was trying to ruin the country and what side he belonged to.



P35 said he was told to confess, if not, it would be clear what treatment he received. P35 said he denied everything, and the guards took him away and tortured him.

Wiedner asked where the office was and where P35 was taken after the interrogation. P35 explained that he was blindfolded. He was taken upstairs, and his hands were tied behind his back. P35 concluded that his [Raslan's] office was upstairs.

Wiedner wanted to know which floor it was on. P35 said it was above the prison. He did not know which level exactly but said that it was upstairs and big.

Wiedner asked what P35 was able to see of the office through his blindfold. P35 explained that the blindfold slightly got out of place, and he was later asked to remove it. He could see a phone and walkie talkies on the desk.

Wiedner wanted to know more about the furniture and items in the office. P35 said the office was big, long, and wide. There was furniture, but he could not remember.

Wiedner asked if he saw chairs or a sofa. P35 said he forgot.

Wiedner wanted to know if P35 was standing, sitting, or kneeling. P35 said he was standing, adding that his hands were tied at first, but then removed.

Wiedner asked how many people were in the room. P35 said one person took him to the room, however, he did not know whether this person stayed.

Wiedner recalled P35 saying that Anwar Raslan was in the office and asked P35 how he identified Raslan and knew it was him. P35 explained that he did not know Raslan personally. However, when P35 worked as a merchant, he learned that Raslan was the head of an investigation office. P35 added that there was one guard who helped him and told him that the interrogation Officer was Raslan.

Wiedner asked if P35 recognized someone in the courtroom as the person who interrogated him. P35 affirmed.

Wiedner wanted to know whom P35 recognizes. P35 said he recognizes Anwar Raslan from his birthmark, adding that Raslan, however, looked a bit differently back then.

Wiedner asked P35 to describe the meeting: how it went, what he was asked, and how Raslan acted. P35 said he got nervous, the guards told him they would take him with them.

Wiedner asked what the interrogation officer wanted to know. P35 said he was asked why he was in the opposition, on which side he was on, and with whom he was collaborating in foreign countries.

Wiedner wanted to know what P35 answered. P35 told the court that he replied that he had no reason to destroy the fatherland, it would nevertheless be his home country.

Wiedner asked if P35 confessed. P35 said one is forced to confess.

Wiedner wanted to know if this happened to P35 during the interrogation as well. P35 said he did not do anything wrong, so he saw no reason to confess. He [Raslan] said the guards knew how to treat P35. According to P35, Raslan rang a bell, and the guards came. Raslan told them to treat P35. He was then taken to be tortured.

Wiedner asked about the atmosphere during the conversation and wanted to know whether Raslan was friendly or threatening. P35 explained that the regime would act according to the motto “carrot and stick”, the end of the conversation was the stick.

Wiedner wanted to know what the carrot would be then. P35 said Raslan smiled, he had a yellow smile. P35 added that he was told to stand.

Wiedner recalled P35 telling the German police how the interrogation went. Wiedner cited from the transcript of the police questioning: ‘Around 7PM I was taken upstairs with my eyes blindfolded. There I met Anwar Raslan. He told me he wanted to help, but I would have to tell everything I did. We then discussed.’ P35 affirmed, adding that the smile he just mentioned meant that he could only get help if he confessed.

Wiedner recalled that P35 was asked during the interrogation if he collaborated with European or American agencies. According to Wiedner, P35 denied and said he was only fighting for his rights. Wiedner asked P35 if he remembers the situation, particularly in context of “travel ban.” P35 said he was under travel ban and only allowed to leave the country with the permission of a branch.

Wiedner further recalled P35 telling the German police that he told Raslan that he thinks the travel ban by the intelligence services was unjust and that he had to make an application every time he wanted to leave the country. Raslan then asked P35 if he wanted to confess but P35 denied. Raslan then rang a bell and Abu Muhammed came and took P35 to the basement. P35 confirmed, saying that Raslan rang a bell and he was then taken to the basement.

Wiedner again cited from the transcript of P35’s police questioning: “He [Anwar Raslan] asked me to whom I want to sell the country. I said I am fighting for my rights and reforms. Raslan asked me who I am to request such things. My hands were untied, and we started discussing. However, I was still blindfolded. He took off my blindfold and we discussed eye to eye.” P35 explained that his blindfold first slightly moved and was then taken off.

Wiedner continued citing from the police transcript: “In 2006 and 2007 many people requested reforms. I told him [Raslan] that I do, too. We started discussing. He then asked me if I wanted to confess. I denied. He rang a bell and called Abu Muhammed. He [Raslan] told him to do whatever he [Abu Muhammed] thinks is right. The latter confirmed with a salute and knew what he had to do”. P35 explained to the court that it was a code to order torture. Because he [Raslan] was the head of investigations no one could do anything without his approval. It was known/set that he gave the orders.

Wiedner wanted to know how long P35 was at Al-Khatib Branch before he was interrogated. P35 said he does not know.

Wiedner asked if it happened rather immediately or if some time passed. P35 said he thinks that he was there for a couple days already.

Wiedner wanted to know if P35 was beaten or tortured before the interrogation. P35 affirmed, saying he was beaten several times before.

Wiedner asked if he was beaten before the interrogation. P35 said he was beaten before the interrogation but the actual torture started afterwards.

Wiedner wanted to know what happened after the interrogation. P35 said he was massively tortured. This scene repeated every day.

Wiedner asked what exactly happened to P35. P35 said he had to endure everything: *Shabeh*, electric shocks at his feet, the chair. [P35 showed signs of torture at his wrists]

Wiedner asked if P35 was hanged. P35 confirmed.

Wiedner wanted to know where that happened. P35 said it happened in the basement.

Wiedner asked if P35 was beaten while he was hanged. P35 affirmed, adding that he was constantly beaten. The guards said "take that, you [information redacted]."

Wiedner wanted to know where P35 was beaten. P35 said he was beaten on his stomach, back, and everywhere else.

Wiedner asked if P35 was beaten on his feet. P35 said he had to undergo surgery in [information redacted] for that reason. The signs would still be visible, and he had medical certificates.

Wiedner recalled P35 telling the police that he was in solitary confinement for nine days. His feet were bleeding for eight days. He therefore needed a new blanket every day. P35 said he cannot remember. He remembered that there was blood, but not details.

Wiedner wanted to know if P35 was tortured in Branch 251 with other methods as well. P35 said he was tortured with *Doulab*, beatings, and many other things.

Wiedner asked P35 to describe *Doulab*. P35 explained it means tire. Wiedner asked how P35 was tortured with this. P35 said he was squeezed inside the tire and then beaten.

Wiedner recalled P35 telling the police that he was tortured with a chair. He asked P35 to describe this method. P35 explained that the chair has a hole where one would usually sit. One is squeezed in this one. P35 added it was called *German Chair*.

Wiedner wanted to know how long P35 was detained at the Branch and how many times he was mistreated. P35 said he was there for eight months and tortured many times, he could not remember the exact number.

Wiedner asked if P35 was tortured immediately after the interrogation with Raslan. P35 confirmed.

Wiedner wanted to know if other detainees were tortured as well and in what condition they were. P35 said it is impossible that someone would be detained in this Branch without being tortured. Others were tortured even more, they were destroyed. P35 added that one person died from torture.

Wiedner asked what happened to this person. P35 said this person was tortured. P35 was then told that he had blood in his brain and died of a brain attack.

Wiedner asked if P35 saw that. P35 said he saw the person lying on the floor.

Wiedner asked if the person was dead. P35 confirmed, saying he was taken away by the guards.

Wiedner wanted to know more about the general detention conditions relating to food and hygiene. P35 said the food was not clean and not good. It was full of lice and due to the amount of people, one was always sweating. It was dirty.

Wiedner cited from the police transcript saying that P35 said they got seven olives and something else for breakfast, bulgur and soup for lunch and some bread and egg for dinner and sometimes a bit of rice. However, the food was never enough, and most people were severely underweight. P35 confirmed.

Wiedner asked P35 about the size of the cell he was detained in. P35 said he forgot. The solitary cell was very small, but he did not know how big the collective cell was.

Wiedner wanted to know how small the cell was and if he was the only detainee there. P35 said he was alone in the solitary cell. There were many detainees in the collective cell.

Wiedner cited from the transcript of P35's police questioning during which he said that the solitary cell was 1x1.5 meters big and 2 meters high. One could not lie down. It was always dark and there was only a small hatch that was only opened when the guards called him. P35 confirmed the statement, saying that the cell was that tiny.

Wiedner wanted to know if P35 ever fell unconscious due to torture. P35 affirmed, saying he was then wrapped in a blanket.

Wiedner asked how he was tortured when he fell unconscious. P35 said he received electric shocks and a lot of beating.

Wiedner again cited from P35's police questioning during which he said that that four or five people in the torture room tortured and kicked him. Abu Muhammed and Ali beat him and tortured him with electric shocks until he could not feel his leg anymore. P35 then fell unconscious and was wrapped inside the blanket and taken back to his cell. He was tortured again the next day. P35 confirmed, adding that he was tortured every day.

Wiedner further cited P35 telling the police that he had to sit on a chair and was beaten. They wanted him to confess, and he was beaten on his legs, feet, and back, using cables. When he fell unconscious, they poured water over him and hanged him at an iron stick for five or six hours. He was tortured with

electric shocks for seven or eight days. Ali then increased the power, but Abu Muhammed told him to slow down to not kill P35. P35 confirmed, adding that Ali was the one who tortured the most.

Wiedner wanted to know if P35 was blindfolded during the mistreatment. P35 explained that he usually had to wear a blindfold. However, due to the beating the blindfold moved and he was able to see people. This was why he saw Ali and Abu Muhammed. [P35 showed the court how the blindfold moved].

Wiedner asked if P35 met Raslan again at the Branch. P35 said he met him before he was released.

Wiedner wanted to know how the meeting was. P35 said he forgot. He had to wear the blindfold and sign a paper and leave his fingerprint.

Wiedner asked if one could see at this meeting that P35 had been tortured. P35 confirmed, saying that one could see the signs all over his body.

Wiedner wanted to know what P35 was wearing. P35 said he does not know, he was wearing the shirt he wore when he was arrested.

Wiedner wanted to know the reason for P35's release. P35 said he was released due to bribery.

Wiedner asked how exactly the bribery took place. P35 said he does not know because his relatives arranged everything.

Wiedner asked if someone told P35 about it. P35 said he was told that everyone was asking for him and trying to get information. P35 added he does not know any details as it happened 14 years ago.

Wiedner mentioned P35's brother and asked what his job was. P35 said his brother was the general director of [information redacted] that also delivered to the palace.

Wiedner asked if P35 was told that money was paid. P35 explained that he was told that money was paid. He then received better treatment and was even able to shower.

Wiedner cited from P35's police questioning during which he said that his family did not know where he was. They were searching for five or six months. His brother was a merchant and had contacts with the [name redacted] family who was in contact with Anwar Raslan. P35's brother paid 15,000 Syrian Lira for P35's release and P35 was tortured significantly less. The investigator told P35 that he was very lucky. He had to sign a paper. He was then told that his documents were with the court and that he would be released soon. P35 confirmed, adding that he could remember some things, others not.

Wiedner wanted to know what P35 could remember from this instance. P35 said he knows that his brother intervened, he was treated better and signed something. That was what he could remember.

Wiedner asked how long after his arrest P35 met Raslan for the second time. P35 said he does not know.

Wiedner asked if it was five months. P35 said he does not know.



Wiedner wanted to know if the second meeting was different, if it was an interrogation, and how the atmosphere was. P35 said it was better.

Wiedner asked if he was interrogated. P35 said he does not know. He would only know that the circumstances were better.

Wiedner wanted to know if P35 could remember anything about the medical treatment of his feet. P35 said he needed medical care for his feet. They were then treated in a hospital.

Wiedner cited from P35's police questioning: When P35 was asked whether he met Raslan again at the Branch, he explained that when the merchants intervened, he met Raslan again in his office after around five months. Raslan offered him tea. The meeting was different than the first one. Raslan said he wanted to help P35 who told Raslan that his feet were inflamed. Raslan said he would receive treatment the following day. Before P35's feet were treated, he was told that his papers were sent away and with the court. P35 explained to the court that this treatment was not sufficient. He only received Aspirin and tranquilizers. The actual medical treatment did not happen at this occasion. He only received painkillers because he could not sleep.

Wiedner wanted to know what happened after that, how P35 was released. P35 said he went to the court where he was released.

Wiedner asked if P35 was able to remember how Raslan was dressed. P35 said he once knew but could not remember in this moment.

Wiedner asked if he wore a uniform. P35 said he could not remember, adding that it happened 14 years ago.

Wiedner recalled P35 telling the German police that Raslan had a high position at the Branch, which one could also see from his clothes. Wiedner asked if P35 was able to better remember things when he was questioned by the police in 2019. P35 affirmed, explaining that he is being treated. He added that he was detained in 2012 and the torture left its scars. He forgot a lot of things within two years. P35 added that he was telling the truth.

Presiding Judge Kerber said that after one hour of testimony, the first chapter of P35's testimony would be over and the judges would continue with their questions after a short break.

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[15-minute-break]

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Judge Kerber said she hopes that P35 was able to recover a bit during the break.

Judge Wiedner continued his questioning by recalling that P35 told the German police that he was detained in Branch 251 a second time. Wiedner asked when this happened. P35 explained that he was detained thirteen times. This would be a problem because he sometimes gets confused with the different detentions. P35 said he tried hard to remember, but it would not always be easy. He said that when Wiedner cited from the transcript, he could remember certain things, while he forgot others.

All of this happened thirteen times: the torture, beatings, and detentions. According to P35, the doctors in [information redacted] told him that due to the torture he would have normally “lost his brain” and not only have gaps in his memory. P35 said he receives medical treatment for 6.5 years. It would be some kind of rehabilitation so he could live a normal life. P35 said he tries everything to move on. When he saw that Germany arrested Anwar Raslan, P35 thought he had to come to court because Raslan was the supervising person at the time P35 was detained. P35 added that he would be honest by saying that he forgot certain things.

Judge Wiedner said it would be OK, the judges would be the last to criticize him for that. Wiedner said P35 should just try to remember. He went on to ask P35 when he was arrested at Branch 251 for the second time, whether it was before the inner Syrian conflict. P35 said it was before that. He owned stocks of an opposition newspaper [the translator did not mention the Arabic name of the newspaper but translated it to German].

Wiedner asked if P35 wrote articles for the newspaper as well. P35 explained he was arrested because he wrote an article titled “[information redacted]” and Ali Mamlouk therefore detained him at Kafar Souseh.

Wiedner recalled P35 telling the police that he was arrested in 2010 and asked P35 if that was correct. P35 confirmed.

Wiedner asked if his arrest was related to the newspaper. P35 affirmed.

Wiedner wanted to know whether P35 was arrested or summoned. P35 said he remembered being summoned to come to a branch.

Wiedner wanted to know which branch it was. P35 said he remembers it was Branch 251.

Wiedner asked if P35 went there voluntarily. P35 said he went there because he did not do anything wrong. He did not see any reason to not go there.

Wiedner asked how long he was detained. P35 said it was days.

Wiedner recalled P35 telling the police that he was detained for eight days. P35 confirmed, saying it was around eight or nine days.

Wiedner asked if P35 could remember how this detention was compared to 2007. P35 said one could not compare them. The torture in 2007 was massive.

Wiedner asked how it was in 2010. P35 repeated that it was not comparable.

Wiedner wanted to know if 2010 was better or worse. P35 said 2007 was a lot worse.

Wiedner asked if P35 was detained in a solitary or collective cell in 2010. P35 said he forgot.

Wiedner cited from the transcript of P35’s police questioning during which P35 said that he was again detained in a collective cell. However, it was a lot better this time: the cell was 40m<sup>2</sup> big with 20 detainees inside. There was a toilet in the corner of the cell. The food was the same as in 2007 and the hygienic condition was as bad as in 2007. P35 told the court he could not remember exactly but the second time was better.

Wiedner further recalled P35 telling the police that the guards were better the second time as well. P35 confirmed.

Wiedner wanted to know if P35 also met Raslan during his second detention at Branch 251. P35 could not remember, Wiedner asked if he remembered anything. P35 said he tries to remember but could not.

Wiedner said he can provide P35 more context by recalling that P35 told the police that he met Raslan again and told him that the country developed in a bad way. P35 confirmed that he asked Raslan if he remembered their meeting in 2007 and told him that the country would now [2010] be in a worse shape. P35 added that he was able to remember now.

Wiedner asked if Raslan interrogated or questioned P35. P35 recalled Raslan telling him that 'they' would be under a lot of pressure from the US and internationally. They would try to reform the country. P35 said that is all he remembered.

Wiedner asked if P35 was blindfolded when he met Raslan, adding that P35 can let the court know if he cannot remember. P35 said he thinks he was blindfolded but would not be sure.

Wiedner asked if P35 heard Raslan's voice. P35 said he was not sure but thinks that he heard him talking on the telephone or walkie talkie.

Wiedner cited from P35's police questioning. When asked if he was tortured while Raslan was present, P35 affirmed to the police. He explained that he heard his voice while he was tortured. According to P35 he was blindfolded and beaten with cables in 2010. Raslan twice said "more". P35 heard his voice twice in 15 to 20 minutes. Raslan once asked him if he wanted to confess. P35 said he did not hear him after one hour of torture when he was taken back to his cell. P35 told the court that this did not happen in Raslan's office but downstairs.

Wiedner concluded that P35 would now be able to remember. P35 said he could remember parts. He was blindfolded and could hear voices. He could also remember that Ali was the one torturing him again.

Wiedner wanted to know if P35 was somehow able to see Raslan. P35 said he heard his voice. He could not remember if he saw him but usually the guards only tortured someone when Raslan ordered it.

Wiedner asked if P35 heard orders. P35 denied.

Wiedner asked if there were other people present who were tortured as well or whether P35 was alone with the people/voices he described. P35 said people were being tortured next to him. He heard their screams.

Wiedner wanted to know whether they were in the same room or somewhere else. P35 said they were not far away, very close to him.

Wiedner asked what happened to P35 and the others. P35 said he does not know how the others were beaten but he could hear them screaming.

Wiedner asked about the beatings. P35 said there were beatings with cables.

Wiedner wanted to know how P35 was released. P35 said he forgot and could not remember.

Wiedner asked if bribery again played a role. P35 did not know.

Wiedner again cited from P35's police questioning: When asked about how he was released, P35 told the police that a colleague from the newspaper knew a former employee of Branch 251. This person was bribed and P35 released. There was an order from Anwar Raslan. According to P35 nothing happened without Raslan ordering it. Raslan would order arrests and releases. P35 did not meet Raslan

again. He was released and took a taxi home. P35 told the court he knows that someone intervened, and he was only detained for a short time.

Wiedner wanted to know what physically happened to P35 during the detention, how he was tortured and mistreated. P35 explained that he had 21 surgeries in [information redacted]. He was tortured often and 11 surgeries were because of the torture. P35 added that he is receiving medical and psychosocial treatment for 6.5 years. He was tortured with horrible methods at every branch. According to P35 an officer gets promoted the more he tortures. P35 explained that this branch [Branch 251] was founded by Hafez Al-Assad and later led by his nephew Bashar Suleiman. The latter brought Anwar Raslan to the Branch. P35 said that Raslan was “artistic” in torturing people. He smiled and ordered torture at the same time. P35 said one might not make this comparison, but without the Presiding Judge, nothing can happen. This might be an inappropriate comparison, but Raslan was the head of the Branch, he was in control.

Wiedner asked how P35 knew that Raslan was creative in torturing people. P35 explained that one of his friends worked for Ali Mamlouk. This friend told him that without Anwar Raslan, no one could even touch him. He also told P35 that no one could make a decision without Raslan’s approval.

Wiedner asked about Ali Mamlouk’s position. P35 said he was the head of the General Intelligence Directorate.

Wiedner wanted to know if P35 remembers any reactions regarding his detention in Branch 251 and other detainees who felt particularly bad. P35 said that many detainees were in a bad condition. He heard that people died.

Wiedner asked if P35 saw dead people. P35 denied, adding it would only be hearsay.

Wiedner recalled P35 telling the police about dead people during his detention in Branch 251 in 2010. P35 said he saw one person lying on the floor but was not sure whether it was 2007 or 2010.

Wiedner asked whether P35 remembers a resuscitation attempt. P35 denied.

Wiedner recalled P35 telling the German police that he did not see dead people in 2007. However, in 2010 three people died in the collective cell. One was hit on his head and taken back to the cell where he died. P35 performed CPR. P35 confirmed to the court that he tried CPR. The person was hit on his head and had internal bleeding. The CPR was unsuccessful and he died. According to P35 the person was taken away. P35 added he would not know more details.

Wiedner asked about the person’s name. P35 said his name was [name redacted] but he would not be sure and did not want to say anything wrong.

Wiedner recalled P35 telling the police that the detainees called for a doctor who arrived after two hours. They took the corpse outside the cell. His name was [name redacted]. P35 said he could not remember.

Wiedner asked if more people died from mistreatment. P35 said he only saw this one person but heard about others.

Wiedner wanted to know what he heard. P35 said he heard that people died because the color of the prison was red. It was covered with bloodstains because of the torture.

Wiedner asked if P35 was talking about specific rooms. P35 said it was mainly in the corridor. This was where people were tortured with *Shabeh*. Therefore, there were many bloodstains.

Wiedner concluded that people were hanged there and asked P35 what exactly happened there. P35 described that there was an iron stick at the wall. People were hanged there with handcuffs. They were hanged 20cm above the floor for four or five hours.

Wiedner asked if they were beaten while hanged. P35 confirmed, explaining that they were beaten with cables all over their bodies.

Wiedner asked if P35 saw this happening to others. P35 said it happened to him and he saw others when his blindfold slightly moved, and he was able to hear voices.

Regarding dead people, Wiedner recalled P35 telling the police that when the detainees got food, P35 heard Ali telling Abu Muhammed to get the boss because two people died. P35 said he could not remember, but he heard it.

Wiedner recalled P35 suffering consequences from his first detention at Branch 251 in 2007 regarding his feet. P35 said one could still see the scars, he could show the court.

Wiedner asked P35 to describe it instead. P35 said he received electric shocks at his feet and was beaten on his feet. He therefore had three surgeries in [information redacted]. P35 added that at the time blood accumulated in his feet.

Wiedner recalled P35 telling the police that immediately after his release in 2007 he needed medical treatment because his feet were inflamed. He received a skin transplant and the treatment lasted until 2010. P35 confirmed, explaining that he constantly had to be treated and one could still see the signs.

Wiedner asked P35 about his experiences at the beginning of the internal conflict in Syria in 2011. P35 did not know what Wiedner was referring to. Wiedner asked P35 to describe how he experienced the conflict and his arrests. P35 explained that he participated in demonstrations and had certain influence. He was arrested in 2011 and 2012: Amongst others he was detained at the Palestine Branch for one month. Once he was released after a couple of days. P35 said he was arrested three times and Kofi Annan from the UN delegation intervened and arranged for him to be released. P35 said he met the UN delegation on their visit to Syria. They told him to leave the country otherwise he would be arrested again.

Wiedner wanted to know if P35 was also tortured at the Palestine Branch. P35 said the worst torture he experienced was at Palestine Branch.

Wiedner asked whether it was in 2012. P35 said most of it.

Wiedner asked what exactly P35 had to endure. P35 described he received electric shocks every day. He was mentally and physically exhausted.

Wiedner asked if all detainees were treated like that at this Branch [Palestine]. P35 said everyone was tortured but he and others were the leaders of the revolution.

Wiedner concluded that he was treated particularly bad. P35 confirmed.

Wiedner recalled P35 mentioning that he was a leader of the revolution. He asked P35 if he had particular tasks within the opposition. P35 said he was an activist. He led demonstrations, printed and wrote flyers, and coordinated demonstrations. P35 said that "they" were therefore angry with him. Every time "they" [security forces] did anything against the activists, P35 and others had to adapt.

Wiedner asked about the time when these demonstrations happened. P35 said it was from 2011 to 2012.

Wiedner asked when the demonstration started. P35 said they started on March 15 [2011].



Wiedner asked about the regime's reaction: P35 explained that the reaction was hysteric as they did not expect people to demonstrate, it was a dictatorship, nevertheless. P35 said the demonstrations were a shock for the regime.

Wiedner asked for concrete examples. P35 said they started shooting at protesters.

Wiedner wanted to know when exactly the shootings started. P35 said they started shooting from March 18 [2011] on.

Wiedner asked where the shootings happened. P35 said it was in Al-Midan, Darayya, Damascus, and Damascus suburbs. P35 was also present at such demonstrations.

Wiedner asked if P35 – as an activist – knew about the founding of a focal coordination point to deal with demonstrations. P35 affirmed, explaining that Ali Mamlouk, and Ministers Turkmani and Assef Shawkat formed a council. P35 said he does not know what happened behind the scenes because he was not there, but they gave orders.

Wiedner asked when this council was formed. P35 said it was immediately after the first demonstrations. It then gave orders regarding arrests and shootings.

Wiedner wanted to know the name of the council/focal point. P35 said it was called "cell". Wiedner asked if it was the CCMC, the Central Crisis Management Cell. P35 said it was the Crisis Cell. [One of the court interpreters intervened, saying that the abbreviation "crisis cell" that P35 just used was the common abbreviation for CCMC]

Wiedner recalled that P35 was a professional athlete and asked him about the physical consequences of his detentions. P35 said his body transformed drastically. He initially weighed 140kgs but lost a lot of weight.

Wiedner recalled P34 mentioning to the police that he weighed 66kg after his last detention. P35 said he weighed 140kgs due to the cortisone he had to take for his surgeries. He had to undergo a stomach stapling surgery.

The prosecutors had no questions for P35.

### **Defense's Questioning**

Defense counsel Böcker said the defense had only a few questions. He started by recalling that P35 told the BKA about his detention in Al-Khatib in 2010. Böcker wanted to know if P35 also told the BKA who ordered his release. P35 could not remember.

Böcker wanted to cite from the BKA's transcript but Presiding Judge Kerber intervened that this passage was already cited by Judge Wiedner. Böcker said he might have missed that because he left the court room for some time during the session. He added that he still wanted to ask P35 how he knew who ordered his release. Böcker asked if P35 remembered his police questioning at all. Judge Kerber nodded. Böcker asked P35 how he knew that Raslan ordered his release. P35 said he could not remember.

Böcker cited from the transcript of P35's police questioning: When P35 was asked about his encounter with Raslan, P35 explained that he did not know his name at the time. He was the head of the Branch and had a lot of influence in the country. He was very important in the country. P35 did not understand. Böcker explained that he cited from the BKA's transcript of P35's police questioning and wanted to know whether it was correct that P35 said that or whether he could not remember.

Böcker repeated the citation, telling P35 that he wanted to know if P35 remembered saying that. P35 said he did not remember.

Böcker recalled P35 further telling the BKA that even ministers could not defy Raslan. P35 explained that in Syria, the security forces controlled the country.

Böcker asked if P35 said this striking sentence. P35 said he did not remember, but the security forces controlled Syria.

Böcker repeated the sentence and asked P35 if he could say something about the content of the sentence and if he knew about that [ministers not being able to defy Raslan]. P35 said he knew that security forces were in control of entire Syria. Raslan was stronger than the Prime Minister because the intelligence services were in control.

Böcker referred to the medical certificates that P35 mentioned earlier, saying that he would like to have a look at them, particularly in relation to P35's gaps in memory. Böcker asked witness counsel Kroker if the court could have a look at the certificates. P35 said he can hand them over to the court.

Defense counsel Fratzky recalled P35 mentioning Ali Mamlouk as the head of the General Intelligence Directorate and that one of P35's friend worked for him. P35 confirmed.

Fratzky wanted to know more about P35's friend. P35 explained that his friend was killed because he warned P35 of an arrest after 'he' [P35 pointed at Anwar Raslan] and Hafez Makhoulf ordered P35's liquidation.

Böcker wanted to know how P35 knew that. P35 said he was called by a friend who told him that Anwar Raslan and Hafez Makhoulf arrested his friend [name redacted].

Fratzky asked since when P35 knew. P35 said he knows since 2012.

Fratzky asked where he got the information from. P35 said his friend called him to warn him. His friend's brother told him about the arrest and was murdered.

Fratzky asked P35 if he forgot about that because he did not tell the BKA. P35 said he did tell the BKA; it should be in the transcript.

Fratzky wanted to know when P35 learned about the order to liquidate him. P35 said it was in June [information redacted] 2012. He was released from Palestine Branch and his home was stormed two hours later. P35 added he told the police about that.

Judge Kerber said the court would now take P35's medical certificates and read them out. Defense counsel Böcker asked which language they would be in. Witness counsel Kroker explained the certificates were written by hand and in French. He and his client would have a look at them first to make a selection before handing them over.

Judge Kerber said that in this case, P35's questions in court would be over. Defense counsel Böcker intervened saying he would be fine with a pre-selection of the certificates. However, he would like this to happen in quiet moment and would like written translation of the documents.

P35 was dismissed as a witness.

Judge Kerber acknowledged that the court saw that P35 was having a hard time testifying in court. She appreciates that he came, nevertheless. Kerber thanked the witness in Arabic.



The proceedings were adjourned at 11:50 AM.

The next session will be on June 23, 2021.

**TRIAL OF ANWAR RASLAN and EYAD AL-GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 38

Hearing Dates: June 23 & 24, 2021

*CAUTION: Some testimony includes descriptions of torture.*

**Summaries/Highlights:<sup>1</sup>**

**Day 77 – June 23, 2021**

P36, a 36-year-old Syrian male was summoned as an expert physician. He worked for the Red Crescent, located directly opposite Al-Khatib Branch, from February 2012 to the end of 2013. During this time, he provided medical support to detainees at the Branch and at the Red Crescent's hospital almost daily, including to a female detainee, and claimed to have seen approximately 50 people die at Al-Khatib. He was the first witness to describe consistent provision of medical care at the Branch, and he was the first witness to identify a different building as Al-Khatib. His testimony was marred by linguistic challenges because he spoke German despite knowing limited German vocabulary relevant to his testimony.

**Day 78 – June 24, 2021**

P37, a 69-year-old retiree who served as Major General in the Syrian police testified about his relationship with Raslan, with whom he regularly met at a café in Berlin with friends. He described how he first met Raslan decades earlier when Raslan was a soon-to-be law school graduate. After Raslan graduated and changed departments, the two men did not cross paths again until P37's son met Raslan at a language course in Germany. The witness also spoke about his ability to use good moral judgment as a high-ranking police official, in contrast to Raslan who was an intelligence official.

**Day 77 of Trial – June 23, 2021**

The proceedings began at 9:30AM. There were three spectators and two members of the press in the audience. The prosecution was represented by Prosecutors Ritscher and Polz.

P36 was informed of his rights and duties as a witness.

**Testimony of P36**

Judge Kerber asked P36 if he is related to the accused by blood or marriage. P36 said no.

Kerber reminded P36 that he could testify in Arabic. P36 said that he would testify in German. He would ask the interpreter for help if needed.

**Questioning by Judge Kerber**

Kerber asked P36 what he did in Syria and why he went to Al-Khatib Branch. P36 said that he studied medicine in Syria at Aleppo University. He learned German in order to [practice medicine] in Germany, but his plans did not work out because he was busy with his specialty. He specialized in pediatrics. He

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<sup>1</sup> 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.

began [working for the Red Crescent] on February 14, 2012. He was in his second year with the Red Crescent [when he first went to Al-Khatib].

Kerber asked how P36 came into contact with Al-Khatib Branch. P36 said that Al-Khatib consists of a group of buildings located opposite the Red Crescent's building. The Red Crescent was asked to provide first-aid to prisoners. [On P36's first visit to the Branch], the staff at Al-Khatib discussed with the Red Crescent's administration whether the doctors should go inside the Branch or if the detainees should be brought outside [to the hospital or elsewhere].

Kerber asked when was P36's first experience at Al-Khatib. P36 said that his first experience was in mid-August [during the second year that he worked at the Red Crescent].

Defence Counsel Böcker asked if P36 was certain of this date and if he recalls what he said during the BKA questioning. P36 said that the date he provided was not very accurate [when he was initially asked]. But after a few months in [REDACTED], he thought thoroughly about it and verified it because the incident was certainly during Ramadan.

Böcker asked if P36 told the police while he was questioned in Dresden that the incident could have occurred in July, August, or September. P36 confirmed.

Kerber asked P36 what happened at Al-Khatib Branch. P36 said that everyone knew Al-Khatib was under the administration of the Air Force Intelligence and they saw [the detention conditions]. The first time P36 went down to the basement to treat detainees, he was with other doctors. He was shocked. He and the doctors stayed there for two or three hours and saw around 100 detainees.

Kerber asked P36 how many doctors were with him. P36 clarified that there were three doctors.

Kerber asked how many detainees were there for treatment. P36 said more than 100.

Kerber asked what injuries and diseases the detainees had. P36 said that the detainees mostly had abscesses and swellings. Rarely, some of them had chronic diseases like diabetes, issues with blood pressure, asthma or other prison diseases.

Kerber asked P36 what were [prison diseases]. P36 said that prison diseases were caused by being in prison. They are things like swellings and abscesses, for example.

#### **Questioning by Judge Wiedner**

Judge Wiedner reminded P36 that he could speak Arabic. He then asked if P36 recalled how he was called into Al-Khatib Branch. Did someone go to P36 and ask him to go to Al-Khatib? P36 explained that armed staff from Al-Khatib in their uniforms went to the Red Crescent to coordinate routine care for the detainees. P36 and the other doctors were then informed that they would go to Al-Khatib every other afternoon after they finished caring for their regular patients in the morning.

Wiedner asked when [they usually went to Al-Khatib]. P36 explained that they usually went to the Branch when they had time in the afternoons, around 2:00PM-4:00PM.

Wiedner asked P36 how he and the doctors went to Al-Khatib Branch. P36 said that staff from Al-Khatib came [to the Red Crescent] and escorted them to the Branch. Al-Khatib consists of multiple buildings with a spacious yard and parking lot. They were always taken to a basement in a specific building. To reach it, they had to enter two doors. Once downstairs, tasks were distributed and the doctors were told what to do. They were told to not be scared, not to speak with patients beyond their [medical issues], and not to provide anything beyond medical treatment. If a patient said that he was abused, he was [beaten].

Wiedner asked [what patients said regarding their abuse]. P36 explained that if he asked a detainee [what caused a medical issue and the detainee cited torture], then the detainee would be smacked on the face.

Wiedner asked if the detainees were beaten with anything other than hands. P36 said that [the staff] did not beat the patients in front of doctors unless the detainees did not obey orders [in which case they were smacked on the face].

Wiedner asked P36 what he spoke about with the patients. P36 said that they spoke about illnesses and about where injuries were located, rather than what caused them.

Wiedner asked P36 to describe what injuries and diseases he saw and how P36 assessed them as a physician. P36 said that the injuries and the diseases were diverse. Some were small, like abscesses on arms and legs. Others were bigger, like extremely swollen arms or toes.

Wiedner asked where the patients were from. P36 explained that the detainees were in Al-Khatib. He knew this because some of the detainees told the doctors that they had been helped before. On one occasion, P36 asked a detainee who told him to take a specific medication. The detainee said that he was told by another doctor who visited the Branch but never returned. Most of the injured were young people which caused the doctors to wonder why young people were imprisoned. The basement did not have windows or air, and the rooms were small. The detainees said that they were abused.

Wiedner asked if P36 saw any trauma. P36 confirmed that he saw trauma and bruises. Detainees explained that their condition was due to mistreatment and they sometimes suffered from infections.

Wiedner asked P36 how injuries were treated. P36 said that pus was drained. One time, he saw a detainee whose arm was so swollen that it was five times larger than normal. P36 and the other doctors filled a bucket with ten liters of pus after they drained the wound, disinfected it, sutured it, and gave antibiotics.

Wiedner asked if patients were admitted to the hospital. P36 said yes. The doctors could admit whoever they determined needed to be taken to the ICU or needed an operation. The [Branch] staff also brought several emergency cases [to the hospital], like a comatose patient and someone shot.

Wiedner asked P36 whether he had discretion on how to treat patients or if he was restricted. P36 explained that he was neither free nor restricted. When the doctors wanted to give patient antibiotics, [the Branch staff] said “no, give him only a tablet.” Sometimes, if the doctors said that a detainee had a fracture, [the Branch staff] said to leave the detainee and that they would take him to the hospital later.

Wiedner recalled P36’s statement during police questioning: “They gave us instructions. They told us not to send patients to the hospital. We were told not to give whole packets of medicine. There were instructions on how I should act as a doctor.”

Böcker interrupted and said that he wanted to ask P36 a question. Kerber denied the request.

Kerber asked P36 [if his statement during questioning was correct]. P36 clarified that he was not instructed on what to do [in terms of treatment], but he was told where to go and what to say.

Widener asked what else P36 observed. P36 said that, as he already [told the police], he saw [conditions] like those in the Caesar photos. The patients were yellowish. Their clothes were torn. Every patient had abscesses, especially their face. All of them were thin. Their diet was not nutritious.



Wiedner asked if doctors were taken to the cells and how the conditions were there. P36 said that treatment was mostly administered in the basement. However, they went inside the cells sometimes when a detainee was unconscious. P36 entered many rooms “like this space” with 30 – 50 detainees inside, if not more. [P36 referred to the space between the judges panel, the witness table, the prosecution, and the defense. It measures approximately 2-3 x 5-7m.]

Wiedner asked about hygiene. P36 said that conditions were unhygienic.

Wiedner quoted P36’s statement during police questioning: “there was no light, only an artificial one. There was no air or windows. The toilet was dirty. The detainees sat directly on the floor without a mattress.” Wiedner asked P36 if that statement was correct. P36 confirmed.

Wiedner asked P36 about the ramifications of these conditions. P36 explained that the conditions led to bad health, like cardiac and renal insufficiency.

Wiedner asked P36 if he reached that conclusion through medical tests. P36 confirmed. The doctors transferred patients to the ICU after doing medical tests which showed acute renal insufficiency without pre-existing conditions. This could happen because of dehydration or alimentation, for example. Several people died in front of P36.

Wiedner asked if people died inside of Al-Khatib or after they were referred to the hospital. P36 said both.

Wiedner asked for the estimated number of deaths that P36 witnessed. P36 saw around 50 people die [over the time he worked at Al-Khatib].

Wiedner asked P36 about the causes of death. P36 said that illnesses were the cause, such as cardiac or renal insufficiency, due to bad conditions. He knew this because some people died of diseases without having pre-existing conditions, which is abnormal. Such diseases developed suddenly. When someone was dehydrated, the doctors knew based on wrinkles on his skin.

Wiedner asked if there were cases of sepsis. P36 confirmed. Sepsis occurred when toxins from abscesses went into the blood stream.

Wiedner recalled P36’s statement that he saw injury-related deaths, then asked if P36 saw abuse-related deaths. P36 explained that some people had gunshot wounds and were brought to the hospital where they died. There were many cases of abuse, but the abuse was not the immediate cause of death. Beatings often resulted in swelling, abscesses, and fractures.

Wiedner asked about the percentage of people who were admitted to the hospital and died. P36 said approximately 50%.

Kerber recalled P36’s statement during police questioning that he saw corpses [in the context of abuse]: “Yes, I did [see corpses]. They escorted me to the corpses and I confirmed death.” [P36 asked the interpreter how to say “forensic doctor” in German. The interpreter told him it is “Gerichtsmediziner.”] P36 noted that the doctors’ role was to provide treatment, not to attest death – they were not forensic doctors.

Kerber asked if P36 nonetheless indicated whether someone died. P36 confirmed.

Kerber asked if P36 could say that some people died from abuse. P36 said that most corpses showed signs of abuse, but he could not say whether abuse was the cause of deaths.

Kerber asked if there were any deaths caused by beating to the head. P36 said no.

Kerber asked if P36 saw corpses with signs of abuse. P36 said that he saw a few cases where people were brought [to the hospital] with signs of punches and beating.

Kerber asked if the signs were caused by beatings with objects. P36 said yes. Objects likely included sticks, hoses, and electric cables.

Kerber asked if P36 said that he saw signs that detainees were hung. P36 said no.

Wiedner asked if P36 saw signs on the body that could have been caused by hanging [hematoma]. P36 did not see these signs of hanging, but there were signs on hands, wrists, and backs.

Wiedner asked if detainees were blindfolded while they received treatment. P36 said that some detainees were blindfolded.

Wiedner asked if P36 heard screams from abuse. P36 confirmed.

Wiedner asked P36 to describe what he heard and where the noise came from. P36 described a case in which hot water was poured on a young man. There were signs on his skin, but they were unclear. The doctors overheard [interrogations]. There were certain rooms from which the doctors heard sounds of abuse, but they were not allowed to go there.

Wiedner asked if P36 consistently heard these sounds. P36 confirmed.

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[10-minute-break]

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Kerber said that the judges found online that Ramadan 2012 was between July 19 and August 18.

Wiedner reminded P36 that he may testify in Arabic. Wiedner then asked for the time period during which P36 worked at the Red Crescent. P36 said between February 14, 2012 to the end of 2013.

Böcker wanted to quote from the police transcript regarding different dates referenced by P36. Kerber said that he could do that later during the defense's questioning.

P36 said that he estimated the dates when he spoke with the police. However, in [REDACTED], he wrote down when he became a member of the medical association and connected that date to the time period when he worked at the Red Crescent.

Wiedner recalled that P36 began working on February 14, 2012. He then asked P36 about the situation at Al-Khatib Branch around this time. P36 clarified that he did not go to Al-Khatib immediately. He worked for the Red Crescent for a few months before the doctors were requested, which was around Ramadan because he remembered that some of the doctors were fasting.

Wiedner noted that Ramadan 2012 was between July 19 and August 18. He asked P36 if that period corresponded to the dates provided by P36.

P36 said that he initially had difficulty remembering because he worked at the Red Crescent for years and met many patients. He was eventually able to narrow the timeframe. He was certain that he treated detainees during Ramadan. But he did not remember if he started seeing them before or during Ramadan.

Wiedner asked about the arrangements to go to Al-Khatib Branch. P36 explained that [Branch personnel] came to the [hospital] administration who then informed the head of the Emergency

Department, Yousef Hammad يوسف حماد, that a group of doctors and nurses were responsible for treating the detainees. The doctors and nurses took medicine, bandages, and [scalpels]. They stayed there for more than two hours and sometimes up to five hours. This was the first time they saw such cases outside of the hospital.

Wiedner asked how many critical cases he saw during his first visit. P36 said two cases.

Wiedner asked if P36 was referring to his first visit to the Branch which was in Ramadan. P36 said that the cases were all the same thing. Detainees were either unconscious, sick, or dead. He saw corpses all the time [at Al-Khatib] and sometimes at [the hospital].

Wiedner asked if P36 could estimate how many deaths there were between July 19 and August 18, 2012. P36 asked if Wiedner meant “in general” or “in front of me.”

Wiedner wanted to know about the cases P36 personally saw. P36 clarified that he likely saw ten cases [in the month of Ramadan], but [this was a guess].

Wiedner asked whether “in front of me” referenced the combined deaths in Al-Khatib and the hospital. P36 said yes. He did not go to Al-Khatib every day or even every other day because the doctors were divided [into groups], so he did not see everything.

Wiedner asked if P36 remembered a special case. P36 said that every patient is a special case to him. There were deaths and gunshot cases. Some people died in the hospital after receiving medicine and treatment due to acute renal insufficiency or abscesses.

Wiedner quoted from the police transcript dated May 19, 2021 when P36 was asked about death during Ramadan: “Three death cases or more. At least three. In the hospital department and in Al-Khatib there were special cases.” P36 said that he was talking about a patient who died in the ICU of acute renal insufficiency. Staff from Al-Khatib called the Red Crescent and said that the doctors were needed because a detainee died. He did not have a pulse. Another detainee died in the [hospital]. A member of the Al-Khatib staff told P36, “this patient is in a coma. Help him. He is not talking.” The detainee was examined in the hospital and was pronounced dead. Most cases were like this.

Wiedner recalled P36’s statement during police questioning that “in the cell on the floor were two dead people and a third person died in the department. Maybe more than three died. He was in the operating room and died due to a lack of medicine and wounds.” P36 confirmed his statement and said that this happened around noon. The doctors could not help the detainee because he was dead. The second person died of renal insufficiency in the ICU. The third person died in the department after a while. The doctors did blood tests, but he unfortunately died.

Wiedner asked P36 if the detainees died of acute or chronic diseases. P36 said that most of them died of acute diseases. If patients had a pre-existing condition, they would have told the doctors about it. Individuals with chronic illnesses died if they remained [in detention] for a long time, including males with hypertension or females with hypotension. Hypotension was a consequence of low liquid intake. Hypotension [hypovolemia] affected the heart, liver, lungs, spleen, etc.

Wiedner asked if the detainees who died were males. P36 confirmed that the dead were usually young men. Rarely was the person elderly. One time, there was a female detainee who was treated by a [female] nurse. Her case was famous because [the doctors wondered why] a female was detained in the basement.

Wiedner wanted to know about the first detainee death. P36 explained that the first dead detainee was a man who laid on his back and did not eat or move. This happened several times.

Wiedner recalled P36's statement during police questioning that "in Ramadan, I saw the first dead person. There were dead people near the stairs and other ones inside the cell." P36 confirmed and noted that treatment was generally administered in the space [outside the cells], but sometimes detainees died in their cell.

Wiedner asked about the circumstances of the dead detainees inside the cells. P36 said that when a detainee did not move, a staff-member from Al-Khatib called the doctors [to examine the detainee]. The doctors and nurses examined the detainee's heart, lungs, and pulse. Usually, the corpse was skinny and pale. It was not the doctors' task to determine the cause of death. P36 was unsure of what happened to the corpses after they were examined.

Wiedner recalled P36's statement during police questioning: "the condition of the corpse: skinny and pale. There was no pulse or breathing. [We] could not verify the cause of death." P36 confirmed his statement and reiterated that the doctors could not indicate why the person died. When they finished their work, the doctors were thanked by the Branch's staff.

Wiedner asked if P36 knew what happened to the corpses. P36 did not know and they were not allowed to ask.

Wiedner asked if P36 knew what happened to the bodies of people who died in the hospital. P36 explained that normally corpses are kept in the refrigerator until families collect them. But the corpses of detainees were immediately taken and were not kept in the refrigerator. P36 did not know what happened to them. Some people said that the corpses were taken to military hospitals. He did not think the corpses were given to families, but he did not know for certain.

Wiedner asked P36 about the hospital procedures for when a detainee died in the hospital. P36 explained that the doctors wrote down what happened to the person and what diseases they carried. The therapy procedures were documented, but names were anonymous. There was an incident in January 2013 when the head of the department signed that the detainee died with chest pain and nausea.

Wiedner asked P36 if unconscious patients were brought to the hospital from Al-Khatib Branch. P36 confirmed and said that they were brought to the emergency department.

Wiedner mentioned the keyword "unconsciousness" and asked P36 whether that was at Al-Khatib Branch or the hospital. P36 said that happened both at Al-Khatib and [the hospital]. [When the doctors first started treating detainees], unconscious detainees were treated in cells. But as time passed, more patients were brought to the hospital than were treated in the Branch. The doctors noticed that the detainees had hypotension, bad [health] conditions, and had cardiac and renal insufficiency.

Wiedner asked about the hygienic conditions facing detainees. P36 said that the detainees were not allowed to shave [so their beards were unkept]. The detainees also smelled, their skin was unclean, and their clothes were old and worn out.

Wiedner asked about the food and water situation. P36 did not know because no one was offered water in front of him and [he knew that] the nutrition was bad. The detainees looked like they lacked liquids, food, and hygiene. These were the main causes of death.

Wiedner mentioned the keyword "naked." P36 explained that [detainees] were forced to get naked, perhaps because of mistreatment or because they were newcomers.

Kerber asked P36 what he meant by "naked." P36 replied, "completely naked."

Kerber asked if the detainees did not wear underwear as well. P36 confirmed.

Wiedner asked where the offices were and whether P36 visited them. P36 said that there were offices in the basement, but most of the officers' offices were upstairs. [The doctors] were summoned there a few times, such as when there was a special case, the officers wanted to know what happened with a specific detainee in the doctors' care, or the officers wanted to ask about medication prescriptions.

Wiedner asked P36 if he knew the rank of the officer to whom the doctors were summoned. [P36 said something, then Wiedner asked him to say the word to the interpreter in Arabic.] P36 said عميد ["ameed" Brigadier General]. The interpreter explained that the word has two meanings: (1) a dean (in the context of a university) or (2) Brigadier General (in the military context).

Wiedner asked P36 to describe the officers' offices. P36 said that the offices upstairs were better, as if you were in another world with luxurious furniture, windows, and pictures.

Wiedner asked P36 if he heard screams while he was upstairs. P36 said no.

Wiedner asked if P36 heard about detainees from the officers, like information about the fate of detainees or dead people. P36 said sometimes the officers asked the doctors about deaths [that happened in the hospital] since the officers did not come to the hospital.

Wiedner asked P36 if he saw Raslan at the Branch. P36 said that the name [Raslan] was unclear to him. P36's colleagues told him that they knew the name, but P36 did not know it. He did not know [Raslan]. Maybe he unknowingly met Raslan [at the branch].

Wiedner asked if P36 could say whether he saw Raslan. P36 thought that most of the officers were younger [than Raslan].

Wiedner asked if P36 could determine whether the personnel who accompanied the patients and the doctors were officers or guards. P36 said that the people who accompanied the patients were normal personnel who the doctors saw every day. The guards who accompanied the doctors downstairs were normal, low-ranking personnel.

Wiedner asked whether P36 saw high-ranking officers in [areas of] the branch other than their offices. P36 said that the doctors saw various ranking officers in the basement, but the high-ranking officers did not usually go to the basement.

Wiedner asked whether P36 met a high-ranking officer downstairs in the basement. P36 confirmed.

Wiedner asked if he met that high-ranking officer in Ramadan or afterward. P36 did not remember.

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[Lunch break]

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### **Questioning by the Prosecutors**

Polz recalled P36's statement during police questioning. When asked if he saw dead bodies, P36 said "yes, [my] duty was to tell whether the person was dead. Some people were mistreated and some people had pre-existing conditions." Polz then asked if P36 could tell the cause of death of the patients. P36 said that the corpses were divided into groups: (1) those with signs of mistreatment, and (2) those with diseases. Not all diseases [inevitably] caused death. For example, people with diabetes, asthma, or renal disease could live with these conditions or die of them.

Polz asked if P36 meant that patients died of diseases like renal insufficiency. P36 confirmed.

Polz asked if P36 could estimate the number of detainees who died in the hospital during Ramadan. P36 did not know, but the number was documented by the hospital. He guessed five people, but it could have been ten.

Polz asked how many patients P36 treated at Al-Khatib Branch [from July-September 2012]. P36 said that sometimes he treated the same patient several times. There were approximately 200 – 300 patients and more than 1,000 therapy sessions. [There were more therapy sessions than patients.] The patients were mostly the same, but sometimes there were new patients.

Polz recalled that P36 said that 50% of the people who were admitted to the hospital from Al-Khatib Branch died there. Polz asked whether P36 could estimate the number of detainees who died in the hospital during July, August, and September 2012. P36 said approximately 100 people.

Polz asked if it was correct that 200 people were brought from Al-Khatib to the hospital, of whom 100 died. P36 said yes, but that number was an estimate.

Ritscher asked P36 if the corpses were taken back to Al-Khatib. P36 said yes.

Ritscher asked if any of the corpses were handed to their families. P36 said no. They were all given back to the Branch.

Ritscher asked again if all of the corpses were taken back to Al-Khatib. P36 said yes.

Ritscher asked whether P36 knew the causes of death. P36 said that the doctors knew how the hospitalized detainees died.

Ritscher asked why cardiac insufficiency occurred. P36 said this occurred because of the [detention] circumstances.

Ritscher asked if P36 issued death certificates. P36 said that the doctors only wrote certificates when the patient died in the hospital.

Ritscher asked P36 what he wrote. P36 said that he wrote about the diseases, conditions, etc. of the corpse and the cause of death.

Ritscher asked if P36 documented the nutritional state of corpses. P36 said that the doctors documented why detainees were brought to the hospital and the causes of death. They did not document the nutritional state.

Ritscher asked whether the patients were anonymous. P36 said yes. However, on occasion, they knew names.

Ritscher asked if numbers were assigned to the anonymous patients who died in the hospital. P36 said no. The doctors wrote either “from Al-Khatib branch” or “anonymous.” The officers asked later what happened to [the patient].

Ritscher asked where P36 got the names. P36 said from the personnel.

Ritscher asked if P36 was referring to personnel from Al-Khatib. P36 said yes. “They told us to write this or that.”

#### **Questioning by the Defense Counsels**



Böcker said that P36 was asked during police questioning when he started and finished working for the Red Crescent. He asked the same question to P36 now. P36 said approximately from 2012 to the end of 2013.

Böcker confirmed that P36 provided the same answer. Böcker then noted that P36 was asked about Tawfiq Younes, and P36 answered that he did not know Younes. Finally, Böcker said that P36 was asked when he first saw a corpse at Al-Khatib. P36 said that he first saw a corpse in July or August.

Böcker said that P36 answered during the police questioning: “certainly in 2012. Between June and December.” P36 confirmed his statement.

Böcker said that P36 was asked whether he recalled another death case and that P36 mentioned a person who laid on his back in the cell. P36 confirmed.

Böcker asked P36 how he responded to the police when they asked him to specify when [he saw the person on his back in the cell]. P36 thought that he said August, but maybe it was “between June and December, but in Ramadan.”

Böcker said that P36 stated during police questioning: “[I can] hardly specify that case, but it was in summer, because of deficiency of fluids.” P36 confirmed his statement.

Fratzky recalled P36’s statement that he and his colleagues worked at the Red Crescent and were sent to Al-Khatib Branch. Fratzky asked how far the hospital was from the Branch. P36 said that the hospital was opposite Al-Khatib, less than 100 meters.

Fratzky asked P36 if there were other security branches close to the hospital. P36 said that there were others, but he did not know them.

Fratzky asked if there was a chance that the security branch that he went to was not Al-Khatib. P36 explained that, even before [he started to care for detainees from Al-Khatib], he knew that [the building was Al-Khatib]. He lived ten-minutes away and his friend was detained there for five months even though he was a blacksmith who did nothing wrong.

Fratzky asked P36 if he could say for certain that the Branch was Al-Khatib. P36 said yes, one can see it on Google Maps.

Böcker recalled P36’s statement at the beginning of this session that Al-Khatib Branch belongs to the Air Force Intelligence. P36 did not know the word in German, but he said in Arabic “جوية [jawwiyyeh]”. [The interpreter confirmed and said “Luftwaffe [Air Force]” in German.]

Böcker recalled P36’s statement that he and the other doctors went from the hospital to Al-Khatib where they stayed for two to five hours. Böcker noted that P36 was the only witness to mention that such medical treatment was provided in Al-Khatib. He then asked if P36 maintains his statements. P36 said that he wanted to clarify that many of his colleagues are too afraid [for their names to be publicized] and they say that [the situation was different].

Kerber said that P36 was shown a satellite image of Al-Khatib Branch during the police questioning on May 19, 2021. Kerber asked P36 to point to Al-Khatib and the Red Crescent Hospital.



P36 said that the image was zoomed out too much. Kerber suggested that she point to a structure, then P36 could identify it. Kerber pointed at [\*]. P36 said that this is Al-Abbasiyyeen Stadium. Kerber pointed at [!]. P36 said that this could be Al-Khatib's garden.

Kerber asked P36 to go to the projector and look closely [she did not want to move the image because the labels on the map provided by P36 during police questioning were covered].

P36 identified Al-Khatib's garden. He said that the doctors used to go to the building [#] opposite of the Red Crescent. He did not know if [?] belonged to the Branch. He showed the old [O] and the new [N] Red Crescent buildings.

Kerber asked if P36 wrote the labels himself. P36 confirmed.

Kerber showed the labels and said that they were as P36 described.



P36 explained that the blue [~] was the roof of the parking lot for cars at the Branch. [C] was the ceiling of the yard in front of the branch.



Kerber asked about X. P36 said that it was Al-Khatib Branch, in addition to the building opposite of the Red Crescent.

Oehmichen said that P36 was asked during police questioning on May 19, 2021: “what happened when the Branch’s opinion conflicted with [your] medical opinions?” Oehmichen asked P36 if he remembers his answer. P36 said that the Branch went with [its own] opinion.

#### **Questioning by the Plaintiff Counsels**

Kroker said that P36 was asked about “nudity” and mentioned a certain case. Kroker asked if P36 recalled that case. P36 said that there were several cases and it was a drop in the ocean.

Kroker asked P36 to describe that incident. P36 said that there was a situation when detainees were in garden and they were ordered to take off their clothes.

Kroker noted a case in the basement. P36 said yes, the naked [detainees] were gathered there several times. He did not know why.

Kroker quoted P36’s statement during police questioning: “in the basement yard, the detainees were ordered to get naked. The detainees asked the guards to stop, but they refused. There was mistreatment and they went on to the cells.” P36 confirmed his statement.

Reiger asked if P36 saw injured genitalia. P36 said that the doctors only saw genitalia to insert urine catheters.

Reiger asked if P36 saw injuries in the vertebral column. P36 said that the doctors saw injuries to the skin, but not deep ones nor fractures.

Scharmer asked P36 in which branch the patients were treated. P36 said in Al-Khatib Branch.

Kroker said that the detainees tried to communicate with the doctors sometimes. Kroker asked if they attempted to ask if P36 could contact the patient’s family. P36 said that the patients sometimes tried to say something to the doctors, but they would immediately receive a blow.

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[A break was issued because the defense wanted to discuss.]

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#### **Questioning by the Defence Counsels**

Böcker asked how P36’s career looked to the regime. P36 said that he was alright at the Red Crescent. But the doctors saw the injustices facing patients in the basement of Al-Khatib daily. “[Syrians] have been in the same situation for 40 years and we cannot do anything. Everyone is afraid. [The other doctors and I] tried to help the patients, but [we did not] contact their families because our situation was difficult and we were under surveillance. We spoke with our colleagues [and decided to] treat patients in the hospital, but we could not help the people in the basement.” P36 went on to say that Syrians lived without rights for 40 years. A friend of his from the Red Crescent died of COVID-19 because people in Syria do not believe in the virus. [P36 spoke in a low, sad voice.] The head of the clinical hospital was detained for a week. He tried to resist, but he could not. P36 asked [the Court] “Do you have any idea for us?” [what could we do?].

Böcker said [unfortunately] no. He asked P36 if he treated injured people who were not from Al-Khatib and who came from somewhere else, like demonstrations. P36 said yes, there were four people who were beaten in front of the [hospital] and who were brought inside.

Böcker asked if P36 attempted to help [these people]. P36 said that [a doctor's] duty is like [a soldier's] duty; it is compulsory. But they did not have much capacity. There was stress on the doctors.

Böcker asked if someone could simply resign or say that he did not want to work. P36 said that, one time, an emergency doctor said that he could not work and wanted to resign, but "they" refused and told him that he had to work.

Böcker asked if there were people who refused to work because they did not want to [deal with patients in the branch]. P36 said [that people did this indirectly]. For example, someone might say that he needs a break after dealing with the detainees the day before.

Böcker asked if someone could directly say that he did not want to work. P36 said no, because they took an oath. If someone said no, then he would be transferred to a village, so they were scared.

Fratzky asked P36 if he knew the names of Branch personnel who accompanied patients to the hospital. P36 only knew "Abu Nidal" أبو نضال about whom he told the police.

[The witness was dismissed.]

Scharmer stated that P36's testimony was important because 50% of the patients [admitted to the Red Crescent died]. P36 worked in Al-Khatib between June and September 2012 approximately, and many witnesses who testified in court were detained at a different period of time.

Böcker asked if a plaintiff [REDACTED] was still planning to testify. Kerber confirmed that he was scheduled for June 30.

The proceedings were adjourned at 3:50PM.

The next trial day will be on June 24, 2021 at 9:30AM.

### **Trial Day 78 – June 24, 2021**

The proceedings began at 9:30AM with four spectators and two members of the press in the audience. The prosecution was represented by Ritscher and Polz.

Judge Kerber said that the Federal Criminal Police Office (BKA) sent [the Court] a transcript of the witness's interrogation regarding [REDACTED]. Copies of the transcript would be distributed to the parties once they were prepared. Plaintiff Counsel Scharmer said that the witness was not told that he was going to be questioned [at this Court session] about that specific interrogation, and the witness should have been informed.

P37 was informed of his rights and duties as a witness.

#### **Testimony of P37**

Judge Kerber asked P37 if he is related to the accused by blood or marriage. P37 said no.

#### **Questioning by Judge Kerber**

Kerber noted that P37 was questioned by the BKA several times and that the court had two of those transcripts: one about P37's opposition to the Syrian government and a second about Raslan.

Kerber asked P37 to tell the Court about himself. P37 explained that he joined the police college when he finished law school. He gradually rose up the ranks. He was promoted to [REDACTED]. When the “incidents” [uprising] began, P37 was the head of the [REDACTED] Police Department. He refused [to commit acts of] violence and tried to enforce the law regarding demonstrations. The regime dismissed him from his job after they asked him to use violence and he refused. He went to Egypt with his family for around a year. He was followed to Egypt by “groups” from the regime who tried to provoke him. Eventually, he went to the German embassy and applied for Asylum on behalf of himself and his family. They then immigrated to Germany in mid-September 2013. They tried to integrate into “the beautiful German social life” and live a dignified life. P27 had three children who study in Germany. His wife died three years ago. He retired four years ago. He always wanted to be “a witness against the unwanted figures [in Germany],” so he applied to work in counter-terrorism. But his fluency in German was insufficient and he was too old. He was ready for any service that benefits the country where he lives and [the country] that dignified him.

Kerber stated that P37 knew Raslan in Syria. She asked P37 to speak about this. P37 explained that he and Raslan became acquainted when P37 was an officer at the Immigration and Passport Department. At the time, Raslan worked in one of the divisions as a First-Class Warrant Officer and was studying law. Raslan needed vacation days to travel from Aleppo to Damascus to take his law exams. Raslan thought P37 would be tolerant and issue the vacation time, so he approached P37.

P37 continued. He explained that he granted Raslan’s request. The situation was around 30 years ago around 1988-1990. When Raslan graduated from law school, he joined the Damascus Police Department, which was his dream. Raslan distributed sweets to [P37’s department] to celebrate [his accomplishments]. P37 never saw Raslan again because they were in different departments. P37 learned this information five or six years ago when Raslan attended a language institute in Berlin with P37’s son. Raslan told P37’s son that he knew P37 and that P37 did him a favour [by issuing his vacation days]. P37 then met Raslan in a café in Berlin. There, Raslan told P37 the story of his defection from the regime. He told the story with discretion, as was his nature.

Kerber asked if P37 knew the circumstances surrounding Raslan’s defection. P37 said that Raslan resided in Al-Houla الحولة. Most people from Al-Houla defected from the regime. It appeared that Raslan sided with the majority of his family and people.

Kerber asked P37 if Raslan told him about the Al-Houla massacre. P37 said that he heard about it even before speaking with Raslan. P37 was under house arrest around the time of the revolution, so he heard about Al-Houla and the tanks. But, of course, P37 did not personally see anything.

Kerber asked P37 if Raslan cited [the massacre] as one of his reasons for defecting. P37 thought so.

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[35-minute break to distribute and review copies of a transcript.]

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Kerber reaffirmed P37 of his rights as a witness.

#### **Questioning by Judge Wiedner**

Wiedner recalled P37’s statement that he was “dismissed” from his job in Syria. Wiedner asked P37 what happened and what he meant by “dismissed.” P37 explained that his department was asked to suppress demonstrations, purportedly without using weapons. But the oral instructions were to suppress the demonstration by any means necessary without the outside world knowing. He tried to

deal with the demonstrators in a civilized way through understanding, dialogue, and water [cannons used to control riots]. Apparently, the regime knew that he dealt with the demonstrators according to the law, and [the regime] did not like that. P37 wanted to clarify something that he said earlier. He said that he was transferred to Damascus and was under house arrest. In fact, he went to the “Studies Office” where officers who did not execute their orders were referred to for an [investigation and a decision on the matter]. The Office accused him of dealing with the demonstrators. They then decided to dismiss P37, put him under house arrest in Damascus, and ordered him to retire early. He was also banned from travel, and a case was filed against him at the military courts. P37 could leave Syria through the Aleppo airport with the help of some friends. When he sought refuge in Germany, [he was put on the Syrian wanted list by the Syrian government].

Wiedner asked P37 when he left Syria for Egypt. P37 said that he went to Egypt in mid-2012.

Wiedner asked P37 if he knew other officers in [REDACTED] who went through a similar situation. P37 said that all of his assistant officers were transferred to insignificant positions, then were [dismissed]. One of them was [REDACTED].

Wiedner asked P37 what happened with [his assistant officers] after they were removed from the police service. P37 said that they were fired from their job.

Wiedner asked if they were detained. P37 could not remember.

Wiedner asked if P37 first met Raslan around 1988/1989. P37 thought so based on Raslan’s age, and when Raslan graduated from the police [college] and was promoted to colonel.

Wiedner asked where Raslan was at that time. P37 [assumed that] Raslan was in Aleppo visiting his family in Al-Houla [the customary practice around the holiday]. [P37 was never told this by Raslan.]

Wiedner asked P37 if he knew Raslan when the latter was still studying. P37 said that [Raslan] was a First-Class Warrant Officer who worked on travel visas and passports. He was ambitious and his dream was to rise up the ranks. After Raslan distributed sweets, P37 never saw him again.

Wiedner asked P37 if Raslan worked while studying law. P37 confirmed. He noted that, in Syria, people did not need to attend class every day to graduate; they just needed to take the final exam. Also, a police officer cannot be promoted unless he graduates from law school.

Wiedner asked P37 if he knows what Raslan did after leaving Syria. P37 said no. He did not see Raslan or hear about him. P37 thought that Raslan went to another department, other than the police.

Wiedner asked P37 if he and Raslan talked about the circumstances surrounding Raslan’s defection when they met in Berlin. P37 said that they met every month or so at a café in Tegel [a district in Berlin] for an hour or two. Other people also joined them, including “our friends from back in Syria.” They tried not to talk about their careers [for security reasons]. Raslan was reserved [because of his career] and because he was afraid to be followed. Once, Raslan told the group that he was followed by a car [for the purpose of abducting him] on his way to the dentist. P37 told Raslan to go to the police, but P37 did not know what happened after that. Raslan spoke about the future and his children. Raslan knew that the regime was pursuing him and [expressed his concerns to P37]. He told P37 how he defected, went to Jordan, then worked with the [opposition] coalition. Through a connection from the coalition to the German embassy, Raslan and his family went to Germany.

Wiedner asked P37 if they talked about Raslan’s work in Syria. P37 said that he was well-known because of his position, so Raslan probably knew of him. But as an officer at the intelligence services, Raslan was unknown.



Wiedner asked P37 if Raslan told him about his work in Syria. P37 said no, but he heard that Raslan was an officer at a security branch in Damascus who was one of the top graduates of the police college and was chosen for the intelligence services. One time, Raslan slipped his tongue and said, “I wish I was wearing a police uniform.”

Wiedner quoted from the transcript of P37’s questioning by the police in 2019: “did Raslan talk about the conflict in Syria? You answered: I was a higher rank than him. He was embellishing things and acknowledged that there was death.” Wiedner asked P37 if the statement was correct. P37 asked if the question could be broken down and repeated.

Wiedner repeated “I was a higher ranked than him. He was embellishing and acknowledged that there was death.” P37 clarified that Raslan did not embellish. The first part was correct, but P37 did not think the second part was correct. P37 and Raslan talked about the regime’s crimes, and of course P37 is against any Syrian who supports criminality, killing, and violence – whether Raslan or someone else.

Wiedner asked P37 about his impression of Raslan when Raslan was working for the regime. Was Raslan pro-regime or opposition? P37 said that Raslan would not have defected if he was content with the regime. Rather, he would have carried on [in his position of power] with cars and high social status. But this was just P37’s [assumption] because he did not know the circumstances surrounding Raslan’s defection. P37 noted that Raslan had a video of his defection statement.

Wiedner asked P37 if they talked about the reason for Raslan’s defection. P37 said that [because he swore an oath to tell the truth before the Court], [he will admit] that there was talk that Raslan defected because of the pressure on Al-Houla and violence against Raslan’s family. But there could be other reasons that P37 did not know.

Wiedner asked if Raslan told P37 any information about what he did after he defected, such as that Raslan joined the opposition. P37 confirmed but added that he did not remember all the details. Members of the Free Syrian Army helped Raslan flee from Damascus to an area near the Jordanian border where he stayed for a day or two. Then Raslan entered Jordan, declared himself an oppositionist, and helped the coalition. Raslan told P37 that he was unhappy with the “unfortunate acts of the coalition (in Raslan’s words).” That is why Raslan sought refuge in [Germany] for the future of his children. P37 did not know when Raslan arrived to Germany. P37’s son met Raslan at a German language course.

Wiedner quoted from the transcript of P37’s questioning by the police in 2019: “Raslan became a political activist after his defection. [I] knew that Raslan was in Turkey for 4-5 months.” P37 said that Raslan went from Jordan to Turkey, and then from Turkey to Germany after he defected.

Wiedner quoted again from the transcript of P37’s questioning by the police: “there was an opposition figure, Riyadh Saif, to whom Raslan sent documents to help him go to Germany.” P37 confirmed.

Wiedner asked P37 if Raslan told him about the subject-matter of the documents. P37 said no.

Wiedner recalled P37’s statement that Raslan worked in security [in Germany]. P37 said that Raslan passed a security course in Berlin. Then he was assigned as a security guard. [Raslan’s] work was difficult, so P37 did not see him again.

Wiedner asked P37 if Raslan talked about his work. P37 said that Raslan told him that he became a security guard for a company and he had 12-hour-long shifts. One time, Raslan was at work when he had an attack [either diabetes or blood pressure, but P37 did not specify]. P37 asked the court to excuse him because he did not care much about [Raslan]; he was just trying to recall information for the court.

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[5-minute-break]

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### **Questioning by the Prosecutors**

Prosecutor Polz asked if P37 ever entered the prison as [REDACTED]. P37 said that he was a member of the security committee in [REDACTED], which consisted of the [REDACTED]. As [REDACTED], P37 was distanced [from the security branches]; he only saw civilians or criminals convicted of murder, tax evasion, etc. One day, a demonstrator was detained and referred to the judiciary, so P37 went to the Military Security Branch [regarding the matter]. “There was nothing that pleases [at the Branch].” P37 did not see anything when he met with the Branch’s head, but his driver saw “unsatisfactory” sights.

Polz asked P37 if he was imprisoned after 2011. P37 said no, never.

Polz asked P37 if he remembers being questioned by the police in 2014. P37 recalled saying that torture was performed in prisons and that the Syrian regime is dictatorial and totalitarian which is known to all Syrians and, unfortunately, the whole world.

Polz quoted from the transcript of P37’s questioning by the police in 2014: “regarding the situation in the Intelligence Services, the conditions are difficult. When one enters, one sees hundreds of detainees, dead people, and mistreatment. The detainees were beaten with sticks and their limbs became swollen for days.” P37 said that he heard all these things and they were correct. He noted that he never entered a prison of a security branch. But he did see “solitary prisons” from outside. There is a Political Security Branch in almost every city that has a police service. The head of the Branch overrides the police, even though he has a lower rank [than P37 had]. But the Branch is with the regime and implements the regime’s policies which sometimes deviate from the law. P37 visited that branch and spoke about the problem. [It was unclear as to which problem P37 was referring.]

Polz asked P37 if he was talking about the Political Security Branch or the intelligence services generally. P37 said that all branches worked this way. However, one could find both a lenient officer and difficult officer [in the same branch]. [Officers with good morals were lenient.] The [problem is when someone acts on their morality and is then blamed for their leniency], which happened to P37 when he refused orders. To tell the truth to the world, the Syrian regime is dictatorial and violent.

Polz asked P37 if officers had the chance [not to execute orders based on their] morals. Böcker expanded on Polz’s question and asked P37 if going to Germany with one’s family is an example [of getting the chance not to execute orders]. P37 said that he could [gauge whether] high-ranking officials had the same morals as he did because of his connections, rank, and [communication] with the higher-ups. [For example], P37 plays piano and writes poetry, and officers in Syria know that Major General Mahmoud is an artist. P37 explained the three types of officers in the Immigration and Passports Department: (1) the officer who is moral and is open to citizens, (2) the officer who requires bribes, (3) the officer who enjoys being harsh and making people cry. All three officers work within the one chaotic [system]. These same types of officers [operate] the Political Intelligence Branch which summoned P37 and told him that he must stop playing music and writing poetry or else he would be dismissed. There was: (1) an officer who preferred using psychological pressure over torture, (2) an officer who was distressed by his wife and let steam off on people, and (3) an officer who was silent and only hit. “It is a state of chaos! The most important thing [to people] is that they stay in power.”

Polz clarified that her question was whether an officer could leave or relocate after 2011. P37 said maybe [before] 2012. He was fired before 2012. But he thought that, after 2012, if an officer did not execute an order, then he would have had a field trial and been executed.

Polz asked P37 if Raslan could do what he did [and work with people who had similar morals] or could leave his job. P37 said that he wanted to give some [hypothetical] examples of how someone might try to evade [immoral] orders. [Let's say that] someone faked [having a heart problem] and coordinated with his cardiologist friend [who agreed to say that the person had a heart problem so he could be excused from work], but then the Intelligence Services might summon the doctor and interrogate him to verify that the person was actually sick and not simply trying to escape his job. Or imagine that an officer vocalized that he could not complete his mission ("is there anything more beautiful than honesty?"), and was consequently punished, imprisoned, or terminated. How could anyone tell [officials] that he does not want to work for them? P37 recalled his own situation. In July 2011, the American ambassador in France came to Syria. The Syrian Minister of Interior instructed P37 to prevent the ambassador from [witnessing the demonstrations] and to confiscate the ambassador's passport. P37 knew that these orders were illegal, so he demanded that the minister send him a warrant. He knew that the minister would never do that though because the world's eye was watching [Syria]. [By taking this approach,] P37 was able to protect the ambassador, which was his job. Perhaps someone else in the same position would not have done the same thing. [The point is that,] when it comes to [carrying out] orders, much depends on [an officer's] morals. Likewise, an officer deals with a prisoner based on the officer's morals.

#### **Questioning by the Defence Counsels**

Böcker asked P37 if Raslan did the same thing that he did [and acted according to his morals]. P37 pointed out that there is a difference between police and intelligence. Intelligence officers cannot afford to be [as moral as police officers] because they have to [follow orders more closely when quelling demonstrations].

Böcker asked P37 about the difference between what he and Raslan did. P37 said that he did not want to compare situations.

Böcker asked P37 if an intelligence officer could behave the way P37 did. P37 said that "police officer" [must be distinguished] from "intelligence officer." Police [do not execute political orders – they implement the law]. [On the other hand,] the intelligence services execute political orders. Police officers hide behind the law, while intelligence officers dedicate their lives to their careers. Police officers have a hundred ways to run away and can even submit a resignation. They were not required to quell demonstrations [until later, at which point Syrian law said that demonstrators could be released on bail for twenty Syrian Lira]. If demonstrators were detained by the intelligence services, then [there would be a] "problem." [P37 said "problem" in English.]

Böcker asked if [the transcripts that were distributed earlier] were about [REDACTED]. P37 confirmed.

Böcker said that P37 was asked during police questioning if Raslan talked about methods of torture, and P37 answered that Raslan interrogated people and they talked good about him. Böcker asked P37 who said that about Raslan [when P37 never met anyone who was interrogated by Raslan] and if P37 could share their names and addresses. [P37 paused.]

Böcker asked if he should repeat the question. P37 said no. He understood the question, but paused because he had to go back 20 years in his memory. Sometimes, civilians had problems with the intelligence services and Raslan helped them. P37 heard this from civilians [but he never kept track of who they were because he had no idea that he would testify in the future]. P37 heard from Riyad Saif

that he was detained at Raslan's [branch] and was treated well by Raslan. "Maybe you can ask Riyad. Even Riyad helped [Raslan] later."

Böcker said that Saif was asked if Raslan [treated people well], but he denied this, which is why he wanted to ask P37 now. [P37 appeared irritated.] P37 said, "Do not say 'I asked you.' Instead say, 'I asked.'"

Böcker asked what was said about Riyad Said. P37 explained that, when Raslan came to Germany five years ago, "we" asked him how he came to Germany. P37 recalled that Raslan (or another member of their friend group) said that Riyad Saif helped Raslan. Raslan said that Saif was detained at Al-Khatib and that Raslan paid respect to Saif because of Saif's illness. Saif reciprocated by being good to Raslan.

Fratzky recalled P37's statement that he and Raslan used to meet at a café in Tegel. Fratzky asked who else met with them. P37 thought that Fratzky knew one of them: [REDACTED]. P37 previously provided [REDACTED] phone number to the police and told them to summon [REDACTED] to testify. P37 told [REDACTED] that he made this suggestion and [REDACTED] said that he did not have a problem with this.

Fratzky asked if other people met at the café with them. P37 said no, just four or five people who had insignificant roles, namely elderly people who had been in Germany for around 20 years and [who forgot anything said at the table]. P37 was the youngest person among them.

Fratzky asked P37 what he could tell the court about Hafez Makhlof. حافظ مخلوف [P37 paused, then he said,] "a war criminal."

Fratzky asked P37 to elaborate and explain where Makhlof works. P37 said that Makhlof interferes in all Syrian [affairs]. He is a member of the ruling family and the maternal cousin of the president ابن خال الرئيس.

Fratzky asked P37 where Makhlof works and his rank. P37 said that they [some officers/family members] take ranks just like that [i.e. some ranks were formalities, not the source of actual power].

Fratzky asked about Makhlof's rank. P37 said that Makhlof was maybe a Colonel عقيد. But when P37 does not like a person, he does not care about him. [All of] Syria hates [Makhlof] and even he hates himself.

Fratzky asked P37 why. P37 said that Makhlof ordered the governor and every human being in his area to use violence, murder, and loot. The talk about him does not end.

Fratzky asked P37 if he knows where Makhlof works. P37 thought that Makhlof works in Dar'a درعا.

Fratzky asked P37 if he knows about Division 40. P37 replied, "what is Division 40?" There are dozens of branches in Syria—a branch every 100 meters.

Fratzky asked P37 if he could tell the court about Tawfiq Younes توفيق يونس. P37 said that [Younes] is no different than Hafez Makhlof.

Fratzky asked P37 where Younes works. P37 thought that [Younes] was a Brigadier General in 2010 and was responsible for one of the state security branches in Damascus.

Fratzky asked P37 if he knows Abduljabbar Al-Aqeydi عبد الجبار العكدي. P37 asked if he could ask a question. Fratzky said no. P37 asked, "are you a judge or an attorney? [Only] the judge can ask me this question."

Judge Kerber explained that the defence has the right to ask questions, however, P37 does not have to answer. P37 said that the letter he received [from the Court] was regarding Raslan, not others. He only wanted to be asked about this case.

[Böcker uttered inaudible words and was visibly upset.]

Kerber asked the defence to relate their question to the case and to tell the court why he asked about this figure.

Fratzky said that this person worked with Raslan, so he wanted to know what P37 could tell [the Court] about him. P37 said that Al-Aqeydi was an officer in the Syrian Army and declared his defection in a video. Al-Aqeydi criticized some of Turkey's policies regarding the armed opposition. After that, he was outraged by the rebels [pro-opposition], because he became a peace-dove swaying to the right and the left according to his interests, like all those who played with the fate of the people.

Fratzky asked P37 if he knows Al-Aqeydi. P37 said no.

Fratzky asked P37 if he [knows if] Al-Aqeydi lives in Germany. P37 said no.

Fratzky asked if P37 knows [REDACTED]. P37 said yes.

Fratzky asked P37 what he could tell the court about him. P37 said [addressing the judges] "[why] does [Fratzky] want [to know about] him? He should specify to me what he wants [to know about]. Whether he prefers men or women?" [the last sentence was not translated.]

Fratzky asked about [REDACTED] job. P37 said that he knew a person named [REDACTED] (perhaps their names were just similar). He was a Lieutenant Colonel at the police. Before he [was transferred] to P37 in [REDACTED], he was an [intelligence officer] officer in prison.

Fratzky asked P37 if he knows in which intelligence branch [REDACTED] worked. P37 said State Security, but was not certain.

Fratzky asked P37 when [REDACTED] came to the police. P37 did not know. These were difficult questions and Fratzky was supposed to respect P37's age and the oppression [that he endured].

Fratzky said that he respects P37, then asked him to remember as much as he can. [P37 was silent for a moment.] He said that he needs time to remember.

Kerber asked P37 if he needed a break. [P37 paused.] He said in 2010.

Fratzky asked if P37 still has contact with [REDACTED]. P37 said that 4-5 years ago, [REDACTED] called P37 from a small European country next to Germany [P37 was trying to remember which country].

Fratzky asked if it was [REDACTED]. P37 said maybe. [REDACTED] thanked P37 for his good treatment, his work, and his position in regards to the regime. P37 thought that [REDACTED] visited him 5-6 years ago to send his condolences because P37's wife was ill.

Fratzky asked if P37 has [REDACTED] phone number. P37 said that he needs to check his mobile phone.

Fratzky asked P37 if he could share [REDACTED] phone number and address privately with the Court. P37 said that he would if he was requested to do so.

[Two-minute break to get P37's mobile phone.]

Kerber said that P37 gave the court the phone number. P37 said that judging by the phone number, [REDACTED] is not in Germany. Kerber said that the court has [REDACTED] number now and could contact him.

**Questioning by Plaintiff Counsels**

Schulz recalled P37's statement that he watched a video in which Raslan defected. P37 said that he did not watch it, but [he knew about it from Raslan and his acquaintances]. [Raslan shook his head].

Schulz said that P37 was questioned as a witness in 2014 and 2019. He asked P37 if [he was questioned any other time]. P37 thought that [this was classified information] for security [reasons]. Some of the security departments were the ones who [requested that he] testify regarding a number of personae non grata. That was P37's duty because he is lives "here." However, P37 could not say that he testified about so-and-so.

Schulz asked P37 if he met or talked with President Al-Assad. P37 replied, "I talked with Al-Assad?!"

Schulz noted that the police transcript said [that P37 spoke to President Al-Assad]. P37 said that Al-Assad used to send "us" letters and talk to "us" through instructions notices.

P37 wanted to know [who Schulz represents]. Kerber clarified that Schulz represents the plaintiffs.

Schulz recalled P37's statement during police questioning: "the Shabiha said 'Al-Assad or we burn the country.' If I am in [REDACTED], then I do not want Shabiha to come in. I told that personally to Al-Assad." P37 said he did not mean that he told this statement to Al-Assad personally. P37 sent a written note to the Ministry of Interior, to the Presidential Palace. [The note] said that, but P37 did not say that directly to Al-Assad.

Oehmichen recalled P37's statement during police questioning in 2019 regarding the intelligence services: "the one who enters is missing and the one who comes out is born." P37 confirmed.

Oehmichen asked if P37 could explain what that means. P37 did not want to explain.

Kerber asked P37 if he could explain what he meant in a few sentences. P37 said that it explains itself.

Kerber said that [the fact that the statement explains itself might only be true for someone who has enough background].

Oehmichen said "thanks" [in Arabic]. P37 clarified what he meant by the statement. When a place is bad, anyone who enters it goes missing. If he comes out from it safely, it is as if he was reborn.

Kerber asked Oehmichen if P37's answer was sufficient. Oehmichen said yes, "thanks" [in Arabic].

[The witness was dismissed.]

P37 thanked the court and the attorneys, and he apologized if he was harsh with them.

Böcker asked Wiedner if he knew anything about Deußing's statement in 2014. Wiedner said yes. He talked with the BKA.

Kerber said that the witness scheduled for July 2 could not come to Court, therefore that day of trial is cancelled.

The proceedings were adjourned at 2:00PM.

The next trial will be June 30, 2021 at 10:30AM.



**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:<sup>1</sup>**

**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.

<sup>1</sup> 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 m<sup>2</sup> 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.

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[15-minute-break]

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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 m<sup>2</sup> 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.

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[15-minute-break]

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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 m<sup>2</sup>.

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.

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[75-minute break]

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### **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.

Judger 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 8<sup>th</sup> 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 29<sup>th</sup> 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.

**TRIAL OF ANWAR RASLAN and EYAD AL-GHARIB**

Higher Regional Court – Koblenz, Germany  
Trial Monitoring Report 40  
Hearing Date: July 07, 2021

*CAUTION: Some testimony includes descriptions of torture.*

**Summaries/Highlights:<sup>1</sup>**

**Day 81 – July 07, 2021**

**P39, a plaintiff in the trial, testified about his detention at Al-Khatib. He was detained at a women’s demonstration demanding the end of the siege of Dara’a and had to endure torture in Al-Khatib, using electroshocks, amongst others. To this day, he suffers from the consequences of his detention but now is receiving psychosocial support. He also described one instance, when he met a young boy of about 15-years-old, who had been raped with a wooden broom stick by an interrogation officer.**

**Day 81 of Trial – July 07, 2021**

The proceedings began at 9:30AM with seven spectators and three members of the press in the audience, including P12 and a court illustrator. The prosecution was represented by prosecutors Klinge and Polz. Defense counsel Ziorovski substituted for Böcker.

Judge Kerber announced that the trial session on July 22 would start at 10:00AM.

**Testimony of P39**

P39, a 62-years-old Syrian was accompanied by his plaintiff counsel Dr. Patrick Kroker. P39 was informed about his rights and duties as a witness. He denied being related to the defendant by blood or marriage.

**Questioning by Judge Kerber**

Judge Kerber explained that the court knows that P39 had also been detained in other branches but that the court was more interested in Al-Khatib Branch. Kerber asked P39 to tell the court about himself and how he came to be in conflict with the regime.

P39 repeated his name and age, then explained that he used to own a company for hair-cream and gel. He graduated from Damascus university –faculty of economics and commerce.

P39 described how he was detained for the first time on May 02, 2011. The reason for this detention was that his wife is from Dar’a درعا where the revolution first started. The regime had besieged Dar’a for three months.

<sup>1</sup> 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.

The family of his wife was in Dar'a where the people of Dar'a [including his wife's family] had no milk nor bread and she [the wife] was upset. She heard an announcement for a demonstration in Arnous square ساحة عرنوس demanding the end of the siege on Dar'a. P39's wife and two daughters went to the demonstration carrying signs demanding that milk and bread must be brought to Dar'a. P39 joined them only to film/take photos<sup>2</sup> as a souvenir. P39 took 12 to 15 photos and within a few minutes security forces were in the square. "We" saw the security forces coming, therefore left the demonstration and went 100m away. One of the staff [security forces] pointed at the group that P39 was taking photos of.

At that time, 6 to 10 people from the staff came and detained P39 in front of his wife and children using severe beating on all of his body. P39 was taken to a car in which there were already detainees inside whom P39 did not know. They were taken to Division 40<sup>3</sup> which is approximately 100m away from the square. They entered the branch and went upstairs, maybe to the second floor.

There was a big corridor with detainees who were already there before [P39 and the group of detainees] arrived and P39 did not know them either. There were 3 to 4 girls among them. P39 was blindfolded and his hands were tied behind his back with a plastic strap. P39 asked the court whether he should go into more details. Judge Kerber said that P39's narration was detailed enough.

P39 continued explaining that they waited around 1 or 1.5 hours. Guards were taking every person to an officer. P39 went inside a room to an officer who was bad and had a foul mouth.

Judge Kerber asked P39 to describe where he had been. P39 said in Division 40.

Judge Kerber asked P39 to describe the shape of the building etc. P39 replied that the building was made of stone, and it had 2 to 4 floors. The group of detainees was brought in from a side entrance, not through the main one, and they were taken to the second floor where they were blindfolded and P39 could not see [around] anymore. P39 explained that he knew the building because his uncle's house is [information redacted] away from Division 40.

Judge Kerber asked if P39 knows what street the division is in, or which landmarks there were. P39 explained that it was a side road from Al-Jisr Al-Abyad الجسر الأبيض street. As P39 had to walk down the stairs to Division 40, there was a wide set of stairs (about 50 steps), then a backdoor entrance to the branch. At the door, there was a big guard point. [information redacted] lies his uncle's house in [information redacted]. It was the only branch in that residential area [no other security buildings in that area]. The buildings were old-fashioned, build in the 1950s in a French style.

Judge Kerber wanted to know what happened next. P39 went on to describe how he arrived to the officer who accused P39 of being an agent for the US, Israel, and Saudi Arabia. P39 noted that he forgot to mention a small detail: when he was detained in the car [at the square], his mobile phone, ID card, and wallet were taken so P39 had nothing on him when he went to the officer. The interrogator/officer asked P39 why he had been filming/taking photos. P39 answered that it was just a women's demonstration. The interrogator asked P39 about his religion and P39 said that he was a Muslim. He further asked P39 whether he was a member of a [political] party, which P39 denied. A person from the staff was called in and took P39 outside the room. P39 waited outside for more than an hour.

<sup>2</sup> Note from the Trial Monitor: P39 used an Arabic word that could mean "to film" or "to take photos". Most probably he meant the second meaning, as he mentioned in the beginning that he took photos.

<sup>3</sup> Note from the Trial Monitor: The witness sometimes referred to Division 40 as Branch 40. Throughout the report it will be referred to as Division 40 for consistency purposes.

“We” [P and other detainees] were then taken downstairs and outside through the side entrance, blindfolded and tied [handcuffed], to a small bus that fits 20 to 25 people and that had curtains all around (it was very dark [inside]). P39 tried to move the blindfold a bit, but [one of the staff] hit P39 and put it back on.

The bus moved for less than an hour (about 40 minutes). During the course of the bus ride, P39 knew where he was heading; it was his route that he walked in [often/everyday]. When the bus arrived at Al-Khatib [Branch], P39 knew that this is where he was. P39 knew it when the bus entered the square/yard of the branch. The house of P39’s family is in the same area, about [information redacted] away. P39 added that he lived there for 30 years and spent his childhood there. There is a park opposite Al-Khatib which he knows. P39 said he knows every stone [dent] there [it was unclear whether he meant in the park or the area].

When they got off the bus, the distance to the branch’s door was 50 to 60m and on the way there were staff of the branch holding sticks and electroshock[stun] batons. They started to beat the detainees until they arrived at the branch’s internal door; they [guards] call it a “Welcome Party”.

When P39 arrived near the branch, one of the staff hit him with an electroshock[stun] baton on his shoulder and it was painful. The group of detainees went down the stairs (10 to 12 steps) to the underground basement. The security personnel removed the blindfolds but kept the detainees handcuffed. They went to the right, passing through a long corridor (10 to 15m). P39 entered a big room (50 – 60m<sup>2</sup>)<sup>4</sup>. Inside there were detainees whom P39 did not know. At the entrance of the room, there were four people from the staff who asked the new detainees to take off their clothes, which they did while being beaten with a cable. The guards searched the clothes and gave them back to the detainees to put them back on, but the guards took away their metal belongings [belts and keys]. Their treatment was very bad.

The security personnel told the detainees to enter the room and sit in the back of it, if P39 recalled correctly. In the room there were two windows that looked into the interrogation room, which P39 noticed during his interrogation. From these two windows, P39 heard sounds of torture; disturbing sounds, which “we” heard over four hours of waiting in the room. After four hours, P39’s name was called. He again passed through the [same] corridor that they went through upon entrance, which lead to a hall with multiple doors. P39 entered a room where Anwar Raslan was along with another officer, Khedr Khaddour. خضر خضور P39 knew their names from the “ones which were put on the desk” [from the name plates on the desk]. P39 read the other name as Khedr Khaddour, however, read the first name of the second name plate as “Anwar” or “Muneer”, but he was positive that he read “Raslan”.

Judge Kerber asked P39 whether he was blindfolded which P39 denied. In the first “interview” [interrogation], he was not blindfolded.

Judge Kerber asked P39 to confirm that the names on the plates were the first- and surnames, which P39 did. However, P39 did not look for too long, because he [one of the two officers] was giving P39 looks, but P said he remembered the names.

Judge Kerber wanted to know how many desks and people were there in the office. P39 said three tables; two at the back and one to the right. Judge Kerber asked if there was a person behind each desk. P said yes, Khedr [Khaddour] and Anwar [Raslan].

<sup>4</sup> P39 first said “meter”, the interpreter made sure P39 meant “square meter”.

Judge Kerber asked if the ranks were included on the name plates. According to P39, they were: Captain النقيب Khedr [Khaddour] and Colonel العقيد Anwar [Raslan].

Kerber asked what happened next. P39 described that [the interrogator, most probably Raslan] started to ask P39 about his name, age, work, and why P39 was brought there. P39 told him that he was filming/taking photos of a women's demonstration for Dar'a and his wife and daughters [who were participating]. [The interrogator] wanted to know if P39 knew Shukri Al-Quwatli, the former president of Syria during the time of the independence of Syria. P39 told him that Shukri Al-Quwatli would be "our" [P39's/his family's] great-grandfather, namely the grandfather of P39's father. The interrogator asked P39 if he knew someone from Homs حمص so P39 told him that his cousins are from "Raslan" family as well. P39 explained to the court that he does not know if they [P's cousins and Anwar Raslan] are related).

The officer asked P39 about [names redacted]. At that point, P39 felt that the interrogator was interacting with him kindly. P39 asked him why he [P39] was there and what his charges were, but the interrogator told him "Later".

P39 asked him what he [P39] was doing in Al-Khatib Branch. The interrogator got upset/annoyed and P39 could see the rage in his face, and his [the interrogator's] treatment with P39 changed 180 degrees; he [the interrogator] denied and said that it was not Al-Khatib. P39 replied "Yes, it is. I know the whole area". The interrogator denied again and P39 replied in the same way. The interrogator called a person from the staff and told him to get P39 off outside and keep him there.

Kerber asked if P39 remembered the clothes the interrogator was wearing. P39 said that Raslan was wearing a gray-colored track suit. It caught his eye that it was [from the brand] Adidas.

Kerber asked P39 whether he recognized that person among the people in the courtroom. P39 affirmed, it was the one to his right [i.e. Raslan], but he had more weight back then.

Kerber asked P39 to describe what happened next. P39 explained that he returned to the 60m<sup>2</sup>-room and waited there for around an hour. Then, one of the staff came with a list of names and called 10 to 15 names, including P39's name. The guards took [those whose names were called] to a room with 7 or 8 people already inside. That room was less than 3m<sup>2</sup> and had an exposed toilet that stank.

P39 entered the room and started getting to know the people ("Where are you from? What have you done?"). The people answered that some were there for 10 days, some for 20 days, or one month, one of them was there for a year. The room was dark and there was one light only. They did not know whether it was day or night. They stayed in the room for 3 to 4 days. The food was very bad and inedible. P39 decided not to eat it and did not eat for 2 or 3 days. The one who was there for a year prior to P39's arrival told P39 - P39 was the oldest among them - "Uncle, eat! You might stay for a year. You should strengthen yourself!". During the three days, P39 asked for medicine as he suffers from cardiac and blood pressure disease, but they did not respond and cursed him. After 3 to 4 days (P39 did not remember) his name was called and he was taken to the interrogation room. Guards took off all of P39's clothes, blindfolded him, tied his hands, and put him inside the interrogation room. Captain Khaddour was there along with Raslan. P39 identified Raslan from his Homs dialect, and Khaddour from his coastal dialect.

Kerber interrupted reminding that many people speak these dialects and wanted to know how P39 identified these two specific people. P39 replied that maybe at his age, he had interacted with many people and during the interview [interrogation] he could identify them.



Kerber asked if there was something in Raslan's dialect that distinguished it from the dialect of other people from Homs. P39 denied, saying almost all people in Homs talk like that. Kerber asked P39 how he then was able to identify Raslan. P39 said from his Homs dialect.

Kerber told P39 to go on explaining what happened to him next. P39 described how he entered the room and Khaddour asked him why he had been taking photos and for what. He [Khaddour] told P39 that [P39] was being charged with selling photos to Al-Jazeera in Qatar and Future [TV] in Lebanon. P39 denied the allegations and said that the photos were meant to be a souvenir for his wife and children which can be proven because they were included in all photos. The interrogator told P39 "Ok!".

P39 sat on a chair. The interrogator [Khaddour] lifted P39's blindfold and told him to cast his sight downwards. He [Khaddour] had printed out pictures. He showed P39 the photos and asked who the people on them were. P39 identified his wife, his older and younger daughters, but P39 did not know the rest except for his wife's [female] friend. Khaddour showed P39 a photo of him taking photos (P39 did not know where he [Khaddour] got that from) and told him that this photo convicts him of having taken photos. P39 asked if it was prohibited in Syria to take photos/film and that he saw foreigners doing the same, and told Khaddour that it was not prohibited by the Syrian law. He [Khaddour] accused P39 of selling photos to Al-Jazeera, pulled a gun, loaded it, put it to P39's head and started hitting P39<sup>5</sup> and telling him that he would make P39 confess that the photos were for Al-Jazeera.

He [Khaddour] called in 3 to 4 people from the staff. P39 was sitting, and he [Khaddour] raised his foot and kicked P39 on the floor and told them "See your work" [word for word translation; the expression could mean colloquially: "mind your own business" or "do your work/business"]. P39 heard whispering between Raslan and Khaddour, but he did not understand anything.

They [the staff] began to beat P39 with electric cables for about 10 minutes or a bit more. P39 screamed as he had never done before in his life, because when P39 was in the room [the shared cell], one of the people told him that when they interrogate him, he should do either of two things: either bite his hand and do not emit any sound at all, or scream loudly to satisfy his torturer's drive, which was indeed what P39 was doing, screaming loudly. P39 was broken-down and tired.

Kerber asked P39 to reaffirm who showed him the photos. It was Captain Khaddour. Kerber asked P39 who kicked him. It was Captain Khaddour, too, but P39 believed that it was upon Raslan's orders. Judge Kerber asked where he was kicked. It happened in the same room as the interrogation. Judge Kerber asked whether P39 was blindfolded, which P39 affirmed. Kerber wondered how P39 could see the photos. P39 explained how when he looked at the photos, he had to keep his sight downwards but [Khaddour] briefly lifted the blindfold to show P39 the photos.

#### **Questioning by Judge Wiedner**

Judge Wiedner wanted to know if the interrogation room just described was the same room where P39 was interrogated the first time, which P39 affirmed.

Wiedner asked whether the interrogation room was on the same floor as was the cell. According to P39, both were on the same (ground) floor. P39 did not have to use stairs. He explained, that by "ground floor", he technically meant the basement, he went 10 steps downstairs.

<sup>5</sup> Note from the Trial Monitor: P39 did not specify if it was light hitting or rather strong blows, but from the context it could be understood as slight taps with the gun against P39's head.

Wiedner asked if P39 saw the interrogator when the blindfold was lifted. P39 said he could only see his feet/legs and the floor tiles. P39 added that the colour of [the interrogator's] desk was wooden. Wiedner asked if the desk was the same as the first time P39 was in the room, which P39 affirmed. Asked, whether he saw the feet of one or two people, P39 replied he saw one person. Wiedner asked P39 if he remembered what that person was wearing but P39 did not.

Wiedner asked P39 if he could hear screams coming from the room where he was interrogated the first or the second time. P39 said that regarding screaming, they always came from this and from other rooms. P39 added that he did not know where these room were.

Wiedner reminded P39 to point out whenever he wants a break.

Wiedner asked P39 to continue to describe what happened, chronologically, after the interrogation. P39 explained that after the interrogation and when "they" finished the beating, [the interrogator] called the staff and told them to get P39 outside. They dragged P39 from his leg/foot to the "room" [his cell]. "He" [maybe one of the staff who dragged him] removed the blindfold and untied P's hands, told P39 to take his clothes, and "they" put him in the room where he had been taken from. When P39 entered the room, the detainees started to put cold water on the cable marks [injuries] on his back and arms.

Wiedner asked P39 if he got wounds and at which sites. P39 told the court that most of the beating was on his back and legs/feet. When they were beating P39, his abdomen and face were on the floor, and his hands and legs/feet were tied. Mostly, they [injuries] were on the back, shoulders, thighs, and legs/feet.

Wiedner asked P39 if he was beaten on the soles of the feet. P39 said he was hit underneath the legs/feet.<sup>6</sup> Wiedner asked P39 if he meant the feet to which P39 replied yes.

Wiedner asked P39 to continue. P39 told how he entered the room and the detainees put cold water on him. P39 was not able to sleep the whole night due to the pain and aches in his body. After 3 to 4 days, his name was called and he was put in a solitary cell. There were 10 to 12 doors [in the corridor/space outside the solitary cells] and P39's cell number was 2 or 3, as far as he remembered. They put P39 inside [the cell], which measured 1 x 1.5 or 1.75m, most probably 1.5, because when P lied down, he could not stretch his legs.

The cell was very bad and stank. There were 2 or 3 blankets that were bad. According to P39, even animals would not live there. P39 explained he got upset and started to hit his head and feet/legs against the wall. It was the first time P39 entered such a place. P39's psyche got ill. He could not tell day from night. The only time P39 could tell was when there was Athan [call for prayer]; there was a mosque nearby where P39 used to pray. By the sound of the call for prayer, P39 was able to tell that it was noon, afternoon etc. 3 to 4 days later, the [cell] door was opened suddenly.

P39 added that they [detainees in solitary cells] were taken to WC at 07:00AM and PM. Wiedner asked if that was always the case during detention. According to P39 it was like that only in the solitary cell and it was usually around 7 –8 AM and PM.

P39 continued his narration saying that one day, the door was opened suddenly, and he saw three of the personnel coming with Raslan behind them who told them "Take off his clothes" which they did. P39 saw they had a device with them, 70x30cm, that had electric cables.

<sup>6</sup>The interpreter explained that the word P39 was using could mean legs and feet.

They blindfolded P39 and tied his hands with a handcuff (but not “a conventional one”, but rather a metal one) [meaning proper handcuffs instead of plastic stripes/cable ties]. His hands were behind his back and he was facing the wall. P39 felt that one of the staff connected the cable to the handcuff. After some time, a minute or two, P39 felt something striking in his hands and going up to his head as electricity. Its intensity was increasing and decreasing. After 4 – 6 shocks, P39 felt that they splashed him with a large amount of water and then electricity ran into him with high electric shock that made him feel that he would die. P39 started to beg them and told Anwar [Raslan] he would confess anything they wanted. One of the staff or Anwar [Raslan] (P39 did not know) told P39 that he had to forget that this was Al-Khatib Branch and that he [the talking person] would be bringing P39’s wife, daughters and son to the branch and make the staff rape them, until P39 admits that it [taking the photos] was for Al-Jazeera. P39 told him that he would admit/confess whatever he [the talking person] wanted. Within 10-20 minutes, P39 was shocked about 15 times, and water was poured over him twice. They removed the electricity [device/cables], the handcuff from his hands, and the blindfold. P39 looked at his hands and saw blood coming out as he saw it for the first time in his life [he saw his hands bleeding profusely].

Kerber asked P39 if he wanted a break. P39 said yes.

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[10-minute-break]

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Wiedner recalled that, before the break, P39 was telling how Raslan came along with other staff, P39 was tortured with electric shocks and was screaming. Wiedner asked P39 to summarize who was there. According to P39 when he was in the solitary cell, 3 to 4 guards came and Raslan was behind them. They tied P39 and the electric shocks occurred [started].

Wiedner reaffirmed if it was correct that P39 was initially not blindfolded in the cell. P39 repeated they blindfolded him when they opened the door and P39 saw the device. The one [guard] who handcuffed P39, also blindfolded him.

Wiedner asked P39 what the person did whom P39 identified as Raslan. P39 replied that he [Raslan] did nothing, he was behind the staff.

Wiedner told P39 to describe what he saw before he was blindfolded. P39 said he saw the door being opened suddenly. P39 was on the floor and stood up. He then saw 3 – 4 of the staff and Raslan behind them. When asked about it, P39 stated that Raslan did not say anything. Wiedner explained that he was asking that because P39 explained during the police questioning how “on the third day, a guard came, blindfolded, and handcuffed P39. P39 could not see much in the room, but felt that the device was connected to him”. Wiedner pointed out that P39 mentioned multiple guards now [in the trial session]. P39 said that one of the guards was the one who opened the door and entered inside, but they were 3 – 4 outside the cell door.

Wiedner asked about how many people were there after P39 was blindfolded, to which P39 replied 3 – 4, as he said. He could determine that, because he saw them. Wiedner asked whether he could see them after he was blindfolded. P39 said he saw nobody [after he was blindfolded], it was all black, however, he saw these people when the door was opened.

Wiedner asked P39 if he heard verbal instructions but P39 explained he could not hear anything when he was shouting and screaming.

Kerber recalled that P39 said that he could not see and there was no light inside the cell. P39 said that there was a small, dim light bulb and air-suction. Kerber asked if he could see the floor or the corridor. P39 said that the light was bright enough for one to see.

Wiedner refreshed P39's recollection quoting from the police questioning transcript "There were two people talking but it was not Khaddour". P39 said that two people were talking, but there were more than two. P39 could not understand them because he was screaming.

Wiedner asked P39 to continue his narration. P39 went on telling the court that they removed the handcuffs. He then looked at his hands and saw blood and his fingernails were hurting. The most pain was in his shoulders and the back of the head. At that moment, P39 collapsed on the floor.

P39 stayed in the solitary cell for the following day and in the morning (P39 thinks it was daytime). When he realized that he was shocked [tortured with electric shocks] and beaten, P39 thought to himself that they were not human beings and came to believe that they were monsters, although he never believed in monsters. In the solitary cell, there were insects and small cockroaches and P39 started talking to them; telling them that they pass by him and do nothing to harm him, whereas the monsters outside tortured him. P39 said he held a cockroach with his hands, and it did not harm him but he started talking to it. P39 told him, that he believed that they outside were the monsters and "you" were a pet. Addressed to the court, P39 explained that he has a cat that he always treats it with sympathy and kindness and does not torture her ["does not torture her" was not translated].

Wiedner asked P39 if he was interrogated after that. P39 said that after 1 or 2 days, they took him back in the group cell. At that time, he heard sounds of a person being tortured who sounded like his son; disturbing sounds that knock and buzz. P39 thought that they brought his family. His psyche collapsed and he did not comprehend what was happening outside. P39 stayed in the group cell for 5 to 6 days and was not summoned for an interrogation.

Wiedner recalled P39 stating during his police questioning that after the electric shocks, he was interrogated again but P39 replied no, he does not remember that.

Wiedner asked P39 if the keywords "Signing" and "Money" meant something. P39 asked if the question could be repeated.

Wiedner mentioned the keywords "Signing" and "Money", asking what P39 remembered having said about them in the police questioning. P39 explained that after 4 days staying in that room, one of the staff came holding a paper and called out 10 to 12 names [of detainees, amongst which was P39's]. They were taken outside to the corridor between the "rooms" [P39 sometimes used the term "rooms" when talking about the cells] where there were more people, that had been taken outside [of their cells]. The detainees were summoned one by one into the interrogation room. P39 did not recall who made him sign (whether it was Raslan or someone else), but it was the same [interrogation] room [as before]. [The interrogator] lifted the blindfold and told P39 to keep his head on the desk [keep his sight down] and told him that he had to sign his confessions. When P39 wanted to sign, he saw around 5 papers with nothing written on them. P39 told the interrogator that the papers were blank and asked what he should sign. At that instance, P39 signed blank papers and was taken outside. After that "we" went to a bus outside of the branch, blindfolded. They took "us" to the General Intelligence Services Branch in Kafar Souseh كفر سوسة.

Wiedner wanted to know more about P39's last interrogation in Al-Khatib, if P39 identified someone there. P39 denied, in the interrogation room, he did not. However, when "we" were gathered in the corridor, "they" removed the blindfolds and gave each one a small [plastic] bag with the watch etc. inside [they gave each detainee his personal belongings].

P39 added that on the way to the bus, he noticed Anwar [Raslan] at the side of the corridor. That was the third time P39 saw Raslan. According to P39, that indicates that Raslan was supervising everything in the branch.

Wiedner quoted from the police questioning transcript to refresh P39's memory: "We stayed for around an hour in the room. Khaddour told us that we had to confess and what we should say". P39 said that was not how he remembered, after the electric shocks, he told them that he would confess/admit anything. P39 does not remember that instance with Khaddour.

Wiedner quoted "Khaddour told me that I have to confess and spoke about money". P39 said that was correct, that was how he remembered, but that was in the first interrogation, not in the second one.

Wiedner quoted "Khaddour told me that I have to confess that I was getting money from prince Bandar بندر in Saudi Arabia and from Al-Hariri الحريري in Lebanon". P39 confirmed, and asked Wiedner if he should elaborate on that.

Wiedner affirmed, and asked P39 to put that in a timeframe. P39 said he does not remember if it was in the first or the third interrogation but he does recall the incident; after [Khaddour] claimed that P39 was sending [information/photos] to Al-Jazeera or the Future [TV], [Khaddour] said that they found a piece of paper in P39's pocket or wallet, and alleged that P39 received an amount of 1.2 - 1.5 million [Syrian Pound] as financing from Saudi Arabia – prince Bander, or Abdelhaleem Khaddam عبد الحليم خدام, or from Future [TV] - Al-Hariri. P39 replied that he did not know them and only heard about them in the news. P39 recalls telling [Khaddour] that Khaddam was their beloved one and the vice president; Al-Hariri was in Syria 6 months ago and the president [Bashar] kissed him [friendly cheek kissing like some politicians do]; Bander was their brother-in-law – how would they finance P39? P39 explained [to Khaddour] that he had a warehouse; a factory which he sold to buy a new house. P39 was installing floor tiles and painting the house, and registered that he gave money to the painters, tilers and plumbers. [Khaddour] claimed that these were fictitious names to cover up himself. P39 asked [Khaddour] [ironically] if he saw these amounts of money and did not see the electricity bill that P39 did not pay for 6 months because he was not at home [P39 meant to say that Khaddour "picked and chose" and ignored that P39 had a bill to pay; pointing out to the fact that he had no money, and refuting the argument that P39 received money from these figures]. P39 repeated that he [Khaddour] saw these [payments] but not this [bill].

Wiedner asked P39 if he could tell during which of the interrogations that included beatings Raslan was present. P39 answered that during the second interrogation Raslan was there, because he was whispering with his Homs dialect.

Wiedner asked P39 if he saw Raslan after he was transferred to Kafar Souseh. P39 said he saw him in the corridor. Wiedner replied that when P39 was asked during the police questioning whether he saw Raslan again after the first interrogation he denied. P39 explained that after he was transferred from Al-Khatib, he never saw Raslan again.

Wiedner asked P39 who conducted the first interrogation when he saw Raslan and the tables in the room. P39 checked if Wiedner meant the first interrogation, then said it was Anwar [Raslan].

Wiedner asked if the first interrogation was "a real one"; if they wanted to know specific information and how long it lasted. P39 said it lasted 10 to 15 minutes, until he [the interrogator] got annoyed/mad when P39 mentioned "Al-Khatib" and he ended the talk at that instance.

Wiedner wanted to know about the interaction between Raslan and Khaddour but P39 said he did not remember, except that both were 4 – 5m apart from another.



Wiedner said that P39 was asked in the police questioning whether there were orders/instructions when the two men talked with each other. P39 denied, it was a normal talk not an order.

Wiedner recalled that according to P39 Khaddour said “Sidi [Master/Sir]” and spoke as if he was taking orders, but Raslan did not talk much. P39 said he could not remember. Wiedner asked what P39 answered when asked in the police questioning about orders or instructions from Raslan to Khaddour or if Raslan mentioned Khaddour’s rank when talking to Khaddour. P39 said that he said he told the police that the rank was not mentioned, as it would be uncommon to mention the name if two officers were talking to each other, it was uncommon.

Wiedner asked if there were other people with P39 when he was brought to the first interrogation. P39 explained that there was another detainee who entered the room with him, but was brought back outside immediately; he [the other detainee] was only asked about his name and his [home] town. P39 explained that this happened, however, at the door. But when P39 was inside the room, he was alone. Wiedner checked if only one person went outside when P39 came in. P39 said that when he entered, they were two of them who entered the room [P39 and that person]. Then [that person] was asked about his name and town and was brought outside again. Wiedner asked if P39 stayed there. P39 confirmed. Wiedner asked P39 if he remembers which person asked the questions [interrogated the other detainee]. P39 said that he did not remember.

Wiedner wanted P39 to talk about the condition of the other detainees. Wiedner recalled that P39 was detained in various cells; one measuring 50m<sup>2</sup>; another one 3x3m. Wiedner asked how many detainees were in the cells. P39 answered that it was between 25 – 30 in the one that measured 3x3m; the number was not fixed, [when] 5 – 6 [detainees] entered, 3 – 4 were taken out. In the big cell, which was 60m<sup>2</sup>, the number of detainees was higher than 60 – 70. “We” [detainees] were not able to stand and the breathing was difficult.

Wiedner wanted to know about health condition and the injuries. P39 said that in the room where he was, detainees did not have injuries because they were newcomers [were just detained]. However, on a daily basis, 3 – 4 of them went to interrogations and came back in a bad condition. Most of them were in a bad condition due to beating with cables.

Wiedner asked P39 to describe the injuries. P39 said that their [the detainee’s] condition was similar to his, but they were younger. The signs of cables on their back were clear. P39 saw on their body what he saw on his own [they were treated similarly]. 2 - 3 people were bleeding from their feet/legs. These were the people in the room.

Wiedner asked if P39 talked with other detainees and asked them what happened to them during interrogations. P39 explained that all of them talked about cables [mentioned cables as the method of torture] and one of them said that he was hanged from the ceiling. Wiedner wanted to know if P39 remembered what that detainee said but P39 did not remember.

Wiedner asked if some detainees had life-threatening conditions. P39 denied, there were none, because it was at the beginning of the revolution and they [security forces] did not yet have that [amount of] violence. P39 stressed that this was what he saw, but he does not know about other rooms.

Wiedner recalled that P39 said that the food was bad, and asked if water was available. P39 explained that [they were given] a bag of bread; 10 pieces of pita bread for 30 people to eat. One time they brought mouldy or bad bread [stale]. In the morning, they used to bring hard cheese or not-bad olives. At noon [they brought] boiled potatoes covered with dirt. Over 8 days, once they brought a boiled chicken for 30 people. P39 could not eat and only dipped bread in the broth.

At night, they used to bring cheese and bad cucumber, full of dirt. Sometimes “we” [P39 and the detainees] wiped it using the blankets or washed it at the toilet. [Concerning] Water, P39 said, they never brought some. “We” used to drink from the toilet. Wiedner asked what he meant by that and if there were cups to drink with but P39 said no, there were none. They used to hold their hands under the tap.

Wiedner asked P39 if he lost weight. P39 said he weighed 95[kg] before detention and lost 12[kg]. [He weighed] approximately 83[kg] when he was transferred from Al-Khatib to Kafar Souseh.

Wiedner asked P39 if he heard screams of other detainees and if yes, then how often. P39 replied that screaming and torturing were constant, but they decreased at night.

Wiedner recalled that P39 said he was transferred to Kafar Souseh. Wiedner wanted to know how he was released and how he would compare the condition in Al-Khatib to Kafar Souseh Branch. P39 wanted to note what happened in Kafar Souseh: when they [detainees] were transferred there from Al-Khatib, there was a child, under 15-years-old, among them. He was put in the room where P39 and 30 other people were in. P39 asked him about his name which was [name redacted] from [information redacted], close to Damascus. The first two days, he could not and did not want to speak with anyone. P39 attempted to speak with him to know what he was accused of, and told him to consider P39 as his father, but the boy refused to speak. 4 or 5 days later, he came by himself to P39 who asked him what happened to him and about the blood that was on the front and the back of his pants; it was fully covered with blood. He [the child] hesitated to speak [at first], but then told P39 “Uncle, I beg you to not tell anyone. It is between us”. P39 asked him what he was accused of. He said that he broke Hafez’s [Al-Assad] statue in [information redacted] and they [security staff] showed him a photo of him breaking it. He explained that they tortured him in Al-Khatib and inserted a wooden broom stick in his “inferior [part]” [translated to “anus”]. P39 added that they raped the boy and this is something sad and unimaginable. P39 tried to solace him and to tell him something nice. P39 also told him to not tell anyone except for the close ones. P39 explained to the court that the customs in “our” [Syrian] society are that they [the society] look not well on the one who endures such situation [sexual abuse]. P39 pointed out that he found the cursing and the beating he endured trivial, when he heard the story of that child.

Wiedner asked where that child was detained. P39 said in Al-Khatib Branch and they took him with “us” [P and others] to Kafar Souseh, but he was in a different room.

Wiedner asked if P39 had the impression that sexual abuse could have happened with other detainees. P39 said that he does not know, but this [situation with the child] happened in front of him. P39 told the boy to wash his clothes, and asked if [he would let] P39 help him wash them, but he refused.

Wiedner asked, generally, whether there was communication between the guards. P39 explained that the detainees would not know. They did not see anything in the room, and if they heard [something], they would not know who was talking; an officer or a member of the staff.

Wiedner asked about medical care in Al-Khatib Branch. P39 replied, in Al-Khatib there was none, P39 asked for medicine for his blood pressure and they did not bring any. In Kafar Souseh, they gave P39 only six pills and he used to break them into two parts to take half instead of a whole pill.

Wiedner asked P39 how he was released and how he would compare Al-Khatib to Kafar Souseh Branch. P39 said Kafar Souseh was somehow good; they tortured him only once, asked him the same questions and showed him the same photos, which P39 denied again [the questions and accusations]. P39 stayed in Kafar Souseh for 12 to 13 days, then was transferred to Adra عذرا prison. When he got off there, he felt like he were in heaven, compared to what he was in before, because there [in Adra] one could deal with policemen with money or bring food from outside.

After 1 or 2 days in Adra, P39 was transferred to Douma. The detainees were presented to a judge one by one. P39 explained how he entered and the judge asked him about the accusations concerning Al-Jazeera and P39 denied them. The judge told him that he would issue an acquittal. P39 asked the judge who would serve him justice for his torture and his back [injuries]. The judge replied to P39 that he should thank God that he was released. P39 added that the judge was kind and said that P39 would be released out of consideration of his age. P39 went home and saw his older brother who was a networks and computer programmer and was doing general maintenance for the General Intelligence in Kafar Souseh. P39 said that when he was detained, his wife called his brother who went to the officer and told him that his brother, [name redacted], was detained from Arnous. The officer called several branches and then told P39's brother that P39 was detained in Al-Khatib Branch with Colonel Anwar Raslan (that was when P39 confirmed that the name he saw [read] was Anwar Raslan). The officer told P39's brother that there were instructions from "above" in the Intelligence Services administration or the presidency to forbid asking about any detainee, "Try not to ask. There is no hope".

Wiedner asked if his family was informed about his detention, which P39 denied, they were not.

Wiedner recalled that P39 said that he was detained from the demonstration supporting Dar'a and asked P39 when that was. P39 said that the siege of Dar'a occurred at the end of March or April [2011]. All the people [in Dar'a] were asking to send them bread and milk, and said that their supplies at their home were running out. People [in Syria] said that they should do something for Dar'a. A demonstration was organized and P39's wife participated in it.

Wiedner recalled that P39 mentioned Hafez Makhoul حافظ مخلوف in the police questioning and asked P39 to describe who that was. P39 said that due to the fact that his uncle's house was close to Division 40, he knew that "they say" Hafez Makhoul is the head of the branch.

Wiedner asked P39 to confirm that he was talking about Division 40. P39 said yes, Branch 40<sup>7</sup>, whereas Al-Khatib Branch's head was Tawfiq Younes توفيق يونس, because after P39 was released from detention, he visited his friend [information redacted]. P39 mentioned to him [his friend] that he was detained there, and his friend told him "Come, hear the sounds of torture [information redacted]". P39 said he wondered whether his friend might have heard him screaming from torture.

Wiedner recalled that P39 said in the police questioning that the head of Al-Khatib Branch was Hafez Makhoul. P39 explained that he did the military service in the political administration and has an idea of the military hierarchy. P39 added that he was a university graduate who served as a First Lieutenant: Al-Khatib Branch belongs to Division 40 whose head is Hafez Makhoul, but Al-Khatib is responsible for the security of its area. [Speaking to the judges, P39 asserted], "Am I not living in the area?". It [Al-Khatib] is called the Inner Branch, but is located in Al-Khatib area [neighbourhood] and the majority of people call it after that [after the area; Al-Khatib]. However, P39 is a resident of the area and knows that it is the Inner Branch.

Wiedner asked which buildings Al-Khatib Branch consists of. P39 explained that Al-Khatib consists of two buildings; a big and a small one. The big one did not belong to Al-Khatib 20 years ago, it was called "the military commissary/provision branch". When that branch was moved to another place, Al-Khatib took that building. P39 clarified that he knew that information, because he was a resident of that area for 30 years.

<sup>7</sup>See footnote 3

P39 wanted to make a note regarding his psychological condition and asked if could speak about it. [The judges signalled P39 to go on]. P39 said that he has been going to a psychotherapist for psychological treatment and P39 mentioned the reasons to his attorney. P39 indicated that he is having nightmares every week about security forces chasing him. Moreover, every sound P39 hears in the streets makes him turns around. It made him very upset and thus he stayed at home and it made him introverted/antisocial. When P39 gave his statements 2 years ago, it was the beginning of his bad condition. Currently, P39 did 12 therapy sessions and the therapist asked for 30 sessions over 2 years. During the recent sessions, P39 improved a bit and he visited a neurologist 10 days ago and told him about his story, and the neurologist told him that the electric shocks affected his brain. 7 – 10 days ago, P39 did an MRI of his brain and had an appointment the following Friday for the results. P39 handed the Job Centre a report that he is going through therapy and they told him that he could not work until he finishes therapy, and that was what happened lately.

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[Lunch break]

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### **Questioning by the Prosecutors**

Polz recalled that P39 was detained relatively early; in May 2011. Polz asked whether there were other female demonstrators besides his wife and daughters. P39 answered that it was a women's demonstration demanding bread and milk. There were about 25 – 30 women.

Polz asked P39 how he perceived the security forces' treatment of the women when they arrived at the demonstration. P39 said that in the beginning of the demonstration, there were no security forces, but rather 1 – 2 general security staff members at the square. Within 4 – 5 minutes, the security forces started to flow in with cars. They got off [the vehicles] with their sticks and electroshock[stun] batons. When "we" saw the security forces, P39 took his wife and his daughter and backed off, but there were girls who were beaten with sticks. They took the banners/signs that the demonstrators wrote. P39 further saw a girl being detained (she came [to the court as a witness]); [P16] (P39 did not see her until they were transferred from Kafar Souseh to Adra). That was the girl in the demonstration whom P39 saw.

Polz asked if more women were detained. P39 said that there were many female detainees, maybe three or four, but he did not know them.

Polz asked if P39's wife and/or daughters experienced violence themselves. P39 said that there was violence; his daughter was hit with a stick on her shoulder. When she took the blow, they [P39 and his family] fell back. Asked about it, P39 said that neither his wife nor daughters were detained.

Polz asked if P39 saw more women later in Division 40, who were detained from the demonstration. P39 said he saw absolutely no women, he thinks that they were separated. He did, however, hear women ['s screams] once or twice [in Al-Khatib]. P39 also heard a child begging the interrogator [to release him], because he had senior high school exams in two weeks. P39 explained to the court that a senior high school student is around 17-years-old). Polz asked P39 if he heard other children. P said only that [student] and the child of Kafar Souseh.

Polz asked if the child from Kafar Souseh said who did that to him. P39 said that he [the child] told him that they were the staff members who tortured detainees, but he [the child] did not know who [exactly]. Polz asked if the child maybe described their appearance, dialects, clothes etc. P39 said that [the child] could not [see them], because he was on a chair blindfolded.

To refresh P39's recollections, Polz quoted from the police questioning transcript "A 16-year-old detainee who was detained along with us in Al-Khatib told me that the one who tortured him was wearing a track suit; he inserted a wooden broom stick in his anus and the one who did it was wearing a track suit". Polz asked P39 if he recalls having said that but P39 said, he did not remember, but also, when P39 saw staff members, most of them were wearing track suits. P39 said by that he was differentiating the staff member, wearing a normal track suit, from the officers, wearing a branded track suit; e.g., Adidas; a neat track suit.

Polz asked P39 whether the child said that Raslan did that. P39 said no, he does not remember that. He [the child] mentioned that it was a staff member, but maybe he did not know because he was blindfolded.

### **Questioning by the Defense Counsels**

Fratzky recalled that P39 said that in the first interrogation in Al-Khatib Branch, there were tables in the room and asked how many tables there were. P39 said that in the first interrogation, there were 2 tables; one to the right and one to the left and they were about 1 – 1.5m apart. There was another empty table [P39 said "to the right", then corrected himself] to the left of the room. To make sure, Fratzky asked again if they were 2 or 3 tables in the interrogation office and P39 said they were 3; 2 in the back of the room and one to the left.

Fratzky asked if the interrogator whom P39 identified as Raslan was kind. P39 said that was correct, the interrogation was about P39's name, age etc. He [the interrogator] was normal and acted kindly.

Fratzky recalled that P39 was blindfolded all the time during the second interrogation and identified Raslan through his Homs dialect. During the police questioning, P39 said "someone blindfolded me and tied my hands behind my back. I identified Khaddour through his dialect". Fratzky asked P39 if he remembered having said that. P39 said he recalls that they were two people in the room; Khaddour with his coastal dialect and Raslan was giving him orders and his dialect was from Homs. P39 stated that he knows the Homs dialect, because his cousins are from Homs and he used to visit them all the time.

Fratzky recalled that according to P39 Khaddour and Raslan were whispering and P39 did not understand them. P39 affirmed. Fratzky wondered how P39 could differentiate the dialect if he did not understand them. P39 said he could not hear whole sentences, however, he heard words and understood them.

Fratzky asked P39 what differentiated the Homs dialect. P39 said that people from Homs use a different pronunciation for specific endings of certain words. P39 described a typical characteristic of the Homs dialect for explanation: كبة pronounced Kobbi instead of Kebbeh [another example was P39 pronouncing a phrase in Homs dialect without further explanation] P39 pointed out that the Homs dialect is likeable in Syria and the people from Homs are likeable because they have a sense of humour.

Fratzky recalled that in the second interrogation, the blindfold was removed and Khaddour showed P39 photos. Fratzky asked P39 if he was blindfolded again. P39 explained that they asked him to sit on his knees. Khaddour made P39 to look down at the floor. He [Khaddour] was opposite to P39, lifted the blindfold with his hand and had a few pages of pictures; the first one showed P39's wife. Khaddour then asked P39 who she was and P39 said that she was his wife. The second page showed P39's daughter and the third one his other daughter. The following page showed a general scene of the demonstration. According to P39, Khaddour then started to insult P39 saying things like: "How do you allow your bitch wife to participate in a demonstration". P39 said that it would be impossible for him to forget that. Khaddour then kicked P39 on his shoulders and P39 gurled through the air for about 1.5 meters. After that, Khaddour called other employees who started beating P39.



Fratzky asked if P39 was blindfolded again. P39 said yes, because after [showing] the photos, he [Khaddour] blindfolded him again. Fratzky asked when P39 was blindfolded again. Scharmer interjected and pointed out that P39 already answered that Fratzky might have not understood it. Kerber demonstrated to Fratzky how P39 explained that the blindfold was never completely removed; it was lifted [she pointed to her forehead] and then was lowered again [pointed to her eyes] after P39 was shown the photos.

Fratzky asked P39 when the interrogator lowered the blindfold again. P39 said that after he [Khaddour] finished [showing] the photos, he put it back; it was like this and became like this [P39 mimicked as Kerber did; pointing to the forehead then the eyes].

Fratzky asked if it was correct that P39's eyes were covered. P39 affirmed.

Fratzky asked if the blindfold was removed after the beating or after he was taken outside the room. P39 said that after they finished beating him, he [Khaddour] told them to take P39 outside. P39 was lying on his abdomen and they dragged him by his feet/legs to the corridor. At that instance, they untied the plastic strap from his hands and feet, removed the blindfold, told him to take his clothes and to go to the room [cell]. Fratzky asked if they removed the blindfold while he [Khaddour] was still in the room. P39 said no, he [Khaddour] told them to get P39 outside the room and they dragged him from his legs/feet outside.

Ziorovski asked P39 how long his therapy session lasts. P39 said around an hour, maybe 50 minutes.

Ziorovski asked what the subjects were that they talked about in the therapy sessions. P39 said that the therapist asked him about his childhood, youth and the like for two sessions. After that they went into the details of the detention, the cable, and the electric shocks [torture] sessions. They talked about what problems P39 had after he was released from detention. P39 indicated that he became a nervous, easily and quickly agitated person. P39 pointed out that he and his wife got divorced because of a dispute between them. He added that the regime destroyed his house with airstrikes and his factory as well. P39 said that he was psychologically broken to point zero.

Ziorovski asked P39 if he could estimate how long they talked about his detention experience. Scharmer interjected saying that he wanted to discuss with P39 whether he would like to speak about his therapy sessions.

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[10-minute-break]

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Scharmer indicated that Ziorovski could ask questions specific to the case.

Ziorovski asked P39 if he could estimate how long they talked about his detention experience. P39 said that they talked about his detention for approximately two sessions, and in each session, when the detention topic was raised, he talked about it for around 10 minutes.

Ziorovski asked if P39 told his therapist about his appointment "today". P39 answered that he [the therapist] knew a week ago that P39 would come [to court]. However, after Ziorovski asked about it, the therapist does not know the subject of the trial session. The rest of the [therapy] sessions were about P39's nightmares and he [the therapist] gave P39 temporarily anti-depressive medicine.

Fratzky asked P39 about his response to the police asking him for the reason for seeking asylum in Germany. P39 said that in the police questioning at the time of [applying for] asylum, they asked him who tortured him and he said "Khedr Khaddour", since he was asked "Who tortured you?".

Fratzky asked if he said that Khaddour was the one who tortured and interrogated him. P39 said indeed he [Khaddour] tortured him, but “in the presence of whom? Raslan”.

Fratzky asked the interpreter to repeat the last part of the answer because he could not hear it. The interpreter repeated the answer.

Fratzky asked P39 if he heard orders from Raslan to torture him. P39 said he heard whispering. P39 added that he does not imagine [think] that a Colonel officer, like [Raslan], would torture by his own hands [by himself], and without orders, P39 does not think that any staff member would act [on his own].

Fratzky wanted to clarify whether that was P39’s assumption, but P39 said no, it is not an assumption; it is generally known.

#### **Questioning by Plaintiff Counsels**

Scharmer asked P39 if other members of his family were detained in Al-Khatib Branch. P39 denied, adding that one member of his family was, however, detained at Palestine branch.

Scharmer said that Homs dialect is spoken by a number of people. Scharmer asked P39 to clarify whether he was able to identify Raslan by his voice as well and not only through the dialect. P39 said certainly. P39 explained that [if] he speaks with someone on the phone for 15 minutes and if that person calls the following day, he would be able to identify him even without seeing him.

[P39 was dismissed as a witness.]

P39 said that he wanted to thank the court and the German government and would like to affirm that he lives in Germany relieved.

Kerber announced that the following day was cancelled.

The proceedings were adjourned at 02:10PM.

The next trial session will be on July 14, 2021 at 09:30AM.

**TRIAL OF ANWAR RASLAN**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 41

Hearing Dates: July 14 &amp; 15, 2021

*CAUTION: Some testimony includes descriptions of torture.***Summaries/Highlights:<sup>1</sup>****Trial Day 82 – July 14, 2021**

P40, a 28-year-old Syrian and one of the few witnesses who were detained at Branch 251 before March 2011 described detention conditions similar to those after March 2011, although not as bad. The witness further told the court that he was not blindfolded when he was interrogated by Anwar Raslan, whom he identified as head of investigations at the Branch. According to the witness, arrests in Syria were unlawful, even before 2011, as no one was informed about the charges or even where they were detained. Detainees were not presented to a rightful judge nor were their families informed about their fate.

**Trial Day 83 – July 15, 2021**

P41, a 43-year-old Syrian testified about his detention at Branch 251 in 2011. He described to the court the bad detention conditions, lack of medical care, and torture at the Branch. The witness further identified Anwar Raslan as the head of the Branch who was also present at one of P41's interrogations. P41 was able to see Raslan as he was not blindfolded during his interrogation. According to P41, Raslan ordered a guard to torture him. The witness further identified two people on screenshots of open-source videos and explained that both allegedly died of torture at Branch 251. P41 said he saw one of the people himself after his corpse was handed over to his family.

**Day 82 of Trial – July 14, 2021**

The hearing began at 9:30AM with four spectators and three members of the press in the audience. One non-accredited journalist was granted access to the Arabic interpretation. The prosecution was represented by prosecutors Ritscher and Klinge. Plaintiff counsels Dr. Oehmichen and Mohammed were not present. Attorney Ziorovski appeared as substitute for Raslan's defense counsel Böcker.

**Testimony of P40**

P40 was informed about his rights and duties as a witness. The 28-year-old Syrian currently living in [information redacted] denied being related to the defendant by blood or marriage. P40 answered these first questions in German. Presiding Judge Kerber told him he could speak in Arabic, his mother tongue, as there were competent interpreters assisting the court.

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<sup>1</sup> 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 Kerber's Questioning**

Presiding Judge Kerber explained that she would first ask the witness to provide an overview of what happened to him before Judge Wiedner might ask additional questions. Kerber further explained to P40 that the court was aware that he already provided this information to the police, however, according to German law he needed to repeat everything in court. Kerber first asked P40 how he came into conflict with the Syrian regime and how he was arrested. P40 said he was arrested at the end of 2010 together with his brother. They were arrested at 4AM in Damascus. P40 said he already told the police how he was arrested: he was taken to an unknown place. P40 asked Kerber what else she wanted to know.

Kerber asked him to tell the court everything he could remember. She added that the court knew what P40 told the police, however, he needed to repeat all that in court. P40 went on to explain that he was very young when he was arrested, he said that he and his brother were of course beaten several times. P40 added that he would describe everything in detail. They were arrested at 4AM. [The interpreter sitting next to P40 and translating his statements into German told P40 that he was free to speak Syrian dialect instead of Standard Arabic]. P40 recalled that people were knocking at his door at 4AM. He said it was very harsh and he was the first of his family to wake up. When he asked who was knocking, he was told by the people outside the door to open the door. As soon as P40 opened the door, he saw security forces carrying Kalashnikovs. P40 said he was told to lie on the floor and his hands were tied within seconds using cable strips. His vest was pulled over his head and his head was pushed down. P40 said he was passed on like that from one person to the other and beaten on his head and back. He was then taken inside a car which drove away after five to ten minutes.

P40 showed the court how he was pushed inside the car with his head down. He said he had to sit in this position which was very difficult and started hurting. Every time he tried to raise his head, he was beaten with a Kalashnikov. P40 explained to the court that it was horrible for him. He was very young at the time and it was the first time something like that happened to him. He added that the entire time he spent in detention felt like one single day.

P40 said the car drove for 45 to 60 minutes. He did not know that his brother was there as well. Since P40 was blindfolded and could not see what happened around him, he assumed he was alone. When they left the car, it was the same procedure than before: beatings. P40 said they had to walk quickly and he was beaten the same way as when he was arrested at home: on his head and back. He recognized that they were taken downstairs to a hallway. In the hallway, they were told to undress to their underpants.

Kerber intervened, asking P40 to not speak more than one sentence, so the interpreter could follow. She added that although this is a very emotional situation for P40, he should try to speak a bit slower. [The interpreter said that P40 was simply repeating every sentence three times.] P40 went on to describe that he was then taken to the office of an investigator. He was able to see that this person was Anwar Raslan. P40 added that he did not know it was Raslan at that very moment when it happened. P40 said when they entered the office, they were told to turn around. That was when he saw that his brother was there as well, something he did not know before. The investigator then gave orders to the employees, saying left or right. The security guards/employees then took people to the left or right. Once they were all separated, they were taken to different cells. After that, people came and called their names.

Kerber wanted to know whether P40 was blindfolded or had to wear his vest over his head when he was in the office of the investigator. P40 denied, saying he was wearing nothing but his shorts.

Kerber asked how many detainees were in this office. P40 said there were around twenty to thirty people in the hallway.

Kerber went on to ask P40 what happened in the cell. P40 described how names were called. He added that their personal data was registered before they were taken to the cells. When they were in the cell afterwards, their names were called. When P40's name was called, he was taken to Raslan's office.

Kerber wanted to know whether it was the same room as before or a different one. P40 did not understand the question. Kerber said she understood that P40 had been in Raslan's office before. P40 denied. Kerber asked him to explain. P40 repeated that he was taken downstairs, had to stand in the hallway, had to get undressed, and was then taken to the room of the investigator. He then had to turn around and the detainee was taken to the left or right.

Kerber wanted to know who the 'investigating person' was whom P40 just mentioned. P40 said he was not blindfolded. This person was Anwar Raslan.

Kerber recalled that the person in the office at this occasion was Anwar Raslan. She asked P40 if he was taken to the same room when he was called from the cell and taken to Anwar Raslan. P40 said it was the same room.

Kerber asked what happened next. P40 said one officer was standing behind him. When P40 entered the room, he was told to lower his head. The investigating officer was sitting or standing behind a desk. He was asking P40 questions. P40 told the court that he could still remember one of the questions: he was asked if he was a Kurd from [information redacted]. P40 explained that the investigator of course used the question to find out whether P40 was affiliated to Kurdish groups. P40 told the court he denied the question and replied he was from [information redacted], the Arabic name of the town. All the questions that P40 was asked dealt with Kurdish issues and were unrelated to P40. P40 said every time he denied a question about Kurdish people, the investigator gave a sign to the security officer who then beat P40. The beats were harsh and P40 was even kicked and fell on the floor while 'he' [Anwar Raslan] was present. When the round of questions and answers was over, the security officer was ordered to take P40 to the hallway. P40 said he did not understand what was meant by this order at that time. He explained to the court that in the hallway, he had to lie on the floor on his stomach with his hands tied behind his back, and was beaten with a four-wire cable. After the beating, he was taken back to the cell.

Kerber asked if P40 had to wear blindfolds in the room where he was interrogated. P40 denied.

Judges Kerber and Wiedner had a short discussion before Judge Kerber asked P40 to continue his descriptions. P40 said he was taken back to the cell after the beatings. When he was in the cell, names of other detainees were called, among them P40's brother. P40 added that he was the youngest in his cell.

Kerber wanted to know how old P40 was at the time. P40 said he was around 17-years-old. He wanted to graduate from high school and study law. He added that the arrest he and his brother were subjected to was against the law, it was illegal according to P40. He explained that he was a juvenile and there was no reason to arrest him. P40 asked the judges whether he could ask Raslan a question.



Judge Kerber told P40 he should rather not ask the question, but if he still wanted to add anything after his testimony, he would have the chance to do so later. Kerber quickly recalled what P40 told the court so far and asked him what happened next. P40 said his brother was called from the cell and beaten. He was accused of the same thing relating to Kurdish people as P40. P40 added that because he was a juvenile, he was beaten on his head and feet with a cable. His brother was however older and therefore had to endure *Doulab* and was beaten on his feet with a cable. P40 said he was released before his brother. But when his brother was released, one could see signs of electric shocks on his brother's body. According to P40, others were tortured the same way as his brother.

P40 went on to explain that there was one thing he could never forget: When he had to wait downstairs in the hallway right at the beginning of his detention, he saw an old man, around 75-years-old [P40 got emotional]. According to P40, this man was sitting in some kind of solitary cell in the corner. He told the court that he would never forget this scene and was still wondering about the reasons to detain such a man. The man was unable to walk. P40 went on to describe that there were all kinds of psychological and bodily torture the detainees had to endure. It was difficult to use the toilet because the security guards said they would count to ten and if the detainee was not done by then, they would open the door of the toilet and start beating him. The detainees therefore used a corner of their cell as a toilet. They used military blankets to create some kind of toilet. P40 further described that if they wanted to sleep at night, it was very difficult because there were too many people. They had to sleep back-to-back to use all the space.

Because P40 was detained for a long time he got scabies. He also got an acute tonsillitis. There was a doctor for the Branch whom P40 told that he needed medicine. The doctor told P40 to eat salt instead. P40 said this person was a doctor but he behaved like a security officer. P40 got salt every time the food was distributed. However, the salt caused his throat to bleed.

Kerber wanted to know how often the detainees got food. P40 said they got food twice a day consisting of one piece of bread, sometimes eggs and tomatoes, and sometimes only an egg.

Kerber asked if it was enough food. P40 said it was of course not enough. He added that the detainees were beaten, and the detention conditions were very difficult. According to P40, the detainees were exhausted due to the torture, and the guards insulted their families using words that P40 was ashamed to repeat in court.

Kerber asked him to just mention one term as an example so the court could understand how bad the insults were. P40 said the easiest and most common term was son of a bitch.

Kerber said that would be sufficient and explained to P40 that she wanted to know how long he was detained, how he was released, and where he was detained in the first place. P40 explained that he did not know where he was, he only found out after he was released. He added that it happened around twelve years ago at the end of 2010, so he could not remember how long exactly he was detained. However, he guessed it was more than one month.

P40 described how, before he was released, he was again taken to the office of the investigating officer together with other detainees. The officer gave them a lecture about loyalty towards the state. The officer also told them that their arrest was a mistake, but they would only serve the security of the state. They therefore had to arrest good and evil people to filter them. P40 said he and the other detainees could only thank the officer (it was their duty to thank him). They were then taken to another room where there were clothes.

The clothes were used and P40 assumed they belonged to previous detainees. He and the others were allowed to dress with these clothes as they were about to be released. P40 said he and the other detainees started counting the clothes and decided to only wear undershirts, so the other clothes could be used by the people still in detention. P40 added that they were naïve, because the clothes were never given to other detainees and only to be used by people who were released.

P40 said when he was released from the Branch, he realized he was on Baghdad Street close to the Red Crescent hospital. When P40's brother was released a couple months later, one could see signs of torture on his body. P40 explained that he himself had to endure relatively little torture, probably due to his young age. He described how he was tortured: lying on his stomach, hands tied behind his back, and beaten on his legs and feet. P40 said he was also hit with fists.

Kerber asked whether P40 knew the number of the Branch that was close to Baghdad Street and the Red Crescent hospital as he just described. P40 said he did not know the number, but learned later that it was Branch 251.

Kerber asked if it was possible that P40 spoke about the number of the Branch while he was still detained or might have seen a sign with the number on it. P40 remembered that there was a cupboard with a piece of paper, an announcement on it. The paper said it was Branch 251. P40 said he learned after his release that the person in charge of the Branch was Hafez Makhoul, a cousin of Bashar Al-Assad.

Kerber asked P40 whether he needed a break and told him to let the court know if he needed one.

#### **Judge Wiedner's Questioning**

Judge Wiedner recalled P40 saying he was detained for more than one month. According to Wiedner, P40 told the police he was detained for around 45 days. P40 affirmed.

Wiedner asked if P40 was released in 2011. P40 said he was arrested at the end of 2010 and released in early 2011. He added that when he was released, the revolution in Egypt started.

Wiedner recalled that P40 said he was interrogated by Anwar Raslan but did not know the name of this person at the time. Wiedner asked P40 how he knew the name by now and how he identified Raslan. P40 said the police showed him pictures and he recognized Raslan in one of them.

Wiedner asked P40 to describe how the identification procedure with the police happened, how and why P40 recognized a person from the pictures. P40 said he could only remember one person.

Wiedner said that according to the police transcript, P40 said he thought he knew the person in the first picture and mentioned some features of this person. P40 said he cannot remember the number of the person he recognized but he did recognize one of them. He recalled telling the police that the birthmark was not there in 2010 or at least that he could not remember it. P40 said he could remember other features.

Wiedner recalled P40 telling the police that he thinks he recognized the person in the first picture and added that he was however not sure since the person who interrogated him at Branch 251 had thicker hair, no beard, and a smaller birthmark. P40 confirmed, adding that he told the police that the birthmark was not as present back then as it would be now.

Judge Kerber intervened, asking whether there was a birthmark [for the person who interrogated him at the Branch]. P40 said to be honest, he cannot remember as it happened a long time ago.

Kerber said the court would now visually inspect pictures from the selection of pictures that the police showed P40. When the first picture was shown, P40 said he remembers this person. Kerber asked him if this was the person who interrogated him at the Branch. P40 affirmed

When the second picture was shown [The court monitor noted that this was a picture of the defendant] P40 said he remembers telling the police that the person in this picture had less hair and a different birthmark than the person who interrogated him.

Kerber asked if the person in picture 2 was the one who interrogated him in 2010. P40 said the person in the first picture looked more like the one who interrogated him. P40 did not recognize anyone from the following pictures.

Judge Wiedner told P40 to take a look around and asked him whether he could identify anyone in the court room as the officer who interrogated him. P40 said if he recognized someone, it would be Anwar Raslan [pointing at Raslan].

Wiedner asked when and where P40 saw a picture of Anwar Raslan on the media. P40 explained that one month after his police interview, he read on the internet that two people were arrested. He read that there would be a trial dealing with crimes against humanity committed by the Syrian regime. P40 added that he did not see a picture [of Anwar Raslan] before that.

Wiedner said he did not fully understand whether the person who interrogated P40 had a birthmark or not. P40 said he could barely remember. However, he recognized general features in the picture, so he told the police that he did not remember whether there was a birthmark or not.

Wiedner wanted to know how the interrogation officer was dressed. P40 was confused whether Wiedner meant the officer at Branch 251 or someone else. Wiedner explained he meant the officer at Branch 251 whom P40 identified, asking if he wore a uniform, casual clothes or a suit. P40 said he was wearing a suit without the jacket, but shirt, tie, trousers, and glasses.

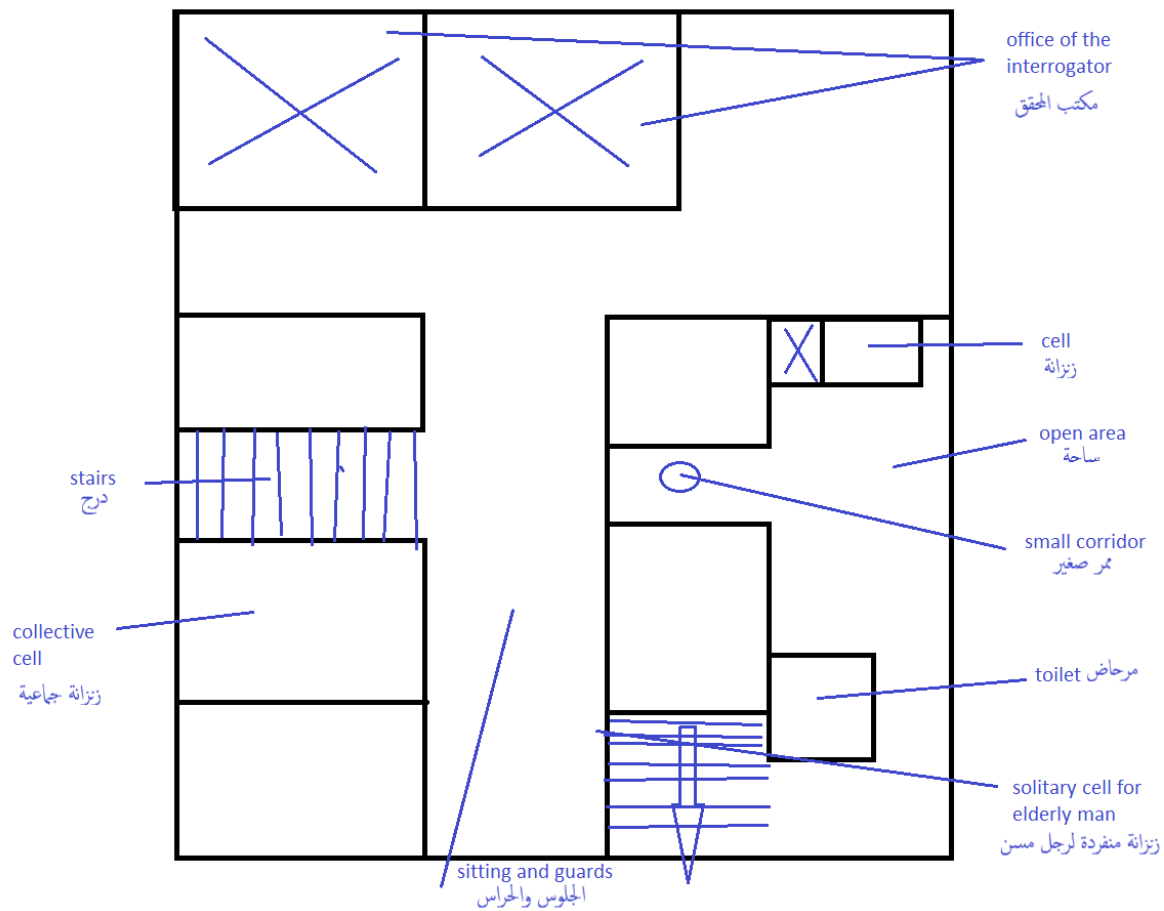
Wiedner asked how many times P40 was interrogated in total. P40 said he could not remember the exact number but he was interrogated more than seven or eight times.

Wiedner wanted to know if he was always interrogated without wearing blindfolds. P40 affirmed.

Wiedner asked if it was always the same person and room for all interrogations. P40 said it was always the same office and most times the same interrogation officer.

Wiedner asked if he understood correctly that the office was in the same area as the cells, or if it was rather further away from the cells. P40 said it was in the basement but at a different hallway. He added that he drew a sketch during his police interview based on what he was able to remember.

[The sketch was shown in court. Below is a recreation of the sketch based on what the trial monitor was able to see and hear in court.]



Wiedner wanted to know what the interrogations were about. P40 said the topic was that he and his brothers are Kurds and allegedly tried to teach people Kurdish language. They were accused of being members of the Kurdish party and his brother was accused of “going to the mountains”, which meant he was accused of joining the PKK. P40 said he was told that the fact that he and his brother did not join the Syrian army was proof of their accusations. P40 explained to the court that his brother did not serve mandatory military service because he was the single earner in the family.

Wiedner asked if P40 was beaten during or after the interrogations. P40 described how he was beaten during interrogations every time the officer did not like P40’s answer and gave a sign to the guard who then hit P40’s neck. P40 said he was kicked and slapped on the back of his head. The interrogation officer then told the security officer to take P40 with him to the hallway. In the hallway, P40 had to lie on his stomach and was beaten on his feet with a four-wire cable. P40 said he himself was tortured by being beaten on his head and feet with the cable. His brother, however, had to endure different, massive torture just like other detainees.

Wiedner wanted to know if the interrogation continued after P40 was beaten on the floor or if he was taken back to the cell. P40 said he was taken back to the cell and it was somebody else’s turn.

Wiedner asked if P40 was mistreated using electric shocks. P40 said he himself did not receive electric shocks, however, one could see signs of electroshocks on his brother’s body.

Wiedner told P40 that if he wanted to, he could describe to the court what happened to his brother. P40 said he could only describe what he saw. Wiedner asked him to do so. P40 said his brother had to endure *Doulab*, beatings with the four-wire cable, electric shocks, and kicks all over his body. One could clearly see the signs on his body.

Wiedner wanted to know if P40 spoke to other detainees in his cell about what happened to them. P40 denied, explaining that they did not have the courage to do so because they were too afraid that there were spies amongst them. When someone returned to the cell, others could clearly see the signs on his body but did not have the courage to ask what happened.

Wiedner recalled P40 mentioning electric shocks and asked how he knew that others were tortured like that. P40 said one could tell from the obvious signs on their bodies. His brother also later told P40 about it. P40 added that his brother was also detained at another branch, as he was transferred to Najha.

Wiedner referred to signs of torture on the bodies of fellow detainees and asked P40 whether he saw severely wounded people. P40 said most had bruises due to the beatings with the cable, his brother had bruises as well.

Wiedner recalled P40 saying he was shocked by the old man and asked him if this man was injured. P40 denied, adding that he imagined that this man had been there for a long time. According to P40, he was wearing a clean pajama and was detained in a solitary cell. The security officers wanted to take him out of his cell, but the man could barely walk. P40 said he was shocked because the man was older than 75 years for sure and P40 did not understand why one would arrest such a person.

Wiedner asked P40 if he remembered the size of his own cell. P40 denied, adding that it was very tight.

Wiedner recalled P40 telling the police that the cell measured 5x5 meters. P40 said he could not remember, but there were twenty to thirty people inside the cell.

Wiedner asked about the furniture in the cell, whether there was something to sleep on. P40 said there were military blankets.

Wiedner asked if every detainee had a blanket. P40 affirmed, adding that the blankets were very rough.

Wiedner further recalled P40 telling the police that his head was shaved at the beginning of his detention. P40 affirmed, explaining that everyone had to shave their heads to prevent scabies, although they still got scabies. He remembered that one time, their entire cell was sterilized.

Wiedner asked if P40 was allowed to go outside and see the sun. P40 said one could see the sun from the hallway.

Wiedner recalled P40 telling the police that the detainees were once taken outside to see the sun. P40 clarified that they were not taken outside the building but to the hallway where there was a light shaft. One could see the sun through this shaft which was in the hallway between cells and toilet.

Wiedner concluded that the basement was in the underground. P40 affirmed.

Wiedner said P40 provided detailed descriptions to the police regarding the conditions of his fellow detainees, and asked P40 if he remembered. P40 said others were tortured differently and more massively because they were older than P40. He said others were beaten with the cable all over their bodies, while he was only beaten on his feet. Others also had to endure *Doulab*.



Wiedner asked if P40 saw other methods of torture, recognized signs of these methods or was told about it. P40 said he was not told about it, only by his brother after he was released. Others did not tell P40 about it, but he could see the signs.

Wiedner recalled that when P40 was asked by the police about the condition of other detainees, he described that they were tortured with electric shocks and their skin was ripped off with tongs. He asked P40 whether that would be correct. P40 said there must be a translation error as he told the police that people were pinched with tongs but not that their skin was ripped off.

Wiedner wanted to know how P40 knew about that. P40 said his brother told him.

Wiedner recalled P40 further telling the police that people were hanged from their feet, locked in a cupboard, and screamed. He further mentioned that one could hear screams and see blood and open wounds on other detainees. P40 told the court that the police asked him about *Shabh*, but he told them that he did not see that, although it might have been applied with other detainees. P40 said he also told the police that the methods of torture were less severe in 2010 compared to 2011. After the revolution started in Syria, torture got massive.

Wiedner asked P40 how he knew that. P40 said he knew from other detainees who were released later.

Wiedner again cited from the police transcript according to which P40 told the police that one could still see the signs of electric shocks on his brother's stomach until that very day. Another person also told P40 how he received electric shocks on his way to the interrogation. P40 told the court that he could not remember the situation with the guard [person receiving electric shocks on the way to the interrogation] but it would be true that one could still see the signs on his brother's body.

Wiedner asked P40 whether he lost weight during the detention. P40 affirmed.

Wiedner wanted to know if P40's relatives knew about his whereabouts. P40 denied, saying they did certainly not know. He explained that they were also unable to find out. P40 added that the police also wanted to know if he went to see a doctor after his release. He then explained that a person who got out of a branch does not have the courage to go anywhere. P40 added that Syrian society believed that people who were arrested by the intelligence services committed a crime. This would be the mentality of the Ba'ath party and their justification for arresting a lot of people.

Wiedner asked why P40 was arrested or what he was suspected of. P40 said the only reason would be that this state [Syria] is an arbitrary state, a security state [state run by security forces]. When the revolution in Syria started, the regime started to spoil it in several cities across the country.

Wiedner recalled P40 telling the police that in Syria, people would be writing reports about other people. Someone allegedly wrote a report about P40's brother teaching Kurdish language. P40 told the court that spies for the regime would be called "Fasfaseh" فاسفس [bug] in Syria. According to P40, the accusations against him and his brother came from these people. Another reason for their arrest was that his brother refused military service, so he was accused of having joined the PKK. P40 said that to be honest, the reason for that was the bad economic situation of his family, which was also the reason they moved to Damascus.

Kerber asked P40 whether he needed a break. P40 denied. One of the interpreters requested a break.

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[15-minute break]

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### **Prosecutors' Questioning**

Prosecutor Klinge said the prosecutors had only a few questions. The first would relate to the fact that P40 was one of the few witnesses who was detained at Branch 251 before the revolution started in 2011. Nonetheless, P40 called his arrest unlawful. Klinge wanted to know if P40 ever saw a lawyer or anyone like that. P40 denied, explaining that would never happen in Syria. Not even the police would enter the cells.

Klinge asked if there was an arrest warrant against P40 or if he was informed about the reasons for his arrest. P40 denied, saying it was arbitrary.

Klinge wanted to know if P40 ever saw a judge. P40 denied, adding he did not even see a judge upon his release.

Klinge asked if P40 heard screams in his cell. P40 affirmed.

Klinge wanted to know if this was the case every day, always or from time to time. P40 said it was mainly during the day.

Klinge wanted to know how many times it was the case. P40 said every few hours.

Klinge asked how long the interrogations and mistreatment usually lasted. P40 said he does not know exactly, sometimes around ten minutes. For him it was usually five minutes.

Klinge wanted to know if P40 saw women at the Branch. P40 denied.

Klinge asked if P40 was a victim of sexual violence or knows others who had to endure sexual violence. P40 denied.

### **Defense's Questioning**

Defense counsel Fratzky wanted to know if the person who interrogated P40 spoke some dialect. P40 said he spoke Arabic, his dialect was similar to the Damascene dialect.

### **Plaintiff Counsel's Questioning**

Plaintiff counsel Scharmer said that he saw how P40 was waiting at the witness stand alone before the session when Raslan was there as well. He asked P40 if Raslan said anything to him. P40 denied.

Plaintiff counsel Kroker recalled P40 saying that his family had no information about his whereabouts and that P40 mentioned a saying in this regard to the police. Kroker asked P40 whether he remembers this saying or if Kroker should read it to him from the police transcript. P40 asked Kroker to read it out.

Kroker said P40 told the police that “The one who is arrested is lost. The one who is released is newborn.” P40 told the court that this would be a common saying in Syria regarding the intelligence services. People say that whoever gets there [detention facilities] is lost, whoever gets released is newborn. It means that when you get released it would be like you were gifted a new life.

[Anwar Raslan handed a piece of paper to his translator who passed it on to defense counsel Fratzky.] Kerber asked if there would be any more questions. Defense counsel Fratzky denied.

P40 was dismissed as a witness. Judge Kerber thanked P40 and told him he was free to leave or stay in the court room. P40 said he would like to make a personal statement to the court. Kerber asked him to roughly tell her what it was about, so she could decide whether to grant his request or not.

P40 said he wanted to thank the court to also sentence Salafists and radical forces, particularly because the Kurdish population in Syria is suffering a lot due to them. He thanked the court.

Kerber thanked P40 and went on to explain that the court received the transcript of an interview of a person who requested to join the proceedings as plaintiff. Copies of the transcript were handed to the parties. Kerber said the person was permitted to join as plaintiff. She added that attorney Bahns requested to be admitted as plaintiff counsel for this person and none of the parties made any statements in this regard. Kerber went on to tell the parties that the office of the federal prosecutor general received an analysis regarding military hospitals in Syria which would now also be on the case file.

The Proceedings were adjourned at 11:27 AM.

### **Day 83 of Trial – July 15, 2021**

The hearing began at 10:00AM [due to delays because of heavy rains] with four spectators and three members of the press in the audience. One non-accredited journalist was granted access to the Arabic interpretation [the same as the day before]. The prosecution was represented by prosecutors Ritscher and Klinge. Plaintiff counsel Dr. Oehmichen was not present. Attorney Ziorovski appeared as substitute for Raslan’s defense counsel Böcker.

#### **Testimony of P41**

P41, a 43-year-old Syrian currently living in [information redacted] was accompanied by his plaintiff counsel Mohammed and informed about his rights and duties as a witness. P41 denied being related to the defendant by blood or marriage.

#### **Judge Kerber’s Questioning**

Presiding Judge Kerber recalled that P41 had already been interviewed by the German police, however, he had to repeat all that in court for the public and all parties to the trial. She asked him to give the court an overview of how he came into conflict with the regime, if and how he was arrested. P40 explained that the security situation in Syria had been precarious for forty years. According to P41, it all started with Hafez Al-Assad and the Syrian society would be suppressed for forty years. P41 said the actual actor in Syria would be the *Mukhabarat* [security forces].

Although not every member of the *Mukhabarat* would be an officer, they would be free to do whatever they want, said P41. They conduct arbitrary arrests as part of the state of emergency and everyone who was arrested by the intelligence services is considered to be lost. Even the fates of the people who were arrested at the massacre would still be unknown, according to P41. He went on to explain how with the beginning of the Arab Spring, society started to stand up against Bashar Al-Assad. They were demanding reforms, social justice, equal rights, and restraints to the security apparatus. The reaction of the regime [to these demands] was excessive violence. According to P41, the security apparatus was instrumentalized for that [reaction]. They quelled demonstrations and arrested people for the first one and a half years after the start of the revolution. After that, there were liberated areas at first. These areas were under control of the opposition and the security forces had less competencies there. P41 said that the actual activities of the intelligence services during the first one and a half years [after the start of the revolution] were solely related to demonstrations.

He told the court that the regions in Syria were allocated amongst the intelligence services. Al-Khatib Branch was in charge of Ghouta and the surrounding area. P41 recalled that when he was protesting in Harasta, [members of] Al-Khatib Branch were patrolling and arresting people. P41 said he was arrested on a Friday in [information redacted] 2011, and taken to Al-Khatib in Damascus. That was where the phase of interrogations, investigations, and torture by the employees led by Colonel Anwar Raslan started. P41 said he was still suffering from the consequences of that until this very day. He was still receiving psychological and neurological care in [information redacted].

Judge Kerber asked P41 to be more precise and explain how he was arrested, where he was taken, how he was taken there, and how he was treated during detention. She added that he could tell the court any time he needed a break. P41 said he was on the street in front of [information redacted] mosque in [information redacted], 2011. They were demanding to change the regime, a coup. P41 explained that four months after the start of the revolution, there was massive violence and killings, so people changed their demands.

Kerber asked how the demonstrations were and where P41 was arrested. P41 said at the beginning [of the revolution] he participated in many demonstrations in Harasta. A group of young folks went to the streets, shouting slogans. At the beginning it was all about freedom and social justice. Later, they demanded the release of their friends. Due to the excessive reaction of the regime, they later demanded the downfall of the regime. According to P41, all demonstrations were peaceful, it was just people gathering on the streets.

Kerber asked P41 to describe precisely how the demonstration where he was arrested took place and how he was arrested. P41 described that on [information redacted], 2011, around fifty people started walking from the [information redacted] mosque. They were shouting slogans demanding the downfall of the regime. P41 carried a camera and filmed and photographed what was happening to post it on YouTube in order to show the world the truth. Then security forces started sieging the area and they had to leave the area and the demonstration. P41 tried to get home with the help of some friends. When they were close to [information redacted] mosque a security patrol suddenly appeared. P41 and his friends had to stop and were arrested. They were beaten with the butts of rifles, kicked, and pushed into a car. There they had to wait for a couple hours until the security forces arrested other people as well. They were then taken to Al-Bairouni hospital in Harasta which was used by the regime as a focal point for arrests. Once security forces gathered there, everyone was taken to Al-Khatib.

P41 recalled that when they arrived at Al-Khatib Branch, their hands were tied behind their backs using cable strips and their vests were pulled over their heads. They were taken off the bus and to a door leading to the basement. There they had to kneel and one detainee after the other was taken to the basement. P41 said while they were taken inside, they were insulted and beaten. They were all called traitors and spies. When they were inside, they had to hand over all their belongings, including clothes and money. P41 further described that they had to get undressed to their shorts, were frisked, and got their clothes back afterwards. The detainees were then allocated to different cells. P41 was taken to cell [information redacted] where he had to stay for four days. He was interrogated during that time but did not confess anything as he did not do anything, as P41 told the court. P41 told the interrogators that he was at the mosque and when he left, he was arrested just like that, but did not do anything. P41 explained that although thanks to spies, they [interrogators] knew that he was filming protests and demonstrating, they did not know his name. After four days he was transferred to the general administration of the intelligence services in Kafar Souseh.

The procedure there was similar to what happened at Al-Khatib: he was frisked and had to hand over his belongings. P41 said he had to stay at Kafar Souseh for six days. He was interrogated and beaten several times during this time. Nevertheless, P41 stuck to his initial story. P41 further told the court that during his time in Kafar Souseh, Al-Khatib Branch obtained a picture of him from which they knew that he was the person they were looking for. He was therefore re-transferred to Al-Khatib where the second phase of interrogations began. P41 recalled that his name was called at night when he was in his cell in Kafar Souseh. He said goodbye to his friends there as they all assumed that he would be released. P41 was then taken to a room where all his personal items were. His hands were tied again, and he was blindfolded. He was taken to a jeep and to Al-Khatib Branch.

When he arrived at Al-Khatib Branch, he had to endure the same procedures as before. He was again taken to the same cell, [information redacted]. After around one hour, he was called for interrogation. When the guard took him, he was blindfolded and taken to the interrogation officer. This person asked P41 several questions. P41 was asked for his name, he told it. He was asked whether he was married, P41 affirmed and said he had children. He was then asked about the name of his son and told that he would be Abu Hassan, the person they had been looking for. P41 recalled that he mentioned another name that his friends used for him, they called him Mimati. The interrogation officer then asked P41 whether he should call him Abu Hassan or Mimati. P41 said that this was the moment he realized they knew a lot about him. He first denied. The guard then got the order to take P41 to solitary cell [information redacted].

One hour later, P41 was interrogated again. The interrogation officer told P41 to take off his blindfolds and introduced himself as Lieutenant Colonel Abdelmon'em An-Na'saan. P41 realized that another person was sitting on the floor. P42 was asked whether he knew that person. He affirmed, saying he was his friend. P41 told the court that this person would currently live in [information redacted]. P41 said he was then confronted with this person, the fact that he was his friend, and information about P41. The guard was then ordered to take the other person back to the cell. The interrogation officer then said that since P41 would be an educated person, they should try to treat each other in a respectful manner. P41 was told they knew everything about him, nevertheless, he should tell everything himself: what he did against the Syrian state, who his friends and partners were with whom he conducted his acts against the state. He was given a pen and sheets of paper and told to go back to the cell and write everything down: starting with his birth until that very day.



The guard was told to take P41 to cell [information redacted] [solitary cell] where P42 started to write everything down starting with his birth, school education, beginning of demonstrations, and his participation in peaceful demonstrations. He then knocked on the door and told the guard he would be ready. The guard then took him to the interrogation room “the usual way”, P41 was blindfolded.

When he arrived at the interrogation room, P41 was told to take off the blindfolds. P41 saw a desk opposite the door. That was where Colonel Raslan was. Lieutenant Colonel Abdelmon'em An-Na'saan sat left of Raslan. He took the sheets of paper and started to read. P41 told the court that he was given seven empty sheets, however, he only used the first half page. The Lieutenant Colonel then passed the sheets to Colonel Anwar Raslan. Raslan also read it and threw the paper in P41's face. Raslan told the Lieutenant Colonel “I told you he would not understand!” P41 told the court that he could not blame the Lieutenant Colonel, as the two were playing a “good cop – bad cop” game. After Raslan threw the paper, he said “take him and teach him in a way he understands. Once he is ready cooked, bring him back.” P41 explained that this was an order to torture him. He was taken back to the solitary cell and first abused with sleep deprivation and not being allowed to sit down for three days. P41 said every time he fell down due to tiredness, the guard came in, beat him, and put him back on his feet. P41 asked the court for a break.

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[10-minute break]

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Judge Kerber asked P41 what happened during his first detention after he met Raslan. P41 said after he was taken back to the solitary cell where he was not allowed to sleep and sit for three days, he was done with his nerves. The guards again took him for interrogation. The interrogation officer was Lieutenant Colonel An-Na'saan who asked P41 who his friends were with whom he conspired. P41 told the court he only answered so far as to not get himself into trouble. He only mentioned names that were already known or from people where they only had pictures. P41 explained that he knew most people via skype where they used imaginary names.

Kerber wanted to know what P41's interrogations were like. P41 explained he had to kneel on the floor. The interrogation officer was sitting on the sofa next to him, smoking and asking questions. If he did not like one of P41's answers, he kicked him. The guard who was standing behind P41 beat him with a belt every time P41 answered too slowly. P41 further explained that he was interrogated daily for around one or two hours for four days in a row. He said he could tell from the questions what the [people at the Branch] knew and what they did not know. Based on that, he provided them only information that they already knew: that he filmed demonstrations and posted the videos on YouTube, Facebook and Al-Arabiya. The main accusations against him were: damaging the reputation of the state, contacts with the opposition, and distribution of fake news to foreign media. P41 said he only confirmed things they already knew.

Kerber asked if it was correct that P41 was interrogated for four days. P41 confirmed.

Kerber asked P41 to describe what happened next. P41 explained he was then confronted with the fact that the employees of the Branch wanted to storm the place where he and his friends slept. P41 told the court that he and his friend agreed to change their location in case one of them gets arrested. In the morning, P41 was put in a car with his eyes blindfolded. He was taken to the Lieutenant Colonel who told him that P41 would go to Harasta together with the employees of the Branch.

Kerber asked about the Lieutenant Colonel's name. P41 said it was Abdelmon'em An-Na'saan, the deputy head of the Branch who was in charge of interrogations. P41 added that tasks were split between the people working at the Branch and An-Na'saan was in charge of interrogations.

Kerber wanted to know what happened next after this person told P41 to go to the place where his friends slept. P41 said he was taken to a car and another car was driving behind them with a machine gun built on top. He was taken out of his cell without being blindfolded, only his hands were tied behind his back. He was taken through the door of the basement like that. The patrol then drove to Harasta and when they arrived, P41 was told to show them the way. When they arrived at the building, P41 was told to stay in the car. He told them the number of the floor and the flat. P41 told the court that they [employees of the Branch] went inside and came back after thirty to forty minutes. He was then taken back to the Branch. P41 added that after he was released, he found out that they smashed the door.

Kerber concluded that P41 was still in detention and asked him to continue. P41 said that when he was back at the Branch, he met Lieutenant Colonel An-Na'saan who told him that there was no one in the flat and asked P41 where these people would be now. P41 said he told him that his friends were there before he was arrested but he did not know what happened after that, since he was in detention ever since. P41 was taken to a different solitary cell, [information redacted] where he had to stay for 25 days.

P41 described that he was allowed to use the toilet twice a day; in the morning and in the evening. His cell was very small, around 1.6x0.8 meters without a toilet inside. The food was given to him through a gap under the door. He received two meals per day which usually consisted of eggs, bulgur, and flatbread. He was interrogated again after 25 days.

P41 said the interrogator told him that from their current knowledge, they knew that P41 was in charge of media issues and in possession of a recording device. P41 was told to hand the device in to be released. P41 told the court he knew they had no evidence against him but if he would have given them his camera, they would have been in possession of evidence. P41 further told the court that this device was in his car which he parked close to the mosque. But since he was arrested, no one knew where the device was. He wanted to let his friends know where the device would be so they could use it. P41 therefore tricked the Lieutenant Colonel and told him he would provide information about his devices. P41 requested to see the mayor of Harasta to talk to him. The following day, P41 was again taken to the Lieutenant Colonel. He told P41 that he would be taken to the office of the head of the Branch where the mayor would be waiting as well. Indeed the mayor, [name redacted], was there. He greeted P41 and asked about his well-being. P41 told the mayor he could find the keys to his car at one of P41's friends who also knew where the car was because they were together when P41 was arrested. P41 further told the mayor to hand the device to P41's father who would then give it to the Branch. P41 recalled that after a while he learned from the Lieutenant Colonel that P41's friends failed him and P41's device would be more important to them than P41's life. P41 said he was again interrogated a couple days later. The interrogation officer was very angry and told P41 he had a phone call with a leading figure in Harasta (P41 told the court this person sadly passed away). The interrogation officer said he learned from that call that Abu Hassan told his friends where his device was and they would now be in possession of the device. P41 said the head of the Branch was very angry because P41 used them and played games with them [people at the Branch]. He ordered beatings.

Kerber asked if the conversation with the mayor of Harasta took place in the office of the head of the Branch. P41 affirmed.

Kerber wanted to know who else was present during this conversation. P41 said there was no one else. When he was taken to the room, the Lieutenant Colonel accompanied him.

Kerber asked if the head of the Branch was angry because of the recording device. P41 said this was what Lieutenant Colonel An-Na'saan told P41.

Kerber wanted to know who the head of the Branch was. P41 said it was Colonel Anwar Raslan and his deputy was the Lieutenant Colonel Abdelmon'em An-Na'saan.

Kerber asked if P41 personally saw Raslan and saw he was angry. P41 denied.

Kerber asked who ordered the beatings. P41 said Raslan ordered it the first time.

Kerber wanted to know who ordered the beatings in the situation regarding the recording device. P41 said it was Lieutenant Colonel An-Na'saan.

Kerber asked P41 to continue. P41 said he was beaten until he fell unconscious. A doctor came and a pill was put under P41's tongue to cure his heart issues. The doctor recommended that P41 take the pill every day but the people at Al-Khatib did not follow the recommendation. P41 recalled that when he was transferred to the general administration in Kafar Souseh, he received the pill every day.

Kerber quickly recapped that after the situation regarding P41's recording devices, he had heart issues, received a pill, was transferred to Kafar Souseh. She asked P41 what happened after he got the medicine. P41 said after that another person was taken to his solitary cell in Al-Khatib, together with him.

Kerber asked if P41 was talking about the 1.6x08. meter big solitary cell [information redacted]. P41 confirmed, saying that an injured person from [information redacted] was taken to his cell. This person slept on the floor, lying on his back. P41 therefore had to stand for hours. He recalled that this other person fell unconscious and every time he woke up, he was asking P41 who he was and who P41 was. This person relieved himself in his clothes. P41 therefore had to clean up. They stayed together in the solitary cell for a long time, around 87 days, until P41 was told there would be a trial in Kafar Souseh.

Kerber wanted to know if P41 had to stay in Kafar Souseh for a long time or was released immediately. P41 said he stayed there for a long time, he was only released thanks to the Arab League on January [information redacted], 2012.

Kerber asked if it would be correct that this date was shortly before P41's second arrest. P41 confirmed, saying he was arrested at home 25 days after his release. He recalled that someone knocked on the door in the morning and people from Al-Khatib Branch started searching the flat. P41's brother-in-law stayed with him that night. He was only 24 or 25-years-old when they were arrested together.

P41 said the arrest followed the same procedure as the first: Their hands were tied, and they were blindfolded. When they arrived at the Branch it was the same procedure again: they had to hand in all their personal items and undress. P41 said he was separated from his brother-in-law at the Branch. P41 was taken to a group cell, [information redacted], where he stayed for fifteen days before he was taken for interrogation. When P41 entered the interrogation room, Lieutenant Colonel An-Na'saan was there as well.

P41 explained to the court that although he was blindfolded, he recognized the Lieutenant Colonel's voice. He asked P41 "[P41's name], what's the matter? You're here with us again." P41 replied that he was only there because he was taken there and added that the entire country would be in the hands of Assad's gangs. P41 told the court that he was unable to walk. The Lieutenant Colonel told him they knew everything about him but had some questions regarding people who visited P41. These people were wanted and they [intelligence services] wanted to know more about P41's relation to them. P41 replied that these people only visited him to ask about his well-being and congratulate him on his release. P41 recalled that he was then told he would be released but should report everything to the Branch in the future, otherwise he would be taken there. When P41 was taken back to the cell, he asked if he had to stay there for long, the Lieutenant Colonel denied. P41 told the court that he had to stay at Al-Khatib for three more days before he was transferred to Kafar Souseh where he stayed for ten days until he was released.

Kerber said her last question would be how many times P41 met Anwar Raslan. P41 said he met him once.

Kerber asked P41 whether he needed a break or if the court could continue with questions. P41 said it would be alright for him to continue.

#### **Judge Wiedner's Questioning**

Judge Wiedner said he wanted to clarify a few things regarding location and dates. He asked P41 if it was correct that he was arrested for the first time on [information redacted], 2011. P41 confirmed.

Wiedner asked whether it was correct that P41 was then released mid-January 2012, on January, [information redacted] 2012. P41 confirmed.

Wiedner wanted to know more about the chronology of P41's first detention: when he was at Al-Khatib, when at Kafar Souseh, when he was back at Al-Khatib, and how many times he was at Al-Khatib respectively Kafar Souseh. P41 explained that at his first detention he was at Al-Khatib for four days before he was transferred to Kafar Souseh where he had to stay for six days. After that, he was transferred back to Al-Khatib where he stayed until he was again transferred to Kafar Souseh. P41 said he could not remember the exact date when he was again transferred to Kafar Souseh, but he estimated that he stayed at Al-Khatib around 100 days before he was transferred. At Kafar Souseh, he stayed fifteen days before he was released due to an initiative.

Wiedner asked if the time P41 was taken back to Al-Khatib he had to stay there for fourteen days or longer. P41 said he was there from early February until May.

Wiener summarized that during his first detention, P41 stayed four days at Al-Khatib, six days at Kafar Souseh and then asked how long P41 stayed at Al-Khatib after he was taken back there from Kafar Souseh. P41 said he was at Al-Khatib for four days, then six days at Kafar Souseh, and after that...[P41 took some time to think] he stayed at Al-Khatib from November/December on for around two months and ten days.

Wiedner wanted to know how P41 knew he was at Al-Khatib at his first detention. P41 said he could tell from the streets leading to the Branch. P41 explained that he knew the area and that it was common knowledge that everyone who gets arrested would be taken to Al-Khatib. P41 added that he was only certain after his release.

Wiedner recalled P41 telling the police that he learned from other detainees that he was at Al-Khatib. P41 affirmed, adding that he knew from the beginning but was only sure after his release when he met with the mayor.

Wiedner asked when P41 met Lieutenant Colonel An-Na'saan for the first time: during P41's first four days at Al-Khatib or after he returned from Kafar Souseh. P41 said it was after Kafar Souseh.

Wiedner asked how P41 knew the name and rank of this person. P41 said the person told him.

Wiedner asked P41 to describe his first meeting with this person: how he acted and what he wanted to know from P41. P41 said the person asked him about his personal information to make sure P41 was the person they were looking for. At their second meeting, he confirmed that information and confronted P41.

Wiedner mentioned the term 'offer to collaborate', adding that in case P41 could not remember, he could read out what P41 previously told the police in that regard. P41 told the court he could remember. He recalled being offered to collaborate with the Branch. They tried to win him over and get information from him.

Wiedner recalled P41 telling the police that at their first meeting, the Lieutenant Colonel introduced himself and told P41 that since he would be smart and not violent, he should cooperate. P41 explained that the translation [in the police transcript] was slightly wrong there. He was rather offered to provide information without torture. He was offered to provide information without being mistreated.

Wiedner asked if the following meeting was with Raslan. P41 said the third meeting was with Raslan. The second meeting was with An-Na'saan.

Wiedner summarized there was a first meeting, then a second during which P41 was confronted, and a third together with Raslan. P41 confirmed.

Wiedner asked how P41 could be certain that it was Anwar Raslan. P41 explained that Lieutenant Colonel An-Na'saan introduced Raslan with his name and rank. He told P41 to provide him the information he wrote down and give him the sheets of paper.

Wiedner asked if there was a sign with Raslan's name on it. P41 affirmed, adding that he could not read what was written on it. There was a sign with a name on it and a pencil cup, however, P41 was not able to decode what the sign said.

Wiedner asked P41 to take a look around and tell him whether he recognized Anwar Raslan in the room or someone who looked like that person back then. P41 said he recognized someone. Wiedner asked whom he recognized. P41 pointed at Anwar Raslan.

Wiedner went on to ask if the interrogation room was on the same floor as the cells or if there were stairs in between. P41 said it was the same floor.

Wiedner asked P41 to describe the furniture. P41 recalled that there was a door and a desk opposite of the door. Left of the desk was a sofa and a table. He said that was all he could remember, and that there was a picture of the president on the wall.

Wiedner wanted to know where Raslan was in that room. P41 said he [Raslan] was behind the desk. Left of him was Lieutenant Colonel An-Na'saan.



Wiedner asked if there was another person in the room as well. P41 said there was a guard. Wiedner asked where that guard was. P41 said he was behind him.

Wiedner further wanted to know where P41 was in the room and how his position was. P41 said he was one meter from the door.

Wiedner asked if there was a particular guard. P41 said it was Abu Ghadab.

Wiedner recalled P41 describing a situation where sheets of paper were thrown at him, and an order was issued. He asked P41 to describe this reaction that happened before he left the room. P41 said this reaction was due to the fact he did not write down the information they wanted from him. He wrote everything from his birth to the start of the revolution but only two sentences on the revolution. That was what triggered this reaction.

Wiedner wanted to know if both people that were present in the room reacted when P41 gave them the papers. P41 explained that the Lieutenant Colonel took the papers first, read them, and then handed them to Colonel Anwar Raslan, addressing him as "Sidi". Raslan took the papers, read them, and threw them at P41. P41 said Raslan was angry and told An-Na'saan "he doesn't understand words. Teach him in a way he understands."

Wiedner asked if there was a concrete order for torture. P41 denied.

Wiedner recalled P41 telling the police that Raslan turned to An-Na'saan, saying "it looks like he did not understand that language." He then ordered deprivation of sleep until P41 would be "well cooked and ready to eat." P41 affirmed, adding that this was coming from An-Na'saan. The guard then took P41 with him.

Wiedner wanted to know what Raslan said, if he gave any orders. P41 said Raslan gave orders, he said that P41 should only get back once he is well cooked and ready to eat. All other orders came from An-Na'saan. According to P41, he was the one who ordered the deprivation of sleep.

Wiedner asked if P41 could tell from the interactions between An-Na'saan and Raslan whether they had the same rank or sub-ordination. P41 said Raslan gave orders to An-Na'saan. The latter addressed Raslan as "Sidi" while Raslan addressed An-Na'saan by his name.

Wiedner wanted to know how Raslan was dressed. P41 could not remember.

Wiedner asked how P41 was dressed. P41 said he was wearing a suit and tie when he was arrested. After his arrest when he was beaten, his clothes were ripped, and he arrived at the Branch solely wearing a shirt and shorts. One of the detainees in the group cell was wearing long underwear that he gave to P41. P41 recalled that when the mayor saw him dressed like that in the middle of winter, he requested that P41's family could bring him clothes. However, P41 never got these clothes.

Wiedner asked if P41 consequently wore long trousers, and his body was naked during the interrogation. P41 said he also wore a vest.

Wiedner recalled telling the police regarding Raslan's clothes that he was wearing civilian clothes: jeans and a shirt. P41 further told the police that everyone at the Branch was wearing civilian clothes, even the guards in front of the door. P41 affirmed in court that everyone was dressed in civilian clothes. He could not exactly remember what they wore but added that all members of security branches were always wearing civilian clothes.

Wiedner asked if P41 noticed a particular dialect or language that Raslan spoke. P41 denied, explaining he could not tell from his dialect where he came from. He added that Raslan did not say much.

Wiedner asked if Raslan said anything else to P41, maybe insulted him. P41 said he could not remember.

Wiedner recalled that when P41 was asked by the police if Raslan insulted him, he affirmed, explaining that Raslan said 'you fucker, what about these demonstrations, don't you have a good life?' P41 clarified in court that Raslan did not say that. Raslan did not interrogate P41. These words rather came from Lieutenant Colonel An-Na'saan, not Raslan. According to P41, he only met Raslan once.

Wiedner wanted to know if P41 heard screams in the interrogation room. P41 affirmed, saying of course he heard screams. One could hear voices and screams of torture. One could hear them especially in cell [information redacted] which was opposite of the interrogation room. P41 concluded that detainees were taken there on purpose to torture them psychologically.

Wiedner asked P41 if he also heard screams during the interrogation with An-Na'saan and Raslan. P41 said that might have been the case. One could also hear people in the hallway who were called rats.

Wiedner recalled that P41 was taken out of the interrogation room and not allowed to sleep for three days after that. He asked P41 what else he had to endure, if he was beaten with a cable. P41 said he was beaten with a belt and his hands were tied. He said he had to endure that until he got difficulties with his nerves.

Wiedner recalled P41 telling the police that he had to lie on his stomach with his arms tied behind his back and his feet in the air. He was asked questions and whipped by Abu Ghadab. P41 confirmed.

Wiedner asked if it was correct that P41's knees started bleeding because they were pushed on the floor while his feet were beaten. P41 affirmed.

Wiedner wanted to know if P41 saw signs of torture on other detainees or if someone told him what they had to endure or if he witnessed others being tortured. P41 affirmed. Wiedner asked what exactly P41 saw or heard. P41 recalled that while he was in the solitary cell [information redacted] a person from [information redacted] was tortured right in front of the cell. His name was [FD1], his brother was [name redacted], a doctor. The latter treated injured people, so his brother was detained to put pressure on him. P41 said he could hear his screams, the ones who tortured him wanted information about his brother and accused his brother of being a terrorist. He kept saying that as a doctor at a hospital, his brother had to treat all patients. P41 said this person died of torture.

Wiedner asked P41 whether he only heard this scene or saw it, or if he heard that from someone else. P41 explained that before he was in the solitary cell, he was in a group cell where he constantly heard people [being tortured] and saw signs of torture on their backs. P41 remembered a person from [information redacted], he was an air-conditioner technician, relatively big and taller than P41. Once he was called for interrogation and when he returned, he was carried by three guards who threw him into the cell. He was covered in blood and unconscious. P41 said the other detainees made space and cleaned his wounds with tissues.

Wiedner asked if there was medical care at the Branch. P41 denied.

Wiedner recalled P41 mentioning screams he heard while he was in the solitary cell. He asked P41 how often and when he heard them. P41 said one could hear them most times. They were sometimes louder, sometime less loud.

Wiedner recalled P41 explaining to the police that he was taken to the solitary cell [information redacted] on purpose because it was right next to the interrogation rooms from where one could constantly hear screams. One could hear the beatings and the screams. There were many people and P41 was constantly afraid to be next. He said he could hear the detainees crying for mercy and the guards replying that there was no god, but them alone. P41 confirmed.

Wiedner wanted to know more about the general condition in the cell; how big it was and how many people were in there. P41 said it was around 4x4 meters or 5x5 meters. There was a sink in the corner and a toilet. However, there was no door to separate the toilet from the rest of the room, just curtains.

Wiedner asked about the hygienic condition and the number of detainees in that cell. P41 said on one occasion they were more than eighty detainees in the cell. Then people from Al-Abadeh were arrested and they were more than 100 people in the cell. No one could sit down, they all had to stand. P41 said that after two or three days some people were taken out of the cell.

Wiedner asked how they managed to sleep. P41 said people had to stand. They sometimes leaned on to each other. Or tried to make space.

Wiedner asked if they got enough food in the group cell. P41 said they got food twice a day; in the morning and at noon. Food usually consisted of flatbread, sometimes potatoes or olives. The second meal was usually four or five bowls of bulgur that they had to distribute among them. Sometimes they got soup.

Wiedner asked if it was enough. P41 denied.

Wiedner wanted to know if the light was switched off at night. P41 explained the light was always the same. One could not tell day from night because it was in the underground. There was a fan in the cell so people could breathe. Behind the fan was a strong light which was never switched of. P41 said they were sometimes able to tell the time when they heard the call for prayers.

Wiedner asked if P41 saw injured people or was told by others in the cell about torture methods. P41 said that due to his work in documenting demonstrations, he saw several corpses from Al-Khatib. He documented all that, some of the material can be found on YouTube. P41 describe some people showed open wounds or fractures.

Wiedner said the court would only be interested in what P41 saw at Al-Khatib, not what he saw after that. P41 said he saw signs from beatings, injured people, and blood. He recalled a person whose feet were bleeding due to beatings, the feet were swollen and blue.

Wiedner asked if P41 remembered something relating to fingernails. P41 denied.

Wiedner recalled P41 telling the police that he saw blood due to ripped off fingernails. P41 said that might have been the case, however, he could not remember in this very moment. He added that every day someone returned from interrogations, he could therefore not remember everything. One person had the corners of his moth ripped because his mouth was splayed during an interrogation.

Wiedner asked if P41 saw dead people or people close to death at the Branch. P41 said he saw people who were close to death, but no dead people.

Wiedner asked P41 to describe the people who were close to death. P41 said there was a detainee who was unable to breathe. The other detainees were knocking on the door and told the guards what was happening. The guards in turn just said there was nothing they could do about it and that it would be OK for them if he would 'croak'. P41 said they told the guards that there were too many people in the cell, so this person had difficulties breathing. According to P41, this person never returned to the cell.

Wiedner asked if that happened during P41's first or second detention. P41 said it was during his first detention.

Judge Kerber said the judges had no more questions for the moment, so there would be a lunch break before others could ask questions.

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[75-minute-break]

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Presiding Judge Kerber asked P41 if his headache was gone and he felt fit to continue. P41 affirmed.

The prosecutors had no questions for the moment.

### **Defense's Questioning**

Defense counsel Fratzky recalled P41 telling the court that there was a name plate and a pencil cup on the desk. P41 affirmed, adding that he however could not read what was written on the name plate.

Fratzky said that when P41 was shown different pictures during his police interview, he hesitated when he saw picture No.2 before he said that he knew the person in the picture but could not remember a name. According to Fratzky, P41 did not hesitate to mention a name in court. He wanted to know if P41 between his police interview and the day in court...Plaintiff counsel Bahns intervened, saying that Fratzky cited the police transcript falsely: P41 did mention a name during the police interview. Judge Kerber said P41, however, did not mention a name right away, so Fratzky's citation would be fine. Fratzky finished his question, asking P41 if he saw a picture of Anwar Raslan between his police interview and his testimony in court. P41 denied, adding that he told the police the name Anwar Raslan.

Fratzky wanted to know when and how P41 learned about Raslan's arrest. P41 said he could not remember a date. He read on the internet that an official from the Syrian intelligence services was arrested. P41 then did some research and found out that this person was the head of Al-Khatib Branch.

Fratzky asked if P41 saw pictures of the person who was arrested during his research. P41 denied, adding that it was not clear to him at the beginning who the arrested person was. He had friends in Germany who then told him it was Anwar Raslan.

Fratzky wanted to know if P41 was only told about the identity of this person or researched it himself. P41 denied, explaining that a friend from [information redacted] told him that this person was the head of Al-Khatib Branch.

### **Plaintiff Counsels' Questioning**

P41's counsel Mohammed recalled P41 telling the court that he is receiving medical care due to his detention and asked what exact treatment he would receive. P41 explained that he had psychological issues since his detention and difficulties falling asleep. He can only fall asleep in the early morning.

P41 added that he often feels absent and isolated. He therefore went to a psychotherapist in [information redacted]. He also suffered physical damage as the nerves in his hand are damaged. P41 said he had to undergo many tests at a hospital in [information redacted], including MRI. He further received physiotherapy, and it was eventually found that the nerves in his hand are severely damaged and not located where they should be. P41 said he also had to take tranquilizers. The doctor at his workplace then said that P41 was only allowed to work for 16 hours a week and only do jobs where he does not have to lift heavy things.

Mohammed asked if his right or left hand was damaged. P41 said it was his right hand.

Mohammed further wanted to know if P41's dominant hand was right or left. P41 said it was his right hand.

Mohammed recalled P41 mentioning that he filmed and posted demonstrations and other things at the beginning of the revolution. He asked P41 whether he had his own channel. P41 explained that he handed certain pics to channels like Al-Jazeera and Al-Arabiya. He only shared recordings where one could not see the faces of people, so they would not be arrested. P41 said other videos were stored in a specific archive. He also shared recordings of martyrs on channels for torture and deaths.

Mohammed asked if the recordings were uploaded on YouTube. P41 affirmed.

Mohammed asked if P41 uploaded the videos himself. P41 affirmed, explaining that some videos were uploaded by him, others by friends.

Mohammed asked about the name of the YouTube channel. P41 said it is called [information redacted].

Mohammed wanted to know if the videos are still available or deleted. P41 explained that some videos were deleted by YouTube, some were rescued, and some were uploaded again.

Mohammed asked if he understood correctly that P41 uploaded videos on YouTube that showed detainees from Al-Khatib Branch. P41 confirmed.

Mohammed asked what exactly one could see there. P41 said one could see signs of beatings and open, deep wounds.

Mohammed wanted to know during what timeframe these videos were recorded. P41 said they were recorded between the beginning of the revolution and end of May 2012. He added that he was released in May and immediately left Syria.

Mohammed recalled P41 describing that people were crying for mercy while the guards told them, they were Allah. Mohammed asked if he understood that correctly. P41 confirmed.

Mohammed wanted to know if P41 prayed in detention. P41 said of course he did not pray. He was detained with many other people, all in one cell. He once prayed but the guards entered the cell and because he did not stand up, he was beaten.

Mohammed asked if the guard said or did anything. P41 described that the guard opened the door while P41 was sitting and praying. The guard then told him that P41 was not taken there to pray. P41 said it was horror, he was insulted for praying and called by the name of a revolutionist sheikh.

Plaintiff counsel Scharmer wanted to ask P41 a question but Presiding Judge Kerber noted that the prosecutors had some questions first.



### **Prosecutors' Questioning**

Prosecutor Klinge referred to videos and pictures allegedly showing detainees from Branch 251 and asked P41 if one could see from that material that these people were actually from Branch 251. P41 said that when these people were arrested, they were taken to Branch 251. The mayor then told the families they could pick up their corpses at the hospital. P41 explained that the people were not buried immediately due to the cleaning rituals, so he photographed them.

Klinge asked if P41 knew these people were coming from Branch 251. P41 said everyone who gets arrested is taken to Al-Khatib Branch. He photographed the corpses a few days after they were handed to the families. P41 said it was a young man, [C1], and an elderly man, [C2].

Klinge wanted to know when the corpses were handed to the families. P41 said it was in 2011, definitely before 2012.

Klinge further wanted to know where the corpses were handed or picked up. P41 said the mayor sent one of his employees to the hospital in Tishreen.

Klinge asked what this person did at the hospital. P41 said he received the corpses and handed them to the families.

Klinge concluded that the corpses were picked up at Tishreen hospital. P41 confirmed.

### **Plaintiff Counsels' Questioning**

Plaintiff counsel Scharmer said he had a question for the judges: he found out that P41's YouTube channels still exists, including videos of corpses showing signs of torture that were uploaded during the indictment period. He would like to inspect these videos together with P41 and ask him questions. Presiding Judge Kerber said OK. Scharmer asked how this should be done; if he tells the court the link and they would inspect the videos in court.

Judge Kerber said she does not see any necessity to conduct investigative work at that moment. She reminded Scharmer that there was already a first judgment and there were too many open questions about the videos to inspect them on this day.

Scharmer suggested to have a break to answer some questions, adding that what P41 said was of non-negligible interest. Judge Kerber said she understood that the witness filmed two people of whom he assumes they had been at Al-Khatib Branch. Both corpses were picked up at Tishreen hospital. Scharmer added that it would be possible that these two people had been in Al-Khatib.

Kerber said the judges would need to figure that out first. Scharmer replied that P41 would however be in court at that very moment and only a few videos were relevant. Kerber ordered a ten-minute-break to allow the plaintiff counsels to issue a relevant request which the judges would then make a decision on.

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[10 minute break]<sup>2</sup>

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Presiding Judge Kerber turned to plaintiff counsel Scharmer to ask him about the request. Scharmer explained that his colleague Bahns would just be typing their request and asked how they should submit it to the court. Kerber said they should send it via email to the court's administration officer.

Plaintiff counsel Bahns intervened, saying he was disturbed by the court's proposed procedure. He said he is aware that this would be happening on very short notice, however he deemed the court's very narrow deadline to be inadequate. Judge Kerber replied that plaintiff counsel Scharmer just told the judges to inspect some videos in court, however, she would be aware that some plaintiff counsels already showed Judge Wiedner during the lunch break videos on their phones. Kerber added Bahns should do some introspection. Bahns replied he was just explaining his own perception of the situation, adding that he was well-aware how complicated the matter was. However, this only came up during the questioning.

Judge Kerber told the plaintiff counsels to send the request via email.

Plaintiff counsel Kroker added that the plaintiff counsels did not show Judge Wiedner any videos. They only told him that these videos existed. Judge Wiedner intervened, saying he was not shown videos but sources and screenshots.

Prosecutor Ritscher intervened, explaining that the prosecutors would be willing to task the BKA to have a look at the relevant YouTube channel and write a respective note on it. He added that all this still needs to be done properly. He suggested the BKA should first analyze the channel and assess whether the court needs to fulfil its duty of judicial enquiry. This way, there would already be a pre-selection and assessment of relevant videos.

Judge Kerber thanked the prosecutors, adding that this would however not relieve the judges from their obligation to make a decision on the relevant requests to inspect the videos in court.

Plaintiff counsel Scharmer said he and his colleagues did not want to delay the issue since P41 would now be present in court anyway. However, he would be open to have a break and resume if the judges would like to discuss first. Kerber said the analysis of this YouTube channel with thousands of videos would take more than one day. She added she would leave it up to Scharmer and his colleagues to file the request or not. If the prosecutors want to analyze the videos and add it to the case file, the court would of course inspect relevant videos. Kerber concluded that they would be talking about two corpses that were picked up at Tishreen hospital.

Scharmer said P41 said something else during the break, he and his colleagues therefore submitted their request to inspect some videos.

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<sup>2</sup> Note from the Trial Monitor: The interpreters took the chance to get a break. Since the plaintiff counsels needed to talk to P41 to determine what videos they wanted to inspect, one of the journalists had to translate for them.

Presiding Judge Kerber asked if there would be further questions for P41 which can be asked until the request arrived via email. Scharmer said he had unfortunately no more questions at the moment but could read out the request in the meantime.

[The following is a recreation of the plaintiff counsels' request, based on what the trial monitor was able to hear in court.]

*Attorneys Scharmer, Kroker and Bahns request to visually inspect the following video [URL was read out] which can be found on YouTube together with P41.*

*This will show the corpse of C2 who was detained at Al-Khatib Branch and whose corpse was handed to his parents. This person was detained at Al-Khatib Branch at the same time as P41, however, they never met there. The person's parents later said their son's corpse was handed to them by employees of Al-Khatib Branch.*

*Relevance: A dead person showing signs of torture who was detained at Al-Khatib Branch during the indictment period and died in custody due to violence.*

The court's administrative officer said she received the relevant requests via email. She found them in the spam folder.<sup>3</sup>

P41's counsel Mohammed said he would join this request. Plaintiff counsel Bahns said he submitted another request which he could read out as well. Presiding Judge Kerber told him to do so. Before reading the request, Bahns said he wanted to clarify that he always felt the climate at the court would be good and constructive. He did not want to offend anyone and would therefore take back his earlier comment.

[The following is a recreation of the plaintiff counsels' request, based on what the trial monitor was able to hear in court.]

*Attorneys Bahns, Kroker and Scharmer request to visually inspect the following video [URL was read out] which can be found on YouTube.*

*P41 said the video shows C1 who was arrested and detained at Al-Khatib Branch. The administration of Harsata was contacted by Al-Khatib Branch regarding the corpse. P41 took the video after the corpse was handed out.*

*The person in the video shows massive signs of torture and was arrested at Al-Khatib Branch during the indictment period.*

Presiding Judge Kerber asked the parties for statements.

After a short discussion with his colleague Ritscher, Prosecutor Klinge said he doubts the required connectivity of the request. He added that the request would therefore not be a proper request. He further questioned the evidentiary value of the video without analyzing the metadata.

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<sup>3</sup> Note from the Trial Monitor: It is not clear if or why P41's counsel was not aware of the videos and did not prepare a relevant request prior to this hearing day. It is also noteworthy that P41 had to sit in the witness chair for more than one hour without being asked any questions and not fully comprehending the proceedings despite simultaneous interpretation.

Klinge proposed a calmer approach: to analyze the YouTube channel. Since P41 already joined the request, he would certainly be willing to return to court and be questioned about relevant videos.

Defense counsel Fratzky said he objected to the request for the same reasons that the prosecutor just mentioned. He added that it would be more like an exploration of certain things.

Plaintiff counsel Mohammed already joined Scharmer's request. None of the parties made additional statements regarding Bahn's request.

### **Judge Kerber's Questioning**

Judge Kerber said she had a few additional questions for P41 regarding C2, asking P41 what he could tell the court about this corpse. P41 explained that out of these two videos, he filmed one himself. On this video [which he filmed himself] one could see C1 and another person in September 2011. P41 took this video himself and saw the corpse himself. He could clearly see the signs of torture on the corpse. He published the video on his channel [name redacted] but other channels also released it.

Kerber concluded that P41 was the one who took the video showing C1. P41 confirmed.

Kerber wanted to know how this corpse got to the place where P41 took the video. P41 recalled that security people from Al-Khatib Branch contacted the mayor of Harasta and told him that there would be two corpses at Tishreen hospital which needed to be picked up. The mayor then contacted the families and sent his deputy to Tishreen hospital by car. This person then took the corpses with him. When the corpses were with the families, P41 was called and filmed it.

Kerber asked how P41 knew the story involving the mayor and how the corpses were handed to the families. P41 said he did not witness that himself, but the families told him about it when he was with them to film the corpses.

Kerber asked P41 how he knew that these people were actually dead. She apologized for the question, adding that it would be sufficient if P41 could say that they stopped breathing or something similar. P41 said he saw the corpses himself when they were cleaned and he took the videos. He touched the corpses and turned them around to film all aspects. He said that this was what happened with C1.

Kerber wanted to know more about C2. P41 said he was his friend and he was arrested when P41 was in detention. When P41 was released, he was surprised to hear that C2 and four other people, among them P41's cousin died of torture. They were arrested in Harasta and their corpses were handed over a couple days later. P41 said his cousin did not even participate in demonstrations, he simply slept at his home. P41 said his cousin's brother was shocked when he was arrested and his body handed over as a corpse.

Kerber asked if P41 was there when the corpse was handed to the family. P41 said he was in detention at that time and surprised when he found out that he died.

Kerber asked if P41 was present when C2 was handed over to his family as corpse. P41 said he was in detention.

Kerber wanted to know how P41 found out about all that. P42 said he asked about it when he was released. He was told that he died as a martyr. There were videos showing him.

Kerber asked if P41 made these videos himself. P41 denied, adding he only saw these videos. He took the video showing C1.

Judge Wiedner intervened, asking how P41 knew that C2 was detained at Al-Khatib. P41 explained that he found out after his own detention when his relatives and friend told him that C2 was arrested together with four others and their corpses were released on the same day.

P41 asked the judges if he could add something. Judge Kerber allowed him to do so. P41 said there would be another person who might contribute to this: during P41's detention at Al-Khatib he was detained in solitary cell [information redacted] where he could hear how a person was tortured right in front of his cell. P41 knew the person and heard everything. The person was FD1, he was arrested because his brother [name redacted], a doctor was wanted.

Kerber said P41 already told the court about that. P41 added that he took a video of this corpse which also showed signs of torture.

### **Prosecutors' Questioning**

Prosecutor Ritscher concluded that the video showing C2 was not taken by P41 personally but uploaded on his YouTube channel [name redacted]. P41 confirmed, adding that he was in detention at that time.

Ritscher wanted to know who took the video. P41 said it was a friend of his who currently lived in [information redacted].

### **Plaintiff Counsels' Questioning**

Plaintiff counsel Scharmer referred to the video showing C2 [P41 consulted his counsel]. Scharmer asked whether P41 was able to identify the person from this video. P41 affirmed, saying it was his neighbor.

Scharmer asked if the person's parents told P41 which branch gave them the corpse. P41 said all corpses were handed over at Tishreen hospital.

Scharmer recalled P41 mentioning that the person's parents said employees of Al-Khatib Branch gave them the corpse. P41 explained that the common procedure was the following: such corpses were first transferred to the military hospital, then the mayor was informed who in turn informed the family who then went to the hospital to get the corpse.

Scharmer said he understood from what P41 told him during the break that C2 died at Al-Khatib Branch. Scharmer wanted to know from P41 what he knew about that and how he knew that. P41 said it was not only C2 who was detained at Al-Khatib and died there.

Scharmer recalled P41 saying that the corpse was picked up at the hospital and asked P41 how he knew that the person did not die there which would also be a possibility. P41 said he had no information about that. He only knew that five corpses were handed over there [at the hospital] all of whom were previously detained at Al-Khatib Branch.

Plaintiff counsel Kroker said he had some questions regarding FD1, recalling that P41 previously mentioned him and a relevant video on YouTube. Kroker asked P41 what he could say about that. P41 explained the video would show how the corpse was handed to the family after he was detained at Al-Khatib. He was then buried. P41 added this person also knew one of P41's cousins. P41 said he personally knows that this person was detained and tortured at Al-Khatib.



Kroker recalled P41 identifying this person based on his screams, asking if there were other features that helped P41 identify the person. P41 said he recognized his voice because he was a friend. He also identified him based on the questions he was asked about his brother: where his brother went, where the field hospitals were located, and how his brother moved around. P41 said the answer to these questions was that the person's brother was a doctor from [information redacted] who had the duty to help all injured people. P41 added the doctor was eventually arrested and tortured with electric shocks. His kidneys stopped working and he would currently live in [information redacted].

Kroker wanted to know if P41 was involved in the making of the video showing how the corpse was given to the family, which can be found on P41's YouTube channel. P41 said he did not personally see FD1. However, he could confirm that he was at Al-Khatib and tortured there. P41 said he did not take the video himself as he was already outside Syria when the corpse was handed over.

Kroker wanted to know whether P41 knew the link to the relevant video and would be willing to share it. P41 affirmed, saying he was willing to share it with his counsel.

#### **Judge Wiedner's Questioning**

Judge Wiedner wanted to know if it was correct that P41 had already left Syria when the corpse was handed to the family. P41 confirmed.

Wiedner asked when P41 left Syria. P41 said he left Syria at the end of May 2012.

#### **Plaintiff Counsels' Questioning**

Plaintiff counsel Scharmer asked if he understood correctly that some videos were deleted by YouTube and then uploaded again. P41 confirmed that the video was still available. He added that some videos were not released and would be stored in an archive.

Scharmer concluded that the date the video was uploaded is not necessarily the date the video was created. P41 explained that for the public videos, the date they were uploaded would be the same date they were created. He added that they were timely back then.

Scharmer said he understood earlier that some videos were taken down and then uploaded again. P41 explained that the videos relating to FD1 and others would still be available on YouTube and were not taken down. They were released by different channels.

Plaintiff counsel Bahns asked P41 what else he knew about C1 regarding date of arrest and other things. P41 said this person was arrested in [information redacted] where he was hiding. His corpse was handed to his family like P41 already described. P41 added he was a friend of his.

Bahns wanted to know when this person was arrested. P41 said September 2011.

Presiding Judge Kerber recalled P41 telling the court that he left Syria in May 2012. The police transcript however said he left Syria in May 2013. Kerber wanted to know if P41 left Syria in 2012 or 2013. P41 said he left Syria in 2012. He joined the coalition in 2013.

Plaintiff counsel Scharmer said he and his colleagues had no further questions, however, they requested a break to discuss their request.

P41's counsel Mohammed asked if his client was dismissed as a witness. Judge Kerber denied. Scharmer added that although he wished P41 could be dismissed as a witness, the requests were no requests to take evidence, but to visually inspect items together with the witness. P41 would therefore be needed for further questions.

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[15 minute break]

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Plaintiff counsel Scharmer said that some facts would be different after the questioning, in particular whether the people actually died at Al-Khatib Branch. He suggested to inspect screenshots of the videos in order for P41 to identify the people. This would also prevent P41 from having to come to court from abroad a second time.

Presiding Judge Kerber wanted to know what this means in regard to the plaintiff counsels' requests. Scharmer said they would be redundant. After some confusion about how to display the relevant screenshots in court, Judge Kerber ordered to visually inspect the black and white printed pictures of the two documents that Scharmer just send the court via email.

When the first picture [showing the face of an apparently dead person with bruises and injuries] was shown, Scharmer asked P41 whether he knew that person and if so, who it would be. P41 said he knew this person, his name was C2, a friend of his.

When the second picture was shown [again showing the face of an apparently dead person with bruises and injuries] Scharmer asked P41 the same question than before. P41 again confirmed that he knew this person, saying his name was C1.

Plaintiff counsel Bahns said he would take back his request, Kroker and Scharmer said they would also take back their requests. Presiding Judge Kerber concluded that all requests were taken back.

P41 was dismissed as a witness.

Judge Kerber cancelled the trial day initially scheduled for the following day.

The Proceedings were adjourned at 3:10PM.

The next session will be on July 21, 2021.



**TRIAL OF ANWAR RASLAN**  
Higher Regional Court – Koblenz, Germany  
Trial Monitoring Report 42  
Hearing Dates: July 20 & 21, 2021

*CAUTION: Some testimony includes descriptions of torture.*

**Summaries/Highlights:<sup>1</sup>**

**Trial Day 84 – July 21, 2021**

P42, a woman who worked for the EU delegation in Syria, testified as a plaintiff about her detention and interrogations in Al-Khatib Branch. P42 testified that she received special privileges due to her position and was permitted at times to return home at night. She would then have to return in the morning and was subjected to torture and beatings. She identified Raslan as being present during some of her interrogations, however, he never spoke directly to her. She stated that neither Raslan nor her interrogator ever beat her, however, the guards would often hit her or torture her as if it was a game. P42 testified that many of her friends shared stories of torture and sexual assault and she knew many people who disappeared and to this day remain missing.

**Trial Day 85 – July 22, 2021**

P43, Raslan's son-in-law, testified about his knowledge of Raslan's defection and when he decided to defect from the Intelligence Services. P43 stressed that Raslan was a peaceful individual who opposed violence on all sides. P43 testified that Raslan decided to defect in 2011 when he was under surveillance after he was suspected of helping detainees, but Raslan would not leave without his family. P43 shared that he, himself, was kidnapped by members of the Free Syrian Army for three days and questioned about Raslan, before being freed. The prosecution team noted that P43's information about Raslan's defection was different from Raslan's story, though P43 claimed that he did not know the details of Raslan's defection, only the plans that ultimately did not work out. Despite P43's verbal support of the opposition, it was also noted that he used terminology for the revolution that is often used by the Syrian government. P43 ended his testimony by sharing that a witness had said on social media Raslan's whole family should be killed. The witness' name was shared with the judges.

**Day 84 of Trial – July 21, 2021**

The proceedings began at 9:40AM with seven spectators and four members of the press in the audience, including a court illustrator. The prosecution was represented by prosecutors Klinge and Polz. Defense Counsel Böcker was not present. The plaintiff was represented by Dr. Patrick Kroker.

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<sup>1</sup> 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.

### Testimony of P42

P42 noted that she would testify in German and that she did not need headphones for translation. Judge Kerber asked her to keep them just in case.

Instructions were read to P42 and she was informed of her rights and duties as a witness.

Judge Kerber asked P42 for her name, age, and profession. P42 answered that her name is [REDACTED] and she is 34 years old and in charge of an NGO.

Judge Kerber asked P42 if she is related to the accused by blood or marriage. P42 responded that she was not related in any way.

Judge Kerber asked P42 how she was detained in Al-Khatib Branch. P42 said that she used to live in Damascus and was involved in the revolution from the beginning and was detained in Al-Khatib, but she was not arrested directly at Al-Khatib Branch. She was traveling [REDACTED] kilometers away from Damascus and was detained at a checkpoint. She was taken to a security branch and her ID card, laptop, and other stuff were taken. That evening, she was sent home and was told that she had to appear at Al-Khatib the following day. The following day she did not go and hid for a couple of days because she did not want to go. She had heard that Al-Khatib was a very bad place, and she did not want to go there before she was prepared. She had to go eventually though, so, she asked where it was located and then went to Al-Khatib. The first day she only waited in a room where there was a small TV. It was more of an administrative branch. No one asked her any questions or talked to her. Someone gave her tea. In the afternoon someone came to her and said that the person who was responsible for her was not there and asked her to come again the next day. She went the following day and her [P42 asked the interpreter about the meaning of the word, and he responded "Ermittler" ("investigator" in English) [interrogator] was there. The investigator asked her about the city and the checkpoint where she was detained. She told him a fictitious story to avoid talking about the real story. The investigator was not convinced, but he continued the questioning. She did not tell the truth and did not mention names, so the investigator became unfriendly and took her to another room. She was tortured several times, but she did not tell the real story. She stayed in Al-Khatib for 50 days or two months. They did not return her belongings and told her that they did not have them. He told her that she always had to inform him when she wanted to travel abroad (She did that once when she traveled to Egypt but she did not have to do it again afterward, such as when she traveled to Germany).

Judge Kerber asked P42 when she was detained at the checkpoint. P42 said the checkpoint incident was on March [REDACTED] 2012. She went back home that day and was asked to go to Al-Khatib the following day.

Judge Kerber asked P42 if she spent the night in Al-Khatib and if yes then for how long. P42 said she did not spend the night there. She went home after the interrogation, but when she did stay there, it was approximately 7 – 10 days later.

Judge Kerber asked if it was in March or April. P42 said she thinks that it was April when she [first] stayed overnight, but she was not sure.

Judge Kerber recalled that P42 said that she was in charge of an NGO. Judge Kerber asked P42 what her work was. P42 said she was working on education for the EU delegation, of "Haya."

Judge Kerber asked if P42 told the interrogator about her work. P42 said yes, he knew about her work.

Judge Kerber recalled that P42 sometimes spent the night in Al-Khatib and sometimes did not. Judge Kerber asked P42 what happened when she did. P42 asked if Judge Kerber meant when she stayed overnight.

Judge Kerber confirmed. P42 said that she was taken to an office for the interrogation.

Judge Kerber asked where that office was. P42 said that she was not sure. It was on the ground floor or the first floor. There were other rooms as well. The first interrogation happened there [in that office]. She started with her fictitious story. The interrogator was not convinced, but he was kind and told her that he was not an interrogator but rather her helper. He offered her coffee and tried to earn her trust saying that he was not evil. P42 said that she was trying to refresh her memory [P42 asked the interpreter about the meaning of the word and the interpreter said “auffrischen” (“refresh” in English)]. P42 continued saying that they took her to another room and blindfolded her. She was taken down a set of stairs to the basement. The stairs were not far away [from the room]. There was a big room with a table, chairs, and a bucket of water inside. It had no windows. P42 sat on the chair and so did the interrogator. Two young people working for the Branch were there, but they did not torture her. Nor did the interrogator. P42 had to wait for a long time, which was a type of torture. Sometimes, she waited with her hands tied upwards. No one talked to her, and it was difficult. They always hit her on her head, and she did not know why – also on her face and neck. They attached electric cables to her knees and fingernails. It was strange because she did nothing. Whenever she asked/wondered what she had done, he hit her again. The electricity was like a “Toy / Playing around” [It was like a game]. Outside the room, he [the interrogator] was kind, but in that room, they were different. P42 could not differentiate day and night.

Judge Kerber reminded P42 that she could take a break and that she could use the interpretation headphones whenever she wanted. Judge Kerber continued, asking P42 if her torture with electricity had sexual connotations as well. Judge Kerber recalled that P42 mentioned that they used the electricity on her knees and fingernails. P42 said that it was not only on her fingernails and knees but also on her breast and shoulders.

Judge Kerber reiterated the other part of her question asking whether there were sexual connotations. P42 confirmed.

Judge Kerber asked what kind. P42 said that one of the young men pulled her head down to his “lower part”, and the other person told him to stop.

### **Judge Wiedner’s Questioning**

Judge Wiedner said he wanted to go back to her detention and asked if she was politically active and what she did. P42 asked if Judge Wiedner meant her political activity.

Judge Wiedner confirmed. P42 said she participated in the revolution, demonstrations, and different networks, but she did not have a certain activity/role.

Judge Wiedner asked whether the people in Al-Khatib knew that about her. P42 said she is not sure.

Judge Wiedner recalled that P42 said that her first detention on March [REDACTED] 2012 was in Az-Zabadani بالزبادي by Al-Khatib branch. Judge Wiedner asked her how she knew that it was Al-Khatib branch. P42 said that she was told in the small security branch that she had to go to Al-Khatib branch.





Additionally, it was known in Damascus, and it was named after the neighborhood [the branch name is derived from the name of the neighborhood].

Judge Wiedner asked P42 if she was told to go to Al-Khatib ["So, they told you to go there"]. P42 said yes.

Judge Wiedner asked P42 what she had heard about Al-Khatib. P42 said that it was 2012, and since the beginning of the revolution in 2011, her friends had been detained there and talked about it and the whole intelligence services. It was dangerous.

Judge Wiedner refreshed P42's recollection quoting from the police questioning transcript: "I did not want to go there, because I knew that there was mistreatment and friends of mine died there." P42 replied yes, not only in Al-Khatib but in different branches as well.

Judge Wiedner asked P42 if she could elaborate. P42 said that three of her friends were detained and were not released yet. Their families were told to take the personal belongings of their detained family members. P42 indicated that this was how she formed that negative image of the branch.

Referencing the police questioning report, Judge Wiedner asked P42 to talk about the keyword "Money – Bribe." P42 said she tried to sort out her situation and tried to make arrangements so she would not have to go back to the branch. "That woman" told P42 to tell "them" [Intelligence Services] the fictitious narrative.

Judge Wiedner asked if P42 knew what happened to the money. P42 said that it was supposed to be given to a person in the branch.

Judge Wiedner asked if P42 knew who the person was. P42 replied no.

Judge Wiedner asked if P42 could estimate how often she was allowed to go back home after the interrogation. P42 said it was five times a week in the first or the second month, but it was after her detention and before she got her personal belongings. It lasted from March to the end of June.

Judge Wiedner said that when P42 was asked in the police questioning about when she could first go back home, P42 replied that it was at the beginning of April and maybe on April 4. P42 said that she could not hear Judge Wiedner.

[Judge Wiedner repeated his question]. P42 said yes, she did not go back home immediately. It was either March or April.

Judge Wiedner asked if it was correct that P42 had to spend nights in Al-Khatib during her detention. P42 said yes, it was two to three consecutive days and like that [P42 meant that she was detained two to three days at a time, and then she was allowed to go back home. Then she was detained again and so on].

Judge Wiedner recalled that P42 said in the police questioning that it was ten days or two weeks. P42 said yes, but they were interrupted/intermittent.

Judge Wiedner asked P42 where she used to sleep when she was detained. P42 said in a small room alone. P42 did not know if it was on the ground floor or underground. There were no windows, and it was dirty.

Judge Wiedner asked P42 about its size. P42 said it was approximately 3x2 meters.

Judge Wiedner asked P42 if there was daylight or windows. P42 said no, there was no light.



Judge Wiedner asked if there were no windows as well. P42 replied no, there were no windows.

Judge Wiedner asked if it was dark/dim all the time. P42 said there was only a hatch in the door and some light in the corridor.

Judge Wiedner asked P42 if there was a toilet inside her cell or whether she had to go outside the cell. P42 said that she did not hear Judge Wiedner's question.

[Judge Wiedner repeated his question]. P42 talked to the interpreter who said that the toilet was outside [the cell] and there was a bucket for such matters [P42 did not clarify if the bucket was used as a toilet seat, or was filled with water for cleaning. Nor did she clarify whether it was in the cell or the WC].

[Kroker said that he would try to give P42 the headphones that transmit the German speech and see whether P42 would hear better. After putting on the headphones, P42 stated that she could hear better].

Judge Wiedner asked P42 if she saw other detainees. P42 replied no.

Judge Wiedner asked P42 if she saw other detainees or cells when she went to the toilet. P42 said that there were three other cells, but she did not see other detainees. However, she heard other female detainees.

Judge Wiedner asked P42 if she heard sounds of mistreatment/torture. P42 confirmed that she heard women being beaten at night, but P42 was not sure whether they were in the corridor. P42 added that when she used to go to sleep, she heard crying and sometimes screams.

Judge Wiedner asked P42 where she was mistreated. P42 asked if Judge Wiedner was referring to her.

Judge Wiedner replied yes, she and others. P42 said that the room was slightly big. There was no furniture. In one corner there were some chairs and, in another corner, there was a water-filled bucket, cables, and wooden sticks.

Judge Wiedner stated that in the police questioning P42 said that there were traces of blood on the wall. P42 said yes, in other rooms as well.

Judge Wiedner asked which rooms. P42 said in her room [cell] as well.

Judge Wiedner asked if P42 said in the police questioning that the chair was broken. P42 said yes, and her knees were tied to it once.

Judge Wiedner asked P42 if she was hit with the chair. P42 said no, she was hit on her head. She added that she does not know how it happened, but she looked at her legs and saw blood, and she saw the chair broken.

Judge Wiedner asked if P42 saw tires. P42 said she did not in that room.

Judge Wiedner recalled that P42 said that there was a blue hose. P42 confirmed that she remembers.

Judge Wiedner asked what methods were used during her mistreatment and what was used for beating. P42 said hands and legs. She does not remember everything, but mostly hands and legs.

Judge Wiedner stated that in the police questioning P42 said that she was hit with a hand on her head and was kicked as well. P42 confirmed.



Judge Wiedner recalled that P42 said that she was sometimes whipped on her feet. P42 said yes, she remembers.

Judge Wiedner said that P42 stated that she was sometimes whipped on her feet when she was on the broken chair. P42 said yes, she does not know how [it happened], but she saw blood and saw the broken chair.

Judge Wiedner asked P42 if she remembers the whip. P42 said that she remembers the hose, but not much [about the whip].

Judge Wiedner asked P42 if water was poured on her. P42 said maybe she washed her face. She is not sure.

Judge Wiedner said that P42 mentioned that she was hanged. Judge Wiedner asked P42 to describe how and where it took place. P42 said that it was at the wall that was opposite the table and sometimes it was when there was no interrogation. Her hands were up [she was hanged from her hands] and her feet almost touched the floor. P42 added that it [the hanging] happened only in the room.

Judge Wiedner asked P42 how she was hanged. P42 said at the wall.

Judge Wiedner asked if there was a hook. P42 said that there was a chain on the wall, but she does not remember.

Judge Wiedner asked if P42 was hanged several times. P42 said yes, approximately three times.

Judge Wiedner asked P42 if she stayed conscious. P42 said yes, all the time in the branch.

Judge Wiedner asked P42 if she was interrogated during her mistreatment. P42 said yes, she was interrogated, and “they” wanted more information, such as whom she communicated with and where her abroad contacts were.

Judge Wiedner asked P42 whether that happened in the room. P42 confirmed.

Judge Wiedner asked how they [the interrogator/guards] reacted when she did not answer. P42 said that the interrogation started with threats. They asked her if she knew some people and who she had contacted. When there was no answer, one of the young people [staff members] slammed the table or would put his hand on her shoulder or neck when she did not answer. When she confronted them and asked them why they did that, they got angrier and hit more [It was unclear if she meant they would hit/slam the table or hit her more]. P42 added that “they” sometimes came alone with no interrogator and one day they used electric shocks.

Judge Kerber asked if the electric shocks were used in the absence of an interrogation. P42 said yes, she recalls that it was like “Playing around” and it was used only for their own amusement.

Judge Kerber asked how often the method was used. P42 replied, most of the time.

Judge Kerber asked if it was used in absence of an interrogator. P42 said that one day, the interrogator was absent.



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[20-minute-break]

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Judge Wiedner recalled that P42 talked about how she was tortured in the presence of the interrogator. P42 affirmed.

Judge Wiedner asked P42 if the interrogator tortured her or if it was only the guards. P42 said only the guards.

Judge Wiedner asked P42 whether the interrogator said something or gave orders. P42 said yes, like "stop" or "leave it for later" and sometimes he said that P42 should cooperate.

Judge Wiedner asked P42 if the interrogator who was upstairs was the same one during the interrogations underground. P42 said yes, in addition to other people.

Judge Wiedner asked P42 if she was blindfolded. P42 said in the room, she was not.

Judge Wiedner asked P42 where she was blindfolded. P42 said on her way to the room [on the way between the cell and the interrogation room].

Judge Wiedner asked P42 when the blindfold was removed. P42 said when she got back [to her cell].

Judge Wiedner asked P42 if there were insults/swearing. P42 replied yes, many.

Judge Wiedner asked what they were. P42 said "bitch/slut" and other words that she does not know in German. That and other sexual things.

Judge Wiedner asked what the "sexual things" were. P42 asked Judge Wiedner if he wanted to know what other sexual things were [P42 did not understand or hear the question properly].

Judge Wiedner said yes and asked P42 to tell the interpreter the words to translate. P42 said "shit/crap", "donkey/ass", "bitch/slut", "fucked one," and things like that.

Judge Wiedner asked P42 whether she saw the accused there in the branch. P42 confirmed.

Judge Wiedner asked P42 to look around in the courtroom and say if she could recognize him again. P42 [looked at Raslan to her right] said yes, he was an interrogator in the interrogation room and she saw him on another occasion. There was another important person who wanted to see her. P42 was taken to a big office and there was furniture, windows, sofas, and the accused was sitting in the corner. P42 had looked at him [Raslan] in the interrogation room and he looked at her.

Judge Wiedner asked P42 if she was blindfolded. P42 said no, not in that room. P42 added that she saw other people in the room. "He" [the important person, as explained in the next question] asked her how long she stayed there. The accused was sitting with other people drinking [tea, coffee...etc.].

Judge Wiedner recalled that P42 mentioned that there was an important person. Judge Wiedner asked P42 whether she was questioned by the accused or that person. P42 said the other person [the important person].



Judge Wiedner asked P42 what she was asked. P42 said she was asked how long she stayed there and her name.

Judge Wiedner asked P42 whether she said anything else. P42 replied, no.

Judge Wiedner asked P42 what the accused was wearing. P42 said that he was wearing black.

Judge Wiedner asked P42 if he was wearing a uniform or civilian clothes. P42 said civilian clothes.

Judge Wiedner asked which floor the office was on. P42 said it was above ground, but she was not sure. However, she looked at the window and it seemed that it could be the second floor.

Judge Wiedner refreshed P42's recollection quoting from the police transcript "the person identified himself as a colonel or a brigadier general." P42 confirmed.

Judge Wiedner recalled that P42 mentioned that there were other people. Judge Wiedner asked if there were other detainees. P42 said she saw another person whom she thought was a detainee because he looked sick and did not look fresh. One could see that he was sick and was there for a long time. It seemed he was mistreated and had [P42 turned to the interpreter and asked him about the German equivalent for "bruises"].

Judge Wiedner asked [the interpreter] what the person [the detainee] had. The interpreter answered "bruises."

Judge Wiedner asked if he said something else. P42 asked if Judge Wiedner meant the young man [the detainee] or the important person.

Judge Wiedner said either one. P42 said that he [the important person] told her to go outside. P42 saw other people, but they did not talk with her much.

Judge Wiedner refreshed P42's recollection quoting from the police transcript, "They took me to the room with the important person. They removed the blindfold. I saw Raslan with other people. I was the only detainee. There was a man who wanted his son. There was also an old woman who was crying. I was wondering why I was mistreated. They took me back to the cell." P42 said that there were many people in the branch that day. A lot was going on.

Judge Wiedner asked P42 about the first situation when she saw Raslan. P42 said that he [Raslan] was in the interrogation room and had files with him. He sat there, did not speak directly to P42, and he did not do anything – he just sat there and talked with her interrogator. The interrogator [P42's] told her that he was on her side and mentioned that she was a Sunni and that she was lucky.

Judge Wiedner asked P42 if Raslan introduced himself. P42 said no, he [P42's interrogator] just said that he [Raslan] was his colleague.

Judge Wiedner asked P42 if she talked with Raslan. P42 said no, he did not talk directly with her.

Judge Wiedner asked if her interrogator was the one who mentioned that she was a Sunni and lucky. P42 said yes, that was her interrogator.

Judge Wiedner asked whether P42 was mistreated upstairs or underground during Raslan's presence. P42 said underground. She did not see him upstairs [during an interrogation].





Judge Wiedner asked P42 whether she was mistreated in his [Raslan's] presence. P42 confirmed.

Judge Wiedner asked P42 to describe how and when Raslan came into the interrogation room, and what he did. P42 said that he [Raslan] came with her interrogator and sometimes he came by himself after her interrogator was already there [in the interrogation room]. The situation proceeded as always; he was just sitting there. He did not do any specific task, nor did he participate in the interrogation. Her interrogator was the one who conducted the interrogation.

Judge Wiedner asked P42 if she was mistreated when Raslan was there. P42 confirmed.

Judge Wiedner asked what type of mistreatment. P42 said she was hit on the head, and when she was not answering questions it was the same [she was hit on the head].

Judge Wiedner asked if that occurred often or just once. P42 said no, it was several times. P42 does not remember the situation well.

Judge Wiedner asked P42 to confirm that she was not interrogated by Raslan. P42 confirmed.

Judge Wiedner asked P42 if she identified a certain dialect of the interrogators. P42 said she did not notice any. She is Palestinian-Syrian and cannot differentiate between dialects.

Judge Wiedner asked P42 when she connected the name "Raslan" with the person. P42 said that she did not understand.

Judge Wiedner asked P42 when she related/attributed the name "Raslan" to the accused. P42 said later, after the interrogation and his face was revealed.

Judge Wiedner asked if P42 meant after he revealed his face during her detention. P42 said no, after his pictures were published in the media.

Judge Kerber wanted to know if P42 meant that happened when she was in Germany. P42 said yes, in Germany.

Judge Wiedner stated that P42 was detained afterward, and asked P42 to describe when that was and what happened. P42 said she was still being summoned to Al-Khatib at that time. P42 had to see a person in a demonstration, but "we" [P42 did not explain if she meant herself and her friends, or detainees from the demonstration] were detained and were taken to Kafar Souseh. She had only her driving license with her, but not her ID card [as it was still confiscated in Al-Khatib]. P42 did not tell them that she was being detained in Al-Khatib. "We" were taken to interrogation rooms. There were other women and elderly men. She signed papers with claims that she worked for the opposition [P42 asked the interpreter to translate the following sentences. The interpreter translated the end of her answer]: That she was dealing with the opposition; undermining the psyche of the nation; participating in an illegal demonstration; and spreading fake news about Syria. She signed a pledge stating that she will not do such things again and was released the same day.

Judge Wiedner asked P42 if she was mistreated there. P42 said only verbally.



Judge Wiedner asked if she saw violence against other women. P42 said yes, the women told torture stories. One of them was pregnant and another one was old. The old woman was with her grandson and they were from south Damascus. The grandmother and the grandson were detained together for 8 months. One of the guards said “stop talking” and hit a woman.

Judge Wiedner asked P42 if she got in contact with Branch 285 after that occasion. P42 said no, only that one.

Judge Wiedner asked P42 what happened at Al-Khatib branch after that incident in Kafar Souseh. P42 said she proceeded with Al-Khatib and told them that she was sick.

Judge Wiedner asked if Al-Khatib Branch knew about the detention in Kafar Souseh. P42 denied.

Judge Wiedner said that P42 mentioned in the police questioning that her interrogator called her at home. P42 said yes, he called her at home.

Judge Wiedner asked P42 what he [the interrogator] said. P42 said that he asked if she was alright and whether she needed help and told her when to come.

Judge Wiedner asked P42 if they wanted her to cooperate with the regime. P42 said yes, he told her to cooperate with the regime and give him contact information and names of people, and he told her to call him whenever there was a threat to the country.

#### **Prosecutor’s Questioning**

Prosecutor Polz asked P42 to describe the conditions during her detention: food, water, hygiene, medical care, injuries, etc. P42 said that she was allowed to go to the toilet, but taking a shower was prohibited. Food was a boiled egg or potatoes and olives. Generally, it was old. There was no medical care. According to what other friends had told her, P42’s situation was better than others.

Polz said that she did not understand the last part of the answer. P42 clarified that her friends told her that her situation was better than other detainees’.

Polz asked P42 if that means that the detention situation of other detainees was worse than hers. P42 confirmed.

#### **Defense Counsels’ Questioning**

Defense Counsel Fratzky recalled that P42 mentioned that she had to see an important person. P42 confirmed.

Fratzky asked P42 if that person was not Raslan. P42 denied.

Fratzky asked P42 to describe that person and what he was wearing. For example, was he was wearing a uniform? P42 said that he was not wearing a uniform, but rather a shirt. P42 stated that she does not have information about him and does not know his name. His hair was black and combed to the side. He had big shoulders. There is nothing much that P42 could say about him.

Fratzky asked P42 if there were commando units in the room. P42 confirmed.



Fratzky asked P42 whether she knows the purpose of taking her to that room and whether these people knew her. P42 said no, she thinks that it was a visit by that person. P42 does not know whether he was from the same branch or another one. He did not tell her that.

Fratzky asked P42 if she could estimate how long she stayed in the room. P42 said not too long; approximately 10 – 20 minutes and then she went back to her cell.

Fratzky asked P42 to describe her interrogator, such as whether he was wearing a uniform or civilian clothes, his dialect, etc. P42 said that he was not wearing a uniform and she could not differentiate his dialect, but it was not a strong dialect and he said that he was Sunni. He was wearing civilian clothes and the young men [guards] were wearing khaki, but not full uniforms.

Fratzky recalled that P42 said that she is Palestinian-Syrian. P42 said that she is Palestinian, but she lived her whole life in Syria and was born in Damascus.

Fratzky refreshed P42's recollection quoting from the police transcript, "Raslan said that he was a Sunni and he would help me." P42 said that she thinks that this was her interrogator, and he said that several times, not just when Raslan was there.

Fratzky asked P42 if she means that the person she talked about in the police questioning was her interrogator. P42 confirmed.

Fratzky refreshed P42's recollection quoting from the police transcript, "I could not identify Raslan's dialect, and I did not speak with him." P42 confirmed.

Fratzky said that Raslan did not say that he was a Sunni then. P42 said yes, it was the other interrogator.

### **Plaintiff Counsels' Questioning**

Plaintiff Counsel Scharmer recalled that P42 said that before she went to Al-Khatib Branch, she mentioned that her friends were detained there and were not released. Scharmer asked P42 when and how long they were detained and if she could share their names if P42 does not have an issue with that. P42 said that regarding the names, she could not provide them, because she does not know if she is allowed to do so, and she does not know some of the names. Sometimes, P42 knows people without knowing their names. P42 explained that activists were detained starting in March 2011, but she knows people who were detained in ("let's say") October, November, and December 2011, and some of them died. One of her friends was released 17 days after she [the female friend] was detained and said this person died and that person died, and that is how P42 heard about them [the dead detainees]. Additionally, her neighbor's mother is Palestinian and was told that her son died. P42 knows more than 11 people who were detained between September and November and their whereabouts are unknown.

Scharmer asked P42 if that means that she does not know to this day whether they are alive. P42 confirmed.

Scharmer asked P42 how many of them were detained or died in Al-Khatib Branch. P42 said at least four are said to be dead [died in Al-Khatib].

Scharmer asked P42 if she was talking about the period between 2011 and 2012. P42 said no, only 2011.



Scharmer recalled that P42 was working for the EU delegation and asked her whether that gave her a special status. P42 said yes, she had a special status. She was detained alone [had her own cell] and was able to go back home. P42 heard from others who were detained in Al-Khatib about other torture methods and the large numbers of people [overcrowded cells]. There were diseases and there was no health care. P42 stated that she had a feeling when she went back home that she was granted special treatment. Therefore, P42 is thankful to be alive.

[P42 was dismissed at 11:43]

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[5-minute-break]

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Judge Kerber read aloud a court order [Names have been redacted and replaced with SJAC's witness identification system. In case a witness did not testify in court, the trial day which details their previous police questioning is indicated]:

"1. The witness [P36] testified about deaths in Branch 251 during Ramadan 2012 when he was first ordered into the branch as a doctor. Ramadan was from July 19 - August 18. During his work, which lasted until 2013, he saw corpses as well as people who died later in the hospital. The causes of death were mostly prison conditions or abuse. He saw deaths almost every day and was able to remember three individual deaths; two in the branch and one in the hospital. He said he personally witnessed ten deaths during Ramadan and fifty during the whole period of his work. Altogether, there were probably 100, according to him, between July and September. Therefore, the crime of homicide for base motives could be considered according to §211 (2) StGB as well as crimes against humanity according to §7(1) No.1 VStGB in ten cases. The judges only take into account deaths which the witness witnessed himself.

2. As mentioned before on April 15, the prosecution is not prevented from adding charges where plaintiffs are joined to the case according to §395(5) StPO. Therefore, a conviction for the following crimes could be considered:

a) Plaintiff [P41] was detained from [REDACTED] 2011 to January [REDACTED] 2012. His hands were tied so tightly that he had lasting problems with his nerves. He was not allowed to sleep for 3 days and was beaten on his feet. This could amount to crimes under §223, 224(1) No.2, 239(3) No.1 StGB.

b) (The same for [P39])

c) (The same for [P38])

d) (The same for [P34])

e) Plaintiff [P33] was arrested for 23 days in Branch 251. She said she was not beaten but suffered with regard to the detention conditions, §223 StGB comes into question as well as §239(3) No.1 StGB due to the long duration of her detention.

f) ([P32] is mentioned, the abuse in addition to the sexual harassment, §223, 224(1) No.2, 239(3) No.1, 174a StGB, 177(1) No. 1 alt. 1 (old version) StGB – however, the judge's bench will take into consideration the inconsistent nature of her testimony)

g) (Same paragraphs as under (f) regarding plaintiff [P22])

3. The judges sees the conditions for the crimes of torture and severe deprivation of liberty met. Many witnesses have described the inhumane prison conditions, the mental pressure caused by other inmates' screams, the uncertainty about their own fate. This could amount to crimes under §7(1) No. 5 VStGB. It was the norm that detainees were subjected to arbitrary abuse, excessive violence, inhumane conditions, lack of legal reasons for detention, uncertainty about the duration of detention, lack of legal assistance, and that their families were not informed. This could amount to crimes under §7(1) No.9 VStGB. [P1], [P4], [P8], [P11], [P12], [P9], [P19], [P22], [P27], [P25], [trial day 59, TR#26], [P28], [P31], [P32], [P33], [FR18 on trial day 80, TR#39], [P38], [P39], [P41] [plus a few names not heard by trial monitor] as well as four anonymous witnesses described during the trial about such conditions.

4. Referring to the note based on §7(1) No.6 VStGB the judges point out that the following individual crimes could be considered: A stick was inserted into the anus of [P1]; the breasts of [P19] were groped; [P32] was harassed by the guard. Therefore, one case of rape and two cases of sexual coercion could be considered under §7(1) No.6 VStGB."

Judge Kerber distributed copies of the court order.

The proceedings were adjourned at 12:05 PM.

The next trial session will be on July 22, 2021, at 9:30 AM.

#### **Trial Day 85 – July 22, 2021**

The proceedings began at 9:30AM with seven spectators and four members of the press in the audience, including P42 and a court illustrator. The prosecution was represented by Prosecutors Klinge and Polz. Defense Counsel Böcker was not present.

#### **Testimony of P43**

P43 did not want to share his name initially, but Judge Kerber said that it was required.

P4, is a 38-year-old Syrian. P43 was informed about his rights and duties as a witness. He stated that he was related to the defendant and is the defendant's son-in-law [Throughout his testimony, he referred to Anwar Raslan as "my father-in-law"].

#### **Judge Wiedner's Questioning**

Judge Wiedner asked P43 what Raslan's job was in Syria when P43 first got to know Raslan. P43 said that by the virtue of their relationship, P43 knows him [Raslan] since P43 was four or five years old. He [Raslan] was working in Damascus and P43 was in Homs city. He used to visit "us" at home all the time and P43 also visited him all the time, because his [Raslan's] mother is P43's aunt [father's side]. During P43's military service in Damascus, P43 met Raslan several times, and when P43 finished it [the service], P43 proposed to marry his [Raslan's] daughter. P43 received approval and became his son-in-law and saw him all the time.

Judge Wiedner asked P43 where Raslan is from. P43 said from Homs, Al-Houla الحولة village, which is P43's village as well.



Judge Wiedner asked P43 if he knew what Raslan's job was, what his education was, and when and where he worked. P43 said that regarding "when," he [Raslan] started several years back, maybe 20 years [back], but he always told P43 what his [Raslan] job was and what he did. P43 indicated that he was not sure the exact number of the years, because Raslan was a Warrant Officer 3<sup>rd</sup> class مساعد in the beginning, then studied law, before he worked at the Intelligence Services.

Judge Wiedner asked P43 what other positions Raslan had. P43 said that his [Raslan's] first job was a policeman. Then he studied law and was among the top [students in his class] and thus, he was assigned to the Security Directorate.

Judge Wiedner recalled that P43 said that Raslan used to tell him what he did for work. Judge Wiedner asked P43 what Raslan said. P43 said that Raslan used to say that, for instance, when the European or Chinese delegations came [to Syria] he used to escort them and protect them. Also, as the inner branch, Al-Khatib was mostly responsible for the ministries' studies and state security. That was what he [Raslan] used to tell P43, in addition to the fact that the extremists sometimes attacked before the incidents. His [Raslan's] goal was to fight terrorism.

Judge Wiedner asked how many years earlier. P43 said from 2000 to 2011.

Judge Wiedner asked what else he was told. P43 said that the main task of the branch was security studies of the state.

Judge Wiedner asked P43 how he knew that. P43 said he was told all of that by him [Raslan].

Judge Wiedner recalled that P43 said "until before 2011." Judge Wiedner asked, "What about 2011?" P43 stated that he wrote some sentences for the court so that he does not forget. He asked the judges whether he was allowed to read from the notes.

Judge Kerber allowed P43 to use his notes. P43 read aloud from his notes [His language changed and he used more Standard Arabic. He was using some Standard Arabic words from the beginning of his testimony, but here, the use of Standard Arabic increased.]: Since the beginning of the revolution in Dara'a in 2011, then to Homs, Damascus, and to the rest of the provinces, and by the virtue of the relationship, he [Raslan] used to tell P43 matters that happened with him. In one of the demonstrations in Damascus, the head of Division 40, Hafez Makhoulf حافظ مخلوف detained a large number of detainees and then transferred them to Al-Khatib Branch. It was a big number. They were released by P43's father-in-law after they were interrogated and with an absence of evidence against them. After that incident and the release of the detainees, he [Raslan] was directly accused of helping detainees and sympathizing with them [P43 stopped reading directly from his notes at this point].

Judge Wiedner asked P43 how he knew that. P43 said that his father-in-law told him in Damascus. P43 and his [Raslan's] daughter used to visit him [Raslan].

Judge Wiedner asked P43 when that was. P43 said that his father-in-law told him at the beginning of the revolution. Maybe in April or May 2011.

Judge Wiedner asked P43 if that was when the incident happened or if P43 meant that he visited Raslan at that time. P43 said that they [P43 and his wife] were visiting him [Raslan] all the time so that he could see his daughter.

Judge Wiedner recalled that P43 said that the incident occurred at the beginning of the revolution. Judge Wiedner wanted to know whether Raslan told P43 about the incident directly after it happened or after a while. P43 said that he [Raslan] told him at the moment the incident occurred.

Judge Wiedner asked when that was exactly. P43 said after a week or two [of the incident], “we” [P43 and his wife] were visiting his father-in-law and Raslan’s wife, P43’s mother-in-law, told P43 [about the incident]. On the evening of the same day, P43 met him [Raslan] who also told P43 [about it].

Judge Wiedner asked P43 how often he was meeting Raslan. P43 asked if Judge Wiedner meant in 2011.

Judge Wiedner confirmed. P43 said “we” used to visit him every month in Damascus. Sometimes, P43’s wife used to stay [at Raslan’s house] for a week, and P43 would come to pick her up and stay for a day or two.

Judge Wiedner asked P43 what he could add about Raslan’s activities. P43 said that he [Raslan] told P43 that he started to be monitored in his private life, in addition to his mobile phone and contacts. He [Raslan] was considered a “sleeper cell.” Therefore, his work and authority were frozen. He [Raslan] told P43 about another incident in the branch as well. Raslan was summoned by Tawfiq Younes توفيق يونس who told him [Raslan] about the demonstrations in Al-Houla. P43 said that Younes described the demonstrators as traitors. P43’s father-in-law realized that it was a direct threat to him, being a son of Al-Houla, which rebelled against the regime. After these two incidents... [Judge Wiedner interrupted].

Judge Wiedner asked whether Raslan was still working back then. P43 said that he [Raslan] continued to work, of course, but after these two incidents, he was thinking seriously to leave [his work] and defect. “It” [Possibly, “life” or “defection”] was very difficult, especially due to the constant surveillance of him and his family. He [Raslan] told P43 about his decision to defect and P43 was supportive of him and his decision. P43 met a person in Az-Zabadani الزبداني to arrange the defection of his father-in-law with [REDACTED] who was a policeman who had defected from the regime. He introduced P43 to two people from Az-Zabadani who would help his [P43’s] father-in-law defect and leave the country. They [the people from Az-Zabadani] welcomed the decision to defect, but the main problem was that they would help his father-in-law alone. P43’s father-in-law rejected that categorically because he knew what would happen to his family if he left [his work] and left the country. P43 explained that the attempt failed and he [It is unclear if this refers to P43 or to Raslan] started to look for other ways. Time passed and in September 2012, P43’s father-in-law said [told P43] that P43, his wife, and children had to leave the country as soon as possible because he [Raslan] secured a way to defect. P43 left for Lebanon. P43 noted that he [Raslan] did not exactly tell P43 who would help with the defection, but he said that they were trusted people from Eastern Ghouta الغوطة الشرقية.

Judge Wiedner recalled that P43 said that Raslan’s mobile phone was surveilled and that he was stripped of his authority. Judge Wiedner asked P43 what happened. P43 said that he [Raslan] did not take [or perhaps “use”] his phone as it was monitored.

Judge Wiedner asked if Raslan’s landline phone was monitored as well. P43 said yes, all of his calls. P43 explained that all these talks [communications between P43 and Raslan] were not conducted over the phone, but he [Raslan] was communicating with P43 directly. P43 added that at the beginning of 2012 when P43 left Homs, P43 was living in Damascus and close to him [Raslan].



Judge Wiedner asked P43 about what Raslan said regarding the surveillance and the stripping of his authority. P43 said that after helping the detainees, eyes were on him [Raslan] and the fingers were pointed at him. Therefore, even when he [Raslan] used to come back home, some people used to come [follow Raslan] and watch downstairs [in the street/at the bottom of the building], as he was considered a “sleeper cell.” In other words, he could defect at any time.

Judge Wiedner asked P43 if Raslan told him what tasks he could not do anymore at work. P43 said that he [Raslan] did not tell him such small details, but P43 knows that many people would vouch for him that he helped them, even before the revolution.

Judge Wiedner asked when Raslan did that. P43 said since 2006 when P43 married his [Raslan’s] daughter, P43 started to meet him [Raslan] often and he was always helping people according to his capacity. He refused to help in return for money or a bribe. He was very peaceful and had no hostility.

Judge Wiedner asked when was Raslan was stripped of his authority and when did the surveillance begin. P43 said that both incidents happened approximately at the same time. The first one was after releasing the detainees in Damascus, and the second one was after the start of the demonstrations in Al-Houla, P43’s village.

Judge Wiedner asked when that happened. P43 said approximately in April – May 2011.

Judge Wiedner asked if it was correct that Raslan told P43 that he was being monitored in April or May 2011. P43 said no, that incident happened in these two months [sometime in that same time period], however, “we” visited him [Raslan] at the end of May and he told “us” [about it] then.

Judge Kerber recalled that P43 mentioned the incident with Tawfiq Younes, and asked P43 whether that occurred in April to May 2011 as well. P43 said it was during that time. P43 and his wife were visiting [Raslan], and P43 used to stay for a few days [at Raslan’s house]. He went back at the end of May. There was no specific day, but P43 recalls that it was at the end of April – May, at the beginning of the revolution.

Judge Wiedner pointed out that P43 said that he supported his father-in-law in his defection. Judge Wiedner asked P43 when that happened. P43 said in 2012 when P43 sought refuge from Homs to Damascus. During that time, P43 met that person [REDACTED] after March.

Judge Wiedner asked if P43 meant 2012. P43 confirmed.

Judge Wiedner asked P43 how he was communicating with his father-in-law. P43 said because he was in the capital [Damascus], they were always meeting.

Judge Wiedner asked P43 if he met Raslan by himself. P43 said [yes,] the surveillance was very strict.

Judge Wiedner asked P43 if he [It was unclear if Judge Wiedner meant Raslan or P43] was surveilled in particular. P43 answered, “exactly.” P43 was living close to him [Raslan] and at one point, P43 lived in the same building [as Raslan] on the ground floor. Whenever when he [Raslan] came back home, there were armed security forces behind him [following and watching him].

Judge Wiedner asked P43 why they did that and whether they did that to make him [Raslan] leave his position. P43 said because they could not dismiss/discharge him [from his position/job].

Judge Wiedner said that he did not understand and wondered “why not?”. P43 said because his [Raslan’s] job had a legal duration [at which he should be dismissed/discharged] and he had to work until then.

Judge Wiedner asked P43 if he knows whether Raslan was relocated to other offices/bureaus. P43 said no, he does not know. P43 only knows that he [Raslan] was in Al-Khatib and defected from Al-Khatib. P43 added that before, he [Raslan] was in a different branch, Branch 285.

Judge Wiedner asked when. P43 said he does not know the details of his [Raslan’s] work timeline.

Judge Wiedner asked if P43 could estimate when and where. P43 said maybe before the incidents, but P43 did not know the dates and details.

Judge Wiedner said that he did not understand. P43 said he meant that he [Raslan] was moving [jumping] between Branch 285 and Al-Khatib, but P43 did not know the dates.

Judge Wiedner asked P43 how he moved from Homs to Damascus. P43 said he was living in Homs and moved to Damascus after the massacre of Karm Az-Zaytoun كرم الزيتون [a neighborhood in Homs].

Judge Wiedner asked P43 if he faced difficulties because of his father-in-law. P43 said there were some difficulties around 2011. P43 was a worker, a sport [physical education] teacher within the bounds of a state-official contract. Due to the incidents in 2011, there were no jobs and no contracts, and the people did not go to school. P43 owned a supermarket and allocated his time, along with his brother, to work [there] and left his teaching job.

Judge Wiedner clarified that he meant whether P43 encountered difficulties because of the nature of his father-in-law's job. P43 said that he was going to touch on that. In November or December 2011, P43 was subjected to a kidnapping when he was outside the supermarket. He was abducted for three days and “they” [the abductors] accused him of leaving work to spy on the Free Syrian Army [FSA] because that area was under the control of the FSA. After three days, they released P43 and apologized to him. They said that they had looked into him. P43 explained that the reason for abducting him was he was a relative of a security officer. P43 said that according to them, they asked about the subject matter and Raslan’s work, especially that he [Raslan] was in contact with the revolutionaries in Eastern Ghouta. They apologized to P43 and told him that his father-in-law was a good person and helped detainees.

Judge Wiedner asked if P43 was abducted even though Raslan had contact with the FSA and helped detainees. P43 said that they did not know about that at the time of the abduction. It was more like “that is a security officer and this is his relative.” It was not because the name was X or Y [P43 was trying to explain that he was not abducted because there was a bad officer with the family name “Raslan” and because P43 was a relative. Rather, he was abducted to be interrogated because they knew that P43’s relative was an officer in the security services].

Judge Wiedner asked P43 if he applied for asylum. P43 replied saying, of course.

Judge Wiedner asked P43 if he recalls what he said about his abduction during the interview with the BAMF [Federal Office for Migration and Refugees]. P43 said yes, he could tell Judge Wiedner what he said.



Judge Wiedner refreshed P43's recollection quoting from the questioning transcript: "I was abducted for three days in a dark room where I could not see. They hit me and told me that I was leaking information about the FSA to my father-in-law. In the end, they found out that I was not in contact with him and I moved to Damascus." P43 confirmed.

Judge Wiedner asked P43 if he said that he was released because they found out that there was no information that he was in contact with his father-in-law. P43 said he does not have information about the FSA, and asked rhetorically how he would know information about the FSA considering he was arranging the defection of his father-in-law [In other words, if P43 knew information about the FSA or was in contact with them, he would not have had any problem finding people to arrange Raslan's defection].

Judge Wiedner said that the transcript does not say that the FSA released P43 because he was not leaking information, but rather because there was no information about him being in contact with Raslan. P43 said that he mentioned that after three days, they made sure that he did not convey information to his father-in-law.

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[15-minute-break]

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Judge Wiedner asked P43 when he left Syria. P43 said he left in 2012 at the end of September.

Judge Wiedner asked if P43 said 2012. P43 confirmed.

Judge Wiedner asked P43 if he left Syria alone or with his family. P43 said with his wife and children.

Judge Wiedner asked how many children P43 had when he left Syria. P43 answered, three.

Judge Wiedner asked how P43 left. P43 said he rented a private car and crossed the border to Lebanon.

Judge Wiedner asked P43 if he was living in Damascus before that. P43 confirmed.

Judge Wiedner asked P43 when he had prepared his notes. P43 said he had written them the previous day.

### **Prosecutors' Questioning**

Prosecutor Klinge asked P43 if he had said he left for Lebanon in March 2013 during the BAMF interview. P43 asked if Klinge said 2013.

Klinge confirmed. P43 said no, he did not say that.

Klinge asked P43 when his father-in-law said that he wanted to defect for the first time. P43 said that he [Raslan] was against the policy of injustice and when he witnessed that after the incidents. He was being watched and he was unable to offer help anymore because in Syria it is prohibited. It is very difficult for a person to choose only peace. One is forced to choose a particular side, either the regime or the FSA. P43 elaborated that he [Raslan] constantly said that he was against weapons and his decision to defect was to not get blood on his hands.



Klinge indicated that P43 did not answer his question and asked again when Raslan said that he wanted to defect for the first time. P43 said at the beginning of 2011 – in April or May. P43 noted that he answered that question and added that “we” [perhaps P43 and his wife] knew about it in May or June. He [Raslan] told P43 what happened in detail and since that moment, the idea [of defection] was there, but it was difficult because there would be devastating consequences if he defected and was caught.

Klinge recalled that there was a person who arranged for Raslan’s defection. Judge Wiedner had asked when that was. P43 said in 2012.

Klinge asked if P43 could be more specific. P43 said no, it is difficult, but it was after March.

Klinge said that he wanted to go back to the subject of Homs. Klinge asked when the Syrian army began to use weapons in Homs. P43 said it was after the first demonstration in Homs. The demonstrators gathered at Homs clock tower. “We” [either P43 or Syrians] watched that on TV and P43 heard a scuffle between law enforcement and the demonstrators. The demonstration was close to Homs police [station].

Klinge asked P43 when the violence against the Syrian forces started. P43 pointed out that he did not participate in demonstrations nor armed combat. Due to the demonstrations and the riot, P43 left his sport [physical education] contract and worked in the supermarket near his home.

Klinge asked when Homs came under control by the Syrian regime. P43 said that there were demonstrations every Friday and the regime established checkpoints outside the area which were armed. This forced the demonstrators to leave the demonstrations and take up arms, but not everybody. There was a peaceful segment and another segment that decided to take up arms.

Klinge asked P43 when he could say that Homs was controlled by the Syrian regime. P43 said that the neighborhood where he was living was under the control of the FSA since the beginning of the revolution. On February 13, 2012, it came under the control of the regime.

Klinge recalled that P43 was abducted by the FSA. Klinge asked P43 if he said that he sympathized with the revolution. P43 said that of course him being from the area, he sympathized with the revolution, but he supported the peaceful solution.

Klinge noted that P43 said that he was beaten during his abduction. Klinge asked P43 if he told the FSA that his father-in-law wanted to defect. P43 said no, they did not ask him [about that], but P43 said that when they abducted him, he received a few blows and was blindfolded all the time and could not see. P43 added that there were questions and an interrogation about his relationship with his father-in-law. P43 told them that it was a family relationship between a father-in-law and his son-in-law and that they [Raslan, P43, and their family] were with the revolution.

Klinge repeated his previous question. P43 said no, he did not mention that.

Klinge stated that P43 was beaten because his father-in-law worked at the Intelligence Services. If P43 told them that he [Raslan] wanted to defect, they would have not treated P43 in such a way. P43 said he told them that his father-in-law was with the revolution and helped detainees. They said that they would communicate with people in the capital [Damascus] to make sure that what P43 said about helping people was correct.



Klinge asked P43 if the FSA had contact with Damascus, why would he not tell them that his father-in-law wanted to defect. P43 said it was at the end of 2011 and later P43 went to Damascus and arranged the defection.

Klinge asked P43 why would he not tell them that his father-in-law wanted to defect. P43 said that when a human being is asked, he would answer. And when the place is dark and the person is blindfolded, the person has to answer the question. P43 explained that he was dealing with people whom he did not know, was fearful, and was taking blows. After they made sure [of P43's story], they released him three days later.

Klinge asked why P43 did not tell them after he was released. P43 said right, but that was something that P43 would not share with anybody because any place could be infiltrated and there could be a regime agent with the FSA. However, P43 could share that with a trusted person in the area. He [that trusted person] was living on the same street and was one of the shop's [P43's supermarket] customers. He was a friend of P43's brother and an employee at the customs. He defected and was a trusted person. P43 would tell such a person and he, in turn, would convey the [whole] picture in his own way. But P43 would not tell staff members [of the FSA]. P43 recalls an incident in Karm Az-Zaytoun where he was living: there were two brothers; one was a member of the FSA and the other one was supposedly a peaceful demonstrator. "They" [maybe FSA] found out that the peaceful one was collecting/gathering information about the demonstrators and the FSA, and that he told the regime about the meeting of the group [of FSA]. During their meeting, his brother [the informer] brought in food, including a small bomb. When he [the informer] got out and left, he detonated the bomb. A week later, the FSA was able to catch that person and his brother [the member of the FSA] was present. The brother tied him [the informer] to the car and dragged him in Karm Az-Zaytoun.

Klinge said that P43 went off on a tangent and that the question was about his abduction. P43 said he wanted to summarize his answer by saying that he could not trust any person - that could claim the lives of the whole family [put their life in danger].

Klinge asked P43 if Raslan told him about the contacts and the people who helped in his defection. P43 said that when he [Raslan] asked P43 to leave Syria in the last days, he told P43, in short, that his defection was secured by people in Ghouta.

Klinge asked P43 where he lived in Damascus. P43 said in Ain Tarma عين ترمّا.

Klinge asked P43 who was the owner of the flat. P43 said it belonged to his father-in-law.

Klinge asked P43 who was controlling that area. P43 said the FSA.

Klinge asked since when. P43 said since he arrived, it was under the control of the FSA. However, on the boundaries outside Ain Tarma, checkpoints searched whoever went inside or out.

Klinge asked P43 why he left Homs. P43 said he left because after the massacre in Karm Az-Zaytoun on February 13, 2012, "we" [P43 and his family] left and could not take anything, only the clothes they wore. The whole area was abandoned because there was tank shelling and all the people fled.

Klinge asked how the massacre started. P43 said he was not there when the shelling occurred. P43 took his wife and children and only a few people remained. After the shelling, the regime forces entered and P43 does not know what happened, but after two to three days, it came under the regime's control.

Klinge asked how the massacre happened. P43 said by the shelling of the regime's tanks and maybe there was resistance from the FSA. There was a clear path for the civilians.

Klinge asked P43 why he left Homs. P43 said because his home was destroyed and he was damaged. P43 asked rhetorically "what would I do in Homs?". P43 added that a month before he moved [to Damascus], his son was born in Damascus and had a disability in his leg and had [therapy] sessions in a hospital. The doctor said that he [the son] needed two operations. "They" said that Damascus was the best location for his son's treatment.

Klinge asked P43 where he lived when he moved to Damascus. P43 said that at first, [he lived/stayed] in Al-Yarmouk اليرموك [camp neighborhood], then Daff Ash-Shoak دف الشوك; the police [neighborhood], then to Al-Abbasiyyeen العباسيين in the same building where his father-in-law was living, then Ain Tarma.

Klinge asked P43 who controlled Al-Yarmouk in 2012. P43 asked if Klinge meant in 2012.

Klinge said yes. P43 said it was under the control of the Palestinians.

Klinge asked P43 if they were affiliated with the regime. P43 said he does not know their relation [affiliation]. P43 was just living quietly, but there were regime checkpoints outside the camp.

Klinge asked P43 if it would be correct to assume that they were with the opposition against the regime. P43 said he had nothing to do with demonstrators nor with armed people. P43 was only concerned about his son's situation. P43 used to hear shooting, but he did not know who attacked whom.

Klinge asked P43 if the brother of his wife was injured. P43 confirmed.

Klinge asked P43 to tell the court what happened. P43 said it was in Damascus, maybe in Jobar جوبر but not due to the name of the person [P43 brought up same argument he did earlier meaning that his brother-in-law was not attacked (by the opposition) because his family name was "Raslan."]. But it was rather that he was in a security car [a car that belongs to the security forces/intelligence] and had a driver with him. He wanted to visit his relatives. A checkpoint saw the car that had the driver from Darayya داريا along with P43's brother-in-law, [Raslan's son]. "When it happened" [when the shooting/attack happened], [Raslan's son] opened the door and escaped. He heard firing. The driver, Khaled خالد from Darayya, was taken with the car. A day or two later, he was released.

Klinge asked what, if P43 knows, happened to him [the driver]. P43 said he does not know.

Klinge asked P43 whose car was it. P43 said it belonged to the security [forces/intelligence] and was at their disposal.

Klinge said that regarding P43's abduction, P43's wife was asked in the questioning in 2016 why her father left Syria. She said that he was surveilled by the FSA because he was working for the regime, her brother was injured, and her husband was abducted and beaten, therefore, her father [Raslan] decided to defect. P43 said that the first part was as he mentioned before, but he does not know about the second part [Most likely, P43 meant it the other way around. He knew about the second part but did not know that his wife said that Raslan was being watched by the FSA].

Klinge asked P43 if his brother-in-law left Syria. P43 confirmed.

Klinge asked when was that. P43 said he does not know.



Judge Wiedner asked P43 if his brother-in-law left Syria before or after Raslan. P43 said after his father-in-law's family [left].

Judge Wiedner refreshed P43's recollection quoting from the questioning transcript, "After my father-in-law escaped, they sabotaged/vandalized/damaged the flat. I do not know because I was not there." Judge Wiedner asked P43 if he was talking about his flat in Homs. P43 said that he left Syria two and a half months before his brother-in-law, followed by his father-in-law who left for Jordan at the beginning of 2013. P43 said that he mentioned that his flat in Homs was searched and destroyed entirely, and P43's friend, a taxi driver in Homs, filmed/took photos of it.

Judge Wiedner asked P43 if he said that he was in Damascus when that happened. P43 said no, he was in Lebanon.

Klinge asked P43 how the operation of Raslan's defection was arranged. P43 said that it happened in December 2012 [P43 said "twelve...2012." It's unclear if he meant "December," or if he said "twelve" as shorthand for "2012," before clarifying "2012"]. It was said that his [Raslan's] son needed an urgent operation in the hospital, and P43's mother-in-law called [Raslan] and said "you have to be with me at least [in the hospital]." P43 explained that this was arranged so they [the security forces who were supposedly monitoring the phone calls] could hear that he [Raslan] had to be at the hospital. P43 added that it was planned to seem as if it was normal, and Al-Abbasiyyeen is not far from Al-Ghouta. P43 said that he heard from his father-in-law that he met people. P43 indicated that it was risky because he [Raslan] could have been caught at a checkpoint.

#### **Defense Counsel's Questioning**

Defense Counsel Fratzky said that he needed 5 minutes.

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[5-minute-break]

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Fratzky recalled that P43 mentioned a trusted person who worked at customs and defected, and [recalled that] P43 did not tell the abductors that Raslan wanted to defect. Fratzky asked P43 if that trusted person was the one who arranged Raslan's defection. P43 said no, that person was in Homs and was known as Abu Wa'el Al-Homsi. أبو وائل الحمصي. The other person was in rural Damascus in Az-Zabadani, [REDACTED].

Fratzky asked P43 if he talked with the trusted person about helping his father-in-law. P43 said no. P43 told him on the grounds that he was a family friend.

Fratzky asked if the trusted person is currently in Syria. P43 said that he was in Homs when "they" [P43 and his family] left, and P43 heard that he [the person] was seriously injured.

Fratzky asked about the other person from Az-Zabadani – whether P43 knows where he is and if P43 has his contact information. P43 denied.



Fratzky recalled that P43 left for Lebanon with his wife and children. Fratzky asked P43 what happened afterward. P43 said he stayed in Lebanon for two years and nine months and was subjected to bullying and persecution. P43 worked in a school where he was the director, worked as a volunteer for the UN, and voluntarily worked to help Syrians.

Fratzky asked P43 if at that time he was in contact with his father-in-law in Jordan or his wife. P43 said that his wife was with him.

Fratzky asked if P43 or his wife were in contact, for example online, with his father-in-law. P43 said, of course, they were communicating all the time via WhatsApp.

Fratzky asked P43 how he would describe Raslan's situation after his defection. P43 said he knows that his [Raslan's] situation in Jordan was very bad. He defected and did not join the FSA because he was against the use of weapons [armed resistance/opposition] from either side. Thus, his situation was difficult and his children were forced to leave school and work to help pay rent. He left Syria and had only one home/house in Ain Tarma.

Fratzky asked P43 how his father-in-law moved from Jordan to Germany. P43 said he knows that he [Raslan] applied for asylum at the German embassy in Jordan or something like that. There was a person in Germany who helped him and is called Riyad Saif. He did not tell them about his previous job and came to Germany in 2014.

Fratzky asked if Raslan gave information about the regime. P43 said he does not know.

Fratzky asked P43 what he knows about his father-in-law's participation at the Geneva Conference. P43 said that his father-in-law said that he wanted to go to the Geneva Conference of the opposition. The head was maybe Ahmad Al-Jarba أحمد الجربا and he [Raslan] was invited to the [National Syrian] coalition. P43's father-in-law was hoping to find a peaceful solution in Syria.

### **Plaintiff Counsels' Questioning**

[P42, the witness from the previous day, asked if she could ask P43 a question. Judge Kerber gave her permission.]

P42 stated that P43 was using the term "incidents" to describe the uprising, but then switched to "revolution" after he started reading from his notes. P42 asked P43 if that was noted in his notes. P43 said no, he did not write that down. P43 further explained that "the incidents" means the beginning of the Syrian revolution. There is no other meaning to "the incidents." Before the revolution started, there were no "incidents."

Kroker said that P43 used two different Arabic terms to describe the same thing: "incidents" and "revolution." It was also noted that P43 started to use the other term after he started reading from his notes. Kroker asked P43 if he could explain that. P43 said he even said, "the first incident" and "the second incident" with his father-in-law. "The incidents" are "the new things." If there was nothing in Syria and then the revolution started, then this would be the new incident.

Kroker asked if there is a politically different usage of the terms after 2011. P43 said he meant the Syrian revolution.



Reiger asked P43 if he knows a person called [REDACTED]. P43 denied. P43 added that he knows the family. They were neighbors in Karm Az-Zaytoun, but not a person with the name [REDACTED].

Reiger asked P43 if he knows that his father-in-law was relocated to other offices/bureaus. P43 said no, after Al-Khatib he [Raslan] defected and joined the opposition in Geneva, that is all.

Reiger told P43 that his father-in-law said "The surveillance in Branch 251 was strict, but after I was relocated, it was loose. I met [REDACTED] and he helped me." Reiger asked P43 if that was the person who helped his father-in-law or the person whom P43 mentioned because that contradicts what P43 said before in the testimony. P43 said that there is no contradiction. P43 tried to help his father-in-law with the person from Az-Zabadani, but he [Raslan] refused because he did not want to leave without his family. He also said that he mentioned that in September 2012, P43's father-in-law asked him to leave Syria because he had secured a way to defect, without mentioning details. That was the one [way] that he [[REDACTED] or Raslan] secured the way out and P43 did not know about it because he was securing his own way to leave. P43 added that he [Raslan] did not tell P43 through whom [Raslan arranged his own defection].

Reiger said that P43 said before that Raslan's defection was arranged by [REDACTED], but Raslan said that it was done by [REDACTED]. P43 said he did not say that.

Reiger asked if P43 met a person in Serbia from UNICEF on his way. P43 asked from where.

Reiger said from Lebanon to Germany. P43 said yes, he met an American journalist called Ashley Giberson/Gilbertson and the journalist Anita. They followed "us" [P43 and his family] to Macedonia and then Croatia and asked to do a press interview asking what "we" would do in Germany. They [the two journalists] used to visit "us" every six months in Berlin. They conducted interviews and published them.

Reiger asked P43 about the reason for escaping from Homs. P43 repeated that as he said a while ago, the situation was very bad. His house was destroyed, a part of it. His little son needed treatment and had two operations in Damascus. His area came under the control of the regime.

Judge Wiedner asked P43 when he left Lebanon with his family. P43 said at the end of September 2012.

Judge Wiedner clarified that he meant "left Lebanon to Germany." P43 said he meant that as leaving from Syria to Lebanon.

Judge Wiedner repeated that he meant from Lebanon to Germany. P43 said on November 28, 2015, by plane to Turkey where he stayed for three days. Then, by a rubber dinghy to Greece and traveled by train from Athens to Serbia, and arrived in Germany on December 5, 2015.

### **Plaintiff Counsels' Questioning**

Plaintiff Counsel Scharmer asked P43 if he knows the rank of his father-in-law. P43 asked if Scharmer meant before he defected.

Scharmer replied that he certainly did not have a rank after his defection. P43 said, "Colonel."

Scharmer asked P43 if his father-in-law was content with his work up to 2011. P43 said that regarding before the incidents, P43 described what his [Raslan's] work was before 2011. It was security studies, the ministries, and protecting diplomats and the state institutions/enterprises.



P43 said that regarding “Colonel,” he [Scharmer] mentioned that after his [Raslan’s] defection he did not have a rank. P43 explained that after defection, the FSA promotes individuals one rank, i.e. to “Honorary Colonel.” In the opposition, he [Raslan] is a brigadier general, whereas to the regime a colonel.

Scharmer said that his question was whether P43 had the impression that his father-in-law was content with his work before 2011. P43 said that this was his answer for the previous question. P43 indicated that he said he [Raslan] was very modest, beloved by the people around him, had no hostility, and helps without accepting bribes. P43 pointed out that “we” [perhaps Syrians] know officers from the other sect, who have palaces and countless cars.

Judge Kerber asked Scharmer if his question was answered. Scharmer said no, but it was alright.

[The witness was dismissed at 12:25PM]

P43 said that he would like to add something and asked Judge Kerber if he may. Judge Kerber gave him permission.

P43 stated that “we” are in Germany, a state of law and justice. Some matters are going on; “we” are his [Raslan’s] family in Berlin and there are some calls on social media that his father-in-law should be killed along with his [Raslan’s] family, young and old. Additionally, he [Raslan] was named on social media “Anwar the Zionist” and the one who named him that was a witness “here.” The accused is innocent until proven guilty.

Judge Kerber thanked P43 and told him that the court would consider that and said that the internet could be problematic.

Fratzky asked Judge Kerber if he may ask P43 a question. Judge Kerber said that the witness was already dismissed, but proceeded to ask P43 whether he would allow Fratzky to ask him a question. P43 confirmed. Judge Kerber informed P43 about his rights and duties as a witness.

Fratzky asked P43 if P43 could share the name of the witness who stated that and was a witness in court. P43 said that his [that witness’s] name was written “here” [in P43’s notes].

Kroker asked if the witness’s name was published publicly, or whether he was anonymous.

Judge Kerber asked if the witness was in Germany. P43 said he was a witness.

Judge Kerber asked P43 if the name was written down on the paper [that P43 was holding]. P43 confirmed.

Judge Kerber said that the court would take that and would add it to the protocol.

[The witness was dismissed at 12:30PM. Judge Kerber told P43 that he has the right to stay in the courtroom or to leave. P43 left the courtroom].

P42 asked if she may add something. Judge Kerber gave her permission.

P42 said that she wanted to point out that when someone is pro-regime or when the Syrian president talks about the revolution, he uses the term “incidents,” and the opposition uses the term “revolution.” P42 just wanted to note [by her previous question to P43] that the witness was using the term “incidents” and it was translated to “revolution” in German.





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[Lunch break]

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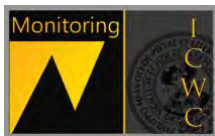
A [statement](#) about a motion filed by ECCHR about “Enforced disappearances in the al-Khatib trial” was read aloud by plaintiffs’ representatives Bahns, Scharmer, and Kroker consecutively [from 1:30PM to 2:40PM].

The judges read a decision. “The motion for additional evidence filed on November 19, 2020, by the Plaintiffs Counsels (to translate and read several reports) is rejected. It was supposed to prove that sexual violence in Syria was part of the crimes against humanity by the Intelligence Services but is rejected because one of the reports has already been read and according to §244(3) Sentence 3 No. 3 StPO the hearing of evidence has already led the judges to understand that the Syrian regime approved the use of sexual violence. This can be deducted from the testimonies of P1, P32, P19, P42, and Z110321 [P29]. Others have provided further information based on hearsay, for example, P39 mentioned a 15-year-old boy who told him he had been raped with a broomstick; Anwar Al-Bunni mentioned helping women get abortions after they were raped in prison [and some other examples]. If the documents are supposed to prove further crimes, they are not relevant, because the court only cares about what happened in Branch 251, §244(3) Sentence 3 No. 2 StPO”.

Scharmer asked Judge Kerber if she was going to distribute copies of the decision to the parties [Judge Kerber had forgotten this]. [Copies were distributed].

The Proceedings were adjourned at 2:52PM.

The next session will be on August 18, 2021 at 9:30AM.



**TRIAL OF ANWAR RASLAN**  
Higher Regional Court – Koblenz, Germany  
Trial Monitoring Report 43  
Hearing Dates: August 18 & 19, 2021

*CAUTION: Some testimony includes descriptions of torture.*

**Summaries/Highlights:<sup>1</sup>**

**Trial Day 86—August 18, 2021**

The Court first heard the testimony of Mr. Okotutsch, a 26-year-old police inspector at the Federal Criminal Police Office (BKA) who questioned P17 and P18. Mr. Okotutsch read the email he received from a family member of a missing doctor who was detained at Branch 251.

Next, the Court heard the testimony of P44, a Syrian man in his early thirties. He described how he was detained with his maternal uncle and cousin at a gas station along the Damascus-Homs Highway. He was taken to an unknown location for two days, then to Al-Khatib Branch for three days. On the bus at the gas station, P44 was able to use his hidden mobile phone to call his brother. As he ducked low to make the call without being seen, P44 glanced out the window and saw someone who he thought was Raslan. He never saw the man again.

**Trial Day 87—August 19, 2021**

P45 spoke to the Court in a face mask with his head partially covered out of fear for his family in Syria. He explained how he was awoken at 5:00AM in August 2012 by government forces. They rounded up around 100 members of his village who demonstrated against Al-Assad, and they sent the villagers to Al-Khatib Branch. Although P45 and the other villagers were beaten and insulted on their way to the Branch, they were spared from mistreatment upon their arrival to Al-Khatib, thanks to the intervention of two village dignitaries who had strong relationships with government officials and who secured their release after three days on the condition that the villagers support Al-Assad.

**Day 86 of Trial—August 18, 2021**

The proceedings began at 9:30AM. There were seven spectators and one member of the press in the audience, as well as a court illustrator. The prosecution was represented by Ritscher and Polz. Plaintiff counsels Bahns, Mohammad, and Reiger were not present.

Judge Kerber thanked the interpreter formerly working for Al-Gharib's defense team for substituting for one of the court interpreters.

The witness was informed of his rights and duties as a witness.

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<sup>1</sup> 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.

**Testimony of Mr. Okotutsch**

Judge Kerber stated that Mr. Okotutsch questioned [P17] and P18] and that he received a message from P17's brother. She asked Mr. Okotutsch if they gave him documents during questioning. Mr. Okotutsch confirmed and said that he also received an email on September [information redacted].

Kerber held a printed copy of the email, then showed it to Mr. Okotutsch and asked if it was the email he received. Mr. Okotutsch confirmed and said that he received it on September [information redacted].

Judge Wiedner asked Mr. Okotutsch if P17's brother sent the email to him. Mr. Okotutsch confirmed.

Wiedner asked Mr. Okotutsch what he did with the email. Mr. Okotutsch said that he printed it and sent it to the translator.

Wiedner asked Mr. Okotutsch if the BKA translated the message into German. Mr. Okotutsch confirmed.

The witness was dismissed at 9:38AM.

Kerber stated that the court received a copy of the translated email from P17's brother dated [information redacted].

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[The following is a recreation of the email based on what the Trial Monitor could hear in court.]

To Whom It May Concern:

I am [name redacted], born in [information redacted]. I want to share that my brother, [name redacted], born in [information redacted], worked as a doctor in Al-Mojtahed Hospital in Damascus. He was detained by Branch 251 from the hospital. Until now, we (his family) do not have any information about his whereabouts. We have not received his corpse, his personal belongings, or a death certificate.

[name redacted]

[date redacted]

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P44, a civil engineering student at [information redacted] in his early thirties was accompanied by his counsel Dr. Oehmichen. P44 was informed of his rights and duties as a witness. P44 was not related to the defendant by blood or marriage, and provided the address of his attorney.

**Testimony of P44**

Judge Kerber noted that the court knew that P44 was connected to Al-Khatib Branch based on P44's answers during police questioning. Kerber asked P44 to explain what happened to him. P44 explained how he was on his way to his village, [information redacted], from Damascus via the Damascus-Homs Highway in July. He stopped at a gas station to refuel. A patrol from Al-Khatib Branch was there (P44 did not know who they were at the time, but he later learned that they were from Al-Khatib). They detained him in a small room. P44 did not know the location of the room. Then they put him on a bus and took him to Al-Khatib Branch. He was detained with his maternal uncle and his cousin from another maternal uncle.

P44 only stayed there for three or four days before he was released onto the street. His cousin was released two weeks later, then his uncle was released two weeks after his cousin. P44 detailed that he lived in [information redacted], which is not far from Al-Khatib.

Kerber asked P44 if he could specify what day he was detained. P44 said July 2012.

Kerber asked if P44 knew which day specifically. P44 said that he was detained in Syria during the revolution. That Friday was called the “Damascus Volcano” and it was when Damascus was ruined. Fridays were given names based on the political situation.

Kerber asked P44 to detail his detention inside Al-Khatib. P44 explained that he [and others] were taken in a [24-person bus](#) to the Branch. He was put in a cell that was 3x3m with a toilet and a place to shower. There were 20-24 people in the cell. On the second day, “they” knocked on the door and said that everybody should face the wall, then they provided food and left. No one interrogated P44. Eventually, his name was called and he was released.

Kerber asked P44 how long he was detained. P44 said a week.

Kerber recalled that P44 said that he was detained for three days. P44 said no. He stayed at Al-Khatib for three days and at another place whose location he did not know for two days.

Kerber asked P44 how he knew that he was at Al-Khatib Branch. P44 said that he knew he was at Al-Khatib when he saw the area after he was released. He lived nearby. He knew the street and walked through [the area] all the time when he was in college.

Kerber asked if P44 saw the accused in Syria. P44 said that he was not 100% sure. But when they put him on the bus, they told everybody to face the ground. The back part of the bus seats was high, so when he lowered his head, he could only see feet. [P44 demonstrated how he hid behind the high seats.] He had a mobile phone with him, called his brother, and told his brother that he was detained. [To make the call,] he lowered his head so no one could see him. [He sat near a window] and saw a person when he peeked out. When he was released, he was given a description of Raslan and he thought that the description matched the person he saw through the window.

Kerber asked P44 to repeat the situation and explain who described Raslan to him. P44 explained that he saw someone [when he looked out the window of the bus]. [P44’s cousin and uncle] described Raslan to P44 after they were released. P44 thought, “okay, then the person I saw through the window was Raslan.”

Kerber asked why P44 came to this conclusion. P44 said that [his cousin and uncle] described Raslan as being between the ages of 45 and 55 with little hair, no beard, and a mole on his cheek.

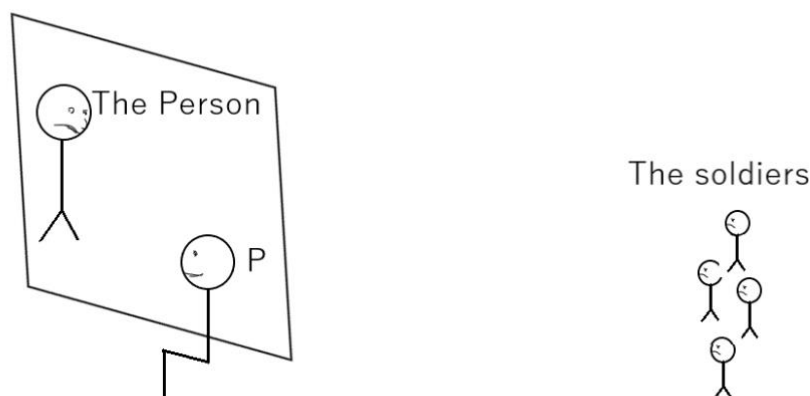
Kerber asked P44 [to describe the person he saw]. P44 said that [what he just described] was what he saw: a person with little hair, no beard, his face looked like he was between 45 and 55; and had a mole.

Kerber asked P44 which side of the person he saw. P44 said that he was sitting and the window was to his right.

Kerber asked which direction the person faced. [P44 demonstrated with his hands.] He said that the gas station was “here,” the bus station was “here,” and [the man] was talking with the soldiers at the back of the bus. “My right was to the man’s [right].”

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[The sketch below was generated by the Trial Monitor to portray the scene P44 described.]



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Kerber asked what the person wore. P44 said that the person wore civilian clothes.

Kerber asked if P44's brother answered when P44 called him. P44 said that his brother told him to speak with one of the people in the patrol. He told his brother that he tried, but was scolded. His brother told P44 that if he saw a person named Kifah (or Abu Kifah أبو كفاح), then P44 should tell the man that P44 is his brother. His brother knew someone at Al-Khatib, so he called the person. His brother was told that [P44 was detained by] a patrol that belonged to the State Security Branch and Kifah was part of the patrol. P44 did not see anyone and could not raise his head.

Kerber asked P44 if his brother knew where he was or just that the patrol belonged to State Security. P44 said that [his brother] knew that the patrol belonged to Al-Khatib, but did not know where P44 was taken, because P44 was not taken to Al-Khatib initially.

### **Judge Wiedner's Questioning**

Judge Wiedner recalled that P44 saw a person who could have been Raslan at the gas station. He asked P44 whether he saw the person again inside the Branch. P44 said no.

Wiedner asked P44 if he saw the person again during his detention. P44 said no, only that glimpse. P44 went to his village [after his release] and then to Lebanon. He did not see the man again.

Wiedner pointed out that P44 was taken to Al-Khatib after he was detained. Wiedner asked if P44 knew that [he was at Al-Khatib] when he was on the phone with his brother. P44 said that his brother told him about Kifah but did not tell him about Al-Khatib. When P44 was released, he knew that he was at Al-Khatib.

Wiedner asked P44 how he knew that the person [out the window worked at] Al-Khatib. P44 said that, when he was released, his brother told him that he was at Al-Khatib, however, P44 was not there at first. When his brother was sure that P44 was at Al-Khatib, he spoke with [Kifah] who explained that [the patrol] belonged to the Branch.

Wiedner asked if it was correct that P44 was detained in one place for a couple of days before he was transferred to Al-Khatib. P44 confirmed.

Wiedner asked if that place was in Damascus. P44 did not know, but [if it was not in Damascus, then] it was not far away.

Wiedner asked P44 if he was mistreated or insulted during the time from when he was detained until he arrived at Al-Khatib. P44 said that he was insulted on the bus and at the gas station. He was beaten at the gas station, but not on the bus. P44 later learned why he was detained. There was “fighting” [said in English] between the regime and the FSA. The patrol thought that he was part of the [FSA], so they took him.

Wiedner asked P44 who said that this was the reason for his detention. P44 said that, after they left the gas station, it was apparent that a clash had ensued and the gas station was damaged.

Wiedner asked if P44 was assuming [that this was the reason for his detention]. P44 said yes. Then later, his cousin and uncle confirmed this conclusion.

Wiedner recalled that P44 was taken to Al-Khatib. He asked P44 to describe the situation there. P44 said that, upon entry, [detainees were instructed to strip down to their boxers], searched, blindfolded, then sent to the basement.

Wiedner asked P44 if his clothes were returned. P44 said no. He had been wearing his “pajamas,” including slippers and sweatpants.

Wiedner asked P44 if he was interrogated. P44 said no.

Wiedner asked P44 if he was mistreated or beaten. P44 said that no one talked with him at Al-Khatib until his name was called for release.

Wiedner asked P44 if he heard from other detainees that they were mistreated. P44 said of course. He not only heard, but also saw that [people were mistreated]. He also heard about [mistreatment] from his cousin and uncle.

Wiedner asked P44 if he was with mistreated detainees in the cell. P44 said that all the people who were detained at the gas station were in the same [cell].

Wiedner asked if P44 saw mistreatment in the cell. P44 said no, he did not see or hear [about mistreatment] while he was there.

Wiedner asked if there were signs of mistreatment in the cell when he arrived there. P44 asked how he would have seen the signs if the room was empty [prior to him and the other detainees entering].

Wiedner asked if other detainees were called for a reason other than interrogation, such as for release. P44 said that only he was released.

Wiedner asked how long P44 stayed there. P44 said 3 days.

Wiedner recalled P44’s statement during police questioning that his relatives were tortured. Wiedner asked if P44 meant that his relatives were tortured while P44 was detained or after he was released. P44 said that, as he previously mentioned, nothing happened to him. [P44 told the interpreter that Wiedner might be talking about later.]

Wiedner recalled that P44 was detained during the summer when it was hot. He asked P44 to describe the cell’s condition and if P44 could sleep. P44 said that the cell [had two parts:] one part was 3x3m and the second part was 50x60cm for the toilet and shower. The parts were divided by a quarter wall. P44 could lay down if there was no one across from him.



But because there were 20 – 24 detainees in the cell, no one was able to lay down, except if the person [across from him] stood. If they all wanted to lay down, then they slept on their sides next to each other.

Wiedner asked about the air quality in the cell. P44 said that they were in a basement and [the ceiling had leaks from] the floor above them, so there was moisture in the air. There was no window because they were underground. When P44, his uncle, and his cousin were released, they had skin problems. They had scabs [not necessarily scabies] and were itchy. P44's cousin had lice.

Wiedner asked about light in the cell. P44 said that there was no electricity.

Wiedner asked if there was light in the cell or whether it was dark. P44 said that there was light in the corridor. The cell was dark. Its door had iron bars and a hatch that could be closed, though it was open most of the time. When the [detainees] talked to each other, someone yelled to "shut up."

Wiedner asked if P44 sensed what was happening [on the other side of the cell door]. P44 said that he did not hear anyone downstairs except for soldiers.

Wiedner asked about food and water. P44 said it was not adequate, but there was [food and water].

Wiedner asked P44 to elaborate. P44 said that they brought three 1.5-liter bottles of water. Breakfast was three olives and sometimes Halawa. For lunch, sometimes they had bulgur or freekeh.

Wiedner asked P44 if he was given an explanation for his release. P44 said that [he, his uncle, and his cousin] were released through connections. P44's brother called someone on P44's behalf. Someone else was the connection for P44's uncle and cousin. Another one of P44's uncles paid for the detained uncle and cousin.

Wiedner asked P44 if he paid anything. P44 said that his brother paid for his release.

Wiedner asked if P44 talked with his brother later to find out how he was able to secure P44's release. P44 said no. P44's brother had a car dealership in Damascus and connections through his clients. But P44 did not know [if that was how his brother knew the connection at Al-Khatib].

Wiedner recalled that P44 mentioned the name Anwar Raslan during police questioning. Wiedner asked P44 what he said about Raslan. P44 said that the officers and interrogators in the Air Force Intelligence Services and at Al-Khatib Branch were well-known. Air Force Intelligence Services and Al-Khatib Branch are the [branches] that detain people. For example, if P44's brother was detained and P44 wanted him released, then P44 would need to know officers through his connections. Also, former detainees knew the names of personnel, or at least their characteristics.

Wiedner asked P44 "and what about the name Anwar Raslan?" P44 did not understand.

Wiedner asked P44 if that name was known to him in Syria. P44 said that [Raslan's name] was well-known, but P44 only knew about Raslan after he was released from detention, not before. The names of people who worked at branches [were circulated.] [This last sentence of P44's answer was not completely translated.]

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[15-minute break]

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### Prosecutors' Questioning

Polz recalled that P44 did not get his clothes back, but he had a pair of pants, slippers, etc. Polz asked P44 if he was wearing these items [while he was detained] or if he wore them before he was detained and did not get them back. P44 said that he was searched, then they took his clothes. He went downstairs without clothes. But of course, he got the clothes back when he [was released].

Polz asked P44 what he wore in the cell. P44 said boxers.

Polz asked whether the rest of the detainees wore boxers too. P44 said “yes and no.” It depended on the military person. If he liked the clothes, then he took them [P44 laughed slightly].

Polz recalled that P44 was detained in the basement and then was released. Polz asked P44 where he was taken and how he was released. P44 said that he was taken upstairs from the cell. He was told to sign (a document of which he did not know the contents) and to not look behind him. P44 was released and talked to his brother on the phone and told him that he was released. Then P44 took a taxi to his village.

Polz asked P44 if [he had to sign the document] in front of the cell. P44 said no. He went upstairs to someone who was similar to a secretary, then he signed. P44 did not know who the person was or if he was in an office because he was blindfolded.

Ritscher asked P44 how he was able to sign the document while blindfolded. P44 said that [a guard] grabbed his hand and told him “طج حافرك” [“slam your hoof”] [this colloquial Syrian phrase is a derogatory way to tell someone to sign].

Ritscher asked P44 if he knew what he signed. P44 said no.

Ritscher noted that P44 mentioned the term “Welcome Party” during police questioning. He asked what P44 meant by that. P44 said he talked with his attorney about this during the break. Whoever enters the Air Force Intelligence Services or Al-Khatib is beaten. That is the “Welcome [Party].”

Ritscher asked whether P44 was beaten. P44 said that he was insulted and beaten at the gas station, and was insulted on the bus.

Ritscher asked [if P44 was beaten at the unknown location to which he and the other detainees on the bus were taken before Al-Khatib.] P44 said that [they were beaten] as soon as they got off the bus.

Ritscher asked how [they were beaten]. P44 said that his uncle and cousin were not beaten. For every three people, one was [indiscriminately] beaten.

Ritscher asked if P44 was beaten when he went downstairs at Al-Khatib. P44 said no, only when he got off the bus. When he went downstairs to the basement, no one came close to them.

Ritscher noted that P44 mentioned food like olives and bulgur, and that P44 said during police questioning that the olives were spoiled. P44 did not remember if [the olives were preserved in water]. One would not eat [this food in another circumstance].

Ritscher said that P44 mentioned during police questioning that he was taken to the warden who was a Sergeant Major when he was released. Ritscher asked P44 how he knew that and whether that person told P44 [his rank]. P44 said that [the rank] was not mentioned. But it was known that a First-Class Warrant Officer مساعد أول or a Sergeant Major رقيب أول was in the warden's room. P44 did not know much about ranks or if he said “Sergeant Major” [during police questioning], but usually [the warden] was a First-Class Warrant Officer.

Ritscher asked P44 if [the person's rank as Warrant Officer or Sergeant Major] was an inference. P44 said 100%.

Ritscher said that when P44 described the cell during the police questioning, he mentioned that the toilet was at the back of the cell in a corner and that the wall by the toilet was low. P44 explained that he said [during police questioning] that the toilet was at the back corner [of the cell], and the wall [by the toilet] did not reach the ceiling. There was no door. The wall was 1.8 – 2m.

Wiedner asked P44 if he was beaten when he arrived to Al-Khatib. P44 said that he was just asked the same question. He asked whether he should answer again.

Kerber said that Wiedner was asking because he had a follow-up question. P44 asked if the question was whether they beat him at the gas station or on the bus.

Wiedner recalled that P44 was transferred from the gas station to Al-Khatib by bus. Wiedner wanted to know if P44 was beaten during the time between when he got off the bus and when he went to his cell. P44 said that everybody was beaten and insulted, including him. His uncle and cousin were not beaten [at the "welcome party"]. But they were beaten inside the cell, whereas P44 was not.

Wiedner asked P44 with what object he was beaten. P44 said he was beaten with a plastic water pipe that was filled with something. He did not know the object in the moment though (because he was blindfolded). He learned it later from YouTube.

Wiedner asked P44 to describe the situation and where he was hit. P44 said that his shoulder was hit. P44 did not know who hit him. The person was either from the Branch or was [one of the staff members who transferred the detainees by bus]. P44 could not speculate.

Wiedner asked if the beating resulted in injuries or wounds. P44 said not wounds, but bruises.

### **Defense Attorneys' Questioning**

Fratzky recalled that P44 said that he was detained at the gas station. Fratzky asked if the gas station was known. P44 said yes. It is one of the most popular gas stations between Homs and Damascus.

Fratzky noted that P44 said that the station was damaged. Fratzky asked if P44 could explain what he meant. P44 said it was [damaged] on the side facing Homs. There was a supermarket that was almost razed to the ground.

Fratzky assumed that P44 went to that gas station because he knew that it was operating. P44 asked Fratzky [rhetorically], "do you think that I inspected it?"

Fratzky explained that he was asking because P44 said the station was totally damaged. He asked why P44 did not leave. P44 did not know, but when the bus came, [P44, his uncle, and his cousin] knew that they were entrapped.

Fratzky asked P44 why he went to the gas station if it was damaged and if he did not need to refuel. P44 asked [rhetorically] "who said that I did not want to refuel?" Oehmichen pointed out that P44 said that the supermarket was damaged. P44 explained [demonstrating with his hand] that (this is the supermarket, this is the gas station, and this is the highway). When they saw the buses coming to the gas station, P44's uncle said "خير" [may it be good].

Fratzky asked P44 if he went to the gas station to refuel. P44 confirmed.

Fratzky asked how many people [were in the patrol] at the gas station. P44 did not know because when [he, his uncle, and his cousin] entered the station, one person shouted and another person ran toward them and told them to face the wall. They were put in a hut-like structure nearby. He saw three or more people from the patrol.

Fratzky asked if the person P44 glimpsed was one of those three people. P44 did not know.

Fratzky said that if P44 “saw three people...” Kroker interjected and noted that P44 said “three or more people.” Scharmer pointed that the place where P44 saw the people was different from the place where the bus was.

Fratzky asked what these people wore. P44 said that the three people wore civilian clothes. One was wearing blue jeans. When his brother mentioned Kifah, he described Kifah’s physical appearance. That is why P44 thought that [the person in jeans] could have been Kifah.

Fratzky recalled that P44 said that he saw three people in civilian clothes, but that P44 also said that he saw soldiers. Fratzky asked P44 to explain. P44 said that members of the Intelligence Services do not wear uniforms. When P44 heard someone shouting, [he thought that the person] was either in the military or *Shabiha*, meaning that they worked for the state and wear civilian clothes.

Fratzky recalled that P44 said that someone talked to people behind the bus. P44 explained that the person who he glimpsed talked to people behind the bus.

Fratzky asked if the person was looking [at the soldiers behind the bus]. P44 demonstrated how he was talking on the phone with his head down. P44 raised his head every now and then, and looked to make sure that no one saw him. That was when the person turned.

Fratzky recalled that P44 said that the gas station was between Homs and Damascus. Fratzky asked P44 how far it was from Damascus. P44 asked why that was important to Fratzky.

Kerber said that P44 had to answer. P44 said that he does not know, but maybe 10 to 20 [km]. [Using his hands to demonstrate,] P44 said “this is Damascus. This is Harasta. This is Ad-Dahiya [Dahiyet Harasta], and after that comes the gas station.”

Fratzky noted that P44 said during police questioning that he was detained for a week, but in the hearing, he said that he was detained for three days. Oehmichen said that was incorrect. P44 explained that he said five days or a week. He was [held in one location for two days and detained at Al-Khatib] for three days.

Fratzky asked if it was correct that P44 was detained for two days at the unknown location and three days at Al-Khatib. P44 said yes, 100% correct.

Fratzky asked if P44 knew how much time it would take to drive from the gas station to the unknown location. P44 knew that it was not far because it did not take a long time [to reach it]. But he did not know exactly how long. He did not have a watch and could not look around.

Fratzky asked P44 to describe the first two days: whether he was beaten, put in a cell, offered food, etc. P44 said that when they took him to [the unknown location] and then to Al-Khatib, he assumed that [the people who detained him] were *Shabiha* because, if they were from Al-Khatib, they would have transported him directly to Al-Khatib. However, during the incidents, the Air Force Intelligence Services collaborated with the *Shabiha* to transport [detainees to their branches]. That is why P44 assumed that he went to the *Shabiha* headquarters first. P44 was beaten there, insulted, and was not given food. Then he was transferred to Al-Khatib.

Fratzky asked P44 when and where he first heard the name Anwar Raslan. P44 said that he heard the name at some point during the incidents, but he did not recall when exactly or by whom.

Fratzky asked if P44 talked with a third party about this hearing before coming to the session. P44 said no.

[The parties had no other questions. The witness was dismissed at 11:33AM.]

Dr. Oehmichen shared her mailing address with Kerber. Kerber informed P44 that the document says that he warrants Dr. Oehmichen to list her address as his official address. P44 agreed.

Kerber announced that the courtroom will be renovated, so it will be unavailable for the sessions on September 29 & 30, October 6 & 7, and October 13 & 14, which will instead be held at the big court room of the District Court.

Polz read aloud the prosecutors' statement regarding the motion filed by Bahns, Scharmer, and Kroker on July 22, 2021. The following is the Trial Monitor's summary of the statement:

The prosecutors detailed that they would not support the motion, arguing that §7(1) No. 7 VStGB would not be fulfilled. One of the reasons was that families of missing persons made sufficient enquiries about the whereabouts of their missing loved ones. Further, the prosecutors argued that none of the false information provided to the families could be attributed to the Accused or his direct subordinates. Most importantly, according to the prosecutors, there was no intention to remove these people from the protection of law, only to gain information about deserters.

The Proceedings were adjourned at 11:55AM.

The next session will be on August 19, 2021 at 9:30AM.

### **Day 87 of Trial—August 19, 2021**

The proceedings began at 9:45AM. There were ten spectators and one member of the press in the audience, as well as a court illustrator. The prosecution was represented by Ritscher and Polz. Plaintiff counsels Mohammad and Reiger were not present.

Dr. Oehmichen, the witness's counsel said that the witness wanted to wear his face mask, partially cover his head, and did not want to give personal information because of his family in Syria. [Kroker gave Oehmichen his jacket for the witness to use the hood to pull it over his head.]

Judge Kerber said that there was a witness scheduled for September 1 and another one scheduled for September 2 and 3. But the second witness could only attend the September 2 session now, so the session on September 3 is canceled.

[The witness entered the courtroom at 9:57AM.]

P45 did not share his personal information, including his name or age. He was detained in Syria several times, including at Al-Khatib Branch.

### **Testimony of P45**

Kerber asked P45 to tell the court why he was detained at Al-Khatib Branch. P45 said that in August 2012, Assad's forces stormed his town at 5:00AM. P45 was with his wife and children. (Around seven) forces broke down the door and knocked him to the ground on his back.

They kicked his head and hit him with weapons. They put a weapon to his head and asked him about his neighbors. They put him in a 24-passenger bus. On the bus, someone was behind him and held a weapon to his head. They covered his head with his undershirt so he could not see. He was taken to a place outside his village. Approximately 100 detainees were gathered, then taken to Al-Khatib.

[A note from the Trial Monitor: at this point, P45's voice was unclear. The mic was away from his mouth and he deliberately altered his voice. Bahns requested a headset.]

Kerber asked P45 what happened in Al-Khatib and how long he stayed there. P45 said that they arrived at Al-Khatib blindfolded. It took two hours to get to the Branch, during which time they were beaten and kicked. When they arrived at the Branch's yard, [the forces] took [the detainees] off the bus, made them strip, then put them in a cell. P45's detention lasted three days. There were [government loyalists] in his village who swiftly intervened. The detainees had to sign a pledge that they would not demonstrate again, then they were released. During his detention, P45 was not tortured and only a small number of detainees were interrogated. P45 was not one of them.

Kerber asked P45 how long he stayed in detention. P45 said three days.

Kerber noted that the transcript of his questioning by the police said that P45 was detained for 20 days. P45 clarified that he was detained for 20 days in Al-Mantiqua – Branch 227. P45 said that there could have been an [interpretation] error.

[A note from the Trial Monitor: throughout the session, there were discrepancies between what P45 said during the hearing and what he said according to the police transcript. It was the impression of the Trial Monitor that the transcript reflected interpretation issues, as P45 suggested. For example, "Al-Mantiqua" ("the area") was interpreted to "Al-Khatib" during the questioning. This may have happened because the interpreter perceived "Al-Mantiqua" to mean "the area around Al-Khatib."]

### **Judge Wiedner's Questioning**

Judge Wiedner asked P45 if he was detained in August 2012. P45 confirmed.

Wiedner recalled P45's statement during police questioning that he was detained in Kafar Souseh in July or August. P45 said that [his detention at] Kafar Souseh happened in 2018. He was held at Al-Khatib in August 2012.

Wiedner asked if this happened in July or August 2012. P45 said August 2012.

Wiedner asked why his house was stormed and why he was detained. P45 said that he was detained because his town was among the first towns to demonstrate against Al-Assad.

Wiedner asked how P45 knew he was at Al-Khatib when he was blindfolded [on his way there]. P45 said that he was told by other detainees. Also, he recognized the area when he was released. He went to preparatory and secondary school in that area.

Wiedner asked if P45 recognized the building. P45 said exactly. He studied in that area for six years. The detainees told him that they were at Al-Khatib, and this was confirmed when he was released.

Wiedner recalled that P45 was mistreated on his way to the Branch. Wiedner asked P45 if he was also mistreated upon his arrival to the Branch. P45 said no. When they arrived to Al-Khatib, they got off [the bus], took off their clothes, and crouched down.

Wiedner asked if P45's clothes were returned. P45 said yes, after he crouched down and before he was taken to his cell.



Wiedner asked if all his clothes were returned to him. P45 said that he was detained in his undershirt, underpants, and pants with no shoes.

Wiedner asked if they were returned. P45 confirmed.

Wiedner asked P45 to describe what happened during detention. P45 said that they were blindfolded and taken downstairs (around 5 or 6 steps) to the basement. The cell was approximately 9m<sup>2</sup> or 3x3m. There were around 27 people in the cell. It had windows at the top of the wall which let in light. It was a dormitory [group cell] and had a toilet at the corner. They were offered one meal: boiled zucchini or potato.

Wiedner recalled P45's statement that 27 people were in a 3x3m cell, but noted that P45 said something else during police questioning. P45 said that the cell in Al-Mantiqa was 12x3m with 70 – 80 people. P45 assumed that there was confusion between Al-Khatib and Al-Mantiqa.

Wiedner asked [how Al-Mantiqa compared to Al-Khatib]. P45 said Al-Khatib was 3x3m for 27 people.

Wiedner asked how many detainees were from his village. P45 said around 100, more or less.

Wiedner recalled P45's statement during police questioning that 68 men [from his village] were detained. P45 said these 68 people were held in Al-Mantiqa Branch, approximately 100 or less. It was 10 years ago, so P45 did not remember much.

Wiedner asked P45 if the 27 people in the 3x3m cell were from his village. P45 said that everyone in the dormitory was from his village.

Wiedner asked how old they were. P45 thought their ages were probably between 16 and 45.

Wiedner recalled that P45 described how light came from outside. P45 said correct, there were windows at the top [of the wall]. In Syria, people call it "a basement with a mandaloun."

Wiedner asked if P45 could see outside. P45 said no, they could only hear sounds.

Wiedner quoted P45's statement from the transcript: "there was a lamp that was on 24-hours and we could not differentiate day from night." P45 noted that the interpreter considered "the area of Al-Khatib" instead of "Al-Mantiqa" during police questioning.

Wiedner asked if the information he quoted was from a different detention. P45 confirmed.

Wiedner asked how P45 slept and about the air quality inside the cell. P45 said that the cell had an iron door and the toilet was at the corner. It was impossible to lay down. The detainees stood or crouched most of the time. There was a person among them who had difficulty breathing. They called the prison guard and told him [about the person]. [The guard] came into the cell, kicked the person's chest, and said "is it better now?"

Wiedner asked P45 if he witnessed the incident. P45 said yes.

Wiedner asked P45 if he saw other detainees be mistreated inside Al-Khatib. P45 said that the guard hit [the person he just described] on the chest and asked him if it was better.

Wiedner asked if there were other cases. P45 said that was the only case during the three days. They were spoiled because of their village's connection to the regime.

Wiedner asked P45 if he could sleep, and if yes, then how. P45 slept in a crouching position. No one slept because they constantly thought about their fates. They stood most of the time.

Wiedner asked P45 if he was sleepless for three days or if he was in the crouching position. P45 said that sometimes five people were taken to interrogation. When they got out, they had [space] to extend their legs, but not to lay down.

Wiedner asked P45 if he was interrogated. P45 said no.

Wiedner asked if other detainees [told P45] what happened during interrogation. P45 said that people only told the highlights. They had to whisper to each other because [the guards] would bang at the door and say “no one speak.” Some of the questions that were asked to people were about their names, ages, participation in demonstrations, and acquaintances.

Wiedner asked if people mentioned that they were subjected to violence during interrogation. P45 said no [they were not subjected to violence] because high officials from their town would have a special [relationship] with the regime.

Oehmichen asked for a break.

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[10-minute-break was announced, but it lasted 25-minutes.]

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Wiedner asked P45 if he was asked about other detainees in Al-Mantiqua – Branch 227 during his questioning by BAMF. P45 confirmed.

Wiedner said that P45 was asked about detainees’ ages. P45 said their ages ranged from 16 to 70.

Wiedner asked if that was in Al-Mantiqua Branch. P45 said that was in Branch 227

Wiedner said that P45 was asked about meals. P45 said that detainees were given two meals in Al-Mantiqua, one in the morning and one in the evening. There was only one meal in Al-Khatib.

Wiedner recalled P45’s statement that the cell at Al-Khatib was dirty and he could not sleep. Wiedner asked P45 what else he could describe about Al-Khatib. P45 said that the cell was tight. The walls were dirty. There was only one meal and it was inadequate. The detainees did not eat because of the situation, the psychological pressure, and because they thought about their fates.

Wiedner asked if there was only psychological pressure, not physical harm. P45 said that there was no physical harm to detainees [from their village] during his detention period because of the village’s connection to the regime. They were “spoiled.”

Wiedner asked P45 how he was released. P45 said that two of his village’s dignitaries quickly intervened on behalf of the detained villagers. One of them was a Major General اللواء in the army and the other was a member of the People’s Council. The detained villagers had a meeting with the dignitaries who spoke to them about patriotism and asked the detainees to pledge not to demonstrate, and to support Al-Assad. Then the detainees signed blank papers.

Wiedner asked P45 how he went home. P45 said that the dignitaries brought special 14-passenger buses to transport everyone back to their village.

Wiedner asked if P45 saw the faces of Al-Khatib’s staff. P45 said no. The staff made sure that the [detainees] did not see. Detainees were blindfolded when they entered and left the Branch. No staff members were with them when they met with the dignitaries.

Wiedner asked if the meeting [with the dignitaries] took place inside the cell. P45 said no, the meeting took place outside the cell in a hall, which is where they were released.

Wiedner recalled that P45 was asked if he knew about Al-Khatib's responsibilities. P45 said that he did not know about the responsibilities.

Wiedner recalled P45's statement that Al-Khatib was responsible for state security. P45 said that was in general. But he did not know the dynamics of the Branch. Al-Khatib's name is known by people, though P45 did not know about it.

[The parties had no further questions.]

[The witness was dismissed at 11:15AM.]

Judge Kerber distributed copies of the prosecutors' statement from the previous day. Fratzky also read aloud a statement.

The defense filed a request to invite [name redacted], as a witness. He worked at Division 40 before he defected from the regime. According to the defense, he can elaborate on how the fourth Division and Division 40 and its director Hafez Makhoulf intervened with the tasks and work of Al-Khatib Branch, and how much power and authority they had over the Branch. The defense further argued that he can also explain the influence of the Alawites at the Branch and the authority they got over other Sunni personnel.

The Proceedings were adjourned at 11:24AM.

The next session will be on August 25, 2021 at 9:30AM.

**TRIAL OF ANWAR RASLAN and EYAD AL-GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 44

Hearing Dates: August 25 & 26, 2021

*CAUTION: Some testimony includes descriptions of torture.*

**Summaries/Highlights:<sup>1</sup>**

**Day 88 – August 25, 2021**

P46, a 30-year-old Syrian author and filmmaker testified about his detention at Al-Khatib Branch during which he also stayed at Harasta hospital for several days. He told the court about the bad detention conditions at the Branch and torture he endured during interrogations. He explained that although mere detention in a cell at Al-Khatib Branch was torture, the torture by medical professionals and guards at the hospital was even worse. The witness testified in German despite being offered simultaneous interpretation by the court interpreters who in turn had to translate the witness' testimony to Arabic for the Accused. The defense questioned P46's identification of Raslan as the decision-making officer at Al-Khatib Branch due to the witness's connection with Anwar Al-Bunni.

**Day 89– August 26, 2021**

P47, a 32-year-old Syrian male testified about his detention at Al-Khatib Branch which was relatively short due to bribes paid by his family. The witness told the court about the bad detention conditions at the Branch and the torture he and fellow detainees endured. He further described how he got a glimpse of some officers at the Branch when he was transferred to another branch. He told the court he was 60% sure that one of the officers who seemed to give orders was Anwar Raslan. The defense questioned the witness about his relationship with Anwar Al-Bunni, calling into question the witness's identification of Anwar Raslan. The witness told the court he was hesitant to speak about his own work and people he knows as people in Syria were threatened due to information discussed in court reaching the public.

**Trial Day 88 – August 25, 2021**

The proceedings began at 9:30AM with four spectators and one journalist in the audience. The prosecution was represented by Prosecutors Klinge and Polz. Attorney Bier substituted for Plaintiff Counsel Dr. Oehmichen and Dr. Stolle substituted for Plaintiff Counsel Dr. Kroker. Plaintiff Counsels Reiger and Mohammed joined after the lunch break.

P46 was accompanied by his Counsel Dr. Stolle.

<sup>1</sup> 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.

### Testimony of P46

P46, a 30-year-old Syrian author, comedian, and filmmaker who joined the trial as plaintiff was informed about his rights and duties as a witness. He denied being related to the defendant by blood or marriage.

P46, a native Arabic speaker, decided to testify in German language which created some confusion throughout his testimony. The Judges offered him to switch to Arabic and use the simultaneous Arabic language translation for their questions.

### Questioning by Judge Kerber

Presiding Judge Kerber said the court knew from P46's police questioning that he came into conflict with the Syrian regime and was arrested. She asked him to recall the events in court from what he remembered. P46 described that before 2011 he was arrested a couple times due to his activities and organizing demonstrations. He told the court that he guessed his first three arrests would not be of importance [to the trial] as he was detained somewhere else [not Al-Khatib Branch] though he was also tortured during these detentions. P46's last detention was connected to Al-Khatib Branch. He explained that on June 17, 2012 he was staying at a friend's place because his family home which was 20km from Damascus had been bombed. He therefore stayed at his friend's place in [REDACTED]. He recalled that after a couple hours two men dressed in civilian clothes knocked on the door and requested to see his ID card. P46 explained to the court that he told them that he actually lived somewhere else, but his activities were reason enough for them to monitor and arrest him. Six or seven soldiers came and put a plastic bag above P46's head before pulling his t-shirt over his head and taking him downstairs. P46 said his hands were tied with cable strips and he was taken inside a car. He was then taken to a new building that was still under construction. He was taken off the car on the street where he was beaten and filmed while he was beaten. P46 said he was told to say that Bashar is a god, that he himself would be a son of a whore and that "they" [soldiers] could rape his mother. P46 went on to describe how he was then taken inside the building where he was left alone for several hours. Since there was no toilet, P46 had to pee in his trousers. P46 then had to undress and was beaten with metal sticks and plastic tubes and cigarettes were stubbed out on his body. P46 said the soldiers had fun torturing him and wanted him to confess that he was planning bomb attacks in [REDACTED]. "They" also checked his camera and searched his phone and the contacts on his phone. According to P46, the torture then increased, and he was tortured in a sexual manner. They tried to insert a stick into his anus and threatened him from behind. P46 said they wanted him to confess that he was building a bomb. He explained to the court that his friend at whose place he was staying studied chemistry. The documents in his flat therefore looked like plans on how to build a bomb to people who did not know anything about chemicals.

[Another spectator took a seat in the public gallery.]

Presiding Judge Kerber told the witness that he should let the court know whenever he needed a break, the same would be the case for the court interpreters.

Kerber then asked how the soldiers were dressed. P46 said two of them did not look like soldiers,<sup>2</sup> and neither did the others. According to P46, however, they behaved like soldiers. P46 explained that in Syria something called "*Shabiha*" exists, a group that would not belong to the military but cooperate with them by arresting and persecuting people.

<sup>2</sup> Note from the Trial Monitor: P46 used the term „soldier“ throughout his testimony to describe members of the security forces, guards, and employees at intelligence branches.

Kerber asked if this group would be a militia. P46 affirmed.

Kerber wanted to know how the people who arrested P46 were dressed. P46 said the people at his door were dressed like civilians, three or four people who joined later were wearing military trousers. P46 explained that they were, however, no members of the military. They rather belonged to a group that was for example running its own check points but wearing clothes and carrying weapons from the military.

P46 went on to describe that [when he arrived at the construction site] there was a short conversation between two people. P46 knew one of them who told P46 to just tell “them” whatever they wanted to hear so he would get out as soon as possible. P46 said that after one day of torture the boss – whom he already saw the previous day in front of the door – told the others that they should kill P46 on the highway. P46 explained to the court that there was a big highway close by, leading to the airport. P46 was taken to a red Mercedes where he had to sit in the back with two men sitting next to him. These men told P46 to take them to his home so they could rape his mother and maybe kill her afterwards. P46 said they indicated similar things regarding his sister. P46 was so afraid, he could not handle the situation. When P46 was taken out of the car, he could hear cars driving on the highway. He did not know what “they” wanted to do to him, he just hoped that someone would find his ID so he could be identified later since they were at a very remote location. P46 said he had to kneel when he heard a shot. It took him a few seconds to realize that it was just a game. When P46 told the men that he wanted to die, they started laughing at him and told him he would not get out that easily. They then drove to Damascus which took around thirty minutes.

P46 described that when they arrived, there were no soldiers, they were wearing civilian clothes. P46 did not know where he was. He was taken towards a roof and had to hand in all his belongings. P46 could barely walk due to the torture, his entire body was blue and black. When P46 told the people there that he had not received any food for one and a half days, he was told that he first had to clean the roof before he would get food. P46 told the court that he asked this man where he was but he simply replied “Welcome to Switzerland” and hit P46 on his head. P46 said he cleaned the entire floor and was able to see the mountains surrounding Damascus. He therefore knew that he was at the intelligence service in Irbin. P46 added that he also knew the location from a food bag he saw in the kitchen when he too went there to throw away the dirt from the roof. The bag was from a restaurant he knew because he went to a school close by. After P46 finished cleaning the roof, he was put in a small room under the stairs. P46 said the room was very dirty and full of trash. However, he found some old food there which he ate. He described that the rice and yoghurt he later got was the best food in his life because he had not eaten for such a long time before that.

P46 continued to explain that a bus arrived in the evening. He and other detainees were taken to this small bus. Around ten to fifteen people were in the bus. When they arrived at their destination, they had to walk downstairs where other soldiers were waiting and the detainees were receiving a “welcome party”. P46 recalled that he was severely injured during this party as he was hit in the face with a rifle butt and even lost a tooth. After that, people at the Branch started recording everyone’s personal information. Detainees had to hand in all their belongings including watches and jewelry. The soldiers then told P46 that he was about to die, so he would stay at the Branch for one night before he would be taken to the hospital. P46 said he was taken to a small cell where he saw a dead person on his first day. The other detainees first thought the person was sleeping. When they realized that he was dead, they knocked on the door. The guards told the detainees that they should let the person die and only knock again when he was dead. The body was only taken from the cell when the person was dead. P46 said he did not know what happened to the corpse.



On the next day, P46 was taken to a taxi accompanied by two soldiers. P46 told the court he assumed that the taxi driver cooperated. He was taken to Harasta Hospital. P46 further recalled that there was another person with him. He was sitting behind P46, and he was at first not able to see this person as he was blindfolded and had to put his head between his legs. But when P46 left the car, he recognized that there was another person. When they arrived at the hospital, their personal information was again recorded and they were taken to the sixth floor. P46 told the court that there were multiple rooms on this floor, it seemed to him as if there was a room for every [intelligence] branch, one was for Al-Khatib Branch. There were two soldiers with the detainees in a room. It was the same in every room despite being different Branches, for example Air Force Intelligence.

Kerber wanted to know how P46 knew that. P46 said he overheard conversations between the soldiers. It was hard to talk at the hospitals, but sometimes one of the soldiers left his room and went to another one to talk to one of his colleagues. P46 further explained that every detainee was assigned a number. One was only allowed to use this number, no matter the question. [P46 provided some sample questions such as ‘what is our name?’, ‘where do you come from?’, always answering e.g. “No.36”]. According to P46, the detainees were tied to a bed and two of them were tied together by their feet so that two people had to share one bed.

Kerber asked how wide the bed was. P46 said it was around 1 meter wide with two or three people in it.

Kerber asked the interpreters if they wanted to have a break. [One of them had to simultaneously interpret P46’s testimony from German to Arabic for the Accused]. The interpreters said they were able to go on for a bit.

P46 continued to describe that he went to the toilet at the hospital the next morning. Detainees were allowed to use the toilet twice or three times a day, however, the soldiers decided when they were allowed to. When P46 used the toilet for the first time, he realized that there was a corpse of a child and another corpse in one of the stalls, so P46 had to use another one. When he went back from the toilet, he met another guy<sup>3</sup> who told him that all dead bodies would be thrown there. P46 first did not believe him but then realized that there were more and more corpses every day. P46 explained that they were all of different ages, some were still alive but nevertheless thrown there together with other corpses. P46 recalled that he stayed at the hospital for more than a week, around nine or ten days. He did not receive any medication during this time, but all nurses, doctors, and soldiers tortured him 24 hours a day. According to P46, the brother of one of the soldiers died in Hama so the soldier used the detainees to blow off steam. He beat them on their hands three hundred times, beat them on their injuries and stepped on their open wounds. P46 said the soldier enjoyed causing them pain.

Kerber wanted to know how P46 was beaten. P46 said there was a tube. P46 consulted the interpreter who explained that P46 was talking about a plastic tube typically used for sewage. P46 added that there was also a cable that consisted of multiple cables, so it was very thick, and the metal parts stood out. P46 said he was tortured with these tools. P46 said torture was different at the hospital and at the Branch. At the latter, “they” wanted to gain information, so torture got less whenever they got information. At the hospital, however, torture never decreased, it was just about torturing people.

Kerber wanted to know more about the nurses and doctors that P46 just mentioned. P46 explained that the nurses came to the rooms twice or three times a day. They smoked inside the rooms, pressed the cigarettes on the skin of the detainees and then said “oh, this doesn’t hurt at all.”

<sup>3</sup> Note from the Trial Monitor: P46 used the term „guy“ [German „Typ“] throughout his testimony to describe fellow detainees or people belonging to a certain group he just described.

There was only one doctor who visited P46. On some days he did not show up at all. Whenever the doctor came, he beat detainees and insulted them by saying they should all die. P46 said there was no humanity at the hospital and the people there viewed the detainees as enemies.

P46 recalled that one day one of the detainees in his room had heart issues and requested medication from the soldier. P46 explained that it was the soldier who started torturing everyone when his brother died. The person who requested medication did not receive any and around 23 hours later, he stopped moving. His body was cold and as soon as P46 realized that, he told the soldier. P46 added that they always had to wear blindfolds and were only allowed to take them off at the toilet. When he told the soldier about the cold body of his fellow detainees, P46 was told to get up in the bed but the person next to him who was tied to P46 did not move.

Kerber wanted to know what happened with P46's hands. P46 said his hands were tied behind his back and his feet were tied to the feet of the other person. He therefore had space to sit up in the bed. When he did that, the other person did not move. The soldier then came saying "are you dead or just pretending?" he beat the person with a cable, but the person did not move. The soldier then went to the telephone and called someone from the "cooling department." When they came, they first drank Paraguay tea together with the soldier and chatted with him for an hour. They then untied the person and pulled him to the floor and took him outside the room. P46 said this was the usual procedure: corpses were just pulled to the floor and not put on a stretcher. P46 further said he did not know whether this person was taken to the toilet or to the cooling room.

Kerber wanted to know how P46 got out of the hospital. P46 said after a few days he was taken back to Al-Khatib Branch.

Kerber asked if P46 was told a reason for his leave e.g. his condition improved. P46 affirmed [that his condition improved], saying that he was able to stand up and his injuries healed a bit. However, his open wounds healed themselves and were not treated in any manner. He was then taken back to Al-Khatib in a bus together with three or four other people. P46 requested a short break.

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[15-minute-break]

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Kerber wanted to know how P46 knew that he was taken back to Al-Khatib when he left the hospital. P46 explained that all detainees knew where they were, except for the ones in solitary confinement, since they had no contact with other detainees.

P46 told the court he wanted to say something about the hospital: on his first day at Al-Khatib he met a guy [detainee] with severe injuries on his feet due to the torture method "*Falaqa*". P46 explained that when someone is tortured with this method, his feet are tied and beaten with a cable or tube. This particular person had severe injuries at his feet due to this torture method and the injuries got inflamed. He was also taken to the hospital when P46 was already there. P46 recognized the person when he came to the hospital because he knew him well since he had to help him go to the toilet when they were still detained at Al-Khatib together. P46 said this person was most likely an Assad supporter because he had a tattoo of Bashar Al-Assad's dead brother Bassel on his arm. The other detainees therefore called him Abu Bassel. P46 explained that it is common in Syria to call people "Abu" which means "father of..." P46 said he recognized that this person [who came to the hospital after him] was Abu Bassel. He was in a very bad condition and eventually died at the hospital after two or three days. According to P46, he died of gangrene.

Kerber asked if he died while P46 was still at the hospital. P46 affirmed, adding that he would know that the dead body of this person was left in the bed for some time before the corpse was taken away. P46 explained that corpses were always taken only after several hours and then taken to the toilet. He said it was a method to put pressure on the other people there, scaring them by showing them the corpses. P46 went on to say that this person [Abu Bassel] was not even an opponent of Al-Assad but arrested and severely tortured due to a confusion of names. When “they” later realized that they had the wrong guy, he received better treatment.

Kerber said the court previously heard of a person with a tattoo of a member of the Al-Assad family. She asked P46 if it was common in Syria to have such tattoos. P46 said it was not that common, however, there would be several people with such tattoos. He himself met three or four of them.

Judge Wiedner recalled Abu Bassel dying at the hospital and asked P46 where he got his injuries. According to P46, Abu Bassel was injured during interrogations at Al-Khatib. Abu Bassel told P46 that only after “they” realized that they got the wrong person, they apologized and gave him food. However, the person in charge ordered to send him to the hospital before releasing him to improve his condition first.

Judge Kerber encouraged P46 to continue. P46 went on to describe how he was taken back to Al-Khatib Branch [from the hospital] and taken to a so-called “open cell”. [The interpreter clarified that P46 was referring to a communal cell]. P46 described the cell as a “huge corridor” with a toilet at the end. This “huge hall” captured several hundred people, and no one was able to sit down. New detainees had to stand in the middle of the cell. Those who had been there for longer got a space in the corners of the cell. After a few weeks at the cell, P46 got a space next to the toilet where he could constantly hear screams of torture. P46 said that hearing these screams of torture was worse than the torture itself because one was constantly wondering when it would be his turn.

P46 further described that during his time at Al-Khatib Branch he was once taken to Division 40 by car. At the Division he was tortured and interrogated by two or three soldiers and an interrogation officer. P46 said all questions were about the photos from his camera, names and places related to the photos. P46 explained to the court that because he had been detained three times before this detention, he already knew how to deal with interrogations. Whenever he provided information, torture decreased. He only provided names that were already known [to the intelligence services] or names of dead people. P46 said he was interrogated twice and one time at Al-Khatib Branch.

Kerber asked if the two interrogations P46 just mentioned both happened at Division 40. P46 affirmed, saying that he was interrogated twice at Division 40 and once at Al-Khatib Branch. He added [regarding his interrogation at Al-Khatib Branch] that he was taken from his cell to the first floor where he had to wait in front of a room. Another guy was tortured inside this room before it was P46’s turn. P46 told the court that a plastic bag was pulled over the head of the person before him and then set on fire. The hot plastic then dropped on the person’s face. P46 said he had to listen to this person being tortured for thirty minutes before he himself was taken to the room. P46 described that in this moment, he was ready to tell them anything, however, they first started asking him about weapons. He explained to them that he did not own any weapons. He also tried to explain that he did not even do the mandatory military service, so he would not know how to use weapons. P46 was then beaten by several people. After that, he requested to get some water to drink. He was told to drink from a bottle which belonged to the air condition. P46 explained to the court that in Syria, air condition systems would consist of two machines, one inside the building and one outside. The one inside would excrete dirty water. P46 had to drink this dirty water. He was then beaten with cables and tubes until he would tell what “they” wanted to hear.

According to P46, they wanted him to confess that he shot a soldier. However, P46 did not want to incriminate himself, so he never confessed anything he did not do. He only spoke about his own activities. P46 conclude that these methods [torturing people until they would confess anything] probably worked very well with others.

Kerber wanted to know where the incident happened when P46 was taken upstairs, listening to the other person being tortured with a plastic bag and then beaten himself. She asked if it was at Division 40 or Al-Khatib Branch. P46 said it was Al-Khatib Branch.

Kerber asked if he was blindfolded. P46 affirmed, adding that he was able to see a bit.

Kerber asked if he was able to see the plastic bag incident. P46 explained that the person who was tortured with the plastic bag quickly told P46 about it on his way back to the cell. This person was later also taken to the hospital. P46 said "they [people at the interrogation] also "burned plastic to his ear" and the hot plastic dropped on his back and shoulders. P46 said they were singing an Arabic song about snow while doing that.

Kerber wanted to know what happened next, after he was taken to Division 40. P46 said after 27 days he was taken back to Al-Khatib. He was not interrogated anymore but told to come and pick up his belongings. P46 recalled that he had to go upstairs where around sixty detainees were kneeling in the sun. One or two buses came, and the detainees got their personal belongings. P46 said they thought they would be taken to court. This was also when P46 saw his friend at whose flat he stayed [when P46 was arrested]. His friend did not know where he was because he was in solitary confinement for twenty days. All detainees were taken to the buses. They were blindfolded and had to put their heads between their legs. They first thought they would be taken to court, but the bus drove further away, so it was clear that they would be taken somewhere else. P46 said they were taken to Kafar Souseh.

P46 told the court that he assumes that Kafar Souseh was the biggest Branch and higher [in the hierarchy of branches] than Al-Khatib. However, he was not sure as there were so many state security Branches. P46 went on to describe that they had to endure severe torture when they left the bus. They then had to go downstairs. They first had to sit directly in front of the door before they went downstairs to a desk where they had to hand in their personal belongings and were distributed to the different cells. P46 said he got his belongings back from Al-Khatib Branch, however, he did not get everything back. He therefore asked about the rest of his belongings and was severely tortured as a result. His hands were tied with cable strips and he was hanged at the toilet for a couple days while others used the toilet as usual. P46 said he was naked for the first three days. The skin on his hands ripped open because the weight of his body pulled him down. P46 said he was not alone. He was there with six or seven other people. He was taken down at night and taken back to the cell. P46 said he always had to wear cable strips and was either hanged or his hands were tied. He was always blindfolded and there were two cameras inside the cell. However, the detainees did not know whether the cameras were working or not.

P46 further described that from the cell, one could always hear welcoming parties whenever new detainees arrived and were greeted with torture. P46 was taken to interrogation at some point. He was taken upstairs where a long corridor was leading to a yard. After a couple hundred meters he had to go upstairs and entered a corridor which was leading around the house. He was interrogated in a room at the end of that corridor and was asked the same questions. P46 added that the aim of the questions he was asked at Al-Khatib was always to admit that he killed someone, organized demonstrations, or received money from abroad. P46 said he was supposed to admit these things for a judgment or anything like that. After a couple weeks – around one or two weeks after the interrogation – P46 was taken to court. The judge at this court saw P46's scars.

P46 added that he had just left the Branch when he was taken to court. He had been severely tortured, and one could see fresh injuries. His hands were tied with cable strips and severely beaten. P46 further described that it was very hot inside the cell because there were so many people. Detainees just wore underpants because it was so hot. To punish detainees, their hands were often tied outside the cell where it was cold, while they had to stand inside the cell where it was hot.

Kerber wanted to know where that happened. P46 said it happened at Kafar Souseh. He also saw it happening at Al-Khatib, but did not have to endure it there himself. P46 said one was able to see the injuries on his hands and back. He said some demonstrations increased because of the torture. P46 added that he was released from the court which was in charge of the surrounding area of Damascus.

Kerber asked whether P46 meant the Rif Dimashq court. P46 affirmed, adding that he saw many people standing in front of the court building with pictures of their loved ones. They asked others if they had seen their loved ones, because many of them did not know anything about the fate and whereabouts of their family members. P46 said his family did not know where he was either. He was not allowed to call them or contact them in any other manner. He once stole a piece of soap at the toilet and left the phone numbers of his family members on the soap. He then gave the soap to the first person who left the Branch to inform his family.

Kerber wanted to know if this person actually contacted P46's family. P46 affirmed, saying that his family then tried to contact him. They paid 10,000€ to get him free. P46 said he told his mother before he was arrested that she should never pay the full amount before he was released. He explained that many people in Syria took advantage of the situation and lawyers and employees of the intelligence services took bribes. One officer offered to help in exchange for money, but P46's family did not pay him.

Judge Wiedner wanted to know who offered P46 help. P46 said he does not know exactly, however, the guy who P46 gave the piece of soap offered to help.

Judge Kerber wanted to know if P46's family asked where he was. P46 affirmed, adding his family asked many times. He explained that he had leukemia as a child, so his mother went to his doctor to get his medical record. She then went to all intelligence branches, to Al-Khatib as well and tried to get him free. At Al-Khatib she was sent away at the door. "They" simply told her that P46 was not a detainee and not at the Branch.

Kerber wanted to know more about P46's leukemia. P46 said he had leukemia from when he was six to eleven years old. His mother tried to raise this with the branches to get him out.

Kerber asked if P46's leukemia just healed and disappeared like that. P46 said he received chemotherapy. His mother tried everything to get him free. She therefore went to the branches with his medical record hoping for compassion. However, it did not work out.

Kerber further wanted to know if one could still see the signs of cable strips on P46's hands. P46 said they almost completely disappeared; one could only see light signs on his hands.

Kerber asked if one could see any other signs. P46 said one could see scars on his shoulder because the cable that he was beaten with ripped off skin and flesh. One could also see signs on his feet.

When P46 pulled up the left sleeve of his shirt to show his scars, Judge Kerber said the court visually inspected the scars on P46's shoulder. P46 added that he would also have scars from when he was beaten with a rifle.



Judge Kerber asked if P46 noticed why he was transferred to the hospital. P46 explained that there was a person [at Al-Khatib Branch] who decided who gets medicine and who gets transferred to the hospital. Detainees were therefore taken to this person. It was in the basement where the cells were. One was taken from the cells to a person called “Abu Shameh” which means Abu Birthmark. P46 said every time they left the cell, their eyes were blindfolded, so P46 could not see this person’s face in detail. This person usually actively participated in torturing injured detainees by pressing on their injuries. P46 said he was transferred on the next day.

Kerber wanted to know if this procedure [checking and transferring sick and injured detainees] happened multiple times. P46 said this person was also in charge of distributing medicine. Detainees were sent to him at least twice a week and once or twice a week they were asked about medicine.

Kerber wanted to know more about the physical appearance of this person. She asked where he had the birthmark. P46 said the birthmark was on the person’s face, however, he did not know where exactly.

Kerber asked about the stature of the person. P46 said he was thin and slightly taller than P46. He was wearing a shirt and trousers, civilian clothes. He had grey hair. P46 added that on his first day [at the Branch] he was unable to stand, so he saw the person from below. He only looked him directly in his face once. P46 said he was full of fear in this situation.

Kerber wanted to know if the person said anything and had a particular dialect. P46 said the person tried to speak in Alawite dialect, which would mainly be used by almost all people in the North[west]. However, P46 recognized that this was not his actual dialect. P46 added that he went to school with people who spoke this dialect, so he was able to tell when people tried to fake it. According to P46, the person rather spoke a “white dialect”.

Kerber asked what P46 meant by “white dialect”. P46 said it would rather be spoken in Damascus and Homs, it would be easier to understand than the dialect used in the North or in the South. People in these areas would sometimes use words that others don’t even understand.

Kerber joked that it would be the same in Germany with people from Bavaria. Kerber asked if P46 recognized the defendant. P46 denied.

Kerber ordered a short break for the interpreters and in general.

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[10-minute-break]

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Judge Kerber explained that the Judges had a few more questions and P46 should just let them know whenever he needed a break, the court would then have a longer lunch break.

### **Questioning by Judge Wiedner**

Judge Wiedner wanted to know how many times P46 saw the person who decided about the fate of sick and injured detainees. P46 replied this man examined him the first time. When P46 came back from the hospital he told the guards that he was in pain and requested to get medicine. P46 said he just wanted to get out of the cell. That was when he met the man for the second time, but P46 did not get any medicine. P46 explained that his intention was to get out of the cell, since he had not even left the cell to use the toilet because the toilet was inside the cell. P46 concluded that he saw this man twice. He further described to the court that detainees went there in groups.



Sometimes there was a doctor as well, but the other person was the one making decisions. The doctor only fixed open wounds which needed to be sewed immediately. However, P46 only heard that from others. P46 said when he saw the man for the second time, he did not see his face.

Wiedner said one needs to be careful about what he saw himself and what he heard from others. He asked P46 if he saw the doctor himself or heard about him. P46 said the second time [when P46 was presented to the person deciding about sick and wounded detainees] the person was accompanied by a doctor. The doctor was standing next to that person. However, the doctor did not talk to P46. He only spoke with people who were injured. P46 said he only spoke to “the guy”. When he asked P46 what he needed, P46 told him he had pain in his stomach and wanted medicine. The guy then hit P46 and told him not to act like a woman.

Wiedner asked if this happened in the basement. P46 affirmed, adding that he was taken from the cell a couple meters to a corridor.

Wiedner wanted to know if there were always several people. P46 explained that it was always a group of detainees who were taken from the cell. They were asked [by the guards] who had health issues. According to P46, many detainees wanted to go to the hospital because they thought it would be better. The guards already scanned who needed to go and who did not. Four to five detainees were then taken from the cell and had to queue. P46 said this procedure happened for every cell, one after the other.

Wiedner asked if this happened on more occasions than the two times when P46 was taken from the cell. P46 said “the guy” hit injured people on their injuries on purpose to cause them more pain.

Wiedner asked if it was always the same person. P46 said it was Abu Shameh. At the first time he did not beat, the second time he did. P46 said new detainees wanted to go to see him.

Wiedner recalled that P46 said he was blindfolded but able to see some things around him. He asked P46 to describe what he saw. P46 described that he was taken out of the cell and walked a couple meters in the corridor. A guy was standing there inspecting injured people. Some had inflammations, others were unable to walk because they were tortured with the *German chair*. P46 said that detainees who were unable to walk were accompanied by other detainees. People who were injured were beaten and only those who were half dead were sent to the hospital.

[Presiding Judge Kerber reminded a person in the audience that Covid masks were mandatory inside the building and told her to put the mask back on.]

Wiedner asked P46 to describe the body of the person who inspected the injured detainees. P46 said the person was thin, tall, had grey hair, his hair was coming off and he was bald. P46 said this was the only things he saw, he could not remember in detail, adding that it happened a long time ago and that he was unable to focus in that situation because he just focused on how to get out of there and not how the person looked like. He therefore could only tell the court what he was able to see.

Judge Wiedner recalled that P46 said he would not recognize the Accused and asked him whether it was because he could not remember or because he looked differently [than the person P46 described]. P46 said it was not only because of that but because it happened a long time ago, and he was not able to look the person in the eyes as he was wearing blindfolds. P46 said he knew the person had a birthmark because he was called Abu Shameh. He was also able to see that the person had grey hair.

Wiedner cited from the transcript of P46’s police questioning where he said that the person who decided whether people would go to the hospital or be treated by the doctor had a birthmark.

However, P46 did not know for sure as he was not allowed to look at the person. P46 explained that he had to face a wall and this person was standing to the left of him. In this situation, P46 was able to see the birthmark. He could only see the person from the side, that was how he remembered it. P46 recalled he was facing a wall and only able to see the left half of the person's face.

Wiedner again cited from the transcript of P46's police questioning during which he said that the person who made decisions about sick detainees was not entirely bald. He had grey hair on the sides. Wiedner said this would be what P46 just described to the court. He further recalled that when P46 was asked about a picture of Raslan, he told the police that he did not know Raslan before. P46 said he knew him through media but during his detention or after that he did not know him.

Wiedner asked if P46 saw pictures of Anwar Raslan before his police questioning in Germany. P46 affirmed, saying he saw pictures in the media but could not remember the face.

Wiedner wanted to know if P46 recognized a person in the pictures that the police showed him. P46 affirmed, saying he immediately recognized that it would probably be Anwar Raslan. However, he did not know the name before but recognized the face at the police questioning.

Wiedner asked if P46 was able to connect the picture to the person he saw in detention. P46 said he could not tell if it was the same person because he was not able to see him very well.

Wiedner recalled that when the police showed P46 picture No.2, P46 said he was not sure whether the person in the picture looked like the person he saw in detention, he would not recognize him. P46 told the court that he said that to the police because he was not able to exclude any possibility.

Wiedner wanted to know whether P46 was able to remember if the person who made decisions about sick detainees and who hit detainees wore glasses. P46 said the first time he saw the person when he was able to get a better look at him, P46 was very exhausted. When he saw the person the second time he was wearing glasses. P46 said he was sure about that.

Wiedner wanted to know how the person was treated by others. P46 said he was called "Sidi". According to P46, the soldier who took the detainees to the person always called him "Sidi".

Wiedner recalled that other detainees were taken to see this person as well, asking P46 how many times that happened. P46 said it was at least twice or three times a week. Sometimes he came on Wednesdays, sometimes he did not. P46 concluded that it happened twice or three times a week.

Wiedner wanted to know if P46 heard how decisions about other detainees were made. P46 said people were either sent to hospital or got medicine. There were many injured people, for them the decision was "Harasta."

Wiedner wanted to know the name of the hospital. P46 said it was only mentioned the name of the place which would also be the name of the hospital.

Wiedner asked if people were sent to other hospitals as well. P46 denied, saying they were only sent to this [Harasta] hospital, as far as P46 was concerned. P46 said at this hospital, detainees had to hand in their clothes which they did not get back at the end of their stay. At the hospital they only wore hospital gowns. One could therefore tell that people who wore hospital gowns came from the hospital.

Wiedner asked if they wore typical hospital gowns. P46 affirmed, adding that the gowns were white with blue or green dots. Although the name of the hospital was not written on the gowns, the people who wore them said they were at Harasta hospital.

Wiedner wanted to know how long P46 had approximately been at the hospital. P46 said he was there for around nine days, less than two weeks.

Wiedner confirmed that P46 told the police the same. He asked P46 whether it was correct that detainees at the hospital did not receive any treatment. P46 explained that the only thing he saw in this regard during his nine days there was how one person got paracetamol. Other than that, they were simply tortured as cigarettes were stubbed out on their skin or they were beaten on their injuries. P46 said this was done by nurses and soldiers (guards).

Wiedner asked whether P46 saw any meaning behind his stay at the hospital. P46 did not understand the question. Wiedner repeated his question asking whether P46 saw any reason for his stay at the hospital. P46 said maybe it was to put people in an actual bed so they could get better and that the air was better than the air inside the cells. However, at the hospital the torture was worse and pointless as there were no interrogations. P46 said they only wanted to try to scare people even more and show them dead bodies. It was a strategy to scare people so they would confess.

Wiedner recalled P46 mentioning that one of the dead bodies he saw at the toilet was the body of a child. He asked P46 how old the child was. P46 said the child was around twelve or fourteen years old. P46 said the corpses he saw after that were mostly old men who were just thrown there with their hospital gowns. He told the court that he avoided looking at the corpses. Only once when he realized that one of them was still alive, he tried to talk to him. He then called a guard who hit the person.

Wiedner wanted to know if P46 saw women at the hospital as well. P46 denied, saying he did not see women at the hospital, however, at Al-Khatib Branch he did see women, they were detained in special cells.

Wiedner recalled P46 telling the police that around 200 cigarettes were stubbed on his body during his stay at the hospital. P46 confirmed, adding that it might have been more. Between fifteen and twenty cigarettes were stubbed on him every day for nine days. P46 said he heard that it was also done to other detainees, the people at the hospital were always smoking. P46 explained that since he had to wear blindfolds even when he was in bed, he could never know what exactly was happening around him. 200 cigarettes would sound a lot but if one did the math, one would realize that it would be right. P46 said it was one hundred cigarettes or more, but it was also done to others and the guards were changing shifts every six hours.

Wiedner recalled P46 saying that he was tortured by nurses and guards. He asked P46 whether he was also tortured by doctors. P46 said that in nine days only one doctor spoke to him. At the end of their conversation, he stubbed out a cigarette on P46's foot. The doctor did not give him any medicine or diagnosis. P46 described that there were usually two nurses who insulted the detainees and said they should die. The guards were the ones torturing and the doctors never had time.

Wiedner asked P46 to explain how he realized that Abu Bassel died at Harasta hospital. P46 said he came to the hospital shortly after P46, around one or two days. P46 already knew him, so he recognized him. Two or three days after his arrival, he got a bad fever. That was what the person next to him [Abu Bassel] told the guard.

Wiedner concluded that Abu Bassel was in a different bed but same room as P46. P46 explained that there were eight to ten beds per room. The person in the same bed as Abu Bassel mentioned the fever and they did not hear anything else on that evening. The guard tried to wake him up with beatings and joked around that Abu Bassel was just pretending. He then made a call and told the people on the other end of the line that there would be a present for them and they should come upstairs to get it. They eventually came and again just pulled the body to the floor and outside the room.

Wiedner said he had some questions regarding chronology. He first wanted to know where and when P46 was detained before, since he mentioned that he had been arrested multiple times before his detention at Al-Khatib. P46 said one time he was detained at a demonstration in Damascus on September 11. He added that the date would be known to the world for a different reason, but in Syria it would be even worse as it was [Bashar] Al-Assad's birthday. P46 repeated that he was arrested at a demonstration on that day.

Wiedner concluded that it happened in 2011. P46 said he was at the 'political intelligence' for a couple weeks. At his second arrest, he was at a café together with a female friend who was wanted. When they wanted to leave, a soldier came and put a weapon at P46's back and took him. He was taken to the Air Force Intelligence in Harasta where he was detained for around two months and severely tortured. Shortly after his release he was arrested at a demonstration together with a journalist. The journalist was Swiss and they were both taken to Kafar Souseh. According to P46, the journalist was released after a couple of days while P46 had to spend several weeks at the Branch. P46 said it was a branch of the military security, he thinks it was Branch 215, however, he would not be sure about the number as there are so many branches.

Wiedner said it would be fine, he just wanted to get a rough overview from P46. P46 added that he was released mid-June before he was arrested for the fourth time.

Wiedner asked if it was correct that his fourth arrest was on June [REDACTED], 2012 and that he was taken to the construction site for two days before he was transferred. P46 said he spent one day at Al-Khatib Branch, then was at the hospital and transferred back to Al-Khatib.

Wiedner asked P46 about Division 40. P46 said he did not spend a night there, he only had to clean the roof for five to eight hours before he was taken to a cell under the staircase and then transferred to Al-Khatib by bus.

Wiedner concluded that P46 was at Division 40 on [REDACTED] June. P46 confirmed.

Wiedner asked if it was correct that P46 stayed at Al-Khatib for one night before he was taken to the hospital where he stayed nine days. P46 confirmed, adding that he was then taken back to Al-Khatib.

Wiedner asked when P46 was released and taken to Kafar Souseh. P46 said it might have been July [REDACTED].

Wiedner concluded that P46 returned to Al-Khatib. P46 confirmed, saying it was on July [REDACTED] [same date that he just mentioned].

Wiedner asked about the date of P46's release. P46 said it was a date in mid-August. He was there [Al-Khatib Branch] for around 27 days before he was transferred to another prison.

Wiedner said based on what P46 just said, it was early August. He recalled P46 telling the police that he stayed at Al-Khatib until around August [REDACTED] 2012 before he was taken to Kafar Souseh. P46 said it was mid-August, however, he could not remember the exact date right now.

Wiedner recalled P46 being taken to the construction site after his arrest where he was then severely mistreated. He asked P46 if the plastic bag that was put on fire happened later or at the construction site. P46 said the torture already started at the construction site, however, the fire incident happened at Al-Khatib shortly after he came back from the hospital.

Wiedner said he understood from P46's police questioning that the incident already happened at the construction site. P46 said it happened at the constructions site as well. However, there it was not like it was at Al-Khatib. He was not severely injured at the construction site.

There the plastic bag was just set on fire, but they only played with the fire to scare P46. According to P46 it was really bad later at Al-Khatib. He had to undress until naked and they tried to insert a water tube into him from behind. They threatened to do so.

Wiedner asked if P46 was completely naked or in his undershorts. P46 said he was completely naked.

Wiedner asked if the *Shabiha* tried to film P46. P46 confirmed that they filmed him with smartphones and showed him the clips. He was already filmed when he left the car on the street. P46 said he thought others would see him as well. It was like a show.

Wiedner asked if P46 was sexually harassed at Al-Khatib for example like he was harassed at the construction site. P46 recalled that he again had to undress upon his arrival and squat three or four times so he could be frisked. He was beaten from behind and front, nothing else. P46 added that someone else, however, told him that a bag full of liquid was tied to his penis so the penis would be dragged down. P46 said he would be sure that it happened like that because the person would not have told him that if it did not happen like that.

Wiedner asked P46 about other similar stories he heard. P46 said it just came to his mind that a man who was arrested at a check point together with his six- or seven-year-old son was detained in the same cell as P46. The child wanted to play in the middle of all the tortured people. P46 said the child saw everything. It was said that there were two kids in another cell. These kids were transferred from Al-Khatib to Kafar Souseh together with P46. They were fourteen and thirteen years old and had already been detained for seven or eight months. P46 said they told him their story. They were in the same cell in Kafar Souseh and P46 spoke with them. One of them had been in solitary confinement in Al-Khatib ever since his arrest before he was taken to Kafar Souseh.

Wiedner wanted to reassure that there was a 6-year-old child and asked P46 whether the child was released. P46 said the child was called together with his father, but P46 did not know what happened then. They were called after around ten days.

Regarding sexual abuse of other detainees, Wiedner recalled P46 telling the police that he heard people were beaten on their testicles with a rubber band and things were inserted to their anus. P46 confirmed, saying he heard such things but did not see it himself. If men would tell such stories they would not lie. According to P46, one would also see the consequences of such acts when people started crying because of it. P46 said he would then believe them. One would also not admit such things easily. But if one would tell such stories, you could believe them.

Wiedner recalled P46 saying that people were hanged. He wanted to know where that happened and if there were several people. P46 explained that when “they” would hang someone, it would be in a small corridor in front of the cell. According to P46, this is where soldiers and Al-Khatib employees were detained as well. He said that many soldiers came from revolutionary towns, so they would not be allowed to “leave the house”. Sometimes they would talk to each other through the door. These soldiers were detainees as well and people were hanged in this corridor whenever it was free.

Wiedner asked if P46 saw this himself. P46 affirmed, saying it happened directly in front of the cell’s door. He described that there was a small window in the door of the cell. Whenever this window was open, one could look outside. P46 said one could also see what was happening in front of the door through the gap between door and floor. According to P46, employees [of the intelligence services] were often detained because in 2012 many of them tried to defect. To prevent them from defecting, they were arrested. P46 further described that whenever these detained employees had to work, e.g. distributing food or cooking, people were hanged there [in the corridor in front of the cell]. P46 added he did not know where else they were hanged as well.



Wiedner wanted to know how people were hanged, if there was a device. P46 said there was something on the wall where people were hanged at. People's hands were tied with cable strips, and they were hanged on metal sticks that stood out of the wall. Above these sticks was a metal chain to pull people higher up.

Wiedner asked how many times that happened. P46 said it could be considered 'every-day-life'. It happened whenever 'they' [detainees at the corridor had to cook or distribute food. P46 said he did not know where the detainees came from. They were hanged for three or four hours per days whenever the detained employees had to work. The corridor was then empty and other detainees were hanged.

Wiedner asked if P46 was close to the cell's door so many times. P46 affirmed, saying he was there whenever the food arrived. He explained to the court that people who were in detention for a long time were chosen to distribute the food among detainees. P46 therefore went outside [the cell] and distributed the food. When he was in front of the door, he could see people hanging. After the food was finished and P46 handed back plates etc., the [detained] employees came back.

Wiedner wanted to know if P46 was hanged as well. P46 said he was not hanged at Al-Khatib but at Kafar Souseh. He added that at Al-Khatib he was only beaten and tortured.

Wiedner said P46 should not misunderstand and recalled that P46 was "only" beaten at Al-Khatib. P46 confirmed, adding that as he already told the court, he was beaten and had to drink the dirty water. Other torture [he experienced] happened somewhere else. P46 added that at Al-Khatib there was the so-called "German chair" which almost broke people's spines. According to P46, two people were unable to stand up because of that.

Wiedner wanted to know more about other methods P46 was told about. [P46 took a moment to think] P46 told the court about a guy who told him that "they" [guards] tried to insert a stick into his anus. This was all P46 said he could remember. P46 added that there was also something called "*Falaqa*" which he had already mentioned. He further said he considered the small amount of food they got as torture. According to P46 they got only one olive per detainee. In the afternoon they got one piece of bread, one potato, and one tomato for three to four detainees. According to P46, this was all they got per day. Sometimes they got food twice or three times a day but it was always very little. Most of the time, they only got two meals. P46 added that there was no hygiene at all. Not even an animal would live there [inside the cells].

Wiedner asked if P46 lost weight. P46 confirmed, saying he lost 30 kilos. He would remember that very well.

P46's Counsel spoke with P46 and then asked for a break.

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[70-minute-break]

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Judge Wiedner recalled P46 telling the court about mistreatment of other detainees, e.g. *Doulab*. He asked P46 what he heard in this regard and from whom he heard it. P46 said he heard from other detainees it [*Doulab*] was applied together with *Falaqua*: People were squeezed in a tire and beaten on their feet. According to P46 it often happened during investigations. P46 further describe that he often saw on other detainees how their fingernails were split from their fingers or that there was a gap between nails and fingers which was caused by a piece of metal.



Wiedner asked if P46 saw the consequences of these methods. P46 said he saw their hands, not how it was done. The detainees then told him about it and P46 saw the victims and their hands.

Wiedner said it was not entirely clear to him where the incident where P46 himself was mistreated with the plastic bag happened and what consequences it had. P46 recalled that he told the court about when he was threatened by militias. A burning plastic bag was put on his body. This also happened during an interrogation on the first floor. There, the soldiers who beat him took the bag from the person before P46. P46 said he smelled it. He could not see it due to the blindfolds but tasted it. P46 felt the plastic on his back and smelled it.

Wiedner asked if P46 was injured because of that. P46 described that when one tries to rip the plastic off his body, he would also rip off the skin. However, these wounds healed with time. P46 said the plastic stuck to his body and he tried to peel it off. According to P46 the plastic was also put on his feet because he already had injuries there.

Regarding the person with the birthmark, Wiedner recalled P46 describing a person to the police. However, it was unclear to Wiedner whether this person was the person with the birthmark or the doctor. Wiedner therefore asked P46 to describe the doctor and his behavior to the court. P46 said he did not have direct contact with the doctor because he treated detainees. P46 could therefore not see him but recognized through conversations that he was a doctor. According to P46, the person with the birthmark gave orders. He was the one in charge, not the doctor.

Wiedner recalled P46 telling the police that, as he had mentioned before, the guy with the birthmark divided the detainees. The man who treated the detainees in detention was dressed in civilian clothes. P46 told the court that he was probably misunderstood [at the police questioning]. Detainees did not receive medical treatment; it did not exist. The person only had a look at them and gave orders to the doctor. In case of injuries or inflammations people were patched up or bandaged.

Wiedner wanted to know more about P46's injuries. P46 described that his back was open. He wanted to be stitched but the guy did not accept that although P46 was bleeding, the injury was inflamed and open. P46 did not receive medicine.

Wiedner asked where P46 got the injuries from. P46 said he was injured by a cable. The metal pieces of the cable ripped out parts of his flesh.

Wiedner further recalled P46 telling the police that the person had a stethoscope. [P46 consulted the court interpreter to understand the last word] P46 explained that he was talking about the doctor there, not "him" [person giving orders at the Branch].

Wiedner asked how the doctor was behaving, whether he was for example friendly. P46 said he was not friendly. One could tell that he had to do it [examine people]. He also deliberately beat at people's injuries. P46 said they did not receive proper medical treatment. "They" [people at the Branch/intelligence employees] simply wanted to keep detainees alive for a bit longer. They only received little help. Wounds were stitched, not properly treated.

Regarding the stethoscope, Wiedner recalled P46 telling the police that he was not sure whether this person was an actual doctor. He hit at open wounds and was only there once or twice. He bandaged people and was in charge for transfers to the hospital. P46 told the court that the police misunderstood him. There were two people. The doctor did beat people. But the other person was the only one in charge of transfers to the hospital.

Wiedner asked P46 if he saw dead people at Al-Khatib and if so, how many. P46 said he was sure that the person he saw on his first day [at the Branch] was dead. Later [he did not finish the sentence]

Wiedner concluded that P46 saw one dead person. He recalled P46 telling the court that soldiers entered the cell and took the person from the cell. P46 affirmed, adding that they came once the detainees knocked on the door because they recognized that the person stopped breathing.

Wiedner said "OK". P46 went on to describe that when he came back from the hospital many people had difficulties after they were tortured because there were so many people in one room. They had difficulties breathing and did not get enough oxygen. According to P46, it was difficult to breathe after one had been tortured. These people then either fell unconscious or simply fell on the floor. Others tried to put some water on their faces. Some survived. P46 added that when someone fell down, others tried to revive them, but there was no reaction. They were then taken outside the door. P46 said he did not know what happened to them next. P46 assumed that around fifteen to twenty people were taken outside like that. Only if they stopped breathing, they were taken outside the cell. None of them returned and their t-shirts stayed in the cell. P46 concluded that he guesses that fifteen to twenty people were dead for sure.

Wiedner wanted to know if P46 or others ever asked about what happened to these people or got any feedback that they died. P46 said for the detainees it was obvious that these people died. They did not receive an answer and could not ask anyone. P46 explained that when inside the cell, one did not know what time or day it was, nor could they tell day from night. Everything happened outside of time. They therefore did not know what happened outside the cell. According to P46, they did not know if people were revived or put on a corpse transport.

Wiedner asked if there were people who were not immediately taken outside the cell and were probably dead. P46 affirmed, saying there were three or four people who died at night. There were not as many guards at that time and the people probably stayed in the cell until the morning. P46 described that if someone died, other detainees prayed for him although guards immediately entered the cell when someone started praying and took the praying person outside for torture. P46 said he is not a religious person, but others were, and they always prayed together. P46 said it was "our" rebellion to pray no matter the consequences.

Wiedner asked if the bodies of these people [who were most likely dead] turned cold or if there were other signs that they died. P46 said they were cold and blue or white. The people who stayed inside the cell for longer were definitely dead. There were ten to fifteen other casualties almost every day. P46 said when he came to Germany in 2013, he immediately started a therapy to deal with these things because he had such burdensome nightmares. With every person [who died] P46 was wondering when it would be his turn. He tried to erase these thoughts for the future. He therefore could not think of a precise number [of people who died].

Wiedner thanked P46.

### **Questioning by the Prosecutors**

Regarding corpses, prosecutor Klinge asked P46 how many prayers for people who died he could remember. P46 said he could definitely remember one prayer at Al-Khatib. He added that the people at the hospital had been tortured at Al-Khatib. However, they died at the hospital because they were tortured at Division 40 or Al-Khatib Branch. According to P46, there were at least three or four such people. He further remembered one person at the intensive care unit but did not know what happened to him. P46 concluded that he remembered three or four prayers for dead people, but there were others who were also taken outside, at least more than ten people.

Klinge concluded that there were three Islamic prayers for dead people. P46 affirmed, saying that he was present at least at three or four such prayers.

Klinge recalled that two people died at the hospital: Abu Bassel and the person who shared a bed with P46. P46 confirmed, adding that they were definitely dead.

Klinge recalled P46 saying he received a so-called welcome party at other branches and asked him if he received one at Al-Khatib Branch as well. P46 denied, explaining that there was no welcome party for him because he was already in a very bad condition when he arrived. However, others were beaten. P46 said he was not properly beaten since he peed himself and the people at the Branch therefore did not want to touch him. According to P46, him being dirty was the only reason he was not tortured. He was told to wash and taken to the hospital the next day.

Klinge asked P46 to briefly describe the rooms at the Branch. P46 said he could only describe where he was himself. He had to go downstairs where there was a big hallway. There was another hallway at the left leading to the big cell. P46 said if he remembered correctly, he was detained at cell No.25 on his first day. If one entered, one could see a hallway to the right and two cells for women on the left. P46 was detained at cell No.25. This cell was around 5x5 meters with a toilet inside.

P46 added that downstairs on the right side was some kind of office with a big desk and a soldier standing behind it. That was where the detainees had to hand-in their belongings. On the left was a big group cell. P46 said this was all he could see. When he was at the first floor, he could not see anything. He was taken back downstairs and again taken right.

Referring to the 5x5 meter big cell where P46 had to spend the first night, Prosecutor Klinge wanted to know if it had a window, if there was light and enough oxygen. P46 said there was no window. The toilet was at the back of the cell. It was very small with only a bit of light. The walls were yellow and covered in blood. P46 said it was not hygienic and since there was not enough space, detainees had to sleep "head on feet". They had to lie on the side. The "*shaweesh*" who was the boss inside the cell organized how the detainees had to sleep and was in charge of distributing food. According to P46 there were at least sixty people inside this cell.

Klinge asked about the bigger group cell. P46 said this cell was around three or four times bigger than the other cell. It was smaller than the court room in Koblenz but still big. He remembered that one time he himself had to count the number of detainees. He counted 179 detainees. P46 told the court that sometimes there were more people if there were big arrests, but some of them only stayed for a couple days. Sometimes there were more than two hundred people and sometimes only one hundred. P46 said he slept directly next to the toilet. There was a toilet and a tab on the right side at the back of the cell. When the door was opened and they got food, he went to the front of the door. The cell also had a window which was covered with thick plastic. One could slightly see when it got dark or bright. P46 concluded that things were like that.

Klinge asked if there was more, or less space in the community cell. P46 said there was a bit more space, but it varied. When he came back from the hospital with bruises, others were understanding, and he was allowed to sit down and had more space. Other than that, there was almost no space and people only wore underpants because it was so warm and people were sweating a lot. P46 said it was hard for him to see that many lost their minds. One guy used his shoe as a telephone. When P46 sat next to the toilet, another detainee asked him to open the toilet, saying he had his wife and children with him and wanted to leave. Because there was no oxygen, people were tortured, and without any perspective, some lost their minds. According to P46, many lost their minds simply because of the conditions.

Klinge asked about diseases, scabies, and lice. P46 said almost everyone was sick. The blankets inside the cell were full of lice, one could almost see them. Detainees had to pick the lice from their clothes and underpants and kill them. P46 said they often had to massage each other because due to the lack of movement, they had no more muscles.

P46's Counsel quickly spoke to P46.

Klinge asked P46 to describe the general condition of the detainees. P46 said everyone had lice and was starving. They showed severe signs of torture, but many could not talk about it. P46 assumed that this was because they suffered "sexual crimes." Injures got inflamed due to a lack of hygiene. Many people therefore died or had to undergo amputations.

Klinge recalled P46 mentioning there was a cell for women. P46 said that one day when he was in his cell and they got food, the guards closed the window [in the door]. Others said it was closed so they could not see the women. P46 further often heard female voices when they handed in their belongings because his cell was next to the door, so he could hear what was happening there. A female friend of P46 was also detained at the Branch and put in a cell. It was a solitary cell. P46 said he did not see before that there were many solitary cells on the right. He was not sure whether there were seven or seventeen. They were not even one meter wide and had small doors. P46 said he was also told that sometimes women fell unconscious and were taken outside. One time one could here screams from another cell because a woman was beaten in the hallway. Others therefore started to make loud noises.

Klinge asked if P46 witnessed women being mistreated. P46 assumed "they" tried to do it somewhere else, he only witnessed it once. This woman screamed loudly and tried to defend herself. P46 heard that. It was the only time he witnessed something like that but he realized that "they" tried to do it [torture and mistreat women] somewhere far away. They also covered the door so no one could see what was happening.

Klinge wanted to know when and where P46 was interrogated at Al-Khatib and how the interrogation took place. P46 explained that after his stay at the hospital he was at Division 40 for one or two days. Two days after he returned to Al-Khatib, he was again "invited". He was taken from the collective cell, turned left, then right, upstairs, and then on the right at the first floor.

Klinge asked if it was on the first floor or ground floor. P46 said things would be a bit different in Syria: there was a basement and then the first floor. There were only a few steps between.

Klinge asked how P46 got there, whether he was blindfolded. P46 said his name was called, he was blindfolded, and his hands were tied. He was accompanied by someone and guided upstairs. He then had to kneel inside the room. That was when he heard the other person.

Klinge asked if P46 had to wait in front or inside a room. P46 said he had to wait in the hallway. When he went inside, he had to go to the left side. He was first asked a couple questions and if they did not like his answers, they said they would "refresh his memory". Three or four people did that. P46 could not tell whether the interrogation officer also participated.

Klinge wanted to know if P46 heard something when he had to wait. P46 affirmed, saying he heard the guy with the plastic bag on his face.

Klinge asked if P46 learned that later. P46 affirmed, saying the guy told him about it. P46 heard screams.

Klinge asked for how long P46 heard the other guy screaming. P46 said with blindfolds and other things it would be difficult to estimate the time. It might have been thirty minutes, but it was hard to tell. One minute felt like an hour.

Klinge said he knew it would be difficult to say, but he wanted to know how long P46's interrogation lasted. P46 said it was surely more than one hour. He was first asked questions, then people were called, and then he was beaten. After that he had to wait in the hallway for a short time and then was questioned again.

Klinge wanted to know how P46 was tortured. P46 requested a short break to consult his Counsel. [They had a short conversation at their seats with microphones switched off.] Upon P46's request, Klinge repeated his question. P46 said he was beaten with cables and tubes. The big green tube caused a lot of pain. P46 added that the cable was actually four cables tied together, this was how the cable was called, but P46 assumed that there were more than four cables tied together. P46 said he could not see everything due to the blindfolds but the bag was also set on fire.

Klinge asked how P46 got back to the cell. P46 said he was told to go back and one person guided him.

Klinge asked in what condition P46 was. P46 said he was almost running on empty because he was tortured by more than two people. He was barely able to walk because his feet were completely blue. One soldier pushed him and another one made a comment about P46's eyes. He was beaten on his head.

Klinge asked P46 if he still suffered from long-term effects. P46 did not understand the question. Klinge asked if P46 was receiving physical or psychological treatment. P46 said he would no longer receive treatment. He would still have nightmares despite the therapy, because it did not help with everything. His scars would always remind him of what happened to him and others. P46 concluded that, other than that, he would be fine.

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[15-minute-break]

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### **Questioning by the Defense Counsels**

Defense Counsel Fratzky wanted to know whether P46 spoke about the topic of his testimony before he testified in court. P46 asked if Fratzky referred to public statements or P46 talking to friends.

Fratzky said he wanted to know in general. P46 said he publicly spoke about the torture he had to endure because he had public appearances in this regard.

Fratzky wanted to know if P46 spoke to particular people. P46 wanted to know whom Fratzky was referring to.

Fratzky asked if P46 spoke with Anwar Al-Bunni. P46 said he once met Al-Bunni at his office. He told P46 to tell everything to the police and his lawyers.

Fratzky wanted to know whether P46 got information from Al-Bunni that he did not have before. P46 denied, saying he only told the court about things he experienced himself.

[On P46's request, Fratzky took off his Covid mask so P46 could understand what he was saying]



Fratzky recalled P46 telling the court that he did not know the name of the man [Anwar Raslan] back in Syria. P46 confirmed. Fratzky wanted to know how P46 knew the name. P46 explained that detainees in prison would not know the names of people there but give them nicknames. “They” [intelligence employees] would know everything but detainees would know nothing. Most of the time they would not see the interrogation officer because they had to wear blindfolds. Detainees would neither be allowed to ask questions nor see the transcripts of interrogations. They would have to sign documents at the end of the interrogation without knowing what it was.

Fratzky asked when and from whom P46 then knew the name of the man. P46 said he learned from the media, not Al-Bunni. Arab social media and TV mentioned the name but when P46 went to the streets, he could not assign the name. P46 said the name was irrelevant to him. He only told the court what he experienced and did not talk about it with other people.

Fratzky recalled P46 telling the police that Al-Bunni told him the person in the picture worked at Al-Khatib Branch. P46 told the court he could not remember saying such a thing.

Fratzky recalled P46 mentioning Division 40 and asked him how many times he was interrogated there and how many times he was interrogated at Al-Khatib Branch. P46 said he was interrogated twice at Division 40. He was transferred there once. P46 said he was interrogated three times: once at Al-Khatib and twice at Division 40.

Fratzky asked if P46 was once transferred to Division 40 only for an interrogation. P46 said the first time, he was not interrogated there, he was only transported by militias.

Fratzky wanted to know what would be different at Division 40 and Al-Khatib Branch. P46 said he could not really say because he did not know the connections. However, it often happened that detainees were transferred to Division 40, interrogated there, and taken back to Al-Khatib. P46 could not say why this was done.

Fratzky asked if P46 knew at the time that the two were different Branches. P46 said for him it was all intelligence services and all of them cooperated with each other. He did not recognize differences. According to P46, one would be taken back and forth. Questions and violence would be the same but one would not learn about the differences. No one would know when he would be taken where and how.

Fratzky said he wanted to come back to the “Al-Bunni topic”, recalling that P46 told the police that before he saw Anwar Raslan’s picture in the media, he was in contact with attorney Al-Bunni. P46 said it was not him who was in contact with Al-Bunni but one of his fellow students made a movie about Al-Bunni and P46 edited it but was not in contact with Al-Bunni. He only met him when he wanted to testify about Al-Khatib.

Plaintiff Counsel Böcker said [Al-Bunni] is a Syrian lawyer and activist in Germany who collected testimonies. P46 confirmed.

Böcker asked if he also collected P46’s testimony. P46 said he knew about him [Al-Bunni] because it [Al-Bunni collecting testimonies] was known among the Syrian community. According to P46, everyone in the Syrian community in Germany would know the lawyers and organizations supporting Syrians. Al-Bunni is therefore known inside the Syrian community.

Böcker said he understood that P46 wanted to make a movie about Al-Bunni and in the course of that saw a picture of Anwar Raslan. P46, denied, saying he did not make the movie himself, he only cut the final version. The movie was about a different topic, about Al-Bunni’s family. However, Al-Bunni mentioned in the movie that he was arrested in 2006 and detained at Al-Khatib.



When the movie was ready and they showed it to Al-Bunni, P46 told him that he was detained at Al-Khatib as well and moved by Al-Bunni's work. P46 told Al-Bunni that he wanted to testify as well and Al-Bunni recommended P46 to meet with lawyers.

Böcker wanted to know more about the picture of the Accused. P46 said it was not in the movie. In May or April 2020 when the trial was covered by the media, P46 heard the name Anwar Raslan.

Böcker said he was not referring to the name but to the picture of the Accused. P46 said he did not see a picture of Anwar Raslan. He only met Al-Bunni at his office in September 2020. This was their first personal meeting and P46 did not see a picture, they only talked.

Böcker recalled P46 telling the police that Al-Bunni told him that the person in picture worked at Al-Khatib. Böcker concluded that everything had been falsely transcribed.

Plaintiff Counsel Scharmer intervened, saying he objects to what Böcker just said. P46 explained to the court for ten minutes which parts of the transcript were correct and which not.

Presiding Judge Kerber said she would only allow Böcker's statement if he would make it a question but nothing else.

Böcker agreed and cited from the transcript of P46's police questioning according to which P46 said that if one would ask him whether he knew the person in the picture from his detention or from Al-Bunni, he must say that he was blindfolded at the time and only able to see from below. P46 said he had no conversation about the trial with Al-Bunni. He was only an intermediary between P46 and his lawyers. They spoke about the movie when P46 told him that he wanted to say what he had seen. Al-Bunni then told him to contact a lawyer. P46 said no one told him what to say in court and what not to say. [P46's Counsel turned to him and they had a short conversation]

Defense Counsel Böcker said he would like to inspect a signature. Judge Kerber said the court would visually inspect initials on a page of a transcript and asked P46 whether this was his signature. P46 confirmed.

Böcker said there were handwritten corrections [in German language] on that page, asking P46 who wrote these corrections. P46 said it was him.

Böcker asked P46 to explain what happened after the police questioning and what P46 signed. P46 said the questioning took more than eight hours and they finished at 6PM. He was then given papers to read through. P46 said he read it but at some point, he did not understand every single sentence anymore. He did not ask about it, it would not be his mother tongue anyway. P46 said he was allowed to read everything and did his best. He mostly understood everything and signed.

Böcker said the questioning ended at 4PM. P46 said it could be the case.

Regarding attention while reading, Böcker wanted to talk about the third to last page of the questioning where a sentence was crossed out. He asked P46 whether he crossed out that sentence. [P46 and his Counsel were discussing while Böcker asked his question] P46 confirmed that he was the one who crossed out that sentence. He could still remember that they discussed the sentence, and he was probably misunderstood. P46 said he wanted to add something regarding the picture issue: When the police showed him the picture, P46 said he would recognize the person because he saw him in the media, not because he met him in person.

**Questioning by Judge Kerber**

Judge Kerber said one sentence was missing from the defence's reference to the questioning transcript: P46 told the police that when he saw the picture it was immediately clear to him that he knew the person. Kerber said she would therefore read out the complete reference:

[The following are recreations of the reference based on what the trial monitor heard in court]

*Q: Did you personally see Anwar Raslan back when you were in prison?*

*A: I am not sure. However, there was a person who examined sick detainees and made decisions about them. He had a birthmark on the left. I had to lower my eyes and could not look at him.*

P46 said he could remember this.

Kerber continued the reference:

*A: Before Anwar Raslan's picture was made public, I was in contact with attorney Al-Bunni. I made a movie about him. When I saw the picture, I realized I knew this person. Al-Bunni said he [the person] worked at Al-Khatib. I must say that I had to lower my eyes and that I was afraid.*

P46 said he never said he saw a picture at Al-Bunni's or that Al-Bunni told him what to say.

Kerber asked if P46 spoke with Al-Bunni about the picture of Anwar Raslan. P46 said he never did. After the movie, they spoke about Al-Khatib. P46 said he does not know why it was documented in the transcript like that.

Kerber wanted to know more about the connection between the name Anwar Raslan and the person P46 saw while in detention. P46 said when he saw the picture in the media, he knew the person, not the name. He then realized that this was the person from his detention.

Kerber asked when P46 made the connection. P46 said it was in Germany. In Syria he did not see a picture.

Kerber concluded that P46 saw the picture in relation to the media coverage of the trial. P46 confirmed.

Kerber asked if the movie was in relation to this trial. P46 said the movie was about his [Al-Bunni's] family. It was shot at the beginning of 2020.

**Questioning by the Defense Counsels**

Fratzky asked whether it was correct that P46 did look at a picture of the Accused together with Al-Bunni or saw a picture of the Accused when he was with Al-Bunni. P46 said this would be correct. Al-Bunni was only mediating, they did not talk about Raslan or P46's experiences.

**Questioning by the Plaintiff Counsels**

P46's Counsel Dr. Stolle asked him whether he heard Raslan's name when he saw the picture. P46 said the name was probably mentioned in the article but he only heard the name in relation to the trial.

P46 was dismissed as a witness at 3:15PM.

Judge Kerber said the trial days scheduled for September 29 & 30 and October 6, 7, 13, & 14 would take place at the room where the trial was previously held.

Kerber added that the court had prepared a statement on the defense's request dated August 19, 2021. The court further had to decide on the request to be admitted a witness counsel issued by a lawyer who wants to represent an anonymous witness.

Defense Counsel Böcker said he would informally suggest summoning Criminal Chief Inspector Schmidt regarding the questioning of P46. Böcker added that in case the court would not consider his suggestion, he would issue a formal written request.

Plaintiff Counsel Scharmer said he would reserve the right to make a statement on P46's testimony.

The proceedings were adjourned at 3:20PM.

The court will resume on August 26, 2021 at 9:30AM.

### **Trial Day 89 – August 26, 2021**

The proceedings began at 9:37AM with nine spectators and one journalist in the audience. The prosecution was represented by Prosecutors Klinge and Polz. Attorney Bier substituted for Plaintiff Counsel Dr. Oehmichen and Dr. Stolle substituted for Plaintiff Counsel Dr. Kroker. Plaintiff Counsels Reiger, Mohammed, Scharmer and Schulz were present as well.

Judge Kerber said the court considered Defense Counsel Böcker's suggestion to summon CCI Schmidt. The court summoned him for September 29 or 30.

P47 was accompanied by his Counsel Bahns.

#### **Testimony of P47**

P47, a 32-year-old Syrian man working for [REDACTED] and [REDACTED] was informed about his rights and duties as a witness. He denied being related to the Accused by blood or marriage.

#### **Questioning by Judge Kerber**

Presiding Judge Kerber told the witness that from his police questioning the court was already aware that he got in conflict with the regime and was arrested. However, he needed to repeat all that in court. Kerber asked P47 to describe when, how, and where he was arrested and then describe his detention. P47 said as everyone knew, demonstrations started in 2011 [P47 first said 2012 before correcting to 2011]. In June 2012, P47 sat in a park together with some friends. When they wanted to leave the place, suddenly there was a mobile check point. One inspector checked the IDs and told his boss whom he addressed as "sidi" that the ID was broken. P47 explained to the court that people were told at protests that they should break their ID cards in case they would be controlled or arrested. The inspector therefore noticed that P47 and his friends were connected to the protests. One of the other people at the check point then said they should take the group to the branch. P47 told them that he and his friends were students who did nothing wrong, they could check their criminal records. P47 told them to release him and his friends. The people at the check point then started insulting P47 and his friends. They were told to wait in a corner until the inspectors checked everything. Thirty minutes later they asked the group who of them would be [P47's first name]. P47 was told to come with them. He was put inside a vehicle that had a machine gun installed at the loading area. P47's friends were then told to come with them as well.

They should go with P47's car which was driven by a soldier. When they arrived at the Branch, they were told to wait and after fifteen minutes they [he did not finish the sentence]

Kerber asked which branch it was. P47 said it was Division 40.

Kerber asked how P47 knew that. P47 said it was not far away [from where they were arrested]. He knew it from the entrance gate. P47 further described that they arrived around midnight when there was a shift change. When P47 and the others had to leave the car, soldiers were standing left and right of them, beating them with rifle butts and insulting them by calling them traitors and agents. P47 said he was unable to see because his shirt was pulled over his head.

When they arrived inside, they had to hand-in their belongings. P47 had to wait for longer because he said that he studied at university. P47 told the court that he studied in Lebanon, and "they" were able to see from his travel documents that he often traveled between Lebanon and Syria. P47 told them that he would now study in Syria and showed his student ID card. The soldier accepted it and when P47 wanted to know where they were, he was told they would be at a hospital.

After P47 handed in his belongings, he had to go upstairs in a narrow staircase. When he arrived upstairs, he was beaten from all sides. He then had to wait in the hallway for around two hours. P47 then heard how one of his friends entered the hallway as well. P47 could hear his friend's voice from far away. He was discussing with an officer who asked P47's friend how it came that he was with such traitors who led a war against "them". P47's friend replied to the officer that P47 was a good friend of his who he knew well and not an oppositionist. The officer said during the interrogation [with P47's friend] that he was working with terrorists. P47 told the court that his friend wanted to make a phone call. According to P47, the people at the branch spoke to his friend because he was Alawite. The officer gave P47's friend a mobile phone. He told his parents that they should not worry about him, he would be free in two hours. P47 said he also heard how his friend said that others, meaning P47, would not be released. P47 said this happened in a room close to the hallway where P47 was. P47 was standing at a wall in the hallway. Others sat on the floor and got water. They were warned that if they would give P47 water, they would be punished. P47 said two of his friends were Alawites, he himself was therefore discriminated and taken to a room at around 4 or 5 AM. P47 said he could guess the time from the sunlight. P47 further explained to the court that he was blindfolded, however, not with blindfolds but his shirt was pulled over his head. He was therefore able to still see some things. According to P47, there was an officer in the room and another person who whispered to the officer. After they took P47's data, they started accusing him that he was coming and going from and to Lebanon. They said that P47 was bringing medical equipment for field hospitals. They said they were sure that P47 was participating in demonstrations and organizing demonstrations but only wanted to focus on the medical equipment and how P47 brought it to Syria. P47 mentioned that his brother was detained three times: once at the Air Force Intelligence and once at the State Security. P47 denied all accusations and said he was at the university in Lebanon most of the time and had nothing to do with any of the accusations. The man who had whispered before started asking P47 about where the medical equipment was taken. P46 told the court he did not admit anything and did not say that he went to a demonstration. At the beginning he was not beaten, but when he denied everything, one gave the order. P46 said it was a sign that he gave, he nodded. Then two people came, one to P47's left, one to his right and started beating him until P47 fell on the floor. P47 got two hits from each side and someone hit him on his knee.

Kerber recalled P47 having a shirt pulled over his head and asked him how he was able to see what happened. P47 explained that his shirt was very thin, and he was therefore able to see everything. He did not see the people who beat him, but he saw from where the beating was coming.

After that, one of them was told to take P47 away. He said “Sidi, I will make him confess everything and do it my way”. However, the officer said to do nothing since P47 would be transferred the next morning. P47 then had to wait in the hallway. Soldiers who walked pass by him hit P47. In the early morning a soldier came and asked why P47 was standing while his friend was sitting on a chair. He got upset, kicked away the chair on which P47’s friend was sitting and started yelling. Another man came from one of the rooms and explained everything. When the other person knew that P47’s friend was Alawite, he did not say anything. P47 described that he was standing between two doors in the hallway. The person who yelled then hit P47 in the face and he fell to the ground. P47 then had issues with his ear, he had tinnitus. The other soldier then told his colleague to not beat P47 this way. He took a flexible tool, some kind of cable and started beating P47. When P47 fell to the ground he saw that his feet were bleeding. He told the court that he later found out that his legs were bumping against the stairs at the hospital and therefore his feet were covered in blood. P47 said the beating stopped after one hour and he was transferred in a white van.

When P47 arrived at the other branch, he did not know whether it was Al-Khatib or not, but he knew the area. When he entered he did not know where he was. He had to hand-in his belongings and undress until naked. P47 was taken to a cell. The door was opened, and he was pushed inside so that he almost fell. The people inside the cell were shirtless and only wore underpants. P47 said there were many people, and the air was very bad.

Kerber asked if it was a big cell and how many people were inside. P47 said the cell was 20 square meter big [P47 first said “twenty meters” so the interpreter had to check with him whether the cell was 20 sq. m. or one side was 20 meters long]. According to P47 there were one hundred people inside when he arrived early morning. There was no space and people were standing very close to each other. They slept in shifts. P47 told the court that he knew many people in the cell from former times, around ten people. He asked them where he was, and they told him they were at Al-Khatib Branch. He also asked them about “measures”, next steps, and what would happen to him. They told him he would be taken for interrogation after two or three days and one should know what to say there. P47 said it happened like that: He was taken for interrogation three days later.

He was taken upstairs to the first floor to a kitchen, a big hall. He was wearing blindfolds and tried to remove them [P47 showed the court how he moved]. He was able to slightly remove the blindfolds and saw the sink inside the room.

Kerber asked P47 what exactly he did with the blindfolds, how he moved. P47 affirmed that he moved, saying he stood right in front of a wall.

Kerber asked if he tried to move the blindfolds up by using the wall. P47 confirmed.

P47 continued to explain to the court that he had to stay in the kitchen for around two hours. During this time, he realized that his Alawite friend was standing right behind him. P47 realized that because his friend asked for water. When P47 realized that his friend was there, they agreed on a story. However, P47 was not interrogated at this occasion, instead he was taken back downstairs.

P47 said one could hear many screams “there”. When the group arrived downstairs, P47 asked whether he could be in the same cell as his friend. The officer affirmed to P47, and he thought he was allowed to be in the same cell as his friend. Suddenly the officer started yelling and called P47 a donkey. He had a cable in his hand and started beating P47. There was a bigger space with a table and P47 tried to run away. P47 said he was 22 years old at the time. He called the soldier “sidi” and told him they were from the same town and that he would be from the [REDACTED] family.



The soldier asked P47 where he came from and when P47 told him he was from [REDACTED], the soldier got angrier and hit P47 harder. P47 said he was beaten until they arrived at the door of his cell. The soldier opened the door and pushed P47 inside. P47 said he was in a lot of pain and the people in the cell asked him whether he admitted anything. P47 told them he had not been interrogated. P47 described that the second time he was taken for interrogation, it was the same procedure: he had to wait in the kitchen. He was then taken to a room. The officer there told P47 he did not want a headache, so P47 should do the talking. He added he knew everything but wanted names. P47 replied to the officer he would not know what he was talking about.

P47 told the court that he learned afterwards that people were beaten next to him. Further, P47 was pushed to the floor, he had to lie on his stomach and was beaten. He was told they could kill him with one shot and no one would ask about him. P47 was told to provide names of doctors and journalists who were working at coordination points. P47 said he of course denied everything and was beaten with a rifle butt. The interrogation officer came – P47 recognized him from his voice. He was close to P47 who was lying on the floor. The officer kicked P47 at his head so P47's chin knocked against the floor and P47 fell unconscious.

Kerber wanted to know if the guard or the interrogation officer kicked P47. P47 said it was the interrogation officer, he knew him from his voice. P47 said after that he did not comprehend what was going on. One person asked if he should take P47 but he was told that P47 would get one chance. He was given a sheet of paper and a pen to write down names. P47 asked if he should write down fake names since he would not know anyone. He was told that he had ten minutes to write down names but P47 did not write anything. The officer realized that after ten minutes, pulled P47 up and slapped him in the face.

Kerber asked if the guard or the interrogation officer slapped P47. P47 explained that the prison guard was the one who took him inside the room and the officer came after ten minutes. The interrogation officer was also the one who gave P47 ten minutes. The same person came back after ten minutes and when he saw the blank sheet of paper, he slapped P47. The person himself slapped P47. He was opposite to P47 and talked and took notes.

Kerber asked who pulled P47 up: the guard or the interrogation officer. P47 said the interrogation officer kicked his head and when P47 sat on the chair he told him to write down the names. P47 asked if it was clear now.

Kerber recaptured that P47 was lying on the floor when the interrogation officer kicked his head. P47 was then given ten minutes to write down names and sat on a chair but did not write anything. Then, the interrogation officer left the room. P47 intervened, saying he did not know where the interrogation officer was.

Kerber continued, concluding that after ten minutes the interrogation officer came back, or P47 noticed he was there. P47 confirmed, saying the officer walked towards him and noticed that P47 had not written anything. P47 sat on a chair and the officer pulled him up and slapped him.

Kerber said she now understood everything. P47 continued to explain that "he" [guard] asked whether he should take P47 with him. The interrogation officer affirmed. P47 said this was when he thought that torture would start now but he was just taken back downstairs, and nothing happened. After two days he was transferred to another Branch.

Kerber wanted to know whether the interrogation officer had a certain dialect. P46 said he spoke in Alawite slang. P47 continued that after that he was taken to Najha branch. On his way to Najha branch, he was taken outside where green buses were waiting. Detainees were taken to the buses in groups.



P47 said this was when he recognized a person who was working at the Branch [Al-Khatib]. He was P47's neighbor. When he saw P47, he asked him why he was there. P47 asked him to inform his parents where he was, however, he told P47 he could not do anything for him and left. P47 told the court that he was not wearing blindfolds or anything like that on the way to the buses, however, he was told to lower his eyes.

P47 sat at the very back of the bus on a slightly higher position. He did not dare to look outside the window. P47 described to the court that, viewed from his position at the very back of the bus, the door was on the right side. With his left eye he could look to the side where he saw four people. P47 assumed one of them was Anwar Raslan. He was standing there together with two other people, the third one was P47's neighbor. P47 said he was then taken to Najha. He said it was at the time when the UN wanted to inspect Syrian prisons.

Defense Counsel Böcker intervened, asking P47 where he was taken to. P47 said he was taken to Najha.

Kerber asked whether it was at the time when the UN sent observers and told P47 to describe what happened next. P47 said when they arrived [detainees arrived at Najha] they arrived in around ten buses. P47 could hear shots and the detainees were told to stand in lines. P47 told the court he could constantly hear shots. And when he arrived, he could hear the order "Load. Shoot". P47 said when it was his turn – everyone had to line up at a wall – and he heard the order "shoot" he thought he would die. He and the other detainees then realized that nothing happened and they were taken to their cells.

Kerber concluded that there was the order to shoot, and someone shot. She then asked P47 what happened next when he was in detention. P47 said he was not in a regular cell. There were around forty people in the cell and when the door was opened, one could only see shoes piled up in the cell. P47 was then taken to a different cell where apparently no one was detained. P47 was told to clean and remove the spider nets. He stayed at this cell for seven days and was not beaten. P47 said that detainees of course had many diseases. Some had issues with their eyes, others had skin conditions and scabies. P47 was then taken to Kafar Souseh and when he arrived he was told that he would not be tortured but that it would rather be a disciplinary measure. The detainees had to put their belongings in bags at the first divisions and hand them in at Kafar Souseh.

After three or four days at Kafar Souseh, P47 was taken for interrogation. According to P47, there were not as many people at Kafar Souseh than "there" [at Al-Khatib]. The interrogation officer told P47 he would be at the end now. P47 asked him what they wanted him to do; whether he should lie or tell the truth. He was told that the truth would be in writing down the names. P47 said there were no names and asked where he should take them from. The officer then told P47 that if he would not provide any names, he would not get out. If he would, however, provide names, nothing would happen to him and he would not be beaten. P47 said there were no names, and he was beaten. One person asked "Sidi, should I take him until he confessed?" but the officer denied, saying P47 would confess right where he was. When P47 did not confess, he was again beaten and taken to a bathroom where there was a small edge, and he was thrown in this tub. One person gave the order to attach power and when the electricity hit, P47 fell unconscious. P47 said he got an electric shock through the water.

Kerber asked if there was a hole in the floor around five centimeters which was filled with water and where P47 had to stand. She asked P47 if he was standing or lying. P47 said he sat at first and then lied on the side.

Kerber wanted to know whether P47 got the electric shock there. P47 affirmed, saying that when he heard someone saying “turn on the power” he did not expect that there was electricity for torture but regular power. He told the court that he did not know for how long he was lying there. He was then taken back to where he was before. The officer told P47 that what just happened would be nothing and that he wanted to help. The officer further told P47 to listen to him since once P47 would leave this place, he could no longer do anything for him. P47 told him that he did not have any names, and only knew one person who was at demonstrations and one of his cousins on his father’s side of the family participated in demonstrations. P47 explained to the court that one name that he mentioned was the name of a friend who indeed participated in demonstrations but was killed at a demonstration. His cousin was also killed when “they” [government forces] came to their region. P47’s cousin was tortured, and his face was mistreated. When “they” threw him away, the family identified his body, not his face.

Kerber asked P47 to describe how he left Kafar Souseh before the court would take a break. P47 recalled that there was an elderly man in his cell. He died because of diabetes and hypertension and did not get any medicine. He was already dead for one day before his corpse was taken away. He was arrested because “they” wanted to make his son turn himself in. P47 said he could see what was happening in the cell opposite to his. He could hear many screams from his cell and beatings. P47 further described that a 17-year-old boy from Latakia was detained in the same cell as well. He was arrested because he had no ID with him. P47 said it did not matter if people were juvenile or not.

P47 said after he mentioned two names he was taken back to his cell. He told the court he does not want to talk about torture of fellow detainees as this would be already known. P47’s name was called and he was told to prepare for release. He and six or seven other detainees packed their belongings. P47 was told that they were released on an amnesty from Bashar Al-Assad. He was further told that this would be his last time at the branch, things “would look differently” the next time. P47 said when he picked up his belongings, he realized that he was in a workshop/garage. There was some kind of crane. He thought he was at a workshop/garage because there were hooks and chains as well. P47 said people there received different kinds of beatings and it was obvious that the people working there drank alcohol. One person was hanged, another one was subjected to the *German chair*. P47 did not have to wear blindfolds at this place. P47 was sat on a table and beaten and tortured with *Doulab*. P47 said it was very loud and one could hear echoes from everywhere.

Kerber asked P47 what he meant by echoes, for her it would be what comes back if one shouts. P47 affirmed, saying that people were screaming and one could hear their echoes again and again.

Kerber concluded he was in a big garage. P47 affirmed, explaining that garage in Syria would rather mean a big place.

Kerber said it was more of a big hall then. P47 said he called it garage because of the cables which were typical for a workshop. P47 added that he forgot to explain earlier when he spoke about interrogations that he had to sign several blank sheets and leave his fingerprint. Since he was blindfolded, he was not able to see what he was signing. P47 said he was then released to the streets barefoot.

Kerber wanted to know how P47 got back home. P47 said he took a taxi. Friends of his were released as well. They waited for him, and they took a taxi to [REDACTED].

Judge Kerber announced a 15-minute-break.

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[20-minute break]

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### **Questioning by Judge Wiedner**

Judge Wiedner said he had a few follow-up questions for P47. He first wanted to get an overview of P47's time in detention and asked him to tell the dates and durations of his detentions. P47 assumed he was detained for around eight days.

Wiedner asked for the dates, adding that he wanted to know when P47 was arrested and when he was transferred from Division 40 to Branch 251. P47 said he thinks he was arrested on June [REDACTED] and taken to Division 40 where he spent one night before he was taken to Branch 251.

Wiedner asked when P47 was approximately taken to Najha by bus. P47 said the exact date would be June [REDACTED] but he was not entirely sure.

Wiedner recalled P47 telling the police that he was arrested on June [REDACTED], as he just said in court. P47 had further told the police that he was transferred [from Al-Khatib] on June [REDACTED] 2012. P47 told the court that he could not remember the exact dates, he was just doing the math: he was arrested on [REDACTED] June and spent around one week at Al-Khatib.

Wiedner asked whether there was mistreatment in connection to P47's transfer to Al-Khatib from the moment he left the vehicle until he arrived at the cell. P47 asked whether Wiedner was talking about Najha.

Wiedner denied, explaining that that he was talking about the transfer from Division 40 to Branch 251. He added that the court heard from other witnesses about a reception, a so-called "welcome party". P47 said that he himself was not tortured "there" and that he was not tortured on the way.

Wiedner asked P47 to describe the premises when he first entered the Branch and handed in his belongings. Wiedner told P47 to describe his first impression of when he arrived at Al-Khatib prison. P47 said what he could remember is that he had to take a few steps downstairs and then turn right. There were cables and torture tools hanging on the wall to the right. Directly opposite was a desk and an officer whom P47 had to hand over his belongings.

Wiedner wanted to know what kind of torture tools P47 saw. P47 said he did not know exactly; they were hanging at a wall. There was duct tape on the wall, and cables were attached to the wall with a band. There were four or five items, cables and a stick. P47 said this was what he saw before he was taken to the cell. He first only knew the area on the right as this was the way to the community cells. According to P47, there was a room directly behind the desk. The room had an open door/no door. When P47 asked one of the guards about staying in the same cell as his friend, he was following his friend, and came to a corner with an iron door. There was a long corridor and P47 turned to the right. When the guard yelled at P47, he went back.

Wiedner asked if there was a physical examination or physical frisking at the beginning and if so, how it was conducted. P47 said of course, they had to strip naked and then squat and stand up several times and their stomachs were frisked.

Wiedner asked if the detainees were completely naked and did not wear underpants. P47 affirmed, saying they all had to undress together and everyone saw each other.

Wiedner wanted to know if there was some kind of sexual abuse, mistreatment or humiliation at Al-Khatib. P47 there was no such thing for him personally. However, he heard how someone said during an interrogation “let him sit on a bottle”

Wiedner asked what P47 thinks happened there. P47 said to him it sounded like coercion and rape.

Wiedner wanted to know if other detainees at Al-Khatib told P47 about torture methods and mistreatment. P47 said of course they exchanged experiences. Many people who came to the cell said they were undressed, and cigarettes were stubbed out on their ass. P47 said someone who would now live in [REDACTED] was detained together with him. According to P47, the wife of one detainee was taken to the Branch and had to undress in front of him.

Wiedner wanted to know about other torture methods, if someone told P47 about anything else than beatings. Wiedner further asked P47 if it was the same in Kafar Souseh. P47 said to be honest he did not see anything, but he heard the screams and beatings. Some people lost their minds. P47 remembered a person who cursed the soul of Hafez Al-Assad. He was taken and beaten, and blood was all over his body.

Wiedner asked if P47 heard screams without a break. P47 confirmed.

Wiedner asked if he also heard it when he was taken upstairs for interrogation. P47 affirmed that he also heard it upstairs.

Wiedner asked if P47 saw or heard people saying that they were hanged. P47 said he saw it in Kafar Souseh. He spoke about it with fellow detainees and saw it in Kafar Souseh.

Wiedner asked whether he did not see it at Al-Khatib. P47 denied, saying he was told about it when in the community cell.

Wiedner asked if that was at Al-Khatib. P47 confirmed, adding he saw it [people being hanged] at Kafar Souseh. In Al-Khatib he was told about it a lot. One person who came from Harasta was hanged so that his toes could barely touch the floor. This was told to P47. P47 said he knew the people from Harasta. Around ten of them came to Al-Khatib. P47 spoke with them because they knew each other. According to P47, they were accused of being terrorists.

Wiedner said he had a question regarding the general detention conditions at Al-Khatib, specifying he was referring to the cell alone. He told P47 that if he could not differentiate [between what happened at Al-Khatib and at other prisons] he should just tell the court. He asked P47 about the food; what they got and if it was sufficient. P47 said as he already told the court, there was a 20 square meter room with around one hundred people inside. Regarding food, there was one plate for eight people. The bread was old and bad, and one could barely swallow it. They also got olives and a small piece of Halwa. P47 said this was at Al-Khatib. He added that to be honest, he forgot most but this was what he could remember.

Wiedner said it would be sufficient and thanked P47. P47 added that detainees were only wearing underpants. There was no air [inside the cell] and people got scabies. It was very hot and detainees undressed voluntarily, they were not forced to.

Wiedner wanted to know if people were wearing shoes. P47 said there were shoes in the community cell, but no one was wearing them. They used them as pillows.

Wiedner asked how people slept. P47 described the sleeping position as either cowering or “T-form”. P47 said the latter would be how swords were stored to save space. In case of detainees it was sleeping feet at heads. P47 added that there was little space and many people slept at the toilet which was inside the collective cell. Everyone who wanted to use the toilet had to do so in front of the others.

Wiedner asked if there was light inside the cell or shining through a window. P47 affirmed that there was a window with bars at the door of the cell. Light was shining through this window.

Wiedner asked if the window was open to the outside or covered. P47 said at Al-Khatib there was an opening to the outside at the toilet. It was at the toilet but not showing to a street or something like that but to other buildings of Al-Khatib Branch.

Wiedner asked P47 about injured fellow detainees and whether they received medical treatment. P47 said to be honest, as he already told the court, people died inside the cell and no one came.

Wiedner said this was, however, not at Al-Khatib. P47 affirmed, saying it was at Kafar Souseh.

Wiedner said he only wanted to know about Al-Khatib, asking P47 about the health condition of his fellow detainees there. P47 said detainees at Al-Khatib often had open wounds or inflammations which one could clearly see. Whoever requested medical treatment was taken outside and punished. P47 said he and others noticed the ‘treatment’ happening outside.

Wiedner asked if a doctor came, and people could go to him. P47 denied, saying it did not happen at his cell.

Wiedner said he did not necessarily mean that it happened inside the cell but rather people could go to see the doctor. P47 said he did not hear about it. He said they used the saying “Die before you request medicine”. One would not have gained anything from it [requesting medicine]. People would instead be taken, beaten, and eventually died.

Wiedner asked about cases of death at Al-Khatib. P47 denied having seen any.

Wiedner wanted to know if people were able to wash; if they had soap or other supplies. P47 said he wanted to say something: One of the detainees smuggled a piece of soap inside the prison. P47 did not know how it happened, but the guards eventually found out. They knew that there was soap inside the collective cell and they knew who had it. However, they punished everyone inside the cell, only because of a piece of soap. P47 described how everyone had to stand in front of a wall and they all were all doused with water. This happened only because of a piece of soap. P47 said this happened in the morning hours at around 4AM. Even the elderly detainees were taken and one of them cried until the food came.

Wiedner told P47 he should tell the court whenever he needed a break. He went on to ask P47 how many times he was interrogated at Al-Khatib. P47 said he was taken two times and interrogated once.

Wiedner recaptured that the first time P47 was taken upstairs, had to wait, but nothing happened. The second time he was taken upstairs and interrogated. P47 confirmed, saying one time he was interrogated, one time he was not.

Wiedner recalled P47 being questioned by the German police in July which was also transcribed. According to this transcript, P47 did not provide information to the interrogation officer. The interrogation officer therefore said he would give P47 two days before he would be interrogated again. Wiedner asked P47 if this would be correct or not. P47 explained it did not happen at Al-Khatib. There he was once taken upstairs, not interrogated, and taken back downstairs. At the second occasion he was interrogated and given time to write down names. He did not have two days for that.



Wiedner concluded that he was given time during an interrogation. P47 confirmed.

Wiedner asked if P47's family tried to get him free by bribing people. P47 said of course they did.

Wiedner asked P47 what he would know about that, what he was told about it. P47 told the court that what happened was that when P47 was arrested, his family knew that he was at demonstrations, cooperated with coordination points, and took films, some of which were shown on Al-Jazeera. According to P47, there were two personalities who were relatively well known: Dib Zaitoun, head of Political Security at the time, and Mohamed Khalouf. P47 said his family knew these people through his father and brother who knew them well. They tried to contact them, hoping they could get P47 free. According to P47, his father was told that they could not help him to immediately release P47 but speed up the process. They said if there was nothing against P47, he would be released soon.

Wiedner asked if money was paid. P47 confirmed.

Wiedner asked P47 if he knew how much was paid. P47 said it was paid in installments. Installments one and two were paid and the third when he was released. P47 said there was an intermediary who was paid seven or eight million Syrian pounds.

Wiedner asked P47 if his family knew where he was and if they asked about his whereabouts. P47 said they asked but were not told anything. They were only told that if there was nothing against him, he would be released. They could only speed up the process, so no one would be hurt – meaning P47 would not be tortured. P47 said he noticed that since he was at four different Branches within one month. Others were not even interrogated in this time.

Wiedner wanted to know if P47 knew whether his family made enquiries at Al-Khatib Branch. P46 said they asked at all branches. They were always told he was not there. His family did not know where he was until he was released, even though his neighbor saw him.

Wiedner recalled that when P47 was transferred and left Al-Khatib Branch, he saw a person whom he connected to Anwar Raslan. Wiedner asked P47 to describe what this person looked like. P47 said he was tall, had a beard and wore a suit. P47 said he knows the name, he was his neighbor. He had "hair in the middle but was bald on the sides." He was dressed in black.

Wiedner asked if this was the same person whom P47 mentioned earlier in connection to this trial, the person who was standing together with a group. P47 said it was the same, the exact same person. He added that he knew the name but would not tell it publicly in court but that he could provide the name to the court.

Wiedner asked if P47 was talking about his neighbor. P47 affirmed, saying this person volunteered to work for the intelligence services, P47 only learned that after the revolution. He worked for the Air Force Intelligence.

Wiedner said he would try it differently: he recalled that P47 was questioned by the police who also showed him pictures. He asked P47 if he could remember. P47 affirmed.

Wiedner asked whether P47 recognized a person on this occasion or recognized similarities. P47 said there were multiple persons. He recognized one person in one picture. When he said this picture would be similar to the scene on the bus and connected [P47 did not finish the sentence]

Wiedner asked P47 who this person was. If it was his neighbor or someone else. P47 asked who Wiedner was talking about. He said he previously spoke about his neighbor but the person in the picture was someone else.



Wiedner asked where P47 had seen this person before. P47 said he saw him when he was on the bus.

Wiedner asked P47 to describe this person and describe which characteristics he recognized. P47 said he could allocate the person due to the birthmark "at this spot" [The trial monitor could not see where on his face P47 was pointing at]. He was wearing black clothes. The person in the picture was also wearing black clothes.

Wiedner asked P47 to describe the situation and tell where the other people were. P47 said he would explain to the court [P47 was describing the scenery with his hands on the table in front of him. The trial monitor was unable to see where P47 was pointing]: The door of the branch was "there", the bus was "there", and the street was "there". Cars parked in "this" area from the door to "over there". "There" was a car and the officer was standing in front of it. "this" area was empty. "there" were a few employees and flowers. People left through the door, had to gather, and stand next to the flowers. This was where P47 saw his neighbor. P47 said this was what he observed from the bus and asked whether he should describe the person.

Wiedner said he remembered P47 mentioning a group of four officers and asked him how he was able to tell that they were officers. P47 said he did not hear anything but it looked like someone was giving orders and talking to the soldiers.

Wiedner asked whether the person from the picture was there as well. P47 confirmed, saying he was there, he would be 80% sure about that.

Wiedner asked P47 to turn right [to the defendant's bench] and say whether he recognized someone. P47 said he thinks the person would look a bit differently now.

Wiedner wanted to know what looked different now. P47 said the person had more hair and the face was thicker. He only saw the person for a short moment. P47 said he would not be sure whether this was the person he saw or not.

Wiedner asked whether P47 was consequently not sure. P47 affirmed, adding that the birthmark was, however, the decisive factor to make him say he knew the person.

Wiedner thanked P47. Kerber asked P47 whether he needed a break. P47 denied. When asked by Kerber whether they needed a break, the interpreters denied.

The Prosecutors had no questions for P47.

### **Questioning by the Defense Counsels**

Defense Counsel Böcker said he wanted to make a reference to the transcript of P47's police questioning. The interpreter next to P47 said P47 just told him he needed a short break "to go somewhere".

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[2-minute-break for P47 to use the toilet]

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Böcker said he wanted to cite from the transcript of P47's police questioning when P47 spoke to the police about picture No.2, he said that he recognized the person in picture number two. He previously saw him when he was detained at Al-Khatib Branch. He only saw him once. Böcker asked whether this would be correct. P47 said to be honest, it would be correct that he saw him at the Branch. However, he later saw a picture on the internet.

Böcker asked P47 if he saw the person another time before his testimony in court. P47 said he just saw the person right now.

Böcker recalled that when the police asked P47 how certain he was about his identification, P47 told them he was 60-70% sure that the person in picture No.2 is Anwar Raslan. Böcker asked if this was correct. P47 confirmed, saying if the police would note it like that, it had to be true. [Parties, Judges, and audience started laughing].

Böcker said at the bottom of the next page of the transcript it was noted that the police asked P47 what Anwar Raslan's profession was in Syria at that time. P47 the told the police that before his encounter with the trial in Koblenz, he did not know anything. He only knew that there was a head of the Al-Khatib Branch. P47 confirmed it to the court.

Böcker further recalled that when P47 was asked if the person in picture No.2 would be the head of the Branch, he said he did not know. P47 said this would of course be correct since he did not know anything about "him" [Raslan].

Böcker said that on the previous page of the transcript, P47 was asked what the name Anwar Raslan would mean to him. P47 then gave an answer which was not clear to Böcker: P47 said if they [police] would have asked him this question before, the person would not mean anything to him. However, now he would. Böcker added that he could make a more exhaustive reference if needed, in case P47 would be unable to remember from this short reference. P47's Counsel Bahns asked Böcker to make the complete reference.

Böcker said he would prefer to try it like that before he would make the long reference. Böcker repeated that P47 told the police that if he would have been asked that question before, the person would not have meant anything to him, but now he would. Böcker said he would like to know what P47 meant when saying 'now he means something to me.' Böcker further said he could provide more context to P47 if he could not remember. P47 asked the court what Böcker wanted to know from him; if he wanted to know what Raslan means to him.

Böcker said the sentence would be written in the transcript and P47 would be able to explain it. P47 said he can of course explain: he knew nothing about Anwar Raslan, therefore he did not mean anything to him. But if he had a function and P47 knew that in this capacity he was able to kill or release people, then he would have a problem not only with this person but others as well.

Böcker said OK, asking P47 if he was only referring to Raslan or in general when he would learn such a thing [that someone had certain competencies]. P47 explained that no matter if Raslan or others did that, "we" would all be children of Syria. If people knew that someone would do such things...Everyone in Syria would know that such an employee could make a difference. P47 said he was talking about the entire system as one entity. Raslan was a limb, a part of that system. P47 explained that he in general does not have issues with people he does not know. But if he knew that a person was "there" and did something, he would have a problem. P47 said he knew from a friend that "he" [Raslan] was the head of investigations. Many of P47's friends had to endure torture at Al-Khatib. P47 said he saw the situation himself. He therefore of course changed his mind when he learned that "he" [Raslan] was the person in charge of arrests.

Böcker said he wanted to come back to his question and recalled P47 telling the police that if they had asked him that question before, he would not have meant anything to P47, but now he would. Böcker said P47 provided a long answer in court and Böcker understood from that: before, I did not know anything about Raslan but when I heard things about him, things were different. P47's Counsel Bahns said this is exactly how one could understand his client's statement.

Bahns added he was there when P47 was questioned by the police and could confirm that it was all about the name. Böcker said he would not need further references now, things would be OK for him.

Defense Counsel Fratzky recalled P47 telling the court at the beginning of his testimony that he is working for an organization and taking care of refugee children. Fratzky asked P47 if that would be correct. P47 said he would not work with children but Syrians, asking Fratzky what he meant by “children”.

Fratzky recalled that P47 was working two different jobs and asked him to provide details. P47 said he did not want to talk about that, asking why Fratzky wanted to know about that. [P47’s Counsel quickly spoke to him] P47 said he did not want to talk about that because he did not know that it would become public. He added that information from the trial would become public and people would then be threatened. P47 said he told the police what and where he worked but would not like to answer the [Defense] Counsel’s question because he knew what the aim of the question would be.

P47’s Counsel requested a break.

Judge Kerber told Defense Counsel Fratzky that if he wanted to ask about P47’s connection to a specific person, he should ask the question like that.

Fratzky asked P47 whether the name Al-Bunni was familiar to him. P47 said of course it was.

Fratzky asked P47 to explain whom he would connect to this name and if he was in contact with this person. P47 affirmed that he had contact with this person and that he was related to this person due to his own work. P47 said he already mentioned that he knew what Fratzky was suggesting with his question. He knew that he wanted to talk about Al-Bunni. P47 asked in how far it would be Al-Bunni’s fault that all persons who would come to the court were detained there [Al-Khatib].

Defense Counsel Böcker said this would not be question time going both directions, adding he would not like to be asked counter questions. P47’s Counsel Bahns told Böcker he would not appreciate such instructions and requested to talk to his client. Böcker replied this was not an instruction but a friendly address. Presiding Judge Kerber intervened saying that since everyone wanted the same thing, the court would have a five-minute break.

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[10-minute-break]

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Kerber asked if there would be any unanswered questions.

Fratzky said he would have a few short questions to which he would also like to get short answers. Fratzky recalled P47 saying that he was connected to Al-Bunni and concluded that P47 was working for Al-Bunni. P47 said he would not work for him but with him.

Fratzky said the answer to his question would be “yes” then. P47’s Counsel denied. P47 added he works with Al-Bunni.

Fratzky wanted to know when P47 met or spoke with Al-Bunni the last time. P47 said it was the day before.

Fratzky asked if on the day before they also spoke about the topic that was discussed in court on this very day. P47’s Counsel Bahns intervened, saying there would be a client relationship between P47 and Al-Bunni.

Fratzky said he was not aware that Al-Bunni was admitted to practice as a lawyer in Germany. Bahns said an admission would be unnecessary for P47 to be represented by Al-Bunni in legal matters; P47 would also work with Al-Bunni.

Fratzky asked P47 if he saw a picture of Raslan, together with Al-Bunni or at Al-Bunni's. Bahns objected to the question. Fratzky said he upholds his question, requesting a decision on it. Bahns asked what exactly Fratzky's question would be. Fratzky asked whether P47 saw a picture of Raslan when he was together with Al-Bunni or when he was at Al-Bunni's place/office. P47 said he would answer: he would be in court on this very day to make his testimony and tell his story, far away from Al-Bunni. He did not tell his story to Anwar Al-Bunni. At the beginning, Al-Bunni did not know anything [about P47's story]. Regarding the picture, P47 said he did not see it anywhere, only once on the internet.

Defense Counsel Böcker recalled that when P47 did not want to answer a question he said that people were threatened because of information discussed in court. He asked P47 who would be threatened where and by whom. P47's Counsel Bahns said this would relate to the work his client was doing with Al-Bunni and through which he would be a person with access to confidential information.

Böcker said he would like to be dismissed as a Defense Counsel if he would have to work like that. He said he would ask his question in a more simple manner: he recalled P47 saying he had knowledge of people being threatened due to information discussed in court, and asked him if he knew that himself or heard from others. P47 said he actually does not want to talk about things that would be confidential. He could only say that indeed people in Syria would be threatened.

Böcker said P47 should have a better understanding for a constitutional trial. It would be an impertinence if one could not ask such questions in a trial like this. P47 said before Böcker would ask a question, he himself would like to answer a question. [P47's Counsel indicated he wanted to talk to him] Böcker denied P47's wish; Presiding Judge Kerber intervened saying that Bahns would already deal with the situation. [P47 and his Counsel Bahns had a short discussion.]

Böcker recalled P47 saying in court that he already knew that Fratzky wanted to talk about Al-Bunni. Böcker asked P47 how he knew that. P47 said there were many conversations among Syrians about the fact that many witnesses came [to the court/trial] through Anwar Al-Bunni. Everyone would know that.

Böcker said he would not have any more questions now.

P47 was dismissed as a witness. Kerber explained to him that he was free to leave, take a seat in the audience or stay on the witness stand while the court would discuss a few administrative matters.

Presiding Judge Kerber said regarding the analysis of the YouTube Channel [REDACTED] which Prosecutor Ritscher offered to conduct in one of the previous sessions: the court would now have the analysis. Kerber summarized that the BKA was not able to determine a connection [between the YouTube Channel] to Anwar Raslan or Al-Khatib Branch. Kerber said the analysis would be added to the case file and provided to the parties.

Kerber went on to announce that she would read out a Judges' Decision:

[The following is a recreation of the decision based on what the Trial Monitor was able to hear in court.]

*Defense Counsel Böcker's request dated June 24 & 30, 2021 to access the file of the structural investigation conducted by the Office of the German Prosecutor General is denied.*

*The Judges denied the request for the following reasons:*

- 1) According to CCI Deußing (the lead in investigator at the BKA) and the German Federal Prosecutor General, the structural investigation is an investigation which was started in September 2011 in connection to the Syrian conflict. It is an investigation into possibly prosecutable offences. The investigation includes several hundred files, a three-digit number of witness testimonies, and analyses of open-source material.*
- 2) Accessing the file in accordance to § 244 (2) StPO is not advisable. There are no evident reasons to believe that it includes further findings relevant to the Accused in addition to the public indictment issued on October 18, 2019. Neither the testimonies of police inspectors nor the testimonies of other witnesses or any other circumstances provided reasons to believe that the file would include further relevant findings. All additional investigations relevant to this trial were added to the case file by the Office of the German Federal Prosecutor General and the Federal Criminal Police Office. Files requested by the Judges did not indicate any relevance to this case. The request does also not indicate any additional findings.*
- 3) Without accessing the file, an inspection of the files is not given.*

The proceedings were adjourned at 12:37PM.

The trial will resume on September 1, at 9:30AM.

**TRIAL OF ANWAR RASLAN and EYAD AL-GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 45

Hearing Dates: September 1 & 2, 2021

*CAUTION: Some testimony includes descriptions of torture.*

**Summaries/Highlights:<sup>1</sup>**

**Day 90 – September 1, 2021**

P48 was detained during a raid on his hometown and spent time in Al-Khatib and later Kafar Souseh. The witness was detained with many other people from his town and described the raid as indiscriminate, as individuals from both pro-regime and opposition families were detained with him in Al-Khatib. P48 detailed crowded cell conditions, how detainees were beaten once they arrived at the security branch, and being beaten on his feet with a four-strand electrical cable. The witness did not see Raslan in Al-Khatib as he was blindfolded during the interrogations. He only knew of Raslan after his detention and did not personally know him. P48 remains active in supporting the opposition through social media and Syrian contacts in Europe.

**Day 91 – September 2, 2021**

P49, an artist, testified about his three-day detention in Al-Khatib and his two meetings with Raslan. When he was detained, his wife was told that he would be back in an hour, however, he was later told that it was unknown when he would return home. P49 discussed his special treatment and how he was never tortured but could hear constant sounds of torture and screaming. P49 described his meetings with Raslan as being like a show where everyone was just pretending and lying to each other. The defense team questioned P49 on whether Raslan knew the witness' father and the witness' interactions with Raslan after his detention.

**Trial Day 90 – September 1, 2021**

The proceedings began at 9:30 AM with four spectators and one member of the press in the audience. The prosecution was represented by Klinge and Polz. Plaintiff counsels Mohammad and Bahns were not present.

P48, a 35-year-old Syrian born on [REDACTED] from [REDACTED], recently graduated from law school and wants to get a master's degree. He was accompanied by his counsel Dr. Kroker and was informed of his rights and duties as a witness. P48 is not related to the defendant by blood or marriage.

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<sup>1</sup> 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.



### Testimony of P48

Judge Kerber noted that the court knew that P48 was interrogated twice by the police and that he was in trouble with the Syrian regime and got arrested. Kerber asked P48 to explain to the court what happened. P48 started by saying, "Peace to the souls of the martyrs of the Syrian revolution. We certainly hope to overthrow the dictator's regime." P48 explained that at the beginning of 2011, and at the same time as the beginning of the revolutionary movement in Syria, "we" started to plan for demonstrations against Al-Assad's regime. It was approximately April or May when activists in Az-Zabadani الزبداني with cooperation from activists in Damascus were planning protests on the national level via the internet, Facebook, and Skype. Around this same time, the regime conducted a military and security operation in Az-Zabadani. The town was completely besieged and the houses were raided. Approximately 100 to 150 people were arrested. All were civilians, but not all of them were activists. P48 was one of those people. P48's house was stormed and he was arrested, detained, and thrown in the bus that had other detainees from the same neighborhood where P48 lived. There was a portion [of the detainees] who were detained a few minutes earlier than "us" and they were [already] on buses that took them to a military area, "to the fourth division, the suicide division that belongs to Maher Al-Assad ماهر الأسد." "We" sarcastically called these people [the detainees who were taken to that division] "People of the [foot]print," because they were stepped on by Al-Assad's soldiers. After that, all of "us" were taken to Damascus. On the way [to Damascus] "we" were beaten, insulted, and their hands were tied to the back. P48's hands were tied to his back as well and his head was covered with his wool t-shirt. "We" arrived at Al-Khatib and were brought into the Branch in a humiliating way, because there is no "method" of Al-Assad regime that one could describe as not humiliating. The guards used beatings and insults to bring them into the detention facility. P48 noted that he was telling the story without mentioning details. He continued that the interrogation and torture of all detainees started, including P48 who was interrogated and tortured for the first time [P48 noted that it was his first interrogation in Al-Khatib because he was interrogated again, later]. Everyone was interrogated and tortured before all the detainees were put in a cell. P48 said that he does not remember how long he stayed in Al-Khatib Branch, because he was transferred to Kafar Souseh, and then he was released. In Al-Khatib Branch, he was interrogated another time, in particular, he was beaten and was asked about the reason for the demonstration as well as the names of the demonstrators and the friends who were organizing with him. A leaflet that P48 wrote and was distributed to other people was found [with his belongings when he was searched] as well. He was interrogated about the leaflet - how and when, etc. P48 pointed that this was the story in short.

Kerber recalled that P48 said that he was detained in late April or early May. Kerber asked if P48 knows the specific date. P48 said that he does not remember, but it was in April or May 2011.

Kerber asked if it could be on May 2, 2011. P48 answered, maybe.

Kerber asked P48 how he knew that it was Al-Khatib Branch. P48 said he saw a sign that read "[Al-Khatib Laboratory for Medical Analysis](#) مخبر الخطيب للتحاليل الطبية".

Kerber asked P48 where he saw it - whether he was still on the bus or if it was after getting off the bus. P48 said no, he was on the floor of the bus and was wearing a wool shirt. When it was flipped over his head, it became like a web. P48 explained that he saw it [the sign] by coincidence. He was leaning his back on the people behind him and was facing the bus's window, and at a certain point, he saw it.

Kerber asked how long it was between when P48 saw that sign and when he was brought into the branch. P48 said it was a few minutes between seeing the sign and being brought inside [the branch]. P48 indicated that this was the first point [of how he identified that it was Al-Khatib]. But there were also people [other detainees] with him and one of them was a former Islamist detainee, who P48 told that they were in Al-Khatib Branch because he saw a sign, and he [the former detainee] confirmed.

### **Judge Wiedner's Questioning**

Judge Wiedner said that he wanted to go back to the time of P48's arrest. He asked P48 to describe the raid. P48 said, "Please repeat the question" [There was confusion, as the German to Arabic court interpreter told the Arabic to German interpreter who was sitting next to P48 to instruct P48 to not tell the court interpreter to repeat the question, but rather to tell the judge that. The indirect interpreter appeared annoyed because P48 was missing the interpretation. However, P48 later explained that he was getting overlapping translation and had to lower the audio when he was speaking].

Wiedner again asked P48 to describe the raid on his village. P48 said that those are memories that he was trying to forget. P48 explained that it began at dawn. P48 heard shooting in the air. He was speaking on the phone with someone in Damascus, but the landlines were disconnected. P48 tried to call using his mobile phone, but there was no network connection. There was the distant sound of shooting in Az-Zabadani, P48 went outside to the balcony and saw security and army vehicles, soldiers, and snipers on the roofs of the buildings next to him and opposite him. P48 knew that there was a campaign on Az-Zabadani. P48's parents woke up to the sound of shooting as well. P48 woke up his two sisters and his young brother (he was young at that time). P48 started to wonder if he should escape or stay home. By the positioning of the snipers, P48 figured out the distribution and pattern of snipers and knew that there was a sniper [on top of] his house. P48 decided to stay and burned the leaflets. He had a small camera, so he broke it and hid it. He deleted a few things on his computer and prepared himself for being detained.

Wiedner recalled that P48 said "soldiers" and asked if that was correct. P48 confirmed.

Wiedner asked if they were wearing military uniforms. P48 confirmed.

Wiedner recalled that P48 said "fourth division," and asked how P48 knew that. P48 said no, he did not say that they came from the fourth division. He said they were from the army. P48 explained that he did not have the complete luxury to look at the writings on their clothes [to read the badges or see the insignia].

Wiedner asked P48 if the ones who transported him to Al-Khatib were from the military. P48 said that when he was taken from his home, there were many army personnel and soldiers on the roof. What P48 saw when he was taken to the bus in front of the house was that there were army soldiers. [However,] P48 did not know if they were security or army officers on the bus.

Wiedner asked if they identified themselves on the bus or whether P48 was able to identify their clothes. P48 said he does not remember much, but they were wearing military uniforms. If someone raised his head, he would get hit with a rifle. One had to deceive the officers that he was a polite [innocent] creature so that the officers did not harm him [P48 laughed lightly].

Wiedner noted that P48 could not look around when he was on the bus and asked if P48, nevertheless, could see if the staff members were wearing uniforms when he arrived at Al-Khatib.

P48 asked what Wiedner meant by “formal attire/outfit” [This is how interpreter interpreted “uniform” from German to Arabic] and asked Wiedner if he meant whether they were wearing military clothes.

Wiedner responded yes, “for example...”. P48 said that firstly, it was 11 to 12 years ago and he does not remember. P48 added that in Syria, the security forces, in general, wear civilian clothes, and the ones who welcomed them were wearing civilian clothes.

Wiedner asked if the raid on Az-Zabadani resulted in injuries or casualties. P48 said he did not know of dead people, but there were wounded people. When “we” arrived at the detention place (as there were people who were beaten in front of their families [in Az-Zabadani]) there was a person whose face had been smashed with a rifle.

Wiedner asked P48 to describe how he was taken to the cell. P48 said that they were brought inside the branch after they got off the buses and military people were standing on both sides. P48 does not know the distance [between the bus and the branch’s entrance], but they [the detainees] had to keep their heads down facing the ground. Their hands were tied to their backs and people were beating them until they reached the stairs [at the entrance of the branch leading to the basement]. P48 explained that they entered the branch with the people beating them [the detainees] - smacking, shoving, and trying to end the entry process quickly.

Wiedner asked if P48 could estimate how many detainees arrived at the branch with him. P48 said he did not understand. [P48 explained that he sometimes needed to turn down the volume of the headphones when he speaks so that he hears the direct interpreter, and when he turns up the volume again, the question is already over and he misses it]. [Plaintiff counsel Kroker suggested P48 remove the headphones instead of turning the volume up and down.].

[Wiedner repeated his last question about the estimate number of detainees]. P48 said approximately 100 to 150, but of course, that was an estimate he made after he was released from prison. But at their arrival, the numbers were big - one could see people in front and behind him. P48 added that they detained all the families of the town [P48 meant that there were detainees from each family], and there were even detainees between 70 to 75 years old. The younger detainees were between 17 and 18 years old.

Wiedner asked if there were women as well. P48 said no, he has no knowledge of that.

Wiedner asked what happened after they were brought inside the branch. P48 asked Wiedner, “What happened in which part?”

Wiedner clarified he meant until they entered the cell. For example, whether they were searched. P48 said that after they entered [the branch] and went downstairs and were beaten (P48 could not see that place), they were taken in a corridor and a person (or two) searched them. One had to take off all of his clothes and do the security move or “the squatting down” move. After that, they were taken to a small yard where each person had to hand over his belongings on a table to a security staff member. P48 had only simple things and the leaflet, which he handed over and it was brought in the interrogation.

Wiedner asked P48 to describe the cell. P48 said that after he was in the yard for a long time (after he finished the first interrogation), he was brought into the cell. It was big and crowded with people (all the people were from P48’s town).

There were two water taps and P48 thinks that there was a toilet to the left. There were military blankets on the floor, but not to the full extent [the whole floor was not covered with blankets] (no luxury). The cell was crowded with people and they heard sounds of torture. P48 noted that he was trying to recall as many details as possible. In general, that was the cell and they used to sleep next to each other.

Wiedner recalled that P48 said in the police questioning that the cell measured 5x10 meters. P48 said approximately, as an estimate.

Wiedner asked how many detainees were in the cell. P48 said he does not remember, but there were many. P48 pointed that if he gets enough time, he could recall names [of the detainees] and numbers as well.

Wiedner stated that P48 said in the police questioning that the number of detainees inside the cell was 25 to 30. P48 said maybe. That questioning was 2 or 3 years ago, and maybe the number was even higher than that. P48 could not assert and these were estimated numbers.

Wiedner noted that P48 should certainly answer only as much as he remembers. Wiedner asked if there was a window in the cell. P48 said he does not remember, but he does not think so.

Wiedner recalled that P48 said that he heard screams from other detainees. Wiedner asked where the screams came from. P48 said they came either from the door or they heard beating and banging from the [other] side of the wall.

Wiedner asked how often P48 heard the sounds and the screams. P48 said he could not assert, but he heard them intermittently.

Wiedner asked if P48 was interrogated after he was brought into the cell. P48 said that his first interrogation was immediately after his detention and the second one was one or two days later.

Wiedner asked if the interrogation was conducted on the same floor as the cell, or whether he had to go upstairs. P48 said that in Al-Khatib, it [the interrogation place] was to the right, directly after leaving the cell (that was the second interrogation). The first one was in the yard and after a long waiting, he was brought inside [perhaps "to the interrogation room" that was on the same floor] for the interrogation. There were interrogators and he was asked questions. He was beaten with a fourfold whip and he had to lie down on his abdomen and raise his feet. He was beaten, insulted, and told to confess, give names, and mention friends. He was also told to explain how he printed the leaflets and for whom. They wanted to get more information, especially because P48 had no problem talking about himself and his participation in demonstrations. The guard was beating as the questions were asked. That was the first interrogation.

Wiedner asked P48 which part of his body was hit. P48 said his feet, in addition to the other beating on the back and on any part. It was like they were beating an animal.

Wiedner asked if there were instructions or orders for beating. P48 said yes, he thinks so. They [the guard(s) and the interrogators(s)] could see each other, but P48 could not see them because he was blindfolded. When they put the blindfold on P48, there was still a two-millimeter gap through which P48 could attempt to look out.

Wiedner asked P48 if he was beaten only with the cable. P48 said he thinks it was a fourfold electricity cable. It comes wrapped [the four mini-cables are wrapped together to form the cable].

Wiedner asked P48 if he saw other tools or devices for torture. P48 said he did not have such specifics; he does not remember.

Wiedner asked if P48 was mistreated in all interrogations. P48 confirmed.

Wiedner asked how long the interrogation lasted. P48 said it was difficult to estimate.

Wiedner refreshed P48's recollection quoting from the police questioning transcript "The first interrogation lasted for one hour, but I lost the perception of time. My feet were swollen due to the beating." P48 said correct, that's probably right.

[Wiedner continued quoting] "I was beaten with an electric cable. It consisted of four cables wrapped together. I was able to see through the blindfold. I was sitting on my knees and could raise my head. I was beaten all the time; during the interrogation and the break. After the interrogation, they took me to the cell." P48 said that is correct.

Wiedner asked where the interrogation was conducted; whether it was in the basement or upstairs. P48 said no, not upstairs. P48 thinks that the yard was on the same floor and [...]and the interrogation was directly in the yard.

Wiedner asked P48 if he was injured. P48 said his feet were swollen, maybe his body was bruised, but P48 does not know. His biggest concern was to be released. When he was released, there were no signs on his body.

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[10-minute-break]

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Wiedner said that he would quote the police questioning transcript, and asked P48 to tell him whether it is correct. "The interrogator told me that I did not convince him and told me to lie on the floor. Someone came, I do not know who, but maybe a guard, and there were orders. When the interrogator did not like the answer, the guard beat me." P48 said correct.

[Wiedner continued quoting] "I lay down on the floor and raised my feet. He started to beat me and my feet got swollen. I was being asked questions at the same time." P48 said correct.

[Wiedner continued quoting] "The guard stepped on me too, I do not know how many times." P48 said correct.

Wiedner asked P48 what he was wearing during the interrogation. P48 said [he was wearing] a wool shirt and jeans. P48 was wearing these at home.

Wiedner asked if P48 was wearing these during the interrogation as well. P48 confirmed.

Wiedner asked P48 if he was mistreated in other places. P48 said he does not remember well, he recalls those things [that he mentioned previously].

Wiedner asked if P48 recalls what other detainees told him about their interrogations and whether they were tortured, and if their bodies showed signs of beating.

P48 said no, honestly, he does not remember, but all [detainees] were beaten. There was a person, a father, and his son. The father was beaten in front of his son. In general, all [detainees] were beaten.

Wiedner said that when P48 was asked during the [German] police questioning about the physical condition of other detainees, he answered "Many of them could not walk. One of them said that he was offered a cigarette because his nose was broken and he cooperated with the regime. His family has good connections with the regime." P48 said correct.

Wiedner asked P48 if he assumed that this person's nose was broken or if he was told that. P48 said no, he heard it from the people there [in the cell; the other detainees] and even heard it from him [the person whose nose was broken]. "Now" he has solid relations with the regime and he is [lives] in Germany.

Wiedner said that when P48 was asked in the police questioning about other torturing methods, P48 answered, "There was always beating, *Falaqa*, stepping on people, beating with electric cables." P48 said maybe he does not remember [all the other methods that he did not mention].

Wiedner asked if P48 was subject to sexual mistreatment. P48 said, no.

Wiedner asked P48 whether he heard from other detainees if they endured sexual mistreatment. P48 said [that if Wiedner meant] in the same time as him [from other detainees who were detained at the same time with P48], then he does not remember.

Wiedner asked P48 if his family was informed about his detention or knew of his whereabouts. P48 said no, he does not think so.

Wiedner asked P48 if his family asked about him and tried to look for him. P48 said that after he was released, he knew that his father was trying [to look for/ask about him], but he did not know where P48 was. As far as P48 learned [later from] people in the town (as the campaign was on the whole town): individuals from pro-regime families as well as from families against the regime were detained. P48 noted that he used to hear some matters/issues, but he is not sure about them.

Wiedner asked if P48 saw dead people inside the branch. P48 denied.

Wiedner asked if P48 saw the accused during the time he was detained. P48 denied.

Wiedner asked P48 if he could look to his right and say whether he saw the accused during his detention. P48 said he does not like to look [at him].

Wiedner asked if P48, nevertheless, did not see him in the branch. P48 said no, because they could not see [because they were blindfolded].

Wiedner said that P48 was asked during the police questioning if he knew about Anwar Raslan. P48 said no, he had no knowledge.

Wiedner asked P48 if he knew about Raslan's activities with the opposition after his defection. P48 said he heard something like that - that he worked with the opposition. As an individual, P48 heard from others, but he did not know [himself]. P48 only knew through people P48 knows and who told him that he [Raslan] worked with the opposition.



Wiedner asked P48 what happened after Al-Khatib and how long he stayed there. P48 said he does not know and was not aware of it. He only knows that he stayed there for days, because he could not differentiate between day and night there.

Wiedner recalled that P48 said in the police questioning that he did not know how long he stayed in Al-Khatib, but maybe for three to five days. P48 said yes, that could be.

Wiedner asked P48 what happened after Al-Khatib and if he could tell the court, without much detail, how he was released. P48 said he was taken to Kafar Souseh (P48 did not know the branch's number) where he stayed for a while. P48 explained that of course when one is transferred from a branch to another branch, it is like one came directly from their homes. The person has to be searched again, etc., but in Kafar Souseh the yard was big and the detainees were without clothes and it was cold. They [the guards] were taking information and splashing the detainees with water. They were asking for information about all of a person's friends and relatives. At that point, the clothes were mixed up and P48 does not know what he wore - maybe pajamas. P48 noted that, like the regular welcoming, beatings were included as well [in the welcoming after a transfer to a new branch]. P48 entered the cell. It was smaller [than Al-Khatib's] and there were more people than could fit in the cell. It [the cell] was divided and had two toilets. It was a small room that was 2.5m<sup>2</sup>. One toilet was functioning, the other one was not, so, "we" put blankets there and it turned into a room. P48 got the "five-star" [room] and stayed there along with another person. The rest [of the detainees] were sleeping in a terrifying condition: the feet [of someone] on the face [of another one].

Wiedner asked P48 how he was released. P48 said he was interrogated more than once and there was a group interrogation [he was interrogated with other people at the same time]. After that, they were taken by buses to the civil court in Az-Zablatani الزبلطاني. They were cuffed to each other with chains. They went to the judge who told them, "No one made a connection to you [no one intervened/paid money for their release/worked as a mediator to release them, etc.]. Bashar, the leader, pardoned/spared you. You can leave." People were waiting [outside the court], because they knew [that people would be released]. There was a person who was waiting for his brothers who were detained with "us." P48 got in the car with him and he took them to Az-Zabadani. They were afraid of the military checkpoints [on their way back] but eventually got home.

### **Defense Attorneys' Questioning**

Fratzky asked P48 if he talked with people who were questioned as witnesses in this case before him. P48 said, "No, in what way?".

Fratzky asked P48 if he was in contact with Syrians who were witnesses in this case. Kroker asked Fratzky to be more specific. Kerber said that the witness would not be able to answer if he did not understand the question.

Fratzky said that he just wanted to know if P48 was in contact or communicated with Syrians who were witnesses and testified in this court, or will be future witnesses and will testify later "here" in this case. P48 said there was no communication. If Fratzky was talking about people in the Syrian revolution, then in one way or another, "we" [P48 and others from the opposition] know each other on the internet or in person. Their common goal is to overthrow/bring down the regime.

Certainly, one could hear from people, but as for communicating regarding the court [trial] like “are you a witness...etc.,” then no, he did not communicate with anyone.

Fratzky asked P48 if he knows Anwar Al-Bunni. P48 said yes, he knows him.

Fratzky asked P48 if he communicated with him. P48 said no, they had little, normal [contact].

Fratzky asked what P48 meant by “a little, normal.” P48 said he knows that Fratzky was focusing on that point. There was no communication with Anwar [Al-Bunni]. P48 got to meet him in person in Oslo. He [Al-Bunni] knows P48 as well and knows P48’s name from their work in the revolution. He [AnwarAl-Bunni] is a lawyer, an activist, and on Facebook. P48 works in media and press; thus, they are together on Facebook [they have each other as friends]. However, there is no regular communication [between them]. That is what P48 meant by “normal”.

Fratzky asked P48 if they talked in Oslo or just got to know each other. P48 said no. P48 saw him, greeted him, asked “how are you?,” peace [bye].

Fratzky asked if P48 communicated with him [Al-Bunni] digitally, in writing, on the phone, etc. before the trial session. P48 denied.

#### **Plaintiff Counsels’ Questioning**

Scharmer recalled that P48 had to take off all his clothes in Al-Khatib. Scharmer asked P48 if other detainees had to do the same. P48 said of course, “we” were more than one person in that narrow corridor. P48 said he recalled something in that regard. There was someone who was wearing a necklace and tried to take it off in an atypical fashion [Perhaps they tried to rip or pull it off] and it broke as a result. Therefore, [according to the example P48 recalled] one had to take off everything.

[The witness was dismissed at 11:15 AM]

*[The following are summaries of the statements read in court, based on what the trial monitor was able to recall.]*

Polz read aloud a statement explaining the reasons the prosecution had for the objection to summoning [REDACTED] [FH] as a witness. FH is supposed to demonstrate that Raslan was not able to refuse the orders, which is irrelevant. FH allegedly worked in the same branch, but he did not defect at the same time, which does not affect the trial case. In his statement on May 18, 2020, Raslan mentioned the person’s name as [REDACTED], but the same person was mentioned by Chris Engels from CIJA as [REDACTED]. Additionally, Eyad Al-Gharib mentioned that FH defected before him, which suggests that there could be conflicts in the provided dates. Raslan alleges that Hafez Makhoul, head of Division 40, had the power to give orders at Branch 251. FH is supposed to testify to that, but it is unknown from where FH got such information, as explained in the prosecution’s statement on April 15, 2021. The same applies to the claim that the Presidential Guards and the Fourth Division had power in Branch 251. FH is supposed to demonstrate that other officers from Division 40 had power in Branch 251, but that does not exclude, and is irrelevant to, Raslan’s responsibility in Branch 251. [...]

Böcker said he had points to raise:

1) [Böcker had filed a petition earlier that he wanted access to the files of the structural investigation by the German Federal Prosecutor General Office. This was rejected. Today he rejected the rejection]. Böcker said he should be able to have access to all documents within the structural investigation about Syria.

2) On August 26, 2021, [P47] refused to answer questions regarding his relation with Al-Bunni. Böcker wanted to know what kind of relationship Al-Bunni and P47 have because P47 said that he works “with”, and not “for” him. Bahns said that Al-Bunni is some kind of lawyer to P47, but didn't explain further if Al-Bunni is accredited as a lawyer in Germany and in which specific way they are connected in this regard.

Klinge said that he had a quick response to Böcker: His request is rejected, as he did not ask for a specific file, but access to the entire structural investigation.

Kerber said that a witness, [REDACTED], would testify on September 18, and Oehmichen would be his witness counsel.

The proceedings were adjourned at 11:45 AM.

The next session will be on September 2, 2021, at 9:30AM.

### **Trial Day 91 – September 2, 2021**

The proceedings began at 9:30 AM with five spectators and one member of the press in the audience. The prosecution was represented by prosecutors Klinge and Polz.

Bahns said that his client does not want to share his personal information, because his family lives in regime-governed areas. Kerber agreed.

Kerber asked P49 to give his personal information to the extent he wanted. Bahns said he would use his address for P49's contact information, and said that P49 was an artist.

Kerber asked if P49 was related to the defendant by blood or marriage. P49 denied.

### **Testimony of P49**

Kerber noted that the court knows that P49 met with the accused in Syria, and asked P49 to elaborate on that. P49 said that the first meeting that happened with him [Raslan] was when P49 was in Al-Khatib Branch - when P49 was detained and he [Raslan] was interrogating him. That was the first time they met.

Kerber asked P49 how he was detained and asked him to elaborate on that meeting. P49 said that two armed people wearing civilian clothes came to his house and entered the house directly without P48 telling them “welcome, come in.” P49 did not know who they were. P49's wife asked them to show their ID card that tells if they were from the security forces. One of them showed the ID card and hid it again and they [P49 and his wife] did not see anything. [P49 demonstrated how the staff member showed the ID swiftly]. P49 stated that they [the two staff members] did not treat him bad, namely, they did not use foul language or anything like that, but they lied to him. They told him that they wanted him for an hour to ask him a few questions and then let him go back home. P49's wife asked them if they were sure that it was only for one hour, and they confirmed. “We” went downstairs to the entrance of the building where a security car was parked. It had approximately four armed individuals inside. He [one of the two staff members] let P49 choose between taking his [P49's] own car or ride in the security car. P49 said if it is

only one hour, then he would take his own car. P49 asked him if he could drive, and he said no, and he [the staff member] drove. P49 asked him where they were heading, and he said he could not say. P49 explained that he was too scared because he did not know where he was heading, nor who they were. He [the staff member] then spoke over his handheld transceiver (P49 did not know with whom) and said that the accused was with him in the car. P49 told him that he “was not putting anything on [i.e., was not blindfolded], so why you don’t say where are we heading?”. He replied that he could not say, then said that he wanted to tell P49 something. He said, “You will not stay for an hour. Perhaps you will stay for a long time.” He told P49 that he could smoke and tell his wife that he would not come back. P49 indicated that he refused to tell his wife and scare her. P49 did not know what was happening.

“We” arrived at Al-Khatib and went down the stairs, one floor underground. P49 was put in something like a reception office. He [the staff member who was with P49 in the car] left and P49 stayed alone with the man who was there [at the reception]. P49 tried to be nice and sit normally on the chair, but he [the man] was harsh and treated P49 like a criminal. He asked P49 to take off all his clothes, even his underwear, and to do the “security move” crouching down completely naked. He also did not agree that P49 put his clothes on the table, [and told P49 to put them] on the floor. There was no offensive language. Then he asked P49 to put his clothes back on but took the belt and the shoelaces. He asked P49 to stand facing the wall.

After a while, another staff member took P49 to the cell. P49 could see that it was 2.5 to 3 meters long and around 1.5 meters wide. There was a military blanket on the floor, and the metal door was as wide as the cell. He asked P49 to sit there still facing the wall. P49 waited there for a long or short time; he does not know; he had no perception of time. After a while, P49 heard sounds and they brought somebody else in. P49 recalls that he [the person] was an English teacher, maybe he was with his son. He [the English teacher] was tortured in the hall in front of the cell. The guard was holding him [the teacher] and was hitting his head or body against the cell door. P49 recalls that he [the teacher] lost consciousness two or three times, and they woke him up again until the torturing session ended. They summoned P49. A person approached and blindfolded him, and then took him to the room of Mr. Anwar [Raslan]. Of course, P49 did not know where he was heading. P49 heard Anwar’s voice asking P49 why he was afraid (his fear was apparent). P49 told him that he was in a scary place. Raslan asked P49 to relax and told him that there was nothing scary. He asked P49 if someone had treated P49 badly, and P49 asked him if he could sit down. He said yes, of course. P49 asked him how [how should he sit down]. He told P49 to get a chair. P49 asked him how, as he could not see. He instructed P49 to go to the left and after three steps there was a chair, “bring it and come over here.” P49 brought it, sat down, and the interrogation started. P49 asked [the judge] if that was enough.

Kerber asked P49 when he was detained. P49 said the date could be in December. His wife would remember better than him. He was released after three days, and it was the third part of December.

Kerber asked what year that was. P49 said 2011.

Kerber asked if P49 was alone in the cell. P49 confirmed.

Kerber asked if the interrogation room was on the same floor as the cell, or whether he had to go upstairs. P49 said no, it was on the same level.

Kerber recalled that P49 said that the interrogation started. Kerber asked P49 what he was asked. P49 said he does not remember in detail; for example what was the first question was and anything like that.

Kerber asked P49 to say whatever he remembers. Kerber asked P49 how he knew that it was Raslan. P49 said he knew him by the name and his appearance later (not in that session). On the day P49 was going to be released [the third day], he [Raslan] took him to the office upstairs. There, P49 knew his name and appearance.

Kerber asked P49 to elaborate more on the interrogation. P49 said the first session was about “Why did you do that?” and statements like, “You are a famous artist and you have several ways to present your point of view other than what you did.” He also told P49 that “the people [detainees] we are bringing are scum, and you are not like that. Why did you do that?”. P49 answered him why he did that [why he participated in the demonstration, as explained later]. P49 pointed out that [them] talking about the subject included no physical nor verbal violence at all. It was more like a conversation, but P49 was blindfolded. Slowly, P49 found out that there were two other people in the room, and P49 was afraid of being hit by either of them at any moment, but that did not happen. However, there was psychological violence from the start. From the first moment [he was detained] and until he was released, because he did not know anything about what could happen to him. He could have been released after an hour, after 20 years, or he might die. Anything could happen to his children, wife, or father. That was what was in P49’s head. In the second interrogation, Anwar [Raslan] was not there, but another person who was violent to some extent, but not physically. Of course, what was in P49’s mind was from his experience with interrogations [He was referring to his perceptions from Syrian dramas depicting what happens with intelligence services], as well as from what Syrians hear about what happens in Syria. There is always a good interrogator and an evil one, and that was literally what was there [what he experienced at Al-Khatib]. Anwar [Raslan] was a good officer and the other one was violent, but not physically, just verbally and psychologically.

### **Judge Wiedner’s Questioning**

Wiedner recalls that P49 said that he was detained in the last third of December. Wiedner said that P49 was asked about his detention during the police questioning and answered that it could have been on December 8, 2011, and that he met Raslan the second time on December 10, 2011. Wiedner asked if that could be correct. P49 said yes, maybe. “I’ve remembered now.” What was in P49’s mind was that New Year’s Eve happened [after he was released], but he remembered that an “artistic work” happened [P49 did not want to disclose what art industry he worked in. “Artistic work” refers to a job he had booked]. Maybe on December 8, because “frankly speaking,” P49 did not attempt to study [prepare] or do anything before his testimony. He was trying to depend on his memory.

Wiedner indicated that that was a good call [not to prepare anything before the testimony]. Wiedner asked P49 how long he stayed in Al-Khatib Branch. P49 said he stayed three days, of course, it is always “as far as I remember.”

Wiedner asked if P49 was told the reason for his detention. Wiedner recalled that P49 did something before he was detained and asked him what it was. P49 said they did not tell him a specific charge, but in his mind, one could be detained in Syria [even] for entering the toilet. However, the talking [conversation] was about his participation in a condolence/solace [gathering] in an area close to his house, which is [REDACTED], where 16 young men were killed. P49 was there to express his condolences and the condolence/solace [gathering] turned into a demonstration which was recorded and uploaded online. Based on that, he [the interrogator] asked him why he participated in it.



Wiedner recalled that P49 was taken to Al-Khatib Branch. Wiedner asked P49 how he knew that and if it was because he knew the area. P49 said “we” were in Damascus, and he was not blindfolded. P49 certainly knew the area - he knew everything [about it].

Wiedner asked P49 if he could recall and describe what happened when they arrived at Al-Khatib Branch. P49 said that even when they were interrogating him, he knew that it was the Al-Khatib area and that there was an Intelligence Services branch and he knew that they were not police because P49 knows the police uniform. The Intelligence Services [staff] wear civilian clothes. It is the most dangerous apparatus in Syria and all people fear it. P49 knew in general that there was an Intelligence Services branch, but it seems that “we” [Syrians] did not dare to look and observe it in [our daily] life [P49 meant that people knew that there was a security branch in the area because of the checkpoints, but they did not dare look at its location or the buildings, because that would be considered suspicious]. P49 would describe it [the building] as having a big metal door (gate) through which the car drove inside, and behind that there was the building’s entrance. This was where they entered when they got out of the car. P49 went downstairs to the basement and there was a metal door at the staircase. There was something like a small hall and in front of him, slightly to the left, there was the room where he was received.

Wiedner asked if there were orders or instructions for the driver at the gate. P49 said his appearance was known and he does not remember that there were instructions from anyone. The person who came to P49’s house went downstairs [to the basement] with P49, left him there, and then left.

Wiedner refreshed P49’s recollection quoting from the police questioning transcript, “When we arrived at the gate, it was black or beige, there were instructions that no one should talk to me [harm him]. When we got out of the car there was a person who was being beaten.” P49 said yes, maybe he remembers that. But that clip [scene] does not stick in his head all the time [he always forgets it]. What sticks in his mind is what happened inside the room.

Wiedner indicated that P49 met Raslan. Wiedner asked P49 how he knew Raslan: if he knew Raslan before his detention. P49 said no, he did not know him. Raslan introduced himself to P49 when P49 was released. At the time of the release, he [Raslan] told the guard to remove the blindfold and told P49 that he was going to be released that day. He said that P49’s father was there and would be brought to the head of the branch. P49, of course, wore his belt and shoelaces. “We” went upstairs to the office, had coffee, and waited until P49’s father came. At that time, P49 knew that it was Anwar [Raslan] because he introduced himself to P49.

Wiedner indicated that Raslan is in court as the Accused. Wiedner asked P49 if he could recognize him. [P49 looked at his right] P49 said yes, of course.

Wiedner asked how many times P49 was interrogated over these three days, knowing that the first interrogation was conducted by Raslan, he asked P49 what happened next. P49 answered that then he was with the other officer (maybe he was an interrogator but not an officer) who was the more violent one. P49 said he only had these two interrogation sessions. After that, a person came to P49 and told him to “write everything” and gave P49 a pen and papers (that happened with the violent interrogator). P49 signed a blank paper and [the interrogator] asked him “Do you know why we made you sign a blank paper?”. P49 said yes, of course. He [the interrogator] said, “No, not as you think. I am writing a draft so that we do not trouble you.”



After some time, they made P49 write something like an apology and why he did that [participated in the demonstration], and told him that this would be connected to whether he would be released or not.

Wiedner asked P49 if he saw Raslan again when he was released. P49 asked Wiedner if he meant after he was released.

Wiedner said no, after his second interrogation. P49 said yes, at first, it was Raslan, then the other interrogator, then Raslan when he introduced himself.

Wiedner wanted to go back to P49's first interrogation in the basement with Raslan. Wiedner asked if P49 recalls what Raslan was wearing. P49 said the first one [interrogation] was in his office, or so P49 thinks, but he does not remember what he was wearing, but it is always civilian clothes. P49 concluded that he was blindfolded after all [therefore unable to provide precise descriptions regarding clothes].

Wiedner asked if Raslan did not allow P49 to remove the blindfold. P49 said no, not in the first one [interrogation], in the second one.

Wiedner asked how many people, besides Raslan, were in the room. P49 said he thinks there were two [other people].

Wiedner asked how the interaction was between Raslan and these two people. P49 said he thinks it was [as between] a boss and subordinate; Raslan being the boss. He [Raslan] was leading the operation, namely, the interrogation.

Wiedner reminded P49 to inform the judges whenever he needed a break. Wiedner asked how long P49's interrogation lasted. P49 said he thinks it was around 1.5 to 2 hours.

Wiedner indicated that it was a long time and asked P49 if he recalls what they talked about. Wiedner asked if it was a conversation or question-and-answer. P49 said it was more like a query. P49 could say "right now" that he [Raslan] wanted to know about P49's point of view and his participation in the demonstration and opposing the regime. He wanted to tell P49 that the demonstrators are scum. P49 recalls that he [Raslan] brought one of the people [detainees] in to tell P49 that he [the detainee] participated in a demonstration for a kilo of bananas. [Raslan depicted it] As if the demonstration was an external conspiracy and he wanted to know whether P49 participated in armed activities against the regime.

Wiedner asked P49 to describe how that person was called and what happened with him. P49 said he thinks that it happened at the end of the [interrogation] session. After "we" talked about the reason P49 participated [in the demonstration], he [Raslan] called for someone to be brought in. Maybe at the end, he [Raslan] pulled [up or down] the blindfold to show P49 [the person]. P49 indicated that he does not remember if that happened at that session or at the second session (P49 meant on the day of his release).

Wiedner asked if P49 said that this situation happened in the first interrogation in the basement when he was blindfolded. P49 said he does not recall if it happened in the first office in the basement and at the end of the first session, or the beginning of the second session on the day of the release. P49 did not remember very well.

Wiedner asked what the person was asked or if something happened to him. P49 said maybe he was asked why he participated in the demonstration, and he replied that he was offered a kilo of bananas. It was a big play [show] and "we" were watching.

It was apparent that he knew what question he would be asked and P49 felt that he [the person] was prepared to say these few words. He was trying to say that he was a nice person [Perhaps P49 meant that Raslan was trying to say that he was a nice person with detainees].

Wiedner asked if Raslan asked him if the demonstration was armed. P49 said of course, and he asked P49 if he agreed with the killings that were happening. P49 told him that he certainly did not, because the ones who were dying were human beings in the end. P49 stated that he is against violence from all parties.

Wiedner asked what his impression was about what Raslan wanted to do. P49 said he thinks that the whole situation was an “ear scrub/rub” *فرقة أذن* [in Syria, this means to give a little punishment to send a warning; “slap on the wrist”. [P49 asked the interpreter “Do you know how to translate that?” The interpreter clarified the term]. P49 said that the point was that he was not political, was not dangerous, and was not inciting/instigating killing. It was more of a punishment than an interrogation, and more like showing off power and “we can bring [detain] you [here whenever we want].” They were showing P49 what they were capable of doing. P49 thinks that was the goal and what made him sure of that was that they brought his father on the last day (like in school).

Böcker said that he did not understand the term P49 used. [The interpreter clarified the meaning, but the indirect interpreter gave another meaning. This led to some confusion between the interpreters, however, the trial monitor could not hear the indirect interpreters’ explanation].

Wiedner asked if P49 felt that the interrogation in the basement was in a closed room. P49 said yes, it was a closed office which had a door. The second one [interrogation], however, was in the hall.

Wiedner asked if the second interrogation was conducted by the other interrogator. P49 confirmed.

Wiedner asked where that second interrogation was conducted. P49 said the second interrogation was in the open space.

Wiedner asked if both meetings with Raslan took place in the office in the basement. P49 said no, the first time was in his office [in the basement]. The second time was in his office but at the time of the release, he [Raslan] requested that P49’s belt and shoelaces be brought. Then P49 went along with him [Raslan] upstairs to his second office, which P49 thinks was on the first floor and it had a balcony. P49 stopped and asked if he could have a break.

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[15-minute-break]

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Wiedner asked if P49 heard sounds of mistreatment from other detainees during his detention. P49 said yes, of course. He heard it most of the time. It was as if there were organized [torturing] sessions, between two and three per day, and there was a session for releasing demonstrators who were there [in detention], in addition to songs glorifying Bashar [Al-Assad].

Wiedner asked if anybody in the basement could hear the same sounds of mistreatment. P49 confirmed.

Wiedner asked if P49 could hear the screams and interrogation of other people later, when he went upstairs. P49 said that at the time he was released/went upstairs [he used a word that could mean either], there was no torturing [happening], and therefore, P49 could not tell whether he could hear [such sounds] upstairs.

Wiedner asked P49 if he met high-ranking officers before he was released. P49 said that on the day of his release, he met the head of the branch. P49's father was brought to him but P49 does not remember the head's name.

Wiedner asked if Tawfiq Younes rings a bell. P49 said most probably, he was 90% sure it was him.

Wiedner asked P49 what happened at the office; whether P49 talked with him [Younes] and if Raslan was there. P49 said no, P49 was in Anwar's [Raslan's] office and then he [Raslan] received a phone call saying "Ok" and that P49's father was upstairs. P49 thinks that he [Raslan] escorted him upstairs and his father was there with the head of the branch sitting on a chair nearby. P49 went to him on purpose and "greeted him" [P49 used a word that could mean "shook his hand"], although he [Younes] did not want to reciprocate because it was apparent that he was annoyed with P49 (it was as if P49 cornered him [put Younes into an awkward situation]). P49 had the feeling that they wanted to watch a scene of him apologizing and crying [begging for mercy], which did not happen. Thus, the head of the branch was disappointed. It was not a long meeting. He [Younes] said that he hoped that this was the last time P49 comes to them (not exactly like that, but with the same meaning). The meeting was over and P49 left with his father, and they gave him the car immediately.

Wiedner asked if the office of the head of the branch was in the same building where Raslan's office was. P49 said he thinks it was the same [building], but one floor up.

Wiedner asked P49 to describe Raslan's office that was upstairs. P49 said it was a spacious room and he recalls a big picture of Hafez Al-Assad. Maybe there was a balcony, but if it was not a balcony, then P49 recalls the office being fresh and bright. It was the total opposite of the office downstairs.

Wiedner asked P49 if they [P49 and Raslan] talked about Hafez's picture. P49 said he does not remember details, but he recalls that he [Raslan] did not agree with Bashar Al-Assad and P49 found it strange that he was telling him that. P49 explained to the court that this was of course his subjective impression. According to P49, and Raslan seemed to be more aligned with Hafez. What affirmed that to P49 was that the big picture of Hafez was different than the pictures that are in the offices, companies, and the streets.

Wiedner asked if P49 had contact with Raslan after he was released. P49 said first, he read on Facebook something like an apology from Raslan addressed to P49, as he did not have P49's contact information (P49 thinks it was after he [Raslan] defected from the Intelligence Services), as to why he [Raslan] had to detain P49. Later, his [Raslan's] assistant, who took [detained] P49 from his house, contacted P49 on Facebook and told P49 that Anwar [Raslan] was in Germany and would like to get to know him, if P49 did not mind. P49 was curious and communicated [did not specify whether it was with Raslan or his assistant] at first via WhatsApp sending voice messages. P49 was curious why and how the whole process happened, because P49 thought a lot about it, and was curious whether Raslan had actually defected.

Wiedner asked P49 what Raslan told him, or if he did not say anything. P49 said that they agreed to meet in Berlin (most messages were generally more like greetings etc.), but he [Raslan] was arrested before they met.

Wiedner asked P49 if Raslan told him why he defected. P49 said he does not think that they talked about such a topic. The discussion was more about how he [Raslan] knew P49's father and met him multiple times in the past, not anything more than that.

### **Prosecutors' Questioning**

Klinge asked if one could hear screams and sounds of torture during the first interrogation. P49 asked Klinge if he meant "in the [interrogation] room".

Klinge said yes. P49 confirmed.

Klinge asked if one could hear that in Raslan's room. P49 said yes, certainly.

Klinge refreshed P49's recollection quoting from the police questioning transcript, "Certainly, Raslan knew that there was torture there. There is no doubt. One could hear that even in the street. Raslan knew what was happening there." [The trial monitor was unable to fully capture the quote]. Klinge asked if that was correct. P49 said he does not know what the reason was for his defection, but all the rest was correct. However, what is certain is that this was the general approach of the Intelligence Services, even before the revolution. Even the normal person [layman] knows that [in Syria].

Klinge recalled that P49's impression of the relationship between Raslan and the other two staff members who were in the interrogation room was boss- subordinate. Klinge asked P49 how he concluded that. P49 concluded that through several points. When he [Raslan] was in the office, they were in the back [behind P49]. Raslan was almost the only one talking and no one else was talking. It was only after a while that P49 discovered that there were two other people in the room. That was what gave P49 the impression that he was the boss.

Klinge asked P49 if he remembers how Raslan spoke with the staff members. P49 said he thinks that they were addressing him with a low tone saying "Sidi [My master/Sir]." Usually in Syria, one says it to someone who is more senior than him.

Klinge asked if there were instructions or orders given by Raslan. P49 said not to the ones in the room, but it was apparent that he gave orders. "His word cannot become two" [Roughly translated, this means that no one dares to question his word. He does not need to ask twice].

Klinge asked P49 how he was treated during his detention in comparison to other detainees. P49 said that from the start, it was obvious that he had a special treatment, based on the knowledge of all the Syrian people about the reception at the Intelligence Services. P49 added that there are exaggerations for sure, but in general (and P49 has friends [who were detained and told him about the conditions there]), usually one gets beaten the moment he enters [the branch] and it was systematic. But that did not occur to P49; they were only harsh. P49 assumes that they gave him very special treatment because of his "situation."

Klinge recalled that P49 said that he is an artist and Raslan got to know his father [the word Klinge and P49 used was "got to know/was acquainted with"].

Böcker asked Klinge if he meant "knew his father" rather than "got to know/was acquainted with."

Klinge said yes, he meant "was acquainted with." P49 said that Raslan was the one who mentioned that to P49, and P49's father is well-known. He [Raslan] told P49 that he got to know his father/was acquainted with his father, but that does not necessarily mean that he was a friend of his father's.

Maybe he [Raslan] got to know him [P49's father] when he [Raslan] was serving in a different place. That is how he knew him, but yes, there was special treatment.

Klinge asked if Raslan had respect for P49's work or the work of his father. P49 said he would not say "respect." P49 thinks that at the Intelligence Services there is no respect for any personality no matter how big it is. For example, a professor's value would be zero. P49 indicated that he saw an English teacher being tortured (did not see but rather heard [he corrected himself]).

Klinge asked if P49 had the impression that he got special treatment because Raslan valued artists. P49 said he might say that, but he would say that what happened with him was that he [Raslan] treated P49 "well" in comparison to the way others were treated. However, if P49 would talk about humanity, then it was not "good" at all. There was violence from the first moment and constant injustice, however, in the whole regime, not only [from] Raslan. Therefore, when P49 said "good," it was relative to what is happening in Syria, not to human standards.

Klinge asked P49 why he was treated differently in comparison to other detainees in his interrogations. Böcker interjected saying that the question was answered.

Kerber said that the question was not answered and that was why Klinge asked the question. P49 asked if the question could be repeated.

Klinge asked P49 how he would explain the reasons for being treated well in comparison to other detainees. P49 said that this is certainly not something he can 100% confirm. That is why he wanted to get to know Raslan. However, P49 could say, according to his personal opinion, that he received very special treatment because of his career and work, and maybe because of his "origin" [It's unclear if he meant his origin in the artistic industry or his ethnicity.]. P49 thinks that there must have been something specific to his situation, for Raslan to treat him that way.

Klinge asked if Younes had respect for P49's career or origin. P49 said they did not have "respect," but they wanted to make sure that he did not go against them publicly again. P49 noted he wanted to assert again that they do not have any respect for any personality. That is the nature of their work.

Polz recalled that P49 said that Raslan referred to the demonstrators during the interrogation as "scum." Polz asked if P49 had the impression that Raslan was pro-regime against the demonstrators. P49 said that frankly, he felt that the whole interrogation was a play [show]. P49 was not convinced about what he [Raslan] was saying, nor was he [nor was Raslan was convinced by P49's words]. They were playing roles to get it over safely. P49 even recalls that Anwar [Raslan] made a comment at some point and asked P49 whether they [Raslan and P49] should do a screenplay of "this thing" and whether they could be actors. P49 answered Raslan, "Deservedly."

### **Defense Attorneys' Questioning**

Böcker recalled that the general prosecutor asked P49 whether he was treated well in comparison to other detainees. Böcker asked if that was related to Raslan or to Al-Khatib Branch, and how Raslan treated "others." P49 asked if his understanding of Böcker's question was correct that he was asking how Raslan treated others.

Böcker recalled that P49 said "one" and "others," and wanted to know what P49 meant by that. P49 said he does not know how Mr. Anwar [Raslan] treated others, only how Raslan treated him.



Böcker referred P49 to the topic of Raslan and P49's father and recalled that P49 said that maybe they got to know each other before Al-Khatib. Böcker asked P49 what he meant by "before Al-Khatib." Böcker asked P49 how he knows when they spoke to each other. P49 said he knew about all of this through Anwar [Raslan]. P49's father did not tell him that. He [Raslan] told P49 that he knew his father.

Böcker recalls that P49 said that Raslan got to know/was acquainted with P49's father. Böcker asked if, by that expression, P49 meant that they were friends. P49 said that as far as he remembers, they were not friends on a personal level. P49's father had a visit to the place where Anwar [Raslan] used to work before this place [i.e., before Al-Khatib]. Maybe he [Raslan] was living in the same place where P49's family was living. Maybe Raslan used to see his father in the street in front of P49's family house. P49 does not think that it was a personal relationship.

Böcker asked P49 how he knows Raslan's previous working place. P49 said no, it was not his working place. P49 thinks that Raslan was living close to P49's family and used to see his father by coincidence [they used to bump into each other] and would greet him. That was what P49 understood from Raslan. All of this is from Raslan [Raslan told P49 that].

Böcker said that this could be problematic for P49 or Bahns. Böcker recalled that P49 said that that he read a Facebook post by Raslan explaining that he had to detain P49. Böcker said that when he hears that, he would think that Raslan had to detain other people as well ["had to" in the sense of he "had no choice but to"]. P49 clarified that he would say, what was posted on Facebook, as far as he remembers, was saying that Raslan had to detain P49 due to information that the head of the branch received, saying that P49 was at home. He also said that P49's name was already on the wanted list for detention and that he [Raslan] was trying all the time to not detain P49.

Böcker indicated that P49 mentioned the name [REDACTED] [AS] and that it was mentioned in the post [on Facebook] that AS was the one who tried to not detain P49. Böcker asked if P49 was sure that Raslan was the one who said that. P49 said that AS is Anwar's [Raslan's] assistant who came to P49's house to detain him. P49 does not think that AS had the authority to detain him on his own, while Anwar Raslan could stop [the order of] his detention.

Böcker recalled that P49 said that Raslan wrote that Facebook post, while in fact, AS was the one who did that. P49 said that as far as he remembers, there was an apology from Raslan on the internet regarding P49, saying that he had to detain him but did not want to. P49 is not sure, but it could be a misunderstanding and, therefore, AS was the one who said that on the internet.

Böcker recalled that AS said that he had orders to detain P49. Böcker wondered if he [AS] had indirect contact with the head of the branch. Böcker asked P49 if it could be possible that the head of the branch was the one who ordered P49's detention.

Böcker said that P49 did not mention the name Tawfiq Younes in the police questioning, but "today" he referred to the head of the branch as Tawfiq Younes. Böcker asked if P49 knew Tawfiq Younes. P49 said that that became several questions.

Böcker asked if P49 met Younes before or after his detention. P49 said that regarding Younes, P49 met him only once at that time [during his detention and before his release].

Böcker asked if Younes shook P49's hand and greeted him. P49 said his feeling was that Younes was forced to greet P49 and that P49 surprised him [that he initiated the greeting] which Younes did not expect.



Böcker recalled that Younes was disappointed and was expecting an apology from P49. Böcker asked why Younes was disappointed. P49 said he thinks that Younes wanted “that” and to see P49 devastated during the scene of P49’s release... [P49 was interrupted by Böcker].

Böcker interrupted, “but that did not happen.” P49 replied, unfortunately.

Böcker asked what Younes was expecting. P49 said that Younes was expecting P49 to kneel on the floor, cry, say “Sorry,” and apologize to his father. He [Younes] wanted P49 to say that he was a fool and that the people fooled P49 into going to the condolence gathering and turning it into a demonstration.

Böcker asked how the interaction between Raslan and “the person who P49 was 90% sure was Younes” was and how long they stayed in the room. P49 said he does not think that Raslan was with them in the room. He only escorted P49 to the room. That is what P49 recalls: Raslan escorted him and then left. Maybe “we” [P49 and Raslan] met again when “we” [P49 and his father] were going downstairs [when they were released], but P49 does not remember.

Böcker asked if it was correct that P49 said that Raslan wanted to show him that the demonstrators were scum. Böcker asked P49 why Raslan said that and whether P49 perceived that meaning due to the surrounding circumstances. P49 said no, he [Raslan] said that and that was the point of view of the whole regime. Raslan said that “these are uneducated, poor [money-wise], and are ready to do anything and sabotage the country for money”. He mentioned many such examples and then brought the young man who mentioned the bananas and said that this guy agreed to demonstrate for bananas.

Böcker asked if the bananas person was injured. P49 said no, he had no wounds, but it was apparent that his psyche was shattered [devastated]. He acted too inferior [There was confusion interpreting the phrase. P49 meant that the person was acting as if he was worthless and saying “I am a fool and good for nothing, I deserve this” etc.].

Böcker recalled that P49 said in the police questioning regarding that person that he appeared as if he had been detained there for a long time. He could have been detained because he was armed. Then P49’s blindfold was removed to see him. Bahns said that the quotation was wrong.

Böcker asked P49 how Raslan reacted when P49 said that he did not agree to the violence of the regime. Böcker asked if P49 said during the interrogation with Raslan that there was violence from the regime side. P49 asked Böcker if his question was whether P49 asked Raslan if there was violence from the regime.

Böcker said no. He was asking whether P49 said that, not whether he asked that. P49 said if he remembers well, P49 told him [Raslan] that there was violence that was happening.

Böcker asked what Raslan’s response was. P49 said he thinks that his [Raslan’s] answer was that no, there was no violence, no torture.

Böcker asked if P49 got the impression that this was Raslan’s opinion or whether he [Raslan] was lying. It was apparent to Böcker that Raslan said that, but he wanted to know if P49 felt that Raslan was serious. P49 said he cannot judge, but he does not think that he [Raslan] was serious with his answer.

Böcker recalled that P49 said in the police questioning that Raslan brought a person into the interrogation who was detained because he participated in armed activities against the regime, and yet, he was not tortured. Böcker asked P49 if that was the bananas person.

P49 said no, maybe he [Raslan] brought in the armed person and P49 thought that he was the bananas person because it was [stuck] in his head. The armed person said that he shot at the police and was not tortured. P49 thinks that the person who was brought in was the person who fired [the armed shooting person].

Böcker asked P49 if the bananas person was brought in as well and if there were two people. P49 said the banana story exists, but maybe P49 put the bananas [story] on the armed one.

Böcker asked what about "the blindfold was removed at that point". P49 said this is what he is not recalling. It could have happened at the end of the first [session] or the second one when he was released.

Böcker asked if the removal of the blindfold coincided with bringing in the armed person. P49 said it [He may have meant "the blindfold," because he used the feminine "it" and the word used for blindfold is feminine in Arabic] has something to do with the matter, but maybe that young man was brought in the second time. "Let me say [phrase] it like this:" in the first interrogation session, P49 grabbed the chair without seeing; then, later during that session or in the second session, the blindfold was removed, and he [Raslan] showed P49 the person who fired/shot [at the police]. P49 does not remember if it was at the end of the first session or in the second one.

Böcker asked if Raslan received a phone call during the second session informing him that P49's father arrived. P49 said this happened during the second session, upstairs.

Böcker asked if Raslan received the phone call in the interrogation room or his office upstairs. P49 said no, when P49 went upstairs with Raslan, he received a phone call or [maybe] someone came in [the office] and told him [Raslan] that P49's father was there, and as a result, "we" [P49 and Raslan] went to the floor upstairs [to the upper floor, above Raslan's office to Younes's office].

Böcker said, "which is the office of the person who you are 90% sure is Tawfiq Younes." P49 confirmed.

Böcker summarized that P49 went one floor up, then another floor up. Böcker asked on which floor the blindfold was removed. P49 said that the blindfold was removed when he was downstairs, in the basement.

Böcker asked P49 about what his father and Younes spoke about in that room. P49 said that they called his father after three days of not knowing P49's whereabouts (P49's father called many people to ask where he was). P49's father did not know who called him but the person said that his son, [REDACTED], is in Al-Khatib. P49's father told them that he did not know where the branch was and that he cannot drive. He asked them if someone could come and take him. They sent a car and brought him [P49's father] to the branch.

Böcker asked how P49 knew about that. P49 said through his father.

Keber noted that the judges needed a break and asked Böcker how much time he still needed. Bahns suggested that because it was the day most were traveling home, maybe if there were not so many questions, then they can finish the session before the lunch break. Böcker said that he needed around 15 minutes. Only Reiger and Oehmichen had questions. Kerber said if it is only 15 minutes, then the proceedings would be resumed.

Böcker asked P49 if his father shared with him why he was brought to the branch. P49 said "they" told him "Come to take your son."

Böcker recalled that P49 said that there was a good interrogator and a bad one. Böcker asked if there is a relation between the interrogator being good and his rank(ing). P49 said of course there was a relation between them, because Raslan had a higher rank than the one who interrogated P49. That person's military rank was inferior to Raslan's.

Böcker asked P49 how he knew that. P49 said he [the second interrogator] did not have an office. It [the interrogation] was conducted in the hall. P49 could know that he [the second interrogator] had a lower rank.

Böcker asked if P49 got the impression that the good and the bad interrogators were working as one team, and how he would describe the relationship between them. P49 said it was like the idea of the carrot and the stick.

Böcker recalled that in the police questioning P49 said that one could tell from Raslan's voice that he was serious and he was not violent. Bahns said that Böcker should read the context as well because the witness would not know it.

Böcker repeated that when P49 was talking with Raslan during the interrogation, he felt that Raslan was serious and not violent. P49 asked if [the question was that] Anwar [Raslan] was serious and not violent.

Böcker said yes, "was he?". P49 said that he did not understand. [The interpreter explained to P49 the question]. P49 explained that by saying that he [Raslan] was not playing around/having fun, and "was not violent", he meant that there was no beating or insults. However, the whole situation was violent. P49 was in an Intelligence Services branch, someone was being beaten [the interpreter clarified that the word, literally translated as "killed" means "beaten" in colloquial Arabic] and then P49 went to the interrogation. [P49 was not beaten, but he meant that he was in the cell hearing sounds of beating and torturing others, then he was called for an interrogation].

Böcker emphasized that P49 meant that the situation was violent, but not Raslan. Böcker recalled that P49 said that Raslan introduced himself to P49, and asked if that was correct. P49 asked "where?".

Böcker recalled that P49 claimed that Raslan told P49 that he knows his father and his work and values his father when they [Raslan and P49] were in the main office. P49 said he does not remember, maybe it was during the second time.

Böcker asked if, during the second interrogation on December 10, 2011, P49 was blindfolded. P49 asked if Böcker meant during his interrogation by Anwar [Raslan] or by the other interrogator.

Böcker said by Raslan during the second interrogation. P49 said it was not an interrogation, it was a release. P49 was brought to him [to Raslan] and he said "remove the blindfold."

Böcker recalled that P49 said during the police questioning that Raslan asked the staff member why he put the blindfold [on P49]. P49 said Raslan said "remove the blindfold," but not to him [Raslan was addressing the guard].

Böcker recalled that P49 said that Hafez's picture was not ordinary. Böcker asked what was different about it and if there was a picture of Bashar as well. P49 said he does not remember, but he recalls that it was not a typical one. It was big. And certainly, there was a picture of Bashar. It is impossible that there was not.

Böcker said that his question was whether P49 recalls that there was a picture of Bashar, or if it was P49's logical conclusion. P49 said he does not remember. He recalls a big picture of Hafez, but automatically one knows that there was a picture of Bashar. "If it [Bashar's picture] is in the bakery, it is definitely at the Intelligence Services."

Böcker said that the situation "here" in Germany is different. Böcker recalled that P49 described that Raslan's office was nice and had a big picture of Hafez Al-Assad. According to Böcker, P49 said "There had to be a picture of Bashar." P49 asked what the question was.

Böcker said that P49 did not recall whether there was a picture of Bashar Al-Assad in the office. P49 said it was natural. It is impossible that there was no picture of Bashar. It is something official.

Böcker said that when P49 said "There had to be a picture of Bashar," Böcker concludes that P49 did not know if there was a picture of Bashar in the office. P49 asked [the interpreter] whether Böcker meant whether P49 said that, or if it was Böcker's conclusion. P49 said what stole his attention (with Hafez's picture) was the talk that Hafez was the intelligent, powerful, wise leader. P49 had the feeling that Anwar [Raslan] liked Hafez more than Bashar. The big picture of Hafez with Anwar's [Raslan's] idea was what made P49 think like that. [P49 addressed the interpreter] His [Böcker's] conclusion is wrong.

Böcker asked what Raslan said about Hafez Al-Assad. P49 said he does not remember. Maybe he [Raslan] told P49 that this picture was...[P49 paused]. P49 said he does not remember.

Böcker refreshed P49's recollection quoting the police questioning transcript, "[A] great man whose death was a great loss of the nation." P49 said yes, he thinks it was like that.

Böcker recalled that in the police question P49 said, "On the other hand, I know what it means to be at the Intelligence Services." Böcker asked P49 what he meant by that. P49 said it meant to him several things. One was that he [Raslan] made a decision to work at the Intelligence Services in Syria, and thus, he does not have a problem with torturing people because of... [P49 did not complete the sentence] P49 said he does not know what his [Raslan's] convictions are and whether they [the detainees] were guilty or not. It was a notion that he agrees on. Secondly, Raslan agrees to do very dangerous work that could lead to his death, and he agrees on that. Since he knows that, he has to bear the consequences.

Böcker asked if P49 knows since when Raslan was working at the Intelligence Services. P49 said he does not know, nor does he know him [Raslan] in person. P49 just knows that it was for a long time.

Böcker asked what a "long time" means in Arabic. "Does it mean since 2011?" P49 said no, before that, because he [Raslan] told P49 about his father. Maybe he was at the Intelligence Services in the 1990s at a different branch.

Böcker asked P49 if he would say that Raslan defected because he was against violence. P49 said he cannot say why he [Raslan] defected. That is a big question.

Böcker asked P49 what he would think of the reason, knowing that Raslan worked there since the 1990s. P49 said that to him working with the regime is for preserving/maintaining the regime, and it has nothing to do with patriotism. He [Raslan] might have thought of patriotic reasons, like defending the homeland. P49 said he does not know why one would work at the Intelligence Services.

Oehmichen said that she wanted to quote something from the police questioning: “Torturing is hard/difficult. I was tortured when I was a child by the police. If you decide to work there, then you know what is happening there. When I speak about Raslan, I cannot say that he is not good, but also cannot say that he did not commit crimes.” P49 said yes, he thinks that he said that. The translation/interpretation was not accurate at some points [during the police questioning]. P49 had to endure torture all the time when he was a child, and most of his friends had the same situation with the police for no reason. P49 said that he however did not understand [what Oehmichen wanted to ask]... [P49 was interrupted]. Oehmichen said that she just wanted to know if P49 said that. She then thanked him.

Reiger said that the accused said in his statement on May 18, 2020 “The detainee [REDACTED] was a demonstrator and knew that I have sympathy with detainees.” P49 said he cannot say that, as he only knows what happened with him. There is a lot of hearsay and P49 cannot confirm this.

Reiger asked if P49 got the impression that Raslan had sympathy with demonstrators. P49 asked if Reiger meant “during the interrogation.”

Reiger said yes. P49 said no, he did not believe anything during the interrogation, because he thought it was all [a lie/show].

Böcker asked how P49 knew that Raslan did not have sympathy with demonstrators. P49 said he did not say that Raslan did not have sympathy, but rather P49 said that he does not know if he [Raslan] had sympathy.

Böcker recalled that P49 said that he did not believe anything at all. Böcker asked P49 if that means that Raslan was not serious. P49 said he did not say that Raslan was not serious. He said that Raslan was serious but not violent. P49 felt that “we all were lying to each other.”

[The witness was dismissed at 12:50 PM]

Kerber announced that Inspector Knappmann will be invited to a future session.

The proceedings were adjourned at 12:53 PM.

The next session will be on September 8, 2021, at 9:30 AM.

**TRIAL OF ANWAR RASLAN and EYAD AL-GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 46

Hearing Dates: September 8 & 9, 2021

*CAUTION: Some testimony includes descriptions of torture.*

**Summaries/Highlights:<sup>1</sup>**

**Day 92 – September 8, 2021**

P50, a 45-year-old Syrian doctor [REDACTED] testified about his detention at Al-Khatib Branch where he was beaten. He told the court that the mental trauma caused by detention was more severe than the physical trauma. As a doctor, he also treated former detainees. P50 explained to the Court that detention could completely change a person's personality to the point where one becomes suicidal or violent towards their own family. He also elaborated on the social exclusion suffered by female detainees.

The Presiding Judge then read the judges' decision to reject the defense's request to summon an allegedly former guard at Al-Khatib Branch as a witness.

Three Plaintiff Counsels submitted a statement regarding the Prosecutors' statement about the counsels' previous notice to include enforced disappearances as crimes against humanity to the charges.

**Day 93 – September 9, 2021**

Criminal Chief Inspector Knappmann from the BKA testified about the questioning of a witness who did not want to testify in court in Koblenz. The witness was questioned twice by the French police before he was questioned by the BKA. Nonetheless, the witness told the BKA that he would not be willing to participate in judicial proceedings or in the trial in Germany. He also declined the Court's summons.

P51, a Syrian doctor, was allowed to disguise his face and conceal his personal information. P51 worked at the Red Crescent Hospital opposite of Al-Khatib Branch. He told the court about visits he and his colleagues made to the Branch where they saw detainees who were in bad physical condition. However, the doctors were not allowed to provide medication or treatment, other than stitching wounds or applying bandages to severe injuries. P51 further said that the hospital was used exclusively by the Branch because other patients were hindered from entering it. Also, detainees were transferred to the hospital as patients without correct medical files, and the mortuary was overcrowded solely with corpses from the Branch.

A Plaintiff Counsel submitted a statement regarding the request to add enforced disappearances to the charges. P50, who was admitted as plaintiff, also provided a short statement on the matter, detailing his and his family's experiences with detention and missing relatives.

<sup>1</sup> 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.



**The Defense submitted requests to hear three additional witnesses to provide information about the accuracy of previous witness testimonies, as well as Raslan's actual competences and character.**

### **Trial Day 92 – September 8, 2021**

The proceedings began at 9:35AM with eight spectators and one journalist in the audience. The prosecution was represented by Prosecutors Klinge and Polz. Defense Counsels and Plaintiff Counsels were present as usual.

P50 was accompanied by Dr. Oehmichen. Presiding Judge Kerber noted that P50 was not summoned by the Court but called by Dr. Oehmichen who also submitted a request on P50's behalf for him to join the trial as a plaintiff and for Dr. Oehmichen to be admitted as his witness counsel. There were no statements on Dr. Oehmichen's request to be admitted as P50's witness counsel. Presiding Judge Kerber decided that Dr. Oehmichen would be admitted as P50's witness counsel for the duration of his testimony on this trial day since he was not able to exercise his rights without counsel.

### **Testimony of P50**

Presiding Judge Kerber said that the Court would hear P50 to comply with its duty of judicial enquiry. P50, a 45-year-old Syrian doctor was informed of his rights and duties as a witness. He is unrelated to the defendant by blood or marriage.

### **Questioning by Judge Kerber**

Judge Kerber explained the Court already knew from Dr. Oehmichen that P50 came into conflict with the Syrian regime and was arrested. Kerber asked P50 to describe how he came into conflict with the regime and the timeframe of his detention. P50 said he would first like to thank the court and everyone involved in making this trial happen. He said when "we" started the revolution in Syria, their aim was to establish a state governed by the rule of law so that every accused had the right to remain silent, speak, "and things like that." The court "here" would therefore be important. P50 went on to explain his own story.

P50 had a medical practice near Damascus. One day, his parents received a call from a person who said he was sick. This way, the person got P50's mobile phone number. He eventually contacted P50 who gave him an appointment. P50 said when this person – a relatively small man with a round face – came to his office, he started telling P50 his story. After a few minutes, the man received a call and asked P50 whether it was okay to answer. P50 allowed him to answer. P50 told the court that, as a doctor, he has to be sensitive of the wishes of his patients. However, this time his sensitivity might have been a mistake. P50 went on to describe how the man told the caller that he would be done in thirty minutes and be "there." Five minutes later, several men dressed in civilian clothes rang the bell at P50's office. P50 opened the door and they entered. They immediately arrested P50 and put a gun to his neck. P50 said that he called for his sister who was at the office as well, but she did not hear him. He was then taken downstairs where a big car was waiting. P50's shirt was pulled over his head and he had to sit in the middle seat, with people left and right of him. They then drove for around ten minutes. P50 did not know where. He told the Court that he could not provide exact timeframes because he was in shock. He was then taken inside the premises, the location of which he did not know at the time.

P50 remembered that he had to take a few steps downstairs. On the left side was "some kind of lobby" where he was frisked. P50 said he had to undress, but he was not sure whether he also had to take off his underpants on this occasion or whether that happened another time.

His personal items were taken away and he was allowed to put on his clothes again. He was then taken to a community cell where dozens of people were already detained. He had to stay there for around fifteen minutes before he was taken to a different cell. P50 said he could not remember the number of the cell, but assumes it was No. 1. There was already another person in the cell from Douma. P50 said this person had many injuries on his face and his head and was wearing a bandage around his head. This person stayed in the cell for two days before he was taken somewhere else.

P50 went on to explain that he could not provide an exact time for when interrogations started. He could neither say whether it was day or night, nor on which floor the interrogation took place. P50 said “they” wanted information about his activities but at the beginning, he denied everything. He was then told to lay on his stomach on the floor and put his feet up. He was then beaten on his feet using an item before he was taken back to his cell. P50 said he was then taken again. “They” wanted to have information about P50 and confronted him with information about his colleagues. He was told that, if he did not confirm, he would be punished. P50 described how, one time, he was told “I will beat you twenty times and if I can hear your voice, I will increase the number of beatings.” P50 said this sort of interrogation was repeated around ten times. One time, he was beaten while he was standing. P50 was not sure whether he was beaten with hands or kicked, but the person who did that was standing opposite of him. P50 further explained that he was confronted by three people: P50 was standing in a room and [another detainee] was on the floor. P50 told the Court that he was always blindfolded. Whenever the [other detainee] said something, he was beaten.

Kerber wanted to know who exactly was beaten when the other detainee said something the interrogator did not like. P50 said the other detainee was beaten. He added that this person came to the prison after P50. According to P50, the intention was to confront this person with P50’s statements.

Kerber asked how P50 knew that the other detainees came to the Branch after him. P50 said he did not exactly know when [this person arrived]. However, when P50 arrived, this person was not there. P50 therefore concluded that he either came at the same time or after P50. In any event, P50 was there before this man. P50 added that he met “them” after they were released, and “they” told P50 that they were arrested later than him.

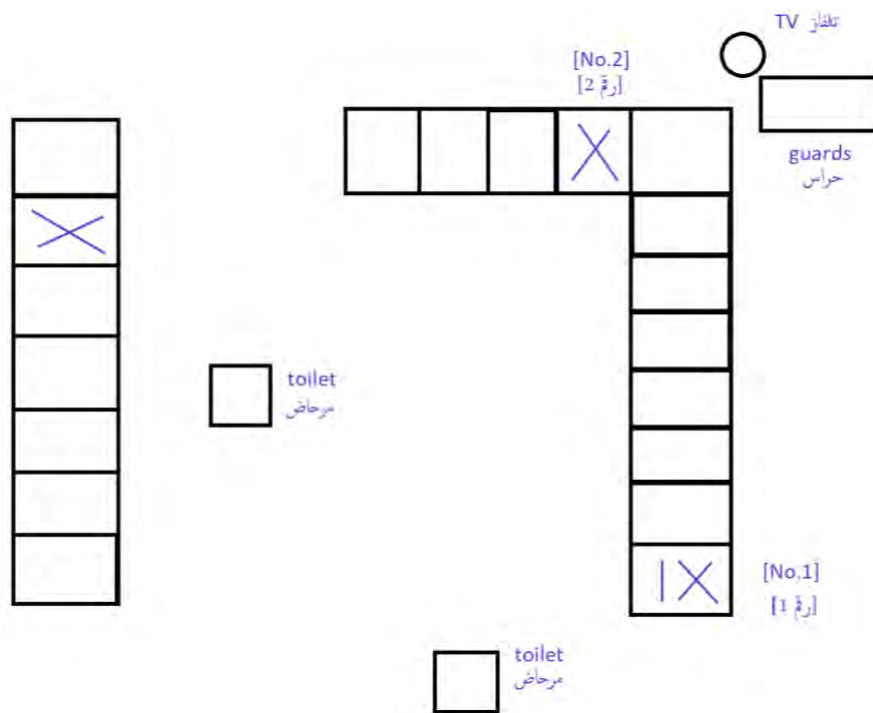
Kerber thanked P50 and told him to continue. P50 went on to describe that another detainee was kneeling in the room. He had to endure the same procedure: he was asked questions and beaten. P50 said he could not remember where the third person was, but he was probably standing opposite of P50. P50 added that he assumes he was in cell No. 1 for five days before he was taken to another cell. He told the court that the [cell] was “L” shaped. P50 was first detained at cell No. 1. His new cell was to the right of his old cell. He spent 25 days in the new cell. P50 added that nearby the second cell there was a TV in the corner and a room where the guards took a rest. [P50 described the layout of the area with his hands on the table in front of him.] He added that he was first in cell No. 1, then taken to the right where there was a hallway, and eventually taken to cell No. 2.

Kerber asked P50 to draw a sketch of the area. [P50 was given a sheet of paper and a pen.]

Kerber asked whether P50 was talking about a solitary cell or a communal cell when he referred to cell No.2. The interpreter explained that P50 was talking about a cell “Zinzana [زنزلة]” and not a solitary cell “Monfarida [مفردة]”.

Kerber said she would like to show P50’s sketch on the screens in court and visually inspect it.

[The following is a recreation of the sketch drawn by P50 based on what the Trial Monitor was able to hear and see in Court.]



P50 explained that cell No. 1 was where he stayed for a couple of days. Cell No. 2 was where he stayed for 25 days and the TV and room for the guards was in the corner. The toilet at the bottom of his drawing was the toilet he used when he was detained in cell No. 1. P50 said he assumes that there was a community cell further down (to P50's sketch, not in terms of floors, as clarified in Judge Kerber's request.) P50 said there was a hallway leading to cell No.2 which he marked with an "X" in his sketch. When he was in this cell, he had to use the toilet in the middle. P50 said this was all he could remember.

Judge Wiedner asked if cell No. 1 was a solitary cell. P50 confirmed.

Wiedner wanted to know how big the cell was approximately. P50 said it was 2 meters long, 2 meters high, and 1 meter wide. They had two blankets.

Wiedner asked what kind of cell was cell No. 2. and how big it was approximately. P50 said all cells were around the same size.

Wiedner concluded that it was a solitary cell as well. P50 said it had the same size [as the first cell].

Wiedner asked if the TV and the guards' room was outside close to the cells and how P50 noticed that. P50 said one could hear the guards and there was a small window through which one could see what happened outside the cell. Whenever the guards were not there, one could look through this window and communicate with other detainees in the opposite cell.

Wiedner wanted to know if P50 was detained in a community cell during his detention at this prison, other than the one cell where he was detained with one other person. P50 said that in this prison – he later learned that it was Al-Khatib Branch – he was detained in a community cell together with other detainees for the first fifteen minutes. The remaining forty days, he was detained in a different kind of cell.

Judge Kerber asked if any of the parties had questions regarding the sketch.

Plaintiff Counsel Scharmer asked whether the labeling of the cells as No. 1 and No. 2 was P50's own way of counting or if there were numbers at the cells. P50 said he assumes that there were numbers and that people were called by the number of the cells, like 1 and 2. However, P50 was not sure about the numbers; it could also be the case that he labeled them in this way because he was first in cell No. 1 and then No. 2.

Judge Wiedner recalled P50 saying that he could not exactly remember the interrogations and was not able to see. Wiedner wanted to know if P50 remembered whether the interrogations took place in the same area where the cells were or if he was taken somewhere else, maybe upstairs. P50 said he assumes – but would not be sure – that it was the same building. He could not remember whether there were stairs. P50 added that he was in shock and could therefore not remember. One was blindfolded and focused on the questions, nothing else.

Defense Counsel Böcker intervened, saying he might have missed something: P50 said he was in the first cell for five days and then 25 days in another cell, but then said he was detained for forty days in total. Böcker asked for how long P50 was detained and whether he could show the cells again on the sketch. P50 explained that he was detained at Al-Khatib Branch for forty days in total: five days in cell No. 1, 25 days in the cell “at the top” [of his sketch] and around ten days at a cell on the left.

Judge Kerber asked P50 to continue providing an overview, asking him what happened next after P50 was interrogated. P50 said the subjects of the interrogations were sometimes a bit strange: he was asked about his age and, when he said he was 36-years old, he was asked whether during his 36 years he was attacked by someone from the police, intelligence services, or government. When P50 said no, he was asked about the reasons for the revolution. [The interpreter had to think for a bit before he translated the following sentence. The accuracy of the translation was confirmed by the other interpreters] P50 was told that the fact that the State would not have harmed anyone should be a favor. P50 told the Court that this would show the different way of thinking of the regime and the people demanding freedom, democracy and the establishment of a state governed by the rule of law. It would not be enough to simply not harm the people.

According to P50, this would explain a lot of what happened in Syria: the revolution was started because of this mentality, and the people would not stop until they reached their goal. P50 said there would be another statement [by the interrogator at the Branch] which would indicate the difference in mentality. He explained to the court that there is a line in the Quran that reads “in hell are 19”. The number “19” was used to compare the room where P50 was detained and hell. Nineteen angels were tasked with punishing the criminals.

Judge Kerber noted that P50 also used the term “Kuffar” which was not translated and asked P50 whether he was also referring to disbelievers. P50 affirmed.

P50 went on to explain that the interrogator who made the reference to the Quran referred to the intelligence services when talking about the “19”. According to P50, this reference was an attack on the civil population and all mankind.

P50 told the court that he studied human medicine, was an active member of the student association, organized events, and partook in extracurricular activities. He wanted to help students continue their studies abroad, particularly in the US. The interrogators asked P50 about these issues but, according to P50, these activities happened eleven years before that interrogation. The interrogator wanted to know why P50 helped students to travel to the US and called him a traitor because he encouraged students to go abroad. P50 told the court that, funnily enough, Bashar Al-Assad was allowed to study abroad and even marry a woman with UK citizenship. Yet, other students were not allowed to study abroad. P50 wanted to provide these examples to show the mentality of the regime.

Kerber asked P50 what happened next, saying that if she was not mistaken, P50 was detained somewhere else as well. P50 said he would first describe what happened at [Branch 251].

Kerber said P50 could for now skip the details about what happened in detention and rather describe the general detention conditions, how the cell was, and how he was treated. Regarding food, P50 explained that sometimes the food was good and sometimes it was not. He lost 20kgs, so his trousers did not fit anymore and he had to tie them. The interrogator once told P50 that the weight loss was the best thing that could possibly happen to P50. However, as P50 told the court, the actual suffering was psychological when he was in the solitary cell. P50 described how he got the idea to cause trouble just to get out of the solitary cell and be punished. He just wanted to feel alive. P50 also thought about committing suicide if [his detention continued] because he did not know what would happen next and how things would end. P50 said he was “taken” on September [REDACTED] when he was wearing a t-shirt and a shirt. After one month, it got colder, and he asked for additional and different clothes. He even suggested to [the guards] that they could take the money he had with him at his arrest and use it to buy clothes. The guards denied.

Judge Wiedner asked whether P50 meant that he was arrested on September [REDACTED] when he said he “was taken”. P50 confirmed. Wiedner asked about the year. P50 said it was in 2011. He added that he told the interrogation officer that he needed a lot of water and he was given water.

Kerber said the judges would now ask some questions. She first wanted to know what P50 was able to hear from his cell. P50 said that someone was beaten, and he was able to hear that. P50 described that when he was in cell No. 1, there was another room from where one could go outside. Whenever someone was to be punished but the guards did not want to take him to the interrogation room, this person was punished in this other room. P50 could hear that.

Kerber asked if P50 was also able to hear street noise, the call for prayer, or pedestrians. P50 said he could not hear those sounds while at Al-Khatib Branch.

Kerber wanted to know what P50 was able to see inside his cell, whether there was light, and if so, where it came from. P50 explained that there was more light in the outer cells than in the inner cells. He could not remember whether there was light inside his cell, but he assumed that light from the hallway was shining into his cell. According to P50, the inner cells were darker. He further described that there was a small window measuring 30x50cm. This window was sometimes open, sometimes it was closed. There was also a gap between the door and the floor which was around 5cm. Light was shining through this gap as well.

Kerber asked if the door was wooden or made of iron. P50 said it was iron.....

Kerber wanted to ask a question but noticed that P50 was about to say something and asked him to go on. P50 explained that, at the end, he had to leave his fingerprint on papers he did not read. There were two investigating officers who conducted P50’s interrogation. P50 said he noticed that there were two voices. One time “this” person came toward P50 when P50 was not blindfolded. P50 said the person stood a bit behind him and did not want P50 to see him. However, P50 was able to see the person and recognized him as the person who was at his practice.

Kerber wanted to know what happened after P50 had to sign the papers. P50 said there was information that he could leave the Branch. It was right before Eid al-Adha. P50 assumed that he would be released and able to celebrate with his family. P50 described that [the detainees] were rounded-up and transported. Instead of being released, they were transferred directly to state security where they were frisked and interrogated. P50 said that he had to hand in all his clothes except for his underpants.



There was an investigator who called one person after the other and made accusations against them. No matter the answer, one was beaten and ridiculed. P50 said he and the other detainees were all accused of the same thing and all of them were beaten. When it was P50's turn, the investigator received a notice from his boss to stop beating people and take them to their cells. P50 said this was the reason why he was not beaten. P50 told the Court that all this happened around Eid al-Adha. His hands were tied behind his back and he had to stay there for 24 hours. P50 said these were the worst hours of his life, he could still feel the pain in his shoulder when remembering this time.

P50 added that he was able to hear the call for prayers so he could estimate the time. The detainees' hands were untied whenever they got food. P50 recalled that there was a child, a boy, in the same cell. His hands were not only tied, but his body was put in chains. P50 said he himself had to stay in this cell for 24 hours before the detainees were dispersed to different cells and fifty new detainees arrived.

There was a toilet inside the [new cell] and one could only sleep if laying on the side or the back. It was very tight. P50 was taken for interrogation from this cell once or twice. He was not beaten during interrogation. P50 said he and his fellow inmates had to stay there for fifteen days before it was decided that they would be released. However, the release was delayed due to a shift change. Some detainees were released, but P50 and some others were not. They were therefore transferred to another cell where they had to stay for two days. P50 explained that his release was initially scheduled for Thursday. He then had to stay on Friday as well because it was a holiday. He was eventually released on Saturday.

P50 told the court that he was taken to a military court where he had the chance to buy sandwiches and eat. It was of course a different and better place than "the hell" where he was before. He was then taken to a military prison where he also had to take off all his clothes. P50 said it was a strange situation because, before that, he could not look in a mirror. He did not know how he looked; he only knew how his "colleagues" looked. There was a very small mirror inside the military prison. P50 said it was very strange because when he looked in the mirror and saw his reflection, he did not recognize himself. He had to stay at this prison for one day before he was taken to a regular court at the Palace of Justice.

P50 said that, at the court, he "of course" denied everything and told the judges that all his statements and confessions were made under torture. P50 explained that his journey did not end in this court. He was transferred to Adra, a well-known prison for dangerous criminals, drug dealers, etc. For P50 and his fellow detainees, however, it was a dream to go there to escape the hell they had been in before. P50 said he only had to spent one day at Adra Prison in "investigative custody" before he was transferred to a normal prison where he had to stay for fifteen days. It was a normal prison where one could file requests to see his charges in writing. P50 said one time during his detention at this prison, someone from "security" was there to get information from P50. P50 was then released after fifteen days. On the day of his release, P50 got one stamp [on his hand]. He told the court that if one got two stamps on his hand, he would be transferred to another prison, but P50 got one stamp and was released. He stayed in Syria for five more days. When he got the information that he might be arrested again, he decided to sleep at different places. With the help of his relatives, he found out whether his name was on one of the lists at the border. On December [REDACTED] 2011, P50 went to Jordan.

Kerber thanked P50, saying she had one more question before the break. She asked P50 how he knew that he was first detained at Al-Khatib Branch and then at the General Intelligence Service. Regarding Al-Khatib, P50 explained that "the guys" [fellow detainees] knew it was Al-Khatib, but P50 did not know how they knew.



Kerber asked who P50 was referring to when talking about “the guys”. P50 said he meant his fellow detainees.

Kerber asked how P50 was able to communicate with them since he told the court that he was detained in a solitary cell. P50 explained that when the detainees were certain that there was no guard around, they communicated with each other in other cells. The cells on the left side were all in one row. The window in the door of the cell was relatively big and if one looked to the side, he was able to see the entire hallway. If [a guard] came, they gave each other signals.

Kerber asked if there were community cells as well. P50 said the cell where he was for the first 15 minutes was a community cell.

Kerber concluded that community cells existed. She went on to ask P50 how he knew that the second prison he was detained at belonged to the General Intelligence Service. P50 said he could not remember, but it was clear to him and his fellow detainees. P50 added that he knew everyone there, around fifty people, and everyone had small pieces of information.

Since there were no urgent questions, Judge Kerber announced a 15-minute break.

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[20-minute break]

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Judge Kerber handed out copies of P50’s sketch to the parties.

#### **Questioning by Judge Wiedner**

Judge Wiedner asked P50 about the general conditions at “this Branch” [Al-Khatib], recalling that P50 was mainly detained in a solitary cell but that there was one injured person with him in the first solitary cell. He asked P50 to tell the court where this person came from and where he got his injuries from. P50 said he could not remember exactly what this person told him, whether he was injured during detention or before.

Wiedner recalled P50 telling the Court about the light in the cells and asked him if he was able to tell day from night and, if so, how he was able to do that. P50 said he thinks he was not able to tell day from night in the first cell where he was for thirty days. He assumed that, in the winter, rain got into the third cell at which he was detained. Based on the meals they got and the fact that they got food twice per day, P50 was able to guess the time.

Wiedner asked where the rain was coming into the cell. P50 said he could not remember whether it was the hallway or the toilet. The memories were a bit blurred and he could not remember exactly.

Wiedner asked if P50 could use the toilet whenever he wanted. P50 said no, detainees could use the toilet one after the other, twice per day. There were set times to use the toilet.

Wiedner wanted to know more about the general hygiene situation at the Branch, whether P50 was able to shower, and if the cells were clean or dirty. P50 said there was no possibility for him to wash for forty days. He did not wash. However, he could not say if they were allowed to or not. On his last day there, a guard asked P50 why he smelled so bad and why he did not shower. P50 replied that he was not sure whether there was a bathroom. The guard told P50 that if he wanted to shower, he would have been allowed to do so. P50 replied that since he would be released anyway, he preferred to shower at home. P50 concluded that he did not shower at Al-Khatib Branch.

Wiedner asked if the scene that P50 just describe happened at Al-Khatib. P50 affirmed, explaining it happened after forty days.

Wiedner wanted to know more about the general condition in the cells and whether it was dirty or clean. P50 said it was very dirty. There were blankets on the floor, but that was everything. P50 did not see dead insects or things like that. Regarding the tidiness, P50 added that it was not a priority for him.

Wiedner asked approximately how many times was P50 interrogated at the first branch. P50 said it was a maximum of ten times. Interrogations happened more frequently during the first couple of days. After that, it happened less and less. When there was new information or when new detainees arrived at the Branch...

Wiedner asked if P50 was always blindfolded on his way to the interrogations and during the interrogations. P50 confirmed, explaining that from the moment he was taken from his cell until he came back, he had to wear blindfolds.

Wiedner asked if P50 was beaten on the way [to interrogations]. P50 said he could not remember.

Wiedner recalled that since P50 was blindfolded during interrogations he could not see much or was unable to see anything happening around him. He asked P50 if he could tell from the voices how many people were present. P50 said he did not have this opportunity. He only noticed once that the investigating officer was talking to another person. It was an important conversation. P50 therefore remembered that there was a second person. Other than that, he had no idea.

Wiedner wanted to know if P50 could tell from that conversation whether the people were subordinate to each other and if orders were given. P50 said there were no orders. It was a conversation to prepare questions.

Wiedner asked if there were orders to beat P50 and if he was beaten by another person other than the interrogator. P50 said as far as he remembered the same person who "investigated" also beat him. He could not remember if someone said to stop or intensify the beating. When he was slapped, the person who slapped him stood right in front of him.

Wiedner wanted to know if P50 was mistreated in different ways as well, other than being beaten and kicked. P50 said there were threats against his family.

Wiedner asked what was said. P50 explained that the threats were general. [The authorities] were willing to get his family [to the branch] as well, and similar phrases. P50 could not remember other forms of physical mistreatment.

Regarding consequences and signs of torture, Wiedner asked P50 whether he was able to walk when his feet were injured and if there were any other consequences of mistreatment. P50 explained that after he was beaten on his feet, they were swollen and he was unable to walk. After he was beaten on his feet, he was told to walk it off so they would not swell. However, P50 did not believe that and thought the intention was to increase his pain. He then heard from others that it would have been good to walk it off. P50 added that his big toe was swollen when he was released, but it went away after two months.

Wiener wanted to know if other detainees told P50 how and if they were mistreated. P50 said he heard from another detainee who talked about a third person who had a boot put in his mouth and received electric shocks.

Wiedner asked if P50 saw other detainees injured apart from the one person who he saw in the solitary cell. P50 recalled that at State Security when he was transferred, he saw a person who was severely beaten on his feet. In the cell, P50 was able to see the person's swollen feet. One could also hear people being tortured.

Wiedner concluded that this happened at P50's second place of detention, the State Security Branch. P50 confirmed.

Wiedner wanted to know what P50 noticed at the Branch that he identified as Al-Khatib. P50 did not notice anything there. He added that there was another person with him in the last cell for seven days. The person was from Harasta and was taken for interrogation and tortured as he told P50. The employees [at the Branch] took him to a place where he was hiding weapons. That was the reason he was tortured multiple times.

Wiedner asked what exactly happened to this person. P50 said he did not know exactly, but he thinks the person was beaten and tortured for several days, then eventually confessed. [Judges Wiedner and Kerber had a short conversation.] P50 recalled that once when he spoke to the detainees in the cell opposite to his, someone came and took a detainee, beat him, and brought him back.

Wiedner wanted to know if P50 experienced sexual violence or knew of others who were subjected to sexual violence. P50 could not remember whether he noticed something like that in detention. However, during his work he was also working with victims of torture, in particular those who were released from prison and women who had been detained. P50 therefore had a lot of information about [sexual violence]. But it did not happen to him while in detention.

Wiedner asked what P50 heard about such things through his work. P50 explained that only a few women spoke about being raped. There was once information about women being raped. P50 said he wanted to explain to the court what far reaching consequences rape has on Syrian society: A woman was in a car with her husband, neighbor, and her son. They were all arrested at a checkpoint and held there for two hours. The husband and the neighbor were separated from the woman. They were all released eventually. The woman was a patient of P50. She was very depressed, suicidal, and thought about killing her own child. Her husband asked her if [the men who arrested the family at the checkpoint] did anything to her. She denied, but her husband was not convinced. Because he was with their neighbor and separated from his wife, he did not believe her. P50 said the woman did not tell him that anything was done to her, but he sent her to a specialist. He later learned from his [female] colleague that the woman apparently had been raped. P50 told the Court he just wanted to illustrate that this woman was willing to kill herself and her child simply because she was asked if she was raped.

Wiedner said he wanted to come back to P50's own experiences, asking him whether he saw dead people at the first branch where he was detained. P50 said no.

Wiedner asked if P50 was able to see someone during his interrogation who he would be able to recognize. P50 affirmed.

Wiedner wanted to know if P50 remembered having seen the defendant [Anwar Raslan] on one of these occasions. P50 said no, adding that he would be able to recognize someone based on his voice.

Wiedner said he wanted to get a quick overview of the time during which P50 was detained, asking whether it was correct that he was arrested on September [REDACTED] 2011. P50 confirmed. Wiedner asked if it was correct that P50 then stayed at the first branch for forty days. P50 confirmed. Wiedner wanted to know if it was correct that P50 was transferred shortly before Eid al-Adha. P50 confirmed. Wiedner said that according to the judges' online research Eid al-Adha was from November 6 to 10, 2011. He asked P50 if that timeframe was correct in terms of his detention periods.

P50 confirmed again. Wiedner recalled that P50 was then transferred to the General Intelligence Service of the State Security Branch after fifteen days. P50 confirmed. Wiedner went on to recall that P50 was then at the military court and in detention there for one more day. P50 confirmed. Wiedner concluded that at the end of his entire detention period, P50 was at Adra Prison for around two weeks. P50 confirmed, adding it was fifteen days, maybe a bit less. Wiedner wanted to know when P50 was eventually released. P50 said it was on December [REDACTED] 2011.

### **Questioning by the Prosecutors**

Prosecutor Klinge said the prosecutors only had a few questions, starting with a question about how long the interrogations approximately lasted. P50 said they took one to two hours each time.

Klinge asked P50 whether he could say how many times he was approximately beaten during interrogations. P50 said as far as he could remember, he was beaten at almost every interrogation. At each interrogation, he was supposed to provide information. However, the interrogators already had the information, so P50 could not deny. If the interrogators did not like P50's answer, he was punished.

Klinge asked if P50 was beaten intermittently or without interruptions. P50 said he could remember one time where he received twenty beatings in a row.

Klinge wanted to know if P50 noticed female detainees at Al-Khatib Branch. P50 said he could not remember.

Klinge further recalled that P50 was detained in a solitary cell almost for the entire duration of his detention at Al-Khatib Branch. He asked P50 if he had any explanation for why he was in solitary confinement and not in a community cell. P50 said they probably assumed that he was playing a big role in the events in Syria. At his transfers, most detainees in the group were doctors as well. P50 said they would usually select one person who would then be the advocate of the group. However, there were orders from the top that no one was allowed to talk to P50's group. P50 said he would clarify: the order was that no one should talk to this group. P50 therefore assumed that his group was playing an important role for "them" [security forces]. P50 tried to understand why he was taken to a solitary cell. His guess was that "they" wanted to prevent P50 and his group from getting information from other detainees or passing information to them. P50 explained that there was one thought: There were so-called coordination points. Whenever groups within a city existed, they organized themselves on Facebook in so-called coordination points. If someone was a member of such a point, he was considered to be as dangerous as a person carrying a weapon. The regime considered these people to be more dangerous than those carrying a weapon. P50 told the court about one of his friends who participated in peaceful demonstrations and who was against carrying weapons. He was executed in detention. According to P50, detained jihadists were released at the beginning of the revolution.

Klinge wanted to know if P50's family members got any information about his whereabouts from authorities. P50 said no, his family thought he was somewhere else.

Klinge asked if P50's family made inquiries about him. P50 said his sister told him that the family tried to make inquiries about his whereabouts. His sister was the one who took the call from the person who pretended to be sick and came to P50's practice. His sister tried to call this number and berated the person. [P50 giggled when recounting the story.]

Klinge asked whether P50 knew if his relatives tried to get information from other places as well. P50 explained that every branch was in charge of a certain area. The Air Force Intelligence was in charge of [REDACTED]. Al-Khatib was in charge of [REDACTED]. His family therefore assumed that he was with the Air Force Intelligence since his practice was in [REDACTED].

**Questioning by the Defense Counsels**

Defense Counsel Böcker recalled that P50's practice was in the suburbs of Damascus, and asked him whether it was north or south of Damascus. He asked P50 to tell him where exactly it was, ideally providing an address. P50 said his practice was in [REDACTED] in the [REDACTED] neighborhood.

Böcker said he needed to process this information and see whether he can localize the area [on a map]. P50 said that he was talking about 2011. The entire town was destroyed by now.

Kerber wanted to know whether Defense Counsel Fratzky had any questions while Böcker was looking something up, adding that [REDACTED] of Damascus. Fratzky said no and Böcker said no one had to wait for him; he needed to do some research and others could ask questions.

**Questioning by the Plaintiff Counsels**

P50's counsel Dr. Oehmichen said she only had one question. Since P50 used to work as a doctor, she asked him whether he could explain what the worst consequences of detention for people in Syria were. P50 explained that as a doctor he worked with detainees and people who were tortured. Most people focused on the physical consequences but there were psychological consequences as well, and they were deeper than the physical torture. He recalled the woman he mentioned earlier, who was detained for two hours. According to P50, this was a good example to illustrate that women are suffering worse consequences than men. P50 said that men [who were detained] would be considered heroes by society. However, some women who had been released were killed by their families. Other women were disowned by their husbands and relatives.

Kerber asked P50 whether he needed a break. P50 said no, adding that when women leave detention, they live in hell. They suffered from posttraumatic stress disorder and depression. Some things could not be diagnosed by people who had no expertise, only by experts. Torture and detention have such severe impacts that they could even cause people's personalities to change. P50 explained that when people were detained, they acquired certain personality traits. Due to torture in detention, these people would be completely different persons when they were released. When husbands, wives, and children wanted to greet their loved ones, they were met by a person who was entirely different than before. These people were even able to attack their families. P50 added that these consequences might not be directly visible to the families and have an impact on several generations.

**Questioning by the Defense Counsels**

Böcker recalled P50 being transferred to a detention facility from his practice in [REDACTED]. He asked P50 whether he went to Al-Khatib Branch without any stops along the way. P50 affirmed.

P50 was dismissed as a witness. P50 thanked the court and his counsel Dr. Oehmichen noted that P50 wanted to say something.

Judge Kerber said if it would not be too extensive, she would allow P50 to go on. P50 said he had one point that was very important to him. Judge Kerber asked whether this would be a declaration or a witness testimony. After a short consultation, P50's counsel said P50 would make a declaration. Kerber allowed P50 to continue. P50 said "this event" left its mark on him, which would be one of the reasons for his testimony in court. The detention had a severe physical and mental impact on him. According to P50, a [psychologist called Frankl](#) who was detained at a concentration camp for three years during the Holocaust made significant contributions to the treatment of detention survivors, in particular logotherapy. P50 said his presence and testimony in court would therefore be logotherapy for him and others who experienced similar things.



He added that he hopes people who worked for the intelligence services and the government learn the difference between information gained at a peaceful place and information extorted from people with torture. P50 said he wanted to thank the Court and hopes that the trial will be a lesson and people would no longer be tortured in prisons. P50 thanked the Court in German. Kerber thanked P50 in Arabic.

### **Administrative Matters**

Regarding P50's request to join the trial as a plaintiff, the prosecutors said they were not opposed. The other parties did not provide statements on the matter.

Kerber said she would now read out a decision by the judges that was a bit longer and a statement by Plaintiff Counsels would be read out as well. Plaintiff Counsel Scharmer said it would take around twenty minutes to read his and his colleagues' statement.

Kerber announced a 10-minute break.

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[15-minute break]

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[The following is a recreation of the judges' decision, based on what the Trial Monitor was able to hear in Court.]

*Decision regarding the requests by counsels Böcker and Fratzky dated [August 19, 2021](#).*

*The request to summon [REDACTED] was denied.*

- 1) *The request was referring to a witness currently residing in Turkey. He is a former Sergeant Major who worked as a guard in the same Branch as Anwar Raslan. He is supposed to testify that the Syrian Republican Guard, the 4<sup>th</sup> Division and 'Hafez Makhoulf's people' had power at Al-Khatib Branch. Further, employees of Division 40 conducted interrogations on a daily basis and sent reports via Hafez Makhoulf to the head of the Branch [Al-Khatib]. The witness is also supposed to have information on the power of Division 40. The witness is supposed to testify about the opposing attitude of Anwar Raslan in the situation back then. According to the request, the witness could also testify how powerless Anwar Raslan was compared to Hafez Makhoulf and Division 40. The request summarizes that the Accused did not have any authority and organizational power over the horrible incidents at Al-Khatib Branch. He rather tried to help. Once he ensured that his family was safe, he defected. Neither torture nor fatal casualties could be attributed to the Accused.*
- 2) *The formulation of the request is unclear.*
  - a. *The evidence taken so far indicates that the Accused himself worked at Branches 285 and 251 of the Syrian General Intelligence Directorate for a long time. The request states that Branch 251 belonged to Division 40 and Branches 251 and 285 were both situated at the headquarters of the Intelligence Directorate. However, the evidence taken so far indicates that Branch 251 was located in Al-Khatib neighborhood, Branch 285 in Kafar Souseh and Division 40 in Jisr al-Abyad. The request states that the witness worked 'at the same Branch' as the Accused. It is therefore unclear whether he worked at Branch 251, 285 or Division 40. The timeframe is also unclear, and it is not clear whether the witness and the Accused met or had a personal relationship.*



- b. *Despite the unidentified power position and the lack of a concrete timeframe, it is also unclear whether the witness was at Al-Khatib. The alleged workplace was located close to the headquarters of the intelligence directorate. Al-Khatib Branch would therefore not be applicable.*
  - c. *The request further states that 'officers of Division 40 conducted interrogations'. However, it does not provide the location where these interrogations allegedly happened. The witness could therefore only testify about interrogations in general. The timeframe is also unclear.*
- 3) *Regardless of the lacking connectivity in accordance with § 244 (3) s.1 StPO, the Court must also consider the evidentiary value of a judicial enquiry into a witness who is summoned from abroad, in light of the timely and organizational efforts, in accordance with § 244 (5) s. 2 StPO.*
- 4) *Summons of the witness from abroad are not required for judicial enquiry.*
  - a. *The evidentiary value of the witness is not significant.*
    - i. *The witness could have been a guard at Branch 285 or his period of service could not be congruent with the indictment period in this trial. It is further not clear if the witness could provide information on Branch 251 if he was an employee of Division 40. Regarding the interrogations conducted by Division 40 about which the witness is supposed to testify: many witnesses already testified that this Division arrested people, interrogated and mistreated people at their premises, and transferred them to other Branches. Since the Accused was the head of the Interrogation Division, he can only be held liable for acts committed there. The evidentiary value of the witness is therefore low.*
    - ii. *Even if one considers the present request in conjunction with an earlier request according to which the witness apparently worked at Branch 251 during the indictment period, it is unlikely that the witness will provide details on his work there. The value of new insights is therefore low. Regarding Branch 251, so far almost all witnesses described the premises as a rather wide area with at least two buildings and a prison in the basement. The prison guards were mainly moving around in the basement where the cells were located, or they took prisoners to interrogations. The present request leaves open how the witness is supposed to say something about interrogation officers, powers at the Branch, reports, or the factual powers of the Accused. It is therefore not expected that the witness can provide any ascertainable perceptions. He cannot testify about administrative procedures in which he was not involved. The claim that certain units exercised 'power' at Al-Khatib Branch is unclear itself. The request states that the Syrian Republican Guard, the 4<sup>th</sup> Division and 'Hafez Makhoul's officers', which the court identifies as Division 40, exercised power over the Branch. However, based on the information provided by [Ms. Thurmman](#), The German Federal Foreign Intelligence Service ([BND](#)), and several experts, the Republican Guard and the 4<sup>th</sup> Division were not part of the intelligence services. The request also does not specify how this 'power' was apparent to the witness.*  
*The request makes unclear evidentiary claims and taking this evidence [hearing the witness] would not contribute to factual elucidation, particularly not in regard to the alleged coming into power. There are rather mere conclusions instead of factual claims. The exact ways of cooperation remain unclear, [...]. The evidentiary value of the witness's testimony is therefore not visible.*

- iii. *So far there have been no indications for the claims made in the request. According to Thurmann, the Republican Guard and the 4<sup>th</sup> Division were particularly close to the top of the regime and in charge of protecting the President. A collaboration between these units and Branch 251 of the General Intelligence Directorate only happened regarding military quelling of demonstrations, arrests, and transports of detainees. Neither Thurmann, nor Engels, Al-Bunni, Darwish or the BND indicated a connection between Branch 251 and other people regarding detentions, except for arrests which were conducted by other divisions as well. The result so far is that Division 40 acted as part of Branch 251 to a certain extent. What Division 40 actually did was to arrest critics of the regime, alleged critics, and others and keep them for a while as well as to conduct a first interrogation. All witnesses who were arrested like that were then transferred to Al-Khatib Branch. The court does not know of any witnesses who were interrogated at Al-Khatib by the same person who interrogated them at Division 40. [P21](#), who worked at Branch 251 until 1989, described Hafez Makhoulf as a dominant figure due to his family relationship with Al-Assad. However, he did not detail how this was actually apparent, nor did he describe actual interrogations by Division 40 at Branch 251. He rather described that he saw Hafez Makhoulf as the factual head of the General Intelligence Service. Others like Engels, Al-Bunni, and Darwish stated that Division 40 supported Branch 251 and that they had shared local competences. They all said Makhoulf was very brutal. Engels added that Hafez Makhoulf unauthorizedly communicated with other intelligence services. [...] It is unlikely that the witness will describe anything else than Hafez Makhoulf acting arbitrarily to a certain extent.*
- b. *According to the German Federal Prosecutor General Office, it is very likely that the witness will be prosecuted for crimes against humanity (§7 (1) VStGB). The Judges also consider that based on findings so far regarding Branch 251 and Division 40, as well as detentions there including torture, detention condition, and the role of guards, as well as the position of the witness, there is a suspicion of crimes against humanity and a prosecution seems likely. According to the Federal Prosecutor General Office, due to the witness' connection to the events at Al-Khatib, he must foresee the possibility of an extradition request. If summoned, a request for legal assistance in accordance with Art. 12 EU Convention on Mutual Assistance in Criminal Matters [controlled deliveries in cases of extraditable offences] was to be issued in connection with Art. 1 and 3 EU Convention on Mutual Assistance in Criminal Matters. The witness would need to be extensively informed about his rights, in particular §55 StPO, and about the possibility that any statements can be used against him in proceedings against himself. The witness would further need counsel. It is therefore unlikely that the witness will testify. Rather, he will make use of his right to remain silent.*
- c. *The witness is currently in Turkey, which is a non-EU country. Legal assistance therefore has to be formally requested in accordance with the EU Convention on Mutual Legal Assistance and its Additional Protocol. The legal process is eased under Art. 4 of the Additional Protocol and the agreement between Germany and Turkey. Such a request must be handed to the Turkish Ministry of Justice by the German Embassy in Turkey. Upon oral request, the German Embassy told the Judges that such a request usually takes four to six months to be addressed, if they would be addressed at all. There are further uncertainties surrounding the witness' travel documents and a visa application must be examined first.*

*Visas are only issued for refugees for a permanent stay. The Federal Prosecutor General Office confirmed that legal assistance requests with Turkey usually take a lot of time and the exact duration is not foreseeable. The Office provided examples where such a request took twelve to fourteen months to be addressed by Turkish authorities and another one that has not been addressed since 2019. If the Judges counted September 1, 2021 as the date of issuance of a legal assistance request with Turkey, they would have to calculate at least six months until the witness would arrive in Germany, however, delays could lead to eight months duration and the success of the request is uncertain. Based on the current proceedings in court, the taking of evidence will be concluded by the end of September 2021, and summons and hearing of the requested witness would cause a significant prolongation of the trial.*

- d. *An overall assessment finds that summons of the witness are not required to determine the truth. The witness will most likely not agree to make any statements. If he does provide information, he will not provide additional information since it is not apparent how the witness obtained the knowledge. The required organizational and temporal efforts are not required.*
- 5) *An attempt to have an audio-visual questioning of the witness is demanded in light of temporal and other efforts. However, the value of the testimony would be significantly limited due to the witness not being present in court and the Judges being unable to observe his reactions.*

[The following is a summary of the Plaintiff Counsels' statement based on what the Trial Monitor was able to hear in Court.]

*Statement by Plaintiff Counsels Bahns, Dr. Kroker and Scharmer regarding the Prosecutors' statement dated [August 19, 2021](#).*

*Contrary to the Prosecutors' perception, the legal notice to include enforced disappearance to the indictment should be made.*

*In sum, the prosecutors are of the opinion that an intention to place persons outside the protection of the law as part of the systematic attack against the civil population could not be proven and that several elements of the crime would not be provable in case of the Accused, Anwar Raslan.*

1) *Protection of the Law*

*No one could reasonably doubt that at least since the beginning of the revolution, there was the intention to remove people's legal protections. As the prosecutors admitted 'information was collected as well'. However, this was not the main goal and placing people outside the protection of the law was not simply a side effect or some kind of collateral damage. Such a view is absurd to those affected. The Prosecutors' elaborations on this matter further show a is also legally incomprehensible definition of intent relating to §7 (1) VStGB.*

- a. *All witnesses testified that they would have done anything when tortured just to prevent further torture: they were willing to provide false information and sign false confessions. The conclusion of the prosecutors that the release of detainees was connected to them providing information, was not confirmed by any witness. They rather said the intelligence services tried to disguise their fate and whereabouts.*

*Witnesses [P20](#), [P21](#) and [P16](#) said that. It was also confirmed by the UN Commission of Inquiry. [Mazen Darwish](#), [Anwar Al-Bunni](#), [Christopher Engels](#), [Garance Le Caisne](#) said that as well. In addition, [Anwar Al-Bunni](#) and [Mazen Darwish](#) told the court that a system of torture was already applied in Syria before 2011.*

*However, the aim, quality and occurrence significantly changed after the revolution. Torture was used systematically to intimidate society, not to gain information. It was enabled by enforced disappearances. This change of paradigm is also visible from a CCMC document dated April 20, 2011.*

*Those who were not fortunate enough to be released are still in detention, missing, or dead. This aspect is well documented by international organizations and NGOs. [Two COI reports from March 11, 2021, and 2013 were cited.]*

- b. Contrary to what the prosecutors think, the fact that torture and unlawful detention was used to also obtain information is no contradiction to the intent to remove the disappeared person from the protection of the law. In addition, jurisprudence from the German Federal Court of Justice does not require that the relevant crime be the final goal of the perpetrator, but that he also acted with *dolus directus*, if the crime was only his interim goal. There can be no serious doubt that the Syrian Government and, acting on behalf of it, the Accused also wanted to terrorize civil society.*
- c. Precautionary to any doubts by the judges, the Plaintiff Counsels request to summon and hear Fadel Abdul Ghany and Mariam Al-Hallak [the plaintiff counsels detailed how these witnesses can testify about enforced disappearances in Syria based on personal experiences and professional work in specialized NGOs].*

## *2) Apparent Elements of the Crime*

*There are several interpretations of other relevant elements of the crime admissible regarding § 7(1) No. 7 VStGB. Nonetheless, the requested legal notice to include enforced disappearances as crime against humanity to the indictment must be issued.*

### *a. Lack of immediately providing truthful information on whereabouts*

*The prosecutors were of the opinion that because the relatives of P17's brother were given false information about his fate by employees of military hospitals and not by the Accused personally, this element of the crime would not be fulfilled. However, the prosecutors misconceive that in accordance with international standards, enforced disappearances are regularly committed by more than one perpetrator as stated in fn. 23 of [Art. 7 \(1\) \(i\) Elements of Crimes](#). The Accused acting as the one depriving people of their rights merely has to be from the same state institution as the person providing false information. In addition, the prosecutors did not acknowledge the fact that P18 and P17 were first given false information about the death of P17's brother by employees of Branch 251 regarding his alleged natural death (others provided different information about the death of P17's brother). This would already fulfil the element of the crime, since the Accused in his leading position had authority over employees of Branch 251 and was responsible for their actions. In addition, Anwar Raslan did not immediately provide truthful information about the whereabouts of P17's brother. He instead told the family that they should just take a corpse and not cause any trouble. He only gave hints that P17's brother died, however, he did not provide any concrete truthful information. Until today, no corpse was handed over to the family and the cause of death remains unclear. It is also entirely unclear what happened to P17's brother as could be seen when P17 directly addressed Anwar Raslan in court asking him to provide information about his brother.*

*This element of the crime must be interpreted in accordance with international law. [Art. 24 CED](#) stipulates the right of each person to be provided information about the whereabouts of missing persons and obliges states to immediately and entirely investigate disappearances. The information provided by the Accused about P17's brother cannot be considered immediate and truthful information. [The Plaintiff Counsels also referred to the [Burundi Decision of the Pre-Trial Chamber of the International Criminal Court.](#)]*



- b. *The Prosecutors are of the opinion that only explicit requests are captured by § 7 (1) No. 7 VStGB, however, this falls behind the ICC Statute, which was supposed to be the blueprint for this norm. The wording of the VStGB norm only requires an inquiry without specifying who needs to address who and in what way. It is also not required that the inquiry be directed to the perpetrator of deprivation of liberty or a direct colleague. An official enquiry is neither requested. It is self-explanatory that an official written request would obviously be unsuccessful, and the requirement of such is ignorant of the threats posed by the government on people living in Syria. Such a requirement would further avoid the protection aspect of the norm. [The Plaintiff Counsels again referred to the ICC PTC Decision.] Regarding the element of the crime of inquiries, the wording and purpose of the norm provide that any inquiry without immediate response is sufficient. This is fulfilled in the present case. P46 also described that his family approached different Branches but was always placated at the gate.*
- c. *Immediacy as an element of the crime*  
*[The Plaintiff Counsels elaborated on different ways to determine an adequate timeframe that qualifies as 'immediate' for the purpose of informing families of arrested people. They argued that one must provide not only one period of time but also a point in time from which something is considered not immediate. In doing so, the Counsels referred to ICC Jurisprudence.] Immediate means without any culpable hesitation, meaning that there are no obvious reasons for letting someone wait. [The Counsels referred to a [decision from the UN Committee on Enforced Disappearances](#) saying that the first 24 to 48 hours of a disappearance are particularly crucial to prevent the risk of torture and killing.] According to Arts. 25 + 59 of the German Constitution, German law must be interpreted in an international law friendly manner. Therefore, letting someone wait [for information] for more than 24 hours in cases of arrest and detention qualifies as sufficient element of the crime. The Court heard from witnesses whose families did not hear about their whereabouts for more than three days. The timeframe of 24 to 48 hours was therefore considerably exceeded. It is also attributable to Anwar Raslan.*

*As a result, it is found that the elements of the crime of § 7 (1) No. 7 VStGB are fulfilled and the legal notice [to include enforced disappearances as crimes against humanity to the indictment] must be granted.*

Prosecutor Klinge said he and his colleague would not make a follow-up statement.

Plaintiff Counsel Dr. Oehmichen said she wanted to reserve the right to make a statement at a later point.

Defense Counsel Böcker said he wanted to stay out of this rather academic debate.

Presiding Judge Kerber distributed digital copies of the case file to the parties and announced that the BKA confirmed to the Judges that the family of the witness summoned for the following day would be in danger. The witness will therefore be anonymized.

The proceedings were adjourned at 1:17PM.

**Trial Day 93 – September 9, 2021**

The proceedings began at 9:37AM with fourteen spectators and one journalist in the audience. The prosecution was represented by Prosecutors Klinge and Polz. All Plaintiff Counsels were present. P50, who testified as a witness the day before, was given a headset to follow simultaneous Arabic interpretation, sitting next to his counsel Dr. Oehmichen.

Defense Counsel Böcker asked when the anonymous witness would testify in Court. Presiding Judge Kerber explained that the witness will testify at 11AM, after CCI Knappmann testified on his questioning of witnesses [REDACTED] and [REDACTED].

**Testimony of Mr. Knappmann**

Criminal Chief Inspector Christian Knappmann was informed about his rights and duties as a witness and denied being related to the defendant by blood or marriage.

**Questioning by Judge Kerber**

Presiding Judge Kerber recalled that two witnesses declined to testify in court. She said that Knappmann who lead the police questionings of these two witnesses was therefore summoned to testify about these questionings. She asked him to first tell the court about his questioning of [FR19]. Knappmann explained that FR19 was questioned by the BKA in Toulouse, France. FR19 told the French authorities that he was detained at Division 40 and Branch 251, and was a witness and victim of severe violence. The German Federal Prosecutor General's Office (GBA) therefore told the Federal Criminal Police Office (BKA) to hear the witness as part of the present case. Knappmann and his colleague then questioned the witness on [REDACTED] in Toulouse [the date was confirmed upon Judge Wiedner's request].

Defense Counsel Böcker intervened, asking for the relevant code in the case file since he had not yet opened the relevant transcript. Judge Kerber provided the reference number and added that Knappmann's description of this particular questioning would be short. Knappmann went on to explain that the witness was questioned on the premises of the French Police in Toulouse. The BKA officers explained to FR19 why he would be questioned as a witness and informed him about his rights and duties. FR19 then told Knappmann and his colleague that he does not want his testimony to become public and prefers to hide his identity. Knappmann told the Court that FR19 already testified with the French Police before that and there were no indications that he preferred to stay anonymous. Knappmann and his colleague therefore informed FR19 that his first questioning would already be part of the German case file which is also accessible to the Defense Team and the Accused. They also explained that in case of a trial, FR19 would have to testify in a public court. According to Knappmann, FR19 was very irritated and concerned by this information. He hid his face in his hands and thought about what he just heard. FR19 then said he was unaware that things have already developed so far. Knappmann told the Court that he and his colleague decided to give FR19 a break. During the break, they tried to explain to FR19 what his testimony would mean for the German proceedings and that he would have to repeat everything in court. Knappmann also informed the GBA about the recent developments and called Prosecutor Klinge during this break. FR19 resigned, saying it was all pointless and that he worried about the safety of his family members in Syria. Knappmann told FR19 that they could not take that fear away from him, but that they would not want him or his family to be in danger. Knappmann left it to FR19 to decide how he wanted to proceed. FR19 said that it would already be too late anyway. When Knappmann asked him whether he was sure that he wanted to continue, FR19 said no. Knappmann therefore called Klinge again and explained everything to FR19 once more. FR19 then confirmed that he did not want to testify with the BKA.



### Questioning by Judge Wiedner

Judge Wiedner recalled that FR19 precisely articulated his concerns, according to the BKA's transcript: the case [against Anwar Raslan and Eyad Al-Gharib] caused a lot of attention, also with the Syrian Regime. If FR19's testimony would be read out in Court, he would fear that there would be spies in the public audience collecting information about FR19. He also mentioned something about defected members of the [Syrian] Intelligence Services. Knappmann recalled that FR19 told the BKA that members of the Intelligence Services would never defect. Instead, they would continue their work and collect statements against the Syrian Regime and FR19 would therefore be considered a terrorist.

### Questioning by Judge Kerber

Judge Kerber asked Knappmann to tell the court about his questioning of [GER19]. Knappmann explained that GER19 was questioned in Berlin on [REDACTED]. He was made known to the BKA through ECCHR and he was accompanied by his counsel and legal representative Dr. Kroker. The BKA already knew what GER19 told the Belgian police and wanted to ask more precise questions. GER19 first provided extensive information about himself, saying that he was an activist who was detained by the [Syrian] Intelligence Services several times. At the very beginning [of the revolution] on March 15, 2011, he was arrested at a demonstration in Damascus and detained at Al-Khatib Branch and Kafar Souseh (Branch 285). He spent six days at Al-Khatib Branch and forty-one days at Kafar Souseh before he was released on the street. Knappmann told the Court that GER19 provided a lot of information about himself before the BKA presented him a photo array.

GER19 immediately identified Anwar Raslan in the second picture and mentioned the name Anwar Raslan. When asked about how he knew the name, GER19 explained that he was arrested by the General Intelligence Directorate on March 15, 2011 and Anwar Raslan was present at his interrogation. GER19 did not know this person back then, but when Anwar Raslan was arrested, his picture was shown on the internet and when GER19 saw it he was shocked and recognized the person. Knappmann explained that GER19 then described the course of his interrogation: he was interrogated by an interrogation officer on March [REDACTED] 2011, along with other employees of Branch 251 present as well. There were two guards, one on the left and one on the right of GER19. According to Knappmann, GER19 identified one of the guards as Mohammad Abdallah [see day 12, [TR4](#)]. Two more people were sitting on a sofa on the left of GER19. One of them was Anwar Raslan and the other one was unknown to GER19. The interrogation lasted thirty to forty minutes. GER19 had to look at pictures and videos of demonstrations and identify people. He was therefore not blindfolded. GER19 further told Knappmann that he was constantly beaten by the guards. The guard he identified as Mohammad Abdallah was in charge of the beatings and arbitrarily hit him at every answer and without any apparent reason. GER19 said he was beaten with a black stick with a five or six centimeter caliber. He was beaten on his back, head and face and subjected to *Falaqa*. When Knappmann asked GER19 whether orders to beat him were given, GER 19 said no and added that there were orders to pause the beating when he had to look at the screen [to identify people in pictures and videos]. Knappmann then asked Ger19 to describe the people in the interrogation room. GER19 mentioned the name Anwar Raslan and the name of one of the two guards. He also explained that the two people sitting on the sofa, Anwar Raslan and another man, were higher ranking because, the day before, when GER19 saw the interrogation officer, the guard did not salute. However, the guard did salute Anwar Raslan and the second person on the sofa. The people on the sofa were wearing suits, the interrogation officer a shirt, and the guards were wearing jeans.

Kerber asked if GER19 was able to identify the dialect of the people at the interrogation. Knappmann told the court that according to GER19, the interrogation officer came from the coastal region and was an Alawite. GER19 said that one would notice this different dialect easily.

However, he was not sure about Anwar Raslan. GER19 told Knappmann that Raslan spoke the Damascene dialect, but one could notice that he was not originally from Damascus. The second man on the sofa was from Sweida. GER19 assumed he was Ishmaelite but was not sure.

### **Questioning by Judge Wiedner**

Wiedner wanted to know if GER19 remembered where he was interrogated. Knappmann affirmed, saying that GER19 described that he was interrogated in the basement of Branch 251. Knappmann added that GER19 mentioned the number 254 to identify the Branch but said that he was taken to Al-Khatib Branch. He was interrogated in a rather big room which was 20 to 25 square meters wide. To the left of the desk was a double-sofa.

Wiedner asked about the relationship between the two people on the sofa, if there was a supervisor-subordinate relationship. Knappmann said GER19 could not provide information on this matter. He was only able to tell that these two people were higher ranking than the interrogation officer, because the guards saluted them but not to the interrogation officer on the previous day, and due to their clothes. GER19 was unable to make assumptions about the relationship of the people on the sofa based on their conversations.

Wiedner recalled GER19 identifying Anwar Raslan and detailing his slang. Wiedner asked Knappmann whether Raslan was directly talking to GER19. Knappmann said when he asked GER19 about that, he explained that the interrogation officer was sitting opposite of him, behind a desk. The two people on the sofa made comments from time to time and insulted GER19, calling him a son of a bitch and a liar. One time someone from the sofa said "I'll show you how to answer properly" but GER19 was not able to identify who said that. Anwar Raslan directly addressed GER19 and asked him why he was unable to identify people in the videos although he was at the demonstration. GER19 further added that all people in the room were constantly present during the interrogation.

Wiedner referred to the BKA's transcript of GER19's questioning according to which GER19 said that the employees constantly spoke with each other and said comments like "liar" and "son of a bitch". "I'll teach you how to answer properly" was said from the sofa. The beating then got more intense. Knappmann confirmed.

Wiedner recalled that Knappmann already told the Court how Raslan directly addressed GER19 when he asked him how it could be possible that he was unable to identify people in the videos although he was present at the demonstration. Wiedner confirmed that it was also transcribed like that, asking Knappmann whether he remembered what GER19 told him about his reply. Knappmann said he was not sure if it was at this occasion or another time when GER19 told the interrogator that he did not participate in the demonstration and was only there by chance.

Wiedner confirmed that the transcript says the same. He went on to ask Knappmann what GER19 mentioned regarding his position and reason for arrest. Knappmann asked Wiedner to prompt him. Wiedner said the reason GER19 was arrested was related to his engagement during the beginning of the Arab Spring. Knappmann explained that GER19 was an activist involved in the preparation of demonstrations. GER19 told Knappmann that the reason for his activities was the Arab Spring in Egypt. This was when Syrian society started thinking about its own fate. Society changes and they were ready for a change. According to GER19, a hitch moved the entire society and people started organizing themselves on Facebook, gathering, and organizing demonstrations.

Wiedner concluded that GER19 was not a mere participant of the demonstrations but one of the organizers. Knappmann said this is what he remembered. GER19 was among the last six people at this demonstration and stayed until the end.

Wiedner wanted to know what GER19 told Knappmann about how he knew that he was detained at Al-Khatib Branch. Knappmann explained that GER19 was able to tell where he was detained for two reasons. First, during interrogations at Kafar Souseh Branch, he told the interrogators the same information that he told the interrogators at Al-Khatib Branch. GER19 therefore concluded that he was first detained at Al-Khatib Branch. Second, after his release he was told to pick up his ID card at Al-Khatib Branch. When he went there, he was indeed able to pick it up.

Wiedner recalled that when GER19 identified Anwar Raslan in a photo array he reacted [immediately] and mentioned the situation in the basement. Wiedner asked Knappmann what exactly GER19 said in this regard. Knappmann explained that GER19 was not blindfolded, however, he could not look around and was only allowed to look at the screen. Otherwise, he would have been beaten. When Knappmann asked GER19 how he was able to recognize Anwar Raslan, he said that he could take a look around, but was beaten. He further added that he was very good at memorizing peoples' faces and was therefore able to recognize Anwar Raslan in a picture.

Wiedner asked if GER19 saw Raslan again. Knappmann said no, GER19 saw a picture of Anwar Raslan when he was arrested in Germany.

Wiedner referred to the BKA's transcript of the questioning according to which GER19 detailed that he was not allowed to turn toward the sofa. However, he had a glimpse at the people there and since he has a good memory of faces, he could remember them. He did not see them again but when Raslan was arrested he saw his picture on the internet and immediately recognized him and was shocked. Knappmann confirmed.

Wiedner wanted to know what else GER19 said about Al-Khatib Branch. Knappmann explained to the Court that he asked GER19 to chronologically describe his arrest and detention: GER19 was arrested by security forces at a demonstration. He was then taken to a hotel where all six of them (two women and four men) were beaten and experienced other violence. They were then taken to Al-Khatib Branch by car. When they arrived, ten to fifteen members of the security forces mistreated them for five to ten minutes. They were beaten amongst others with a threaded bolt and a car's toothed belt. Knappmann added this would be the usual welcome party. GER19 said there were male detainees at Al-Khatib Branch, but he did not know about women. He and other detainees were taken downstairs to the basement where they had to stand in line, facing a wall. They were immediately taken to interrogation, one after the other. GER19 was the last one. While he was waiting, he could hear the screams of his fellow detainees. He was then taken to a room where he had to lie down and someone stepped on his face. He was asked questions and asked why he participated in the demonstration. GER19 said he was severely beaten and hit on his head at the beginning, so he went unconscious. When he woke up, he was in solitary cell No. 16. He was interrogated again on the same day. This time it was about his family and he was tortured with *Falaqa*. GER19 said he could not remember how many times he was beaten because at some point one could not feel anything anymore. He was bleeding and lost a molar.

Wiedner asked Knappmann about an incident with water that happened after the interrogation. Knappmann said GER19 was dowsed with cold water.

Wiedner wanted to know more about the interrogation officer. Knappmann said GER19 was always interrogated by the same person. It was also the same person when Anwar Raslan was present, as well as the interrogations after that. Knappmann detailed that the interrogation with Anwar Raslan was on the second day of GER19's detention. On the third day, he was told to sign blank sheets of paper. When he refused, he was taken to a torture room and tortured.

Knappmann said he could not remember exactly, but he thinks that the interrogation officer was not present in the torture room. There was only a guard.

Wiedner cited from the BKA's transcript according to which GER19 explained that he was not again interrogated by Anwar Raslan. GER19 had to sign blank papers with the letterhead of the General Intelligence Directorate on it. When he refused, he was taken to a torture room where he was subjected to *Falaqa* and beaten with hard items. He was wearing blindfolds. There was no interrogation officer, just a guard. Wiedner asked Knappmann what happened next. Knappmann explained that GER19 was called in for a conversation by the interrogation officer. GER19 was confronted with his alleged testimony. When he said that this was not the truth, he was beaten again.

Wiedner asked if GER19 had to give his fingerprint before this conversation. Knappmann confirmed.

Wiedner asked Knappmann what else he could remember from GER19's questioning. Knappmann said torture decreased from the third day onward while the number of detainees increased. GER19 assumed that there was simply not enough time to torture everyone as intensely as they did the first three days. GER19 further heard screams of other detainees, amongst them children and women. He recognized four people. GER19 wanted to be released, have cigarettes and eat good food. He asked to be transferred. On the fifth day, he was taken to the community cell and was not tortured. On the sixth day, four people were chained together and taken to Kafar Souseh Branch. According to GER19 Kafar Souseh was significantly worse. When asked about his physical condition [at Al-Khatib Branch], GER19 described that his back was hurting a lot, he had many enflamed wounds, a headache, and his feet were bleeding due to *Falaqa*. However, GER19 added that "this" was nothing compared to Kafar Souseh.

Wiedner asked if GER19 mentioned inflammation in his mouth. Knappmann affirmed.

Wiedner asked how GER19 got this inflammation, if it was related to his tooth. Knappmann affirmed, saying that GER19 told him that he lost his molar after the second interrogation and the wound got inflamed.

Wiedner asked about medical care. Knappmann said GER19 got pills twice: two on the fifth day and one on the sixth day.

Wiedner wanted to know about the medical care for other detainees. Knappmann explained that GER19 was in solitary confinement for the first five days but he could hear screams. When he was in the community cell, he could see signs of torture on other detainees, as well as open fractures. GER19 said one could see that people were tortured.

Wiedner recalled that GER19 witnessed black eyes, broken arms, swollen feet and other injuries, but considered this to be nothing in comparison to Kafar Souseh. Knappmann confirmed.

Wiedner wanted to know if GER19 saw dead people. Knappmann said when he asked GER19 about that, he said no.

Wiedner asked if GER19's relatives were given any information about him. Knappmann explained that nothing happened in this regard. Regarding dead people, he added that GER19 told him about an incident at Kafar Souseh: when GER19 was tortured in the hallway, he tried to defend himself by kicking. He accidentally kicked a person lying on the floor. One of the guards said this person would be left there to die.

Wiedner asked about the general situation of GER19's questioning by the BKA: how GER19 was able to communicate with the interpreter, what impression Knappmann had of GER19, how he behaved, whether he was hesitant or open. Knappmann said that as usual, they checked whether GER19 and the interpreter were able to communicate. Everything was fine in this regard.

Wiedner asked if the transcript was re-translated for GER19. Knappmann confirmed.

Wiedner asked if GER19 signed the transcript. Knappmann said it would be standard procedure that everything would be re-translated for the witnesses, and they then had to sign every page. Relevant edits would be made by hand and also signed by the witnesses.

Wiedner again wanted to talk about the situation in the basement involving Anwar Raslan on a sofa and guards saluting him. Knappmann explained that the guards who tortured GER19 were also the ones who picked him up at his cell. When they entered the room with the two men sitting on the sofa, they stomped on the floor and saluted. However, GER19 did not see them doing that when they met the interrogation officer on the previous day.

### **Questioning by the Prosecutors**

Prosecutor Klinge asked Knappmann for his impression of GER19. He wanted to know if GER19 was calm and credible or if there was a certain eagerness to incriminate [Raslan]. Knappmann said GER19 was very motivated to provide information about his activities as an activist and personal information on his studies in [REDACTED], where he also wanted to obtain a PhD. He was enthusiastic and happy about the weather in Berlin. Overall, GER19 was high-spirited. His English was very good, such that Knappmann was able to chat with him during the breaks. GER19 was not stressed at all. He was not excited, but saw a purpose to testifying and wanted to help detect a crime.

Klinge asked if the recognition of Anwar Raslan by GER19 was credible. Knappmann said he had no doubt about it during the questioning. When asked about the recognition, GER19 was completely convinced that he recognized the face and seemed truly shocked. He stuck to this story throughout. He was not stressed but convinced and never made any additions [to his story]. Knappmann concluded that he saw no reason to doubt GER19's identification of Anwar Raslan.

### **Questioning by the Defense Counsels**

Defense Counsel Böcker asked if GER19 provided concrete information as to where exactly he was beaten. Knappmann said GER19 did so in parts. At the first interrogation, GER19 was beaten in his face and elsewhere. GER19 was not able to recall every hit, but described the arbitrariness of the beating.

Böcker said he was referring to the interrogation with Anwar Raslan. Knappmann explained that the guard who GER19 identified as Mohammad hit him on his back with a black stick and used his bare hands to beat GER19 on his head and face. GER19 was unable to tell whether he was beaten with a flat hand or a fist. He was also tortured with *Falaqa* and beaten on his feet using a stick.

Böcker recalled that when GER19 spontaneously recognized a person based on a picture he had seen on the internet, Knappmann asked him to describe all people who were present at the interrogation, except for one person. Knappmann affirmed, saying he did not ask GER19 to describe the person he identified as Anwar Raslan.

Böcker wanted to know why. Knappmann said GER19 already saw his picture on the internet and Knappmann was interested in who else was present at this interrogation.



Böcker asked Knappmann for his reasons to not let GER19 describe Raslan. Knappmann said in preparation of his in-court testimony he again read the transcript of the questioning. There was no explicit decision to not let GER19 describe Raslan. However, whenever witnesses already saw someone on the internet, one would abstain from a description of this person because memories of own experiences and the picture on the internet would mix, and a description would therefore not be relevant.

Böcker said he needed two more minutes to ask his next question.

Defense Counsel Fratzky recalled GER19 mentioning the name of one of the guards and asked Knappmann if GER19 told him how he knew this name. Knappmann said GER19 did not tell him and he did not ask GER19 about it. Knappmann explained that from his and his colleagues' experience guards would usually be called "Abu names", which would not be their real names. There was not a single case where the "Abu name" was the actual name of one of the guards.

Knappmann was dismissed as a witness.

### **Administrative Matters**

Presiding Judge Kerber said the Judges were thinking about reading parts of the transcript of the BKA's questioning of the witness who decided not to further testify [FR19]. However, this would not be done on this very day since Plaintiff Counsel Dr. Oehmichen said she wanted to read out a statement. Kerber wanted to know how long Dr. Oehmichen's statement would be in light of having a break before the next witness would testify at 11AM.

Defense Counsel Böcker wanted to know if Kerber was referring to FR19 [Böcker mentioned the full name] when talking about reading out parts of a transcript. Kerber confirmed, adding that she did not want to repeat the name in court.

Dr. Oehmichen requested a longer break since the plaintiff issue [P50's admission to join the trial as a plaintiff] was not yet decided.

Judge Kerber announced a thirty-minute-break.

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[35-minute break]

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[Plaintiff Counsels Reiger and Mohamed left]

The witness [P51] entered the court room wearing glasses and a fake beard in addition to his COVID-19 mask. He was accompanied by his counsel Mr. Obst and two BKA officers.

Presiding Judge Kerber explained that the witness was anonymized as Z203052\_07\_06 [P51]. She noted that he was able to communicate in German and told him he could consult the interpreters anytime or switch to Arabic. Kerber further noted that P51's counsel Obst submitted a statement regarding P51's security situation. The BKA confirmed to the judges that P51 has relatives living in government-controlled areas in Syria. P51's counsel Obst submitted a request for anonymization of his client. Kerber decided that P51 was not obliged to provide information relating to his identity in accordance with § 68 (3) s.1 StPO. She added that security concerns were already raised by several other witnesses and that P51 was further allowed to partially cover his face.

### P51's Testimony

Judge Kerber asked P51 whether he could give some information about his age and profession. Before passing the question to P51, Kerber informed P51 about his rights and duties as a witness. P51 said he is a doctor and worked at a hospital. He denied being related to the defendant by blood or marriage.

### Questioning by Judge Kerber

Judge Kerber said P51 was questioned twice by the BKA regarding Al-Khatib Branch in Damascus. She asked P51 to describe how this came about. P51 explained that a couple years ago, he was working at the Red Crescent Hospital close to Al-Khatib Branch, between thirty and fifty meters from the Branch.

Kerber asked if the buildings were neighboring buildings. P51 confirmed.

Kerber wanted to know more about the relation between the two institutions. P51 described how at the beginning of the revolution in 2011, demonstrations were mainly happening on Fridays. He and his colleagues were told to treat detainees at the Branch who were arrested during this first phase.

Kerber asked what P51 noticed and what the place looked like. P51 explained that usually someone [from the Branch] came and instructed one or two doctors to go to the Branch. P51 said [the doctors] had no choice but to follow [the order]. If they denied, they would have gotten into trouble. Depending on the situation, doctors and caretakers went [to the Branch]. P51 said he already described the building to the police.

Judge Kerber explained that the transcripts of both occasions when P51 was questioned by the police were on the case file. Nonetheless, P51 had to repeat all that [information] in court. P51 went on to explain that the main entrance of the Branch is at a crossroad opposite to the hospital. The Branch is called Al-Khatib due to the neighborhood where it is located. There were security guards one had to walk by. At the second or third building on the right-hand side, one had to hand over his mobile phone. Stairs led to the basement where the detainees were held. P51 added that he always had to go downstairs to the basement. Someone yelled that the doctors arrived, and a heavy gate was opened. P51 explained that there were several areas. He added that as far as he remembered, considering that it happened ten or eleven years ago, the cells were on the right side. On the left was a kitchen surrounded by a yard. This is where P51 had to go, depending on where the detainees were taken [left or right yard]. There were only a few injured detainees during the first phase. They were also beaten with items and hands in front of P51 and his colleagues. Then, one after the other was called and P51 and his colleagues were allowed to talk to them but not allowed to ask them questions. The detainees were not allowed to talk to P51 and his colleagues. P51 added that if someone had an injury that had to be stitched, he was allowed to do that or to apply bandages. There were four cases that required stationary treatment. Usually, P51 and his colleagues had to describe the cases on sheets of paper, for example detailing hematomas or whether a fracture needed to be x-rayed. P51 said the hospital did not have an orthopedic station, so patients who needed orthopedist treatment had to go somewhere else.

Kerber asked if these patients were actually taken somewhere else. P51 said he was not informed about that. It was not known to him.

Kerber wanted to know when P51 was at the Branch for the first time. P51 said he went there starting in April 2011, but he would be unable to provide an exact date.

Kerber concluded that the first visit was in April 2011. P51 confirmed.

Kerber recalled P51 mentioning that, at the beginning, the detainees “looked good”, asking him what he meant by that. P51 explained that it was normal that people were beaten and had fractures. The longer they had to stay in their cells, the worse they looked. They were just skin and bones.

Kerber asked P51 when he went to the Branch for the last time. P51 said he cannot answer.

Kerber asked about the year, adding that the indictment period was until September 2012 and asking P51 whether he was still working at the hospital at that time. P51 affirmed that he was working at the hospital in 2011 and 2012 and had to go to the Branch during this period.

Kerber recalled P51 “impressively” describing to the BKA how he was able to tell whether detainees had been at the Branch for a longer time, for example based on their clothes. P51 said one could not only tell from the clothes. 90-95% of the people were only wearing underwear. If they had been at the Branch for only a couple hours, the underwear was still white. Things looked differently after a couple of days, because it was too crowded, however, at the beginning the condition of the people was good. According to P51, people had a normal weight at the beginning of their detention, but they barely got food or water. He could not say for how long someone had been at the Branch, but he could tell whether they were new or not.

Kerber wanted to know how the prison looked, asking P51 what he noticed with his eyes and other senses. P51 said it was not bright, at least not on the right side where the cell area was. It was dark, although there were lamps. Nonetheless, the lamps were not shining very bright. It was bright on the left side, amongst others in the kitchen. However, that was only where the reception was and where people were sorted. P51 said the smell varied with the weather. It was horrible in summer and feces would be a fragrance compared to that.

Kerber asked what people mostly suffered from. On P51’s request she asked what diseases people usually had. [P51 quickly consulted his counsel] P51 explained that almost everyone had injuries from being beaten with items. New detainees were often bleeding and their hands were wetting from patterns of restraint. One could also see when people were beaten on the way to see P51 and his colleagues. Some had hematomas caused by their own bones.

#### **Questioning by Judge Wiedner**

Wiedner said since P51 is a doctor, he could give an expert opinion on the condition of the detainees at the Branch. He asked P51 to describe to a layperson how visible bones and bones still underneath the skin could cause different injuries. P51 said that hematomas were only caused [if there was no open fracture]. But detainees also had injured tissue, which P51 was able to stitch sometimes, but sometimes they were not. Injuries were not only caused by torture or beatings but also from sitting. If someone did not have fat, his bones would press against the skin.

Wiedner asked if P51 was talking about an open ulcer. P51 confirmed.<sup>2</sup>

Wiedner asked if P51 saw bone fractures. P51 confirmed.

Wiedner wanted to know if P51 also saw inflammation. P51 again confirmed, adding that they could not treat inflammation during later phases. They were allowed to conduct one examination but not to give medicine. Instead, they were told to write notes, but P51 did not know whether the instructions in the notes were realized.

<sup>2</sup> Note from the Trial Monitor: It was not entirely clear whether P51 was only talking about hematomas caused by bones, or about hematomas caused by bones and open ulcers.

Wiedner asked P51 whether he saw signs of medical treatment [being provided], like bandages. P51 said yes. Wiedner asked how many times. P51 said sometimes people had bandages, but most times they did not. P51 saw no apparent reason for why some people received treatment and others did not.

Wiedner summarized that P51 witnessed the condition of injuries and the severity of injuries, which were sometimes life-threatening. He asked P51 what would have happened if these people did not receive medical treatment. P51 said some people would have died.

Wiedner asked from what they would have died exactly. P51 explained that with open wounds and fever one could assume that, if left untreated, [their condition would] result in a massive inflammation causing a sepsis. One could not survive a sepsis without being hospitalized.

Wiedner asked if P51 ever saw people like that. P51 affirmed, saying he could not remember whether they were at the very last stage, but they were in a very bad condition.

Wiedner wanted to know if there were diseases that were left untreated like for example heart or kidney conditions that required urgent medical care. P51 confirmed that in particular elderly detainees between 70 and 80 years-old suffered from chronic diseases such as diabetes or hypertension. P51 added that he has a strong guess that these people never received medical treatment.

Wiedner asked if P51 guessed that or if he was able to find out through conversations. P51 said no, adding that they were not allowed to ask precise questions.

Wiedner wanted to know if they were not even allowed to ask medical questions. P51 said they were allowed to ask medical questions, for example if someone had diabetes or other chronic diseases. But they were not allowed to ask whether they received treatment.

Wiedner concluded that P51 was still allowed to ask detainees about diseases. P51 confirmed.

Wiedner recalled P51 mentioning elderly people and asked him about the age range of the detainees. [P51 consulted his counsel.] P51 said there were minors as well. He himself saw a boy who was 14 or 15-years-old. He was arrested together with his father at a demonstration. The boy had a big hematoma on his head, something P51 had never seen before. It was filled with 'liquid.' One had to do a CT or MRI but P51 could not tell whether it was done or not. He added that the age range included eighty-year-olds as well.

Wiedner wanted to know when the incident with the boy happened, whether it was at the beginning or toward the end. P51 [consulted his counsel and] said it was definitely in 2011. P51 said he could remember because during the first phase there were more doctors at the Branch.

Wiedner said he wanted to talk about the different phases in a minute but first wanted to know how old the age range of detainees reached. P51 said it was more than eighty years.

Wiedner asked if P51 treated female detainees as well. P51 said he did not treat women.

Wiedner asked who treated them. P51 said he did not treat them at the Branch but at the hospital.

Wiedner concluded that P51 did not treat female detainees at the Branch, asking him whether the women he treated at the hospital came from the Branch. P51 affirmed.

Wiedner said he now wanted to carefully determine the timeframe starting in 2011. He recalled P51 mentioning that a first phase started in 2011 and asked him what he meant by that and how it was different from later phases. P51 explained that during the first months, demonstrations mainly happened on Fridays after the prayer.

The opponents of the government were arrested by security forces. [P51 consulted the interpreter for the following sentence] The police scattered demonstrations. However, the police were not normal police.

Wiedner asked how P51 came into contact with [protestors] at Al-Khatib Branch. P51 said as he already mentioned, after a few weeks, special shifts for doctors and caretakers were developed. Everyone at the hospital knew that [employees of Al-Khatib Branch] would call, so they took a bag with medical items and were accompanied to the Branch.

Wiedner asked if the people from the Branch usually called the hospitals or came and picked the doctors up. P51 said they were usually picked up and a man called before that.

Wiedner wanted to know how many people went to the Branch. P51 said it varied, asking Wiedner if he was only referring to doctors or all medical personnel.

Wiedner asked about the doctors. P51 explained that sometimes there were several doctors who were accompanied by medical personnel.

Wiedner asked if the medical personnel were caretakers. P51 affirmed.

Wiedner wanted to know the average number of doctors and caretakers who went to the Branch. P51 said during the first couple months they were usually three or four doctors and three or four caretakers.

Wiedner asked if they were all male. P51 affirmed.

Wiedner wanted to know if there were female nurses who went the Branch. P51 said no, adding that [female nurses] were, however, often told to go.

Wiedner asked if P51 and his colleagues only went on Fridays during the first phase or how many times per week they usually went to the Branch. P51 said they did not only go on Fridays, but mainly on Fridays. However, they also went during the week.

Wiedner asked if they went two or three times during the week during the first phase. P51 explained that he was at the hospital every day, except for when he was on leave. He could not say how many times his colleagues went to the Branch.

Wiedner further recalled that P51 made a connection between the first phase at Al-Khatib and demonstrations. He asked P51 who he met at the Branch, how many people were tortured, how many people P51 saw, and what was the condition of people. P51 said [these factors] varied. Most of the time, the detainees were waiting in the yard. They sat on the floor while P51 and his colleagues were standing. The detainees were then called one after the other.

Wiedner asked how many people usually gathered there, asking P51 for a rough estimate (single-digit, double-digit or more than hundred). P51 said there were usually thirty to forty people, sometimes less, sometimes more. This was also the number of people who were treated by P51 and his colleagues. Some might not have been injured but there were usually thirty to forty people.

Wiedner wanted to know for how long P51 and his colleagues usually stayed at the Branch. P51 said they stayed until they were done, maybe two hours.

Wiedner asked if there were freshly injured people, or how P51 characterized the first phase. P51, affirmed, detailing that during the first phase they usually treated new detainees, however, P51 was not there every Friday.



Wiedner asked how many times P51 was there. P51 consulted his counsel who told the Court that P51 would not answer this question since it would lead to conclusions regarding his identity. P51 added that he was there more than once.

Wiedner wanted to know if P51 was there regularly. P51 said no, it depended on his shifts and holidays. However, he was there often.

Wiedner asked how long the first phase lasted. P51 consulted his counsel who asked for a short break.

Judge Kerber ordered a 60-minute lunch break.

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[65-minute break]

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[Some of the spectators left.]

Judge Wiedner first recalled that P51 defined the first phase as the time period when he treated new detainees. He asked P51 until when this phase lasted. P51's counsel wanted to say something, but P51 started to answer by saying that the first phase was when demonstrations happened every Friday and many people participated and were arrested. [The frequency of demonstrations] got less after a couple months but P51 could not provide a precise date.

Wiedner said he was not asking for a precise date but wanted to know if this occurred in 2011. P51 affirmed, saying that after four to six months, demonstrations were less frequent for different reasons.

Wiedner asked how P51's work changed as a consequence. [P51 quickly consulted his counsel.] Wiedner further wanted to know how the injuries of the detainees changed. P51 described that at first, four or five of his colleagues went to the Branch. After that, an employee from the Branch came when they needed a doctor and took whoever was at the emergency room. There were no or only a few new detainees and most had older injuries and things like that.

Wiedner recalled P51 telling the German police that there were two categories of patients: fresh ones and older ones. The newly arrived detainees were in a not so bad condition, their clothes still looked good. P51 confirmed, adding that there were only a few new arrests each Friday and many detainees had been at the Branch for three or four weeks.

Wiedner wanted to know how many people were usually there, where they were, and how many patients P51 and his colleagues usually treated during the second phase. P51 said they had to go downstairs where a heavy gate was opened. They then had to turn right to the cell area where another gate was opened. One or two people were injured, others had a cough, fever, or diarrhea.

Wiedner asked if P51 treated the people inside their cells. P51 said no, saying that they were treated in front of the [cell's] door. He did not dare to look inside the cells.

Wiedner wanted to know more about the general condition of the detainees. P51 said the longer one was detained, the worse his condition was. [Detainees] were only wearing underpants which had an awful color because they were covered in feces and urine. People were skin and bones and could not move properly.

Wiedner asked if P51 was allowed to take people to the hospital or if he recognized one of the detainees at the hospital. P51 said he could not remember; he only wrote reports.

They were not allowed to take anyone with them, simply because of the path they had to walk between the Branch and the hospital. People were only transferred by car.

Wiedner asked P51 if he could remember such a transfer to the hospital. [P51 consulted the interpreter and his counsel.] P51 said he could not remember how exactly the people looked because it was dark. He could therefore not say whether one of them was later taken to the hospital.

Wiedner explained that he was not particularly interested in detainees that P51 personally treated at the Branch. He was instead interested in transfers of detainees from the Branch to the hospital in general. P51 confirmed that such transfers definitely happened.

Wiedner asked P51 whether he saw dead people at the Branch. P51 said no.

Wiedner wanted to know if P51 noticed cases at the hospital where people who came from Al-Khatib Branch died. P51 recalled that he already told the German police about an incident when a car and a pick-up truck arrived at the hospital. They carried two or three corpses. It was at night and very dark. P51 was ordered to confirm the death of these people.

Wiedner asked if P51 did confirm their death. P51 affirmed.

Wiedner wanted to know how P51 was able to confirm the death of these people. P51 explained that he was unable to determine the exact cause of death. However, [detainees] were generally in bad condition and very thin. He could not exactly tell when they died. According to P51 the corpses smelled bad as all living detainees. However, the corpses smelled even worse.

Wiedner asked how P51 was able to attribute these corpses to Al-Khatib Branch. P51 described that one could say that the hospital he worked at belonged to this Branch. The people inside the cars also belonged to Al-Khatib Branch. They regularly came to the hospital, so P51 knew they belonged to the Branch. P51 added that he and his colleagues gave them "Abu names", explaining that this would be a common way to call people if you would not know their real names.

Wiedner concluded that P51 recognized employees of the Branch. P51 explained it was always the same ten to fifteen people from the Branch who came to the hospital to get the doctors and who also worked in the basement of the Branch. It was well-known that they came from Al-Khatib Branch, since it was opposite of the hospital and only people from the Branch came to the hospital. P51 added that the hospital and the Branch were located on the same block. Cars coming to the hospital were stopped and checked. [P51 used his hands to describe the location of the street and the hospital and Branch buildings on the table in front of him.] According to P51 there was a roadblock made of concrete and a check point at the main street. It did not belong to Al-Khatib Branch, but one had to pass it to get to the one-way street behind it. People coming from the opposite direction were allowed to go to the hospital. P51 added that most of the time there was an additional check point from Al-Khatib Branch as well.

Wiedner concluded that people coming from outside were consequently filtered. P51 confirmed.

Regarding the incident with the pick-up truck/van and the corpses, Wiedner asked P51 what he thinks the purpose of his work was: whether he had to issue a death certificate or take the corpses. P51 said he could not issue a certificate since he had no personal information about the deceased. He only had to confirm their death. P51 explained that every patient who was treated at the hospital had his own file. However, with detainees they just had to write any name. The guards then told them the age and they just wrote any date of birth. The files were therefore based on false data.

Wiedner asked if P51 had to write something when the corpses were shown to him. P51 said no, they only had to say that [detainees] were dead and then [the corpses were] transported somewhere else.

Wiedner wanted to know when this incident happened. [P51 consulted his counsel.] Wiedner said P51 already told the police. P51 said it was definitely before mid-2012.

Wiedner referred to the BKA's transcript according to which P51 said, when asked about the date of the van incident, that he could not tell exactly but sometime between spring 2011 and June 2012. P51 confirmed.

Wiedner wanted to know more about the state of the corpses, if they showed injuries and how their general condition was. P51 said he already described that they were in a bad, miserable state. They were extremely thin but he could not remember precise injuries.

Wiedner asked if they were dressed. P51 said they wore underpants and nothing else.

Wiedner confirmed that P51 told the police the same [information]: when he was asked about signs of torture, P51 affirmed and added that he could see bruises and that they were emaciated. P51 confirmed.

Wiedner recalled that the corpses did not stay with P51. He wanted to know what happened to them. P51 said he does not know but he was told that they were taken to Najha [Cemetery] مقبرة نجها.

Wiedner asked if apart from that, corpses from the Branch were stored at the hospital, for example in the mortuary. P51 explained that every hospital has a cooling room where corpses can be stored for a short time. According to Muslim tradition, people must be buried quickly. However, if someone dies at night the corpse is stored in the cooling room or a couple hours until the family arranged everything.

Wiedner asked if P51 was talking about 2011 or 2012. P51 said this was generally the case. In winter, one could not smell the corpses. However, at some point P51 and other neighbors of the hospital started to smell them. P51 explained that corpses were usually put in cooling drawers. The hospital's mortuary had four to six of such drawers. In the summer when it was very warm and there was not enough space, one could smell the corpses. According to P51, the pharmacy, laboratory, kitchen, and cafeteria for the hospital's employees were located in the basement. One could either take the lift downstairs or walk around the building, pass the loading ramp. If one took this way, he had to walk past the mortuary. P51 said it stank. Usually, the key to this room was kept at the hospital's reception. However, there was a time without a key. The families were then called immediately and told to take the corpse of their loved one because there was no space in the cooled mortuary.

Wiedner concluded that the cooling room was overcrowded and asked P51 why this was the case. P51 said he and his colleagues were told that the key to the cooling room was with Al-Khatib Branch. The hospital could no longer use the room. P51 added that he could not say if the room was overcrowded every day or how many corpses were stored there. It did not matter in the winter, but in the summer it often stank.

Wiedner further concluded that one could indeed smell that there were too many corpses and that during this time, the key was at Al-Khatib Branch. Wiedner asked P51 if there were other indicators that corpses were transferred from the Branch to the hospital.

Defense Counsel Böcker intervened saying P51 just said "we were told that the key was at the Branch". P51 asked what the question was.

Judge Wiedner said P51 made a connection between the key and Al-Khatib Branch because he was told that the key was at the Branch. Wiedner asked P51 if he noticed that on other occasions as well, or if someone told him about transports. P51 said neither. He was not told. But there were rumors, and no one asked questions because the hospital belonged to the Branch.

Wiedner asked P51 to explain what he meant by “belonged to”. P51 consulted the interpreter.

Defense Counsel Böcker intervened saying he was having an issue for a while now but did not want to offend P51. However, P51 just said the “the hospital belonged to the Branch.” One should therefore inform P51 that he is not obliged to make any further statements. It would not be because of his work but because of an organizational issue and hierarchies. Böcker said this would also be an important aspect for his closing statement.

Prosecutor Klinge said he does not see any necessity to inform P51 about [§ 55 StPO](#). P51 did not say that he was working at Al-Khatib Branch. In accordance with what the [Federal Court of Justice](#) found in June 2019, there would be no sufficient suspicion against P51.

Judge Kerber said she would also not see any necessity in this regard. P51 consulted the interpreter and his counsel asked for a short break.

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[5-minute break]

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P51’s counsel Obst explained that although his client has very good German skills, he could only express some details in his mother tongue. He just examined the organizational structure and competencies together with his client during the break. It would basically be the case that Al-Khatib Branch simply transferred patients to the hospital. Whenever a security officer from the Branch appeared at the hospital, everyone was at his service. Obst concluded that this is how P51’s descriptions should be understood.

Judge Kerber asked P51 if that was correct. P51 confirmed.

Wiedner recalled P51 explaining to the police during his questioning that, regarding the relationship between hospital and Branch, every intelligence branch had their own hospital where they would take their detainees. The security guards [coming from Al-Khatib Branch to the Red Crescent Hospital] were always the same. P51 told the court that in Syria there were many branches like Al-Khatib, for example the Palestine Branch. This branch would not take its detainees to P51’s hospital because it was not nearby. According to P51 it was always the same fifteen people from Al-Khatib Branch who came to the hospital.

Wiedner asked P51 to continue his description asking if he remembered particular cases of detainees from the Branch who were treated at the hospital, for example a female activist. P51 said regarding women, he did not treat them at Al-Khatib Branch but at the hospital. He once treated a young woman, around 20 years old. She was an activist.

Wiedner asked whether she came from Al-Khatib Branch. P51 confirmed.

Wiedner wanted to know from what injuries or disease she was suffering. P51 recalled that she most likely had acute kidney failure. She was hospitalized at the station for internal medicine.

Wiedner asked about a Christian activist and what else P51 was able to remember. P51 affirmed that there was a Christian.

P51 added he was told that the activist was taken to the hospital, but he could not remember exactly. He took videos and pictures of demonstrations. When he was taken to the hospital, he was dead.

Wiedner asked if the person was dead when he arrived or died at the hospital. P51 said he could not remember very well.

Wiedner wanted to know the estimated date when these two cases happened. P51 said the incident with the female activist definitely happened in 2011 and the other incident with the man also happened during the first months.

Wiedner asked P51 to estimate how many people he treated at Al-Khatib Branch from “the beginning” until September 2012. P51 asked if Wiedner was referring to the number of people P51 himself treated or the number of people for whom P51 was present during their treatment. Wiedner said he wanted to know how many detainees P51 treated and for how many was he present while they were treated. P51 said he could not provide a precise number. Wiedner asked if they were hundreds or rather thousands. P51 said they were at least hundreds but he could not say whether they were thousands.

Wiedner asked P51 about a laboratory. P51 said it was diagonally opposite of the hospital in Al-Khatib [neighborhood].

Judge Kerber asked how P51 knew that it was the Al-Khatib laboratory and if there was a sign. P51 said it was widely known that the laboratory was diagonally opposite of the hospital. It is the biggest [laboratory] in Syria.

Kerber concluded that the laboratory existed and that it was known. P51 confirmed.

#### **Questioning by the Prosecutors**

Regarding injured people who came to the hospital [from the Branch], Prosecutor Klinge asked P51 how this happened, if the patients were guarded and how they were treated. P51 asked if Klinge was referring to people P51 and his colleagues treated. Klinge affirmed. P51 described that they were taken by car because they could not walk. They were alone in a room and always accompanied by a guard. They were tied and their files were based on wrong information. P51 explained that although medical questions were permitted, one could not say that these people received proper medical treatment. It was normal that they were insulted by the people who guarded them.

Klinge wanted to know if there was a special station for these people. P51 denied, saying as far as he knew there was no special station.

Klinge recalled that there were constant insults from the guards who accompanied the patients. P51 asked whether Klinge meant that he was insulted. Klinge said he was talking about the patients. P51 said they were constantly insulted, even when they were tied [to their bed].

Klinge wanted to know what they were tied to. P51 said the detainees were tied to their bed by their hands or feet.

Klinge asked if everyone had his own bed. P51 affirmed.

Klinge recalled that P51 was unable to see the condition of the detainees in the basement of the Branch. He asked about the condition of the detainees at the hospital. P51 said the detainees who came to the hospital were not only those with injuries but also those with pneumonia or diarrhea. The longer they were detained, the worse their condition. They also had open wounds and bruises.

Klinge asked how long [detinees] usually stayed at the hospital. P51 said that it varied from patient to patient, depending.....



Klinge [interrupted and] told P51 to provide an estimate; if it was rather long or short. P51 said they were at different stations. He therefore could not tell.

Klinge asked if the patients were insulted and mistreated in front of P51. P51 said they were insulted, which was normal. He added that the guards were unable to speak in a normal tone.

Klinge wanted to know if there was mistreatment at the hospital. P51 said people were pushed. He added that when he came to the Branch, the guards yelled and opened the gate.

Klinge asked if there was a staff doctor at the Branch as well. P51 said there was someone but P51 could not say whether he was a military (police) or civilian employee. However, people would have noticed a difference: while P51 and his colleagues were always polite, this person was constantly yelling and insulting.

Klinge asked if this doctor mistreated people at the Branch. P51 said [the doctor] insulted people, slapped them in the face, “and things like that”.

Klinge wanted to know if the patterns of injuries were sufficient enough to allow for conclusions regarding torture methods. P51 said he was unfamiliar with torture methods, but there were injuries that could not be caused by hand. There were such massive bruises that could only be caused by an item. However, P51 could not say with which item they were caused.

Klinge concluded that people had welts. P51 consulted the interpreter and told the court that he would consider that a hematoma.

Klinge asked if people had bleeding and open [wounds on their] feet. P51 affirmed.

Klinge asked if they also had injuries on their wrists from being hanged. P51 affirmed that he saw such injuries with some detainees but he could not say if it was because they were hanged.

Klinge further wanted to know if people showed signs of fixation. P51 affirmed.

Regarding the different phases that P51 mentioned, Klinge concluded that the condition of the detainees got worse with the phases. P51 said he could not say it like that because he did not see people twice.

Klinge concluded that the overall condition [of detainees] got worse. [There was confusion with German-Arabic interpretation and] P51 said he did not understand every word. He told Klinge that he forgot the question and asked him to ask the question again. Klinge wanted to know if P51 noticed indicators of sexual violence. P51 said he could not say.

Klinge asked if there were female nurses for female detainees at Al-Khatib. P51 affirmed.

Klinge wanted to know about corpses at Al-Khatib Branch. P51 said, as he already told the court, he did not know exactly but he was told – and that would most likely be true – that those corpses were taken to Najha [Cemetery] مقبرة نجها .

Klinge asked P51 about the relationship between Al-Khatib Branch and Harasta Hospital. P51 said there was not only Harasta Hospital but also Tishreen Hospital. However, as the Court would probably know, the highway was blocked. The way to these hospitals was therefore dangerous because the government was not in control of certain areas and could therefore not pass parts of this way.

Klinge wanted to know if injured detainees from Al-Khatib Branch were taken to Harasta Hospital. P51 said he could not say anything about that. He would not know.

Klinge wanted to know if P51 knew who the head of interrogations at Al-Khatib was when P51 was in Syria. P51 said it was Anwar Raslan.

Klinge asked how he knew that. P51 said he could not provide an exact date [of when he learned this information] but later [after he had to go to the Branch]. When Raslan defected people were talking about his defection.

Klinge asked if he knew about Raslan before or after [Raslan's] defection. P51 said unfortunately he could not remember exactly but he assumed that the name was "known to us."

Klinge wanted to know if people said something about him [Raslan]. P51 asked what exactly Klinge was referring to. Klinge said he wanted to know if people said Raslan was nice or brutal. Defense Counsel Böcker intervened, saying Klinge should ask a more precise question: when and where people were talking. Klinge specified that he wanted to know if people spoke about Anwar Raslan as the head on interrogations and about his character when P51 was still in Syria. P51 said no, people did not talk about higher-ranking officers. However, their names were known.

Prosecutor Polz wanted to know if P51 and his colleagues were watched by people from the Branch when they were examining and treating patients at the Branch. P51 said of course they were never left on their own.

Polz asked if these people also interfered with medical care. P51 said he was [not allowed to provide treatment]. He was only allowed to say what a person needed e.g., bandages or medicine. But he was not allowed to directly provide anything.

Polz asked if P51 could decide what happened [in terms of treatment] or if the final decision was with an employee of the Branch. P51 said he could not provide information on that.

#### **Questioning by the Defense Counsels**

Defense Counsel Böcker said it would be important to him to chronologically connect the incident with the van and the corpses and the female activist. He asked P51 which event happened first. P51 said he could not say.

Böcker referred to the BKA's transcript according to which P51 was asked if he saw children and women at Al-Khatib Branch. P51 replied to the BKA that he saw a 13-year-old child and remembered that a woman was taken to the hospital from Al-Khatib Branch. She was a famous activist, but P51 said he could not remember her name. According to P51, she was at the intensive care unit, and it happened before November 2012.

Böcker asked P51 if the date that he gave the BKA or the one he just gave in court was more accurate.

P51's counsel Obst intervened, saying that his client told the BKA that it happened before November 2012 and today in court he said it happened in February or March 2012. The latter date was earlier than the first date he provided. The question was therefore redundant, according to P51's counsel.

Böcker asked if it happened before November 2012. P51's counsel said P51 already answered this question.

Böcker went on to ask if it was correct that, during the incident with the van and the corpses, P51 was only told to orally confirm death and he did not have to confirm death in writing. P51 confirmed.

Böcker asked if P51 examined the corpses. P51 affirmed, saying he briefly examined them. However, to issue a death certificate he would have needed ID cards, and he would never get that.

Böcker recalled that P51 examined the corpses. P51 again confirmed.

Böcker referred to the BKA's transcript of P51's questioning according to which P51 said that he was able to confirm the death of these people without examining them. Böcker asked P51 [if he examined the corpses or not]. [After briefly consulting his counsel,] P51 said that one could say that these people were dead simply because they looked so bad. He saw their condition before an examination and noticed that they did not move.

Böcker wanted to know how he had to imagine this situation: he asked where the van was and whether P51 had to look into the van or if the corpses were taken out of the van. P51 said no one could imagine such things without having experienced it themselves.

Böcker affirmed that this would of course be the case, nonetheless he wanted to have an image of the situation. He asked P51 what happened after P51 was called [by employees of the Branch who carried the corpses]. P51 said the van stopped at the main entrance [of the hospital]. There was one or two cars of the same kind and P51 was told to come and see if the people were dead.

Böcker asked if P51 had to go outside. P51 affirmed.

While Böcker asked for a short moment, P51 spoke to his counsel. Böcker said he had no further questions.

#### **Questioning by Judge Wiedner**

Judge Wiedner said he also had a question in this regard. He recalled that both times he was questioned by the BKA, P51 was asked how he confirmed the death of these people. P51 told the BKA that he did not feel a pulse and could not determine a heartbeat. The people already looked like they were dead and P51 explained to the BKA that he therefore would not have needed to examine them, but he did so nevertheless. P51 also told the BKA that he remembered a bad smell. In Court, P51 did not know what Wiedner meant.

Wiedner said he was talking about determinations of death [of the bodies] in the van, about which he was questioned by the BKA. He asked P51 if he could remember what he told the BKA about that. P51 recalled that he told the BKA that he could not feel a pulse and that the people looked like they were dead. They were not normal people with regular skin. In short: they looked really bad.

#### **Questioning by a Plaintiff**

Judge Kerber announced that P50 was admitted as a plaintiff to the trial and therefore allowed to question P51.

P50 said that it was often the case that a detainee was "out of reach" [fasal]. He asked P51 if he experienced cases where the person was "out of reach". P51 asked in what way one would be "out of reach".

P50's counsel told him to slowly repeat his question. Judge Kerber intervened, saying it was unclear what P50 meant by "out of reach". The court interpreters explained that P50 used the word "fasal" which they did not know. P50 started to repeat his question when Defense Counsel Böcker intervened, saying that P50 was speaking too loudly.

P50 said he would repeat his question slowly and quietly: it was often the case with Syrian detainees that some of them lost their minds and were no longer in control of the situation and acted strangely. One would call that "being out of reach" [fasal]. This was known regarding detainees and former detainees.

Defense Counsel Böcker intervened, saying he objected to the statement. Presiding Judge Kerber said there was no reason to object yet, since P50 was only providing clarification to his question. P50 continued his question, asking P51 whether he saw such cases with detainees or other psychological cases. P51 said he now understood the question: “fasal” meant crazy or insane and someone would lose their senses under stress. P51 said he did not see such cases. Regarding the psychological situation of detainees, he explained that he did not see a single happy detainee. They were all depressed because they did not know what would happen next.

#### **Questioning by the Plaintiff Counsels**

Plaintiff Counsel Dr. Oehmichen asked if one would need a forensic education to determine whether someone was dead. P51 said no, every doctor is permitted to do that.

Dr. Kroker asked P51 to narrow down the time frame in which the incident with the van happened. He wanted to know when between early 2011 and June 2012 it happened. Defense Counsel Böcker intervened, saying he objected to this question. According to Böcker, P51 already said he could not remember and confirmed the statements he made with the BKA saying that the incident with the woman was before the end of 2011, early 2012. Dr. Kroker said P51 confirmed the reference that Judge Wiedner made to the transcript of P51’s questioning. However, he wanted to know more precisely when exactly before November 2012 the incident happened.

Böcker said he objected to this question since it would be redundant considering that P51 also spoke about the event with the woman at the intensive care unit. According to Böcker, the question would also be incomplete.

Presiding Judge Kerber intervened, saying that since this was a trial according to German Criminal Procedure, one needed a precise question: P51 is asked to narrow down the incident with the van in relation to the beginning of an applicable time frame. Defense Counsel Böcker requested a decision regarding the admissibility of this question.

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[10-minute break]

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Presiding Judge Kerber apologized that she forgot to ask for statements from other parties on this matter. Since there were no statements, Judge Kerber read out the following decision:

[The following is a recreation of the above-mentioned decision based on what the Trial Monitor was able to hear in court.]

*The question whether, regarding the event with the van, P51 is able to narrow down the estimated earliest possible date when this event happened is permitted. There are no restrictions to the question.*

Dr. Kroker asked P51 whether he was able to narrow down when the incident with the van and the dead people occurred more precisely than spring 2011. P51’s counsel said he discussed the issue with his client during the break and P51 would not provide information on this matter. P51 confirmed that he would not provide information.

Plaintiff Counsel Scharmer said he had one more question regarding the situation with the van. He wanted to know if the incident happened before or after P51 was called to Al-Khatib Branch for the first time. Scharmer added that P51 previously said that he went to the Branch for the first time in April 2011.

P51 asked what time frame Scharmer was talking about. Scharmer said he wanted to know if the incident with the van and the corpses happened before or after P51 went to Al-Khatib Branch for the first time in April 2011. P51 said it was after that.

P51 was dismissed as a witness.

Plaintiff Counsel Bahns said he wanted to make a statement about the objection of the question. P51 previously told the Court that the incident [with the van and corpses] happened before June 2012 which was earlier than November 2012, the timeframe he mentioned to the police. P51's counsel said that June was earlier than November. The objection of the question was therefore incomprehensible to Bahns.

### **Plaintiff and Plaintiff Counsel Statements**

Presiding Judge Kerber said P50 and Plaintiff Counsel Dr. Oehmichen prepared statements that they would now read in Court. Kerber said she would prefer if P50 would provide his statement first and asked Dr. Oehmichen whether this order would work for her. Dr. Oehmichen explained that P50 wanted to provide two statements. She therefore proposed to have P50 provide his first statement, followed by her statement, and then P50's second statement. Judge Kerber told P50 to come to the witness stand so he could sit next to the court interpreter to avoid confusion in interpretation.

P50 said he would try to speak slowly and quietly so the interpreter could follow, and everyone could hear him well.

[The following is a recreation of the statement provided by P50, based on what the Trial Monitor was able to hear in court.]

*In Syria, arrest by the regime means two things: disappearance and torture. No one knows where the detainees are taken and the detainees themselves only know [where they are] in some rare cases. One only knows if he is summoned to appear at an intelligence branch and does not return from there. There are some further aspects:*

- 1) When my wife spoke to the person who arrested me, he denied everything. I saw this same person at Al-Khatib Branch [...] I asked others about it when I was in my cell. I spoke to others through the window in the cell door.*
- 2) My entire family did not know where I was. They assumed I would be with the Air Force Intelligence. They only received information after 55 days, when I was at the civil court and able to contact them because someone gave me his mobile phone.*
- 3) The regime arrests the people who appear [at a branch to ask for their relatives]. It is therefore very dangerous to ask questions. I was told a story which one can also read about on the internet: it is about a woman called [REDACTED]. The regime wanted to get her husband. He fled and drowned. She then wanted to get a passport because she was pregnant. She was accompanied by two of her husband's sisters. They were all arrested. The woman was detained for a long time and gave birth to twins while in detention. She was later released.*

Plaintiff Counsel Böcker intervened, saying he had to interrupt P50. Judge Kerber asked Böcker why he had to interrupt P50. Böcker said he was confused about what exactly was happening. If this was a questioning of a witness, then it would be repetitive in light of P50's previous testimony. If this was however a statement on certain evidence in accordance with § 257 StPO, then it might collide with § 258 StPO [The right to make final statements, however, the final statement must not include aspects that were already covered in previous statements by the plaintiff]. Judge Kerber said this would be a reasonable objection and asked Dr. Oehmichen whether she would know more about the length of her client's statement.



Kerber further noted that P50's statement included some repetitions, and his third point was mere hearsay. If he would only have another two or three sentences, she would let him finish the statements, otherwise further discussions would be needed. Dr. Oehmichen said she was sorry that her client was interrupted. This statement was actually planned to be read out after her own statement. However, it was rescheduled upon Kerber's request. Judge Kerber allowed P50 to continue.

*The woman was released in exchange for FSA members.*

- 4) *There was no male who made inquiries to the regime about detainees. This is only done by elderly women. Young women did not do it out of fear of being arrested. My mother for example asked about my father who disappeared seven years ago. No one did anything to a man's mother. Therefore, no man went to the Syrian regime to make inquiries.*
- 5) *The regime is using enforced disappearance as a method to finance its employees. High amounts of money are being paid to get some information about one's loved ones.*

[Plaintiff Counsels Dr. Kroker and Scharmer left.]

Plaintiff Counsel Dr. Oehmichen read out a statement about the Prosecutors' statement on a legal note requested by Plaintiff Counsels Bahns, Dr. Kroker, and Scharmer.

[Due to the length as well as speed of reading and amount of detail, the Trial Monitor was not able to adequately take notes and recreate the statement. The following is therefore a summary of the statement.]

Dr. Oehmichen stated that on behalf of her clients, she affirms to include enforced disappearances according to § 7 (1) no. 7 VStGB to the indictment. She said that in the context of a systematic and widespread attack against the civil population in Syria, people were subjected to enforced disappearances with the aim to remove them from the protection of the law. She went on to describe that both the Prosecutors and the Plaintiff Counsels agreed that there was a systematic and widespread attack against the civil population going on during the indictment period. They further agreed that people were arrested and deprived of their liberty by the Syrian state and its organizations. According to Dr. Oehmichen there were, however, disagreements regarding: (i) the immediacy of providing information as the objective element of the crime, (ii) the individual liability of the Accused, and (iii) the intention to remove people from the protection of the law as subjective element of the crime.

Dr. Oehmichen went on to elaborate on all three aspects, criticizing the Prosecutors' restrictive interpretation of the law and the divergencies between the VStGB and the Rome Statute, the Convention Against Enforced Disappearances, and *ius cogens*. She concluded that § 7 (1) no. 7 var. a VStGB and § 7 (1) no. 7 var. b VStGB are applicable in the present case.

Presiding Judge Kerber thanked Dr Oehmichen and asked if her client wanted to make another statement. Defense Counsel Böcker intervened, saying although he would be cognizant of the rights of plaintiffs, he would like to have clarification about whether P50 would make a statement on the current issue (a statement according to §257 StPO) or a general statement. Böcker said he would object to the latter. On Judge Kerber's request, Dr. Oehmichen detailed that there would be no direct connection between the intended statement and her statement or a witness testimony. She therefore had to admit that the defense was right and P50 did not intend to make a declaration according to § 257 StPO.

After briefly talking to her client, Dr. Oehmichen said P50 could make his statement as part of his final statement. Judge Kerber asked Böcker if the matter was urgent to him or if he could spare five minutes [to hear P50's statement]. Böcker replied that random statements would be made in this trial. He said he respected most of the witnesses, in particular P50, but he would still act as a Defense Counsel. Judge Kerber said since this was a trial based on German Criminal Procedure, she had no reason to oppose Böcker and P50 could still make his statement as part of his final statement.

Defense Counsel Böcker said the defense team had requests that needed to be submitted and read in court.

[The following is a recreation of the defense's requests, based on what the Trial Monitor was able to hear in court.]

*Request to summon and hear [PW1] living in [REDACTED], Germany as a witness.*

*PW1 participated in opposition activities in 2011 and 2012 and in demonstrations in [REDACTED]. He is the brother-in-law of P32 and helped her. PW1 will be able to testify that the Accused did not use violence against P32 or against his sisters. He can further testify about P32's mental illness and whether it occurred shortly before her testimony in court or earlier. His questioning will disclose what happened to P32 and her family.*

*The decision dated [July 21, 2021](#) makes it necessary to hear PW1, since the decision holds Raslan responsible for almost everything that happened at Al-Khatib Branch. However, his authority to give orders and his organizational authority was very limited due to him being Sunni. Raslan tried to help detainees and defected. Division 40 and Hafez Makhoul as well as the Alawites were the ones with power at the Branch.*

*PW1 can clarify that the Accused did not use violence against P32 and her siblings and clearly distanced himself from this violence. These acts of torture can therefore not be attributed to Anwar Raslan who had no authority to give orders and no organizational authority. He did not aid this violence.*

*Request to summon and hear [PW2] living in [REDACTED] as a witness.*

*PW2 worked as a pilot and later as a journalist. He was arrested at a demonstration in 2011. The accused arranged for him to be released from his cell. PW2 can testify that the Accused never ordered, exercised, or approved violence. Rather, the Accused was interested in novels and opposed the continuing large-scale arrests. PW2 will be able to confirm this as the Accused told [the information] to PW2. PW2 met Anwar Raslan at the end of 2013 as part of Raslan's opposition activities. This was when PW2 and Raslan spoke about Raslan's activities during the indictment period.*

*The decision dated July 21, 2021 makes it necessary to hear PW2, since the decision holds Raslan responsible for almost everything that happened at Al-Khatib Branch. However, his authority to give orders and his organizational authority was very limited due to him being Sunni. Raslan tried to help detainees and defected. Division 40 and Hafez Makhoul as well as the Alawites were the ones with power at the Branch.*

*The hurdles for required reachability of witnesses living abroad have to be placed low for the purpose of this trial.*

*Since this trial deals with acts committed abroad and is internationally recognized, the Court's efforts in determining the truth must be higher regarding such witnesses. Other forms of summoning such as telephone calls or email are possible and have been applied in the past.*

*Request to summon and hear [PW3] living in [REDACTED] as a witness.*

*PW3 completed a degree in political science and worked as an officer at the General Intelligence Directorate. He joined the opposition and was detained 12 times. The Accused helped PW3 regarding his release and defection. PW3 knew the Accused's attitude and that he sympathized with the opposition and that he helped detainees. PW3 worked with Dr. Kamal Al-Labwani and met Riyad Saif in Istanbul.*

*The decision dated July 21, 2021 makes it necessary to hear PW3, since the decision holds Raslan responsible for almost everything that happened at Al-Khatib Branch. However, his authority to give orders and his organizational authority was very limited due to him being Sunni. Raslan tried to help detainees and defected. Division 40 and Hafez Makhoul as well as the Alawites were the ones with power at the Branch.*

*The hurdles for required reachability of witnesses living abroad have to be placed low for the purpose of this trial. Since this trial deals with acts committed abroad and is internationally recognized, the court's efforts in determining the truth must be higher regarding such witnesses. Other forms of summoning such as telephone calls or email are possible and have been applied in the past.*

Defense Counsel Böcker said he had another statement to provide. He requested to visually inspect a screenshot from Google Maps in Court to show the way from Al-Khatib Branch to Darayya. According to Google Maps, one would need thirty minutes by car to go from Darayya to Al-Khatib Branch. However, it would only be ten minutes from Darayya to Kafar Souseh. P50 said the drive from his practice to Al-Khatib took ten minutes. However, it would be more likely that he was driven to Kafar Souseh.

Böcker said he objected to a reading of the transcript of FR19's questioning with the French Police. FR19 was not willing to be questioned by the BKA or in court due to an alleged security risk. This circumstance was also confirmed by CCI Knappmann. FR19 was questioned by the French Police before. The principle of immediacy would be violated [if the transcript was read] since the French interrogation officer could be summoned. Taking evidence by reading transcripts of questionings can be done as an additional measure. However, it could not be a replacement. This would be inadmissible.

Prosecutor Klinge and Plaintiff Counsels Oehmichen and Bahns reserved the right to provide statements on the defense's requests. Böcker said the defense would not provide a statement on Dr. Oehmichen's previous statement.

Dr. Oehmichen asked if her client could get an Arabic translation of the defense's request [to inspect the Google Maps screenshot]. Judge Kerber denied. Dr. Oehmichen said in this case, she would [officially] request it.

The proceedings were adjourned at 12:37PM.

The trial will resume on September 29, at 9:30AM in room 128 in the Regional Court's building.

## **TRIAL OF ANWAR RASLAN**

Higher Regional Court – Koblenz, Germany  
Trial Monitoring Report 47  
Hearing Dates: September 29 & 30, 2021

*CAUTION: Some testimony includes descriptions of torture.*

### **Summaries/Highlights:<sup>1</sup>**

#### **Day 94 – September 29, 2021**

Criminal Chief Inspector Deußing from the BKA testified about the questioning of a witness who declined to testify in court. The witness was first questioned by the Swedish Police before being questioned by the BKA. The Court further dealt with administrative matters related to the Defense's previous requests to take additional evidence, namely three witnesses and a Google Maps Screenshot.

#### **Day 95 – September 30, 2021**

Criminal Chief Investigator Schmidt from the LKA Berlin testified about his questioning of P46. According to Schmidt, P46 told the police that the first time he saw a picture of Raslan and heard his name was when he was with Al-Bunni. In contrast, P46 told the Court that he did not talk with Al-Bunni about the Accused and saw Raslan's picture in the media before he met Al-Bunni.

P52, a former Syrian pilot and journalist testified about his detention at Al-Khatib Branch where he also met Raslan with whom he had a friendly conversation. The two also met several times after Raslan's defection and had a conversation about Raslan feeling monitored by the Syrian Intelligence Services in Berlin.

The Court further heard requests by the Defense to summons two additional witnesses. The Judges denied the Defense's previous request to obtain access to the Federal Prosecutor General Office's structural investigation into the Syrian conflict.

#### **Trial Day 94 – September 29, 2021**

The proceedings began at 9:30AM with four spectators and two journalists in the audience. The prosecution was represented by Prosecutors Klinge and Polz. Plaintiff Counsel Bahns was not present while Plaintiff Counsel Scharmer was substituted by attorney Dr. Stolle. There was only one court interpreter present.

#### **Testimony of CCI Deußing**

Presiding Judge Kerber informed Criminal Chief Inspector Deußing from the BKA about his rights and duties as a witness.

<sup>1</sup> 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.

### Questioning by Judge Kerber

Judge Kerber explained that Deußing was summoned to tell the Court about his questioning of [SE5] and asked him to describe why and how SE5 was questioned. Deußing explained that the BKA was informed about SE5's existence by the Swedish Police. Consequently, an EU investigation order was issued to the Swedish Police who only referred to the witness as SE5. SE5 had been questioned by the Swedish Police in August or September 2018. The transcript of this questioning was forwarded to the BKA. The transcript detailed that SE was [REDACTED] and that he was detained at Branch 251. The BKA first wanted to question the witness in Stockholm, but attorney Dr. Kroker contacted the BKA and told them SE5 would be willing to come to Germany, so he was questioned in Berlin on October 31, 2018. Deußing said he conducted the questioning together with his colleague Knappmann and an interpreter.

Judge Kerber asked whether SE5 was informed about his rights and duties. Deußing affirmed, saying he first ensured that SE5 was able to communicate well with the interpreter, then explained to SE5 the subject matter of the case and informed him about his rights and duties.

Kerber said the Court would have a particular interest in the content of the questioning and asked Deußing to describe what SE5 told him. Deußing explained that SE5 was born in [REDACTED] but grew up in [REDACTED] where he graduated from high school. He then studied [REDACTED] and conducted further training in [REDACTED].

Kerber intervened, saying the Court would be more interested in what SE5 experienced. Deußing went on to explain that starting in 1987, SE5 was politically active and already detained for several days before 2011. From 2011 on, he organized and participated in demonstrations in Damascus and Douma. His name therefore appeared on a wanted list and in [REDACTED] he was arrested at his place of work [REDACTED], by the Political Security. He was transferred to Al-Khatib Branch by bus. Deußing remembered that SE5 told him that although he was blindfolded during the ride, he was able to tell where they were going since he knew the area very well. SE5 also told the BKA that he was beaten on the bus. Regarding SE5's detention periods, Deußing told the Court that SE5 was detained at Branch 251 and Branch 285 in [REDACTED] 2011 and continued to be politically active after his release in [REDACTED] 2011. He was therefore again arrested at the [REDACTED] and detained at Branches 251 and 285 as well as Adra prison. He was released at the beginning of [REDACTED].

Judge Kerber intervened, asking whether in light of what was transcribed, it would be possible that SE5 was released in early [REDACTED]. Deußing confirmed, adding that SE5 was detained for one year. Deußing went on to describe how SE5 was shown a photo array in which he recognized the person in picture No. 3. Deußing added in Court that this person was not Anwar Raslan but a stand-in. SE5 did not mention a name for the person in picture No. 3, so Deußing asked him about the name Anwar Raslan. SE5 then said that during his first detention, he heard the name [Anwar Raslan] in talks between fellow detainees. SE5 only mentioned the surname and said he did not hear the name in direct talks but in conversations between fellow detainees that he overheard. According to SE5, this person [Raslan] was an interrogation officer. When other detainees were taken for interrogations, the ones who stayed in the cell said they hoped this detainee would not be taken to Raslan who was a brutal beast and actively involved in torture. Deußing explained that SE5 immediately relativized this by explaining that he was not told that directly, but overheard it in conversations between fellow detainees. SE5 did not hear the name during his second detention. Deußing said that during the further course of the questioning, SE5 mentioned that he heard the name Raslan in connection to media reports about a person who defected and joined the opposition. Deußing also asked SE5 whether he was able to say something regarding uniforms of employees at the Branch. SE5 replied that the first interrogation officer was wearing a sweat suit and no uniform.



He said he was able to see that when his blindfolds slightly moved. The interrogation officer was standing behind him but he was able to see the sweat suit.

Deußing further recalled that he asked SE5 to draw a sketch of Branch 251. SE5 first described the location of the Branch, mentioning Baghdad Street, Aleppo Street, Samakeh Park, and the Red Crescent Hospital. SE5 then drew a sketch of the outside and inside of the Branch. According to SE5, the Branch had three underground levels. On the third underground levels were only solitary cells. SE5 was never there himself, he was only at the second underground level. On the first underground level were solitary and community cells, an area for the guards, a kitchen and a shower. SE5 said there were around 20 community cells, but he was not able to estimate the number of solitary cells. According to Deußing, SE5 described that the first underground level was 'for the privileged': disgraced *Shabiha* members or those who were about to be released. The food there was better and one could see the sky. According to SE5, it was impossible to see the sky from the second underground floor. The light there was solely artificial.

Regarding hierarchies, SE5 told the BKA that the guards were subordinate to the interrogation officers. He was able to tell that from the fact that guards addressed interrogation officers calling them "*Sidi*" and that the interrogation officers were very harsh with the guards.

In terms of overall detention situation, SE5 described that the community cell where he was detained was around 4x6 meters with around 50 detainees in it. They had to sleep in shifts and some even slept on some kind of mezzanine above the toilet. According to SE5, the food was good during his first detention. People were usually detained for forty days and got food twice per day.

Regarding interrogations, SE5 told the BKA that he was interrogated three times during his first detention. He was interrogated twice at Al-Khatib and once at Branch 285. Deußing recalled that SE5 first said he did not experience violence at the interrogations but received 'light hits' from a guard on his way to the first interrogation. The interrogation officer told SE5 that although they would have different opinions, he would 'try to find a way' - SE5 was interrogated about his Facebook account and his activities as part of the opposition. Deußing said that there was apparently a break during SE5's first interrogation, due to the interrogation officer making phone calls. During this break, SE5 had to wait in the hallway where he was beaten and insulted by guards walking by. Deußing added that SE5's second interrogation was similar. It was thematically connected to the first one and SE5 described to the BKA that the interrogation officer 'played psycho-games'. SE5 said the guard pushed him during the interrogation. He was not beaten on his way to the interrogation, but during the breaks. Deußing said SE5 initially told the Swedish Police that he was not subjected to torture but then explained to the BKA that he simply did not consider the beatings to qualify as torture.

#### **Questioning by Judge Wiedner**

Judge Wiedner asked Deußing what SE5 meant by 'psycho-games'. Deußing explained that SE5 told him about a situation where he was taken to the interrogation room and the guard hit him. The interrogation officer was rather friendly but SE5 said it was faked. Deußing further explained that regarding the situation of fellow detainees, SE5 told him that it would be normal to hear screams of torture in the cells all around the clock. One could hear them in particular when one was called for interrogation and had to go to the front part of the cell, close to the door. People were tortured in front of the cell, so one could hear them when close to the door inside the cell. SE5 further said he witnessed *Falaqa* and saw a detainee hanging from the ceiling by his wrists. SE5 added he later saw this detainee when he was green and blue and only wearing underpants. SE5 also heard electro shocks and witnessed arbitrary beatings with a green hose.

Wiedner referred to the BKA's transcript of the questioning according to which SE5 described that when a guard pushed him, the interrogation officer who was present told the guard to leave SE5 alone since they would be friends and surely find a way to cooperate. Deußing confirmed that SE5 told him that.

Regarding torture methods, Wiedner wanted to know if SE5 saw *Shabeh* or was told about it by others. Deußing explained that when they were talking about fellow detainees, SE5 mentioned this method, but Deußing was not sure whether SE5 saw it himself or heard about it.

Wiedner said according to the BKA's transcript, SE5 was asked about torture methods and replied that he saw beatings with the green hose and *Shabeh*. Deußing confirmed.

Wiedner asked how SE5 was able to witness that, how he could see it. Deußing said SE5 explained to the BKA that the detainees were not blindfolded when they were inside the cells. They were only blindfolded when they were outside the cells, in particular on the way to interrogations. When their names were called to take them to interrogation, they had to go to the front area from where they could witness what was happening in front of the cell.

Wiedner confirmed that the transcript of the questioning states the same. He went on to ask Deußing if SE5 met injured detainees. Deußing recalled SE5 describing that he again met the detainee whom he had seen before when he was subjected to *Shabeh*. The detainee asked the guard why he was tortured and the guard hit him on his head, so that the head bumped against a wall and started bleeding.

Wiedner asked if there were assaults inside the cell. Deußing said SE5 told him that guards entered the cell to pour water over the detainees. The guards also arbitrarily beat people inside the cell. *Falaqa* was however mainly used outside the cells.

Wiedner referred to the BKA's transcript according to which SE5 said that detainees were doused with water and arbitrarily beaten. Deußing confirmed.

Wiedner further wanted to know whether SE5 saw corpses, dead bodies, deceased persons. According to Deußing, SE5 did not witness anything like that during his first detention at Al-Khatib Branch.

Regarding SE5's detention periods, Wiedner recalled that SE5 was first arrested in [REDACTED] 2011 and asked Deußing how long SE5 was detained. Deußing said SE5 was detained for 60 days in total. He spent 45-55 days at Al-Khatib Branch before he was taken to Branch 285 where he was detained for around ten days, and then taken to Adra prison.

Wiedner referred to the BKA's transcript according to which SE5 explained that he was detained for 35-45 days at Al-Khatib Branch, then ten to twelve days at Branch 285 and was transferred to Adra prison after that. Wiedner wanted to know how SE5 was released. Deußing said SE5 was transferred to a court in Douma where he had to sign a declaration that he would never participate in demonstration or conduct opposition activities again. He was released after that.

Wiedner asked if there was a trial and a judgment. Deußing denied, recalling that SE5 described it as a mere formality.

Wiedner wanted to know more about SE5's second detention which lasted from late [REDACTED] until [REDACTED]. He asked Deußing about the periods SE5 spent at Al-Khatib Branch during this time. Deußing explained that SE5 was detained at Al-Khatib Branch for around half a year. However, he was taken back and forth to Branch 285.

Deußing said if he remembered correctly, SE5 said he was transferred to Adra prison after five months. Deußing added that according to SE5, his second detention was worse than the first and the first was 'a nice walk' compared to the second detention.

Wiedner asked if [at SE5's second detention] SE5 was detained somewhere else before he was taken to Al-Khatib. Deußing said SE5 was first detained at Division 40 for several days. Deußing remembered SE5 telling him that he was tricked and first stayed at Hafez Makhoul's Division 40 before he was taken to Al-Khatib Branch.

Wiedner wanted to know if SE5 was put in front of a court at his second detention. Deußing recalled that SE5 was taken to a court during his second detention. When SE5 was at Adra prison, he was taken to a military court in Mezzeh where some kind of indictment was read out, accusing him of supporting and financing terrorists. Deußing said SE5 was irritated when a CD or USB stick was mentioned as main piece of evidence in this indictment, since it never existed according to SE5. Deußing said SE5 was eventually released because his wife paid bribes to *Shabiha* members. These bribes were also the reason why SE5's name was taken off the travel ban list so he could eventually leave Syria.

Wiedner asked if SE5 was an important member of the opposition. Deußing recalled SE5 extensively talking about his activities starting in 1987. SE5 told the BKA that he was working from the undergrounds until 2000 when he joined the [REDACTED]. When the [REDACTED] was prohibited, SE5 was immediately arrested by the Political Security but released thanks to human rights organizations. After the beginning of the conflict, SE5 started organizing and participating in demonstrations. SE5 told the BKA that his name was therefore third on the wanted list.

Wiedner wanted to know more about the subject matter of SE5's interrogations at Branch 251. Deußing recalled SE5 describing how he was called to Tawfiq Younes' office. SE5 said he did not know this person back then but made the connection afterwards. Tawfiq Younes made it clear to SE5 that he should cooperate 'to find a way.' Deußing said "recruiting" would probably be the wrong term in this context, however, according to SE5, Tawfiq Younes tried to convince SE5 to work for the government and influence the opposition.

Wiedner asked how SE5 later identified Tawfiq Younes. Deußing said he could not remember what SE5 said in this regard.

Wiedner said according to the BKA transcript, SE5 said he later saw pictures of Tawfiq Younes and recognized him. Deußing confirmed.

Wiedner wanted to know how SE5 described Tawfiq Younes' office. Deußing recalled SE5 saying that it was a big office with a wooden table, a picture of Bashar Al-Assad, and two Syrian flags.

Wiedner again referred to the BKA's transcript, saying that according to SE5 there was a picture of Al-Assad (no first name mentioned in the transcript) hanging in the office with a Syrian flag left and right of it. There was further a bowl with fruits and a big TV. Deußing again confirmed.

Wiedner asked if the office was in the same building or a different building than the cells. Deußing said he asked SE5 about that. SE5 told him that the office was further away from the cells because one could not hear any screams there. SE5 did not know if it was the same building or which floor it was.

Wiedner referred to the BKA's transcript according to which SE5 said he was taken upstairs but could not estimate the distance very well since he was blindfolded. He assumed that the office was in the same building as the cells but did not know exactly. Deußing confirmed.

Wiedner recalled SE5 telling the BKA about *Falaqa* and *Shabeh*, and asked Deußing whether SE5 mentioned other torture methods as well. Deußing said SE5 told him about arbitrary beatings with a green plastic hose and cables. SE5 also said he heard electro shocks.

Wiedner wanted to know more about SE5's arrival at the Branch for his first detention. Deußing said SE5 described to the BKA that he was first taken to the Political Security in Douma to identify his mobile phone. He was then transferred to Al-Khatib with the same bus that was used to arrest him. SE5 was blindfolded, Deußing said he thinks SE5 said a bag was pulled over his head. However, SE5 could see that the bus had curtains because when he was arrested, he was not properly blindfolded, but his shirt was pulled over his head, so that he could still see some things. On the ride to Al-Khatib SE5 and other detainees were beaten and insulted by the guards and forced to praise Al-Assad.

Wiedner intervened, asking Deußing how long SE5's transfer to the Branch took. Deußing recalled that SE5 told him that the way from Douma to Al-Khatib was usually short, but it felt very long to him. It would usually take 15 minutes but to SE5 it felt like 45 minutes.

Wiedner asked Deußing to continue. Deußing said when SE5 was taken off the bus and had to go downstairs, he was beaten by guards, which would be "the classical welcoming party."

Wiedner asked if anyone was informed about SE5's whereabouts. Deußing recalled that no one was informed by official authorities. According to Deußing, SE5 managed to inform his relatives because a guard gave him a pen. SE5 hid the pen and when one of his fellow detainees was released, SE5 wrote the names of the other detainees on the inside of the jeans of the detainee who was about to be released. This person was then released and able to contact some relatives.

Wiedner recalled SE5 mentioning the name Raslan and asked Deußing whether SE5 ever personally met Raslan. Deußing denied, saying that SE5 told him he only knew the name from other detainees' conversations. SE5 never saw this person.

Wiedner asked if SE5 heard concrete descriptions of Raslan from other detainees. Deußing said he does not think that SE5 mentioned something in this regard. SE5 rather told Deußing that the name Raslan was mentioned in the context of interrogations, when others were called for interrogation and those who stayed in the cell said they hoped this person would not be taken to Raslan.

Regarding hierarchies described by SE5, Wiedner wanted to know from Deußing whether SE5 also described hierarchies between guards. Deußing affirmed, saying that according to SE5, the guards who tortured were higher-ranking than those who only supervised detainees.

Wiedner wanted to know more about the general situation at the BKA's questioning of SE5, whether SE5 was cooperating or hesitant. Deußing recalled that SE5 provided particularly extensive information about himself and his political activities. During the entire questioning, SE5 was willing to directly answer concrete questions. There was no equivocation on SE5's side, he tried to directly answer all questions.

Wiedner asked if there were problems in communication. Deußing denied, explaining that as usual, he assured that the witness and the interpreter were communicating well. SE5 affirmed that this was the case. Everything was re-translated to SE5 who signed at the bottom of every page and made one correction to the transcript. Deußing added that the re-translation took more than one hour.

Wiedner confirmed, saying that according to the transcript, the questioning started at 10AM, and the re-translation was done from 5:11PM until 6:39PM.

The Prosecutors did not have any questions for Deußing.

### Questioning by the Defense Counsels

Defense Counsel Böcker said he had only a few questions. He first wanted to know what SE5 told CCI Deußing about how easy or difficult it was to find out the names of interrogation officers. Deußing recalled SE5 saying that Al-Khatib Branch was a world of its own where it was hard to find out names. When Deußing asked SE5 how he heard the name Raslan, SE5 told him that he heard it from other detainees. SE5 further said that the name might have been mentioned during other interrogations.

Böcker asked Deußing how he would value the truthfulness of SE5 descriptions, referring to the fact that the cells were in the basement and that according to the transcript, SE5 told the BKA that 'everything was relative' at the cells. Deußing explained that SE5 precisely said that in relation to the name Anwar Raslan. SE5 said he could not confirm if the name was correct since he never saw this person himself.

Böcker concluded SE5 consequently said one would not know what was the truth and what was not. Deußing confirmed.

Böcker asked if SE5 heard that someone was interrogated by Anwar Raslan. Deußing explained that SE5 did not have a direct conversation with others about Raslan. He only heard the name in conversations between other detainees.

Böcker wanted to know if someone told SE5 that he [the other person] was interrogated by Raslan. Deußing denied. Böcker said according to the Transcript, SE5 replied to this question that he was not sure and could not remember.

Böcker recalled Deußing asking SE5 about the course of his two interrogations at Branch 251. Böcker wanted to know how the interrogation officer was acting with SE5 at the first interrogation. Deußing explained that both interrogations happened during SE5's first detention at the Branch. Deußing said he and SE5 did not talk about SE5's second detention in 2012. The interrogation officer at SE5's first interrogation told him that although they would have different opinions, they would surely find a way/solution. SE5 did not have to endure violence during the interrogation, but during the breaks. SE5 described this violence as systematic: he had to wait in a hallway facing the wall. Every guard who walked by beat him.

Böcker wanted to know how SE5 was addressed at the first interrogation. Deußing said he thinks SE5 was called by his name. However, on the way to interrogations, detainees were only addressed with numbers, to make sure that no one would find out who else is detained there by hearing names.

Böcker asked if the interrogation officer was the same for SE5's second interrogation or if it was someone else. Deußing said he thinks it was the same one and SE5 was able to recognize the voice.

Böcker wanted to know whether the content of the second interrogation was following the first and if it was referred to information from the first interrogation. Deußing affirmed, saying he already told the court about that.

Böcker asked if there were orders regarding SE5's blindfolds. Deußing said he thinks that SE5 was told at the first interrogation to take the blindfolds off, but the interrogation officer was standing behind him.

Böcker referred to the BKA's transcript according to which SE5 said that he was allowed to take off his blindfolds at the second interrogation and that an interrogation officer was standing behind him on this occasion. However, according to the transcript SE5 did not see a tracksuit. Deußing said SE5 saw the tracksuit at the first interrogation.



Böcker referred to the ‘psycho-games’ that SE5 mentioned and asked Deußing if SE5 made a timely connection between physical actions and what happened in the interrogation room. Deußing said SE5 was pushed inside the interrogation room by a guard when the interrogation officer told the guard to stop because they would ‘all like to cooperate.’

Böcker asked Deußing what exactly, objectively speaking, was part of the ‘psycho-games’. Böcker referred to the situation when the guard was told to not use violence, however, SE5 said he was then subjected to violence during the interrogation breaks. Böcker asked if this contrast was the ‘psycho-game’. Deußing confirmed that SE5 described the situation as Böcker just recalled it. Deußing added that what exactly made SE5 call a practice ‘psycho-games’ would be transcribed. Deußing further explained that according to SE5 his time in detention was torture. SE5 also said that although the interrogation officer appeared friendly, it was only a fake.

Böcker asked if someone died during SE5’s time in detention. Deußing said he already told the court that this was not the case.

Judge Wiedner intervened, asking what Tawfiq Younes wanted from SE5. Deußing said Younes wanted to convince SE5 to cooperate and influence the opposition. Wiedner confirmed that according to the transcript, SE5 said he was a longstanding member of the opposition and therefore had a certain influence.

#### **Questioning by the Plaintiff Counsels**

Plaintiff Counsel Dr. Anna Oehmichen recalled that SE5’s family did not receive information about him from official authorities. She asked Deußing if SE5 as a member of the opposition was prepared for that. Deußing said that a fellow detainee who was released smuggled names of other detainees out of the prison, because SE5 wrote them on the inside of this detainee’s jeans.

Oehmichen affirmed that Deußing already described this but wanted to know whether SE5 was prepared for this due to being a member of the opposition. Oehmichen referred to the transcript of SE5’s police questioning, according to which SE5 denied that his family was informed about his whereabouts but said that as a member of the opposition he ‘knew what one can do in this case.’ Deußing confirmed that if it was transcribed like that, SE5 said it that way.

Deußing was dismissed as a witness at 10:27AM.

Presiding Judge Kerber announced a 15-minute break for the interpreter to recover.

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[15-minute break]

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#### **Administrative matters**

Kerber announced that the Court received an additional expert statement from the Max-Planck-Institute [Kerber did not mention the precise name of the institute] regarding [§240 StGB](#) [coercion]. Regarding the further schedule of the trial day, Kerber explained that the Court would now hear two statements, one from the Prosecutors and one from Plaintiff Counsel Dr. Oehmichen and after that maybe visually inspect documents and eventually discuss the further proceedings in the trial without the public being present.

Defense Counsel Böcker said he and his colleague would also need some time to talk to their client. Judge Kerber affirmed that everything would be arranged so they could have thirty minutes.

[The following is a recreation of the Prosecutors statement, based on what the Trial Monitor was able to hear in court.]

Statement regarding the Defense's request to take evidence dated September 9, 2021 [[TR#46, day 93;PW3](#)].

**The Prosecutors object to summons and hear [PW3 93] as a witness**

**Reasoning:**

- I) PW3\_93 is supposed to confirm (i) that Anwar Raslan helped him to be released [from Al-Khatib Branch], (ii) Anwar Raslan's friendly and pro-opposition attitude, (iii) that Anwar Raslan never ordered torture, (iv) that Anwar Raslan and PW3 worked together for the opposition, (v) that members of Division 40 conducted interrogations at Al-Khatib Branch without Anwar Raslan or other employees of the Branch being present.
- II) Lacking a proper request to take evidence, the Defense's request is not to be granted. The defense did not submit a request in accordance with § 244 (1) StPO.
  - 1) The request is too vague, regarding Anwar Raslan's alleged help for PW3\_93 to be released since it remains unclear when and how PW3\_93 was arrested and released. The claim is further irrelevant to the question of the Accused's guilt because helping someone in one case does not mean that the Accused did not commit the other crimes he is charged of.
  - 2) Attitude and sympathizing opinion of the Accused are mere evaluations by PW3 and not concrete observations.
  - 3) It remains unclear how PW3\_93 should prove that Anwar Raslan treated certain detainees well and did not torture them. The request is lacking connectivity in this regard. PW3 can only testify about his own experiences, regarding others, PW3\_93's testimony would be vague since he can only testify about what he himself witnessed. Since he was not constantly accompanying Anwar Raslan, he could not have witnessed how Anwar Raslan behaved and treated others.
  - 4) The Accused's activities for the opposition are irrelevant regarding the question of guilt.
  - 5) The same is the case regarding independent interrogations conducted by members of Division 40. The evidence presented and heard so far does not provide any indications that this was the case at all. Even if members of Division 40 independently conducted interrogations at Branch 251, it does not preclude that personnel of Branch 251 did not conduct interrogations and did not torture detainees. Connectivity is also lacking here as it is left open how PW3\_93 witnessed such interrogations by Division 40.
- III) Ex officio judicial enquiry as provided in § 244 (2) StPO is not applicable here since PW3\_93's testimony has no apparent value for examining the truth. With regard to § 244 (5) StPO one must note that after 90 trial days, it is not obligatory to try to summons and hear witnesses based abroad. There is no adequate balance between efforts to hear this witness and findings added to the court proceedings.

Plaintiff Counsel Dr. Anna Oehmichen read out a statement regarding the Defense's request to visually inspect Google Maps screenshots.

[The following is a recreation of Dr. Oehmichen's statement, based on what the Trial Monitor was able to hear in court.]

**Plaintiff Counsel's Statement regarding the Defense's request to visually inspect screenshots from Google Maps, dated September 9, 2021[TR#46, day 93]**

*Representing P50, the signatory objects to visually inspecting screenshots from Google Maps in court.*

*The requested evidence is improper and in the sense of § 244 (3) s. 3 StPO unnecessary to establish the truth.*

- I) *It shall be proven that P50 was detained at Kafar Souseh and not Al-Khatib Branch. However, the requested evidence is improper if the fact can be established by life experience. The time displayed in Google Maps varies based on the traffic situation: For the day of P50's arrest at 8AM Google Maps determined a 20–24-minute drive from P50's place of arrest to Al-Khatib Branch. For 8PM on the same day, a 22–28-minute drive was determined. The requested evidence is therefore no proof of how long the drive should have taken.*

*P50 estimated that the drive took ten minutes. However, this was only a guess and P50 explicitly stated that he was in shock and time might have passed quicker. In addition, vehicles of the intelligence services are not bound by speed limits like regular vehicles. They are therefore faster. P50 further said that there were no stops on the way. Google Maps, however, calculates the time based on current situation of traffic and necessary stops like for example check points.*

*The place where P50 was arrested is located in an area which is heavily destroyed nowadays. A calculation based on today's circumstances cannot provide information about how long the ride would have taken back then.*

- II) *The requested evidence is not necessary to determine the truth because it does not reasonably contribute to establishing the facts. It becomes clear from P50's testimony that he was detained at Al-Khatib Branch, because he was told by fellow detainees that they were at Al-Khatib Branch. Further, most of his fellow detainees were from Harasta and Douma which is the area that Al-Khatib Branch was in charge of. P50's descriptions of the place are also similar to what other witnesses told the Court in terms of size of the solitary cell and the TV for the guards.*

*The visual inspection of the Google Maps Screenshot from September 9, 2021 is therefore not necessary to determine the truth and further unsuited to do so.*

Defense Counsel Böcker said he wanted to make a statement replying to Oehmichen's statement. Böcker said it would be obvious that Oehmichen's statement was only made to provide evidence in her own favor. Oehmichen replied, saying she wants to defend herself against such accusations. She only made this statement because the defense accused her client [P50] of providing contradictory information. Her statement was therefore only in regard to her client's credibility and in no way to establish her own evidence.

The court interpreter agreed to Judge Kerber's request to continue without a break.

Kerber read out a decision by the Judges regarding the Defense's request to get access to the [Federal Prosecutor General Office's] GBA's structural investigation.

[The following is a recreation of the Judges' decision, based on what the Trial Monitor was able to hear in court.]

**Court Decision regarding the Defense's request dated September 1 and August 26, 2021.**

*The Defense's request to obtain access to the Federal Prosecutor General Office's file of the structural investigation is denied.*

*The Judges refer to their reasoning previously provided in their decision dated [August 26, 2021](#). In light of the scope of the file, only limited access would be relevant to the present case.*

*There is no support for the allegation that there was a delay in disclosing transcripts.*

*Regarding [P36](#): he was interviewed by the BAMF on [REDACTED]. The LKA [REDACTED] then questioned him on [REDACTED] and [REDACTED]. The transcripts of the questionings were transferred to the court by the GBA on [REDACTED]. P36 stated that as a doctor he was called to the Air Force Intelligence. In the following police questioning, P36 spoke about his perceptions of the Syrian conflict, the use of poison gas, explosions, the work of doctors, and hierarchies at the intelligence services. The transcript was heavily redacted regarding names of patients and other sensitive information. P36 further mentioned that he worked at the basement of the intelligence service in a building next to the Red Crescent Hospital. He was then specifically asked about this and mentioned Al-Khatib Branch for the first time. The procedure for the questioning and the immediate transfer of information cannot be criticized. There was no apparent delay and no indications that the structural investigation contains other information relevant to the present trial.*

Before closing the trial session for the day, Judge Kerber thanked the court interpreter.

The proceedings were adjourned at 11:10AM.

**Trial Day 95 – September 30, 2021**

The proceedings began at 9:30AM with three spectators and two journalists in the audience. As on the previous day, only one court interpreter was present. The prosecution was represented by Prosecutors Klinge and Polz. Plaintiff Counsel Scharmer was substituted by Dr. Stolle.

**Testimony of Mr. Schmidt**

Criminal Chief Inspector Björn Schmidt from the LKA Berlin was informed of his rights and duties as a witness and denied being related to the defendant by blood or marriage.

**Questioning by Judge Kerber**

Presiding Judge Kerber told Schmidt that there were certain discrepancies between P46's testimonies. She wanted to know how Schmidt's questioning of P46 went, how the re-translation was conducted, how P46 behaved, and how they were able to communicate. Schmidt explained that the date for the questioning of P46 was arranged with P46's Counsel Dr. Stolle who was present during the questioning. There was further an Arabic language interpreter present. However, P46 said at the very beginning that he speaks German very well and did not need an interpreter. According to Schmidt, P46's German is very good indeed. Schmidt informed P46 about his rights and duties and started the questioning at around 9:30AM. It lasted until 4:30PM.

Kerber asked if the transcript of the questioning was translated and read out to P46. Schmidt explained to the Court that whenever P46 needed clarification or certain terms or did not know some words, he consulted the interpreter. However, he did not consult the interpreter during the re-translation of the transcript.

Kerber wanted to know if P46 read the transcript. Schmidt confirmed.

Kerber asked if P46 made any corrections to the transcript. Schmidt said he does not know.

Kerber further wanted to know if P46 mentioned Mr. Anwar Al-Bunni. Schmidt affirmed and explained that P46 mentioned the name at the beginning of the questioning, saying Al-Bunni was an acquaintance of his; a Syrian lawyer and human rights activist who is collecting witness testimonies. According to Schmidt, P46 was in contact with Al-Bunni because P46 wanted to make a movie about him.

Kerber asked about pictures of Anwar Raslan. Schmidt said he presented a photo array to P46 who immediately identified Anwar Raslan. Schmidt said he was perplexed by how fast P46 identified the Accused. He therefore asked P46 whether Raslan was often present in the media and whether P46 knew Raslan's picture from the media or from his own experiences in detention in Syria. P46 said he could not exactly say, because his shirt was pulled over his head so that he could not clearly see the guards and interrogation officers. However, when his blindfolds were taken off, he saw a man with a striking birthmark on the left side of his face. This man was also wearing glasses and had thin hair. P46 added that the person in the picture whom he identified as Anwar Raslan also had a birthmark. However, P46 also said that before he saw Raslan's picture in the media, he was in contact with Anwar Al-Bunni. That was when he saw the picture and recognized Raslan.

Kerber asked if that was also when P46 heard Raslan's name. Schmidt confirmed that P46 learned the name Anwar Raslan from Anwar Al-Bunni.

#### **Questioning by Judge Wiedner**

Wiedner told Schmidt that the Court is precisely interested in this issue: P46 said something different in court. Wiedner asked Schmidt what exactly he remembered P46 saying regarding the picture: from whom he got it, where he first saw it, and how he recognized the person. Schmidt said P46 told him that he first saw a picture of Anwar Raslan when he was with Al-Bunni. That was before he saw the picture in the media. P46 told Al-Bunni that he knows the person and made the connection between this man and his own experiences.

Wiedner referred to the LKA's transcript of the questioning, according to which P46 said that before he saw Anwar Raslan's picture in the media, he was in contact with Anwar Al-Bunni, a Syrian lawyer and human rights activist who is collecting witness testimonies. Schmidt confirmed.

Wiedner further recalled P46 telling the LKA that he wanted to make a movie about Al-Bunni. He saw a picture of Anwar Raslan in this context and realized that he somehow knew this person. Schmidt confirmed again.

Wiedner continued citing from the LKA's transcript, saying that when asked whether P46 knows Raslan from his own experiences or from Anwar Al-Bunni, P46 said he had to lower his eyes and was afraid [during detention]. He was not sure if he recognized the person from his detention or not. Schmidt confirmed that P46 said that.

Wiedner said P46 told the Court that the transcript was wrong. Schmidt replied that Dr. Stolle was also present at the questioning and could confirm what happened. Wiedner said the Court would now ask Schmidt and not Dr. Stolle. Defense Counsel Böcker intervened saying he would think about [calling Dr. Stolle as a witness in this regard].



**Questioning by the Prosecutors**

Prosecutor Klinge asked Schmidt about his impression of P46, if he was cooperative, nervous, nice, or opposing. Schmidt said he cannot say anything negative about P46. P46 was very interested in resolving the matter and describing his experiences. He did not behave strangely.

Klinge wanted to know whether P46 tried to remember or started fantasizing at one point. Schmidt said no, he was under the impression that P46 described how he experienced things.

**Questioning by the Defense Counsels**

Defense Counsel Böcker referred to his notes of P46's in-court testimony, according to which P46 said he did not see a picture of Anwar Raslan when he was with Anwar Al-Bunni. Böcker asked Schmidt if he understood that differently during the questioning of P46. Schmidt said he understood that during the preparations of the movie [about Anwar Al-Bunni] Anwar Al-Bunni showed P46 a picture of Anwar Raslan.

Böcker asked if it would be correct that the name Anwar Raslan was mentioned between P46 and Anwar Al-Bunni. Schmidt affirmed.

Schmidt was dismissed as a witness.

**Administrative Matters**

Since the next witness was not yet at the Court, Presiding Judge Kerber announced that the Court would now visually inspect two Google Maps screenshots and the information provided therein would be read out.

[two screenshots dated September 9, 2021 were shown in court and the information was read out. For purposes of witness protection, the screenshots will not be included in this report and sensitive information is redacted.]

**Information from screenshot No. 1:**

*FROM: [REDACTED], Syria*

*TO: Tahrir Square, Damascus, Syria*

*BY: Car*

*Based on current traffic situation [9/9/2021]*

*Route 1: 27 minutes, 15.9 km*

*Route 2: 31 minutes, 13.1 km*

**Information from screenshot No. 2:**

*FROM: [REDACTED], Syria*

*TO: Al-Mezzeh, Syria*

*BY: Car*

*Based on current traffic situation [9/9/2021]*

*Route 1: 15 minutes, 8.6 km*

*Route 2: 23 minutes, 11.6 km*

Defense Counsel Böcker confirmed upon Judge Kerber's query that the Defense's request for visual inspection would now be fulfilled.

Defense Counsel Böcker further announced that the Defense had two additional requests to take evidence which he and his colleague would now read out in court.

[The following is a recreation of the Defense's requests, based on what the Trial Monitor was able to hear in court.]

**Request to summons [PW1\_95], living in [REDACTED] (contact information provided by the Accused Raslan)**

- 1) PW1\_95 held the rank of a [REDACTED] in Syria before his defection at the end of 2012. From 2011 until 2012 he was working as [REDACTED] and head [REDACTED].

*In summer 2011 PW1\_95 called Anwar Raslan to tell him that members of a subdivision of Branch 251 were invading in Sayyidah Zaynab and robbed the safe of a shop-owner. They also tortured and arrested the shop-owner. PW1\_95 called Anwar Raslan to ask for help since some of the men were from Division 40. Raslan, however, told PW1\_95 that he could not do anything because the men would be subordinate to Hafez Makhoul, therefore others [than Raslan] would have the power.*

- 2) The decision dated [July 21, 2021](#) makes it necessary to hear PW1\_95, since the decision holds Raslan responsible for almost everything that happened at Al-Khatib Branch. However, the torture at the Branch cannot be attributed to him since he never ordered or exercised torture. He had no organizational or actual authority and within the margin of what he was able to do, he tried to help others, but could often not help.
- 3) The hurdles for required reachability of witnesses living abroad have to be set low for the purpose of this trial. Since this trial deals with acts committed abroad, has an international character, and is internationally recognized, the Court's efforts in determining the truth must be higher regarding such witnesses. Other forms of summoning such as telephone calls or email are possible and have been applied in the past. PW1\_95 is a [REDACTED] citizen and confirmed his ability to immediately travel to Koblenz to testify in court.

**Request to summons [PW2\_95], living in [REDACTED].**

- 1) PW2\_95 is a defected pilot of the Syrian Army who is living in Turkey and France. He, together with [REDACTED] and [REDACTED], helped Anwar Raslan escape Syria. PW2\_95 had connections to the FSA who sent people to get Raslan out of Syria.

*PW2\_95 and Anwar Raslan met at the Syrian-Jordanian border and rented a flat for Raslan in Amman. PW2\_95 can testify on Raslan's positive attitude towards the opposition based on the many conversations and the frequent contact the two had with each other. One to two months after the start of the uprising, Raslan was opposing the regime. Based, amongst others, on his critical attitude towards the regime, Raslan was limited in his powers. In summer 2011, Anwar Raslan told PW2\_95 that he wanted to leave Syria, however, at this point it would have only been possible for him to leave the country without his family. Raslan therefore stayed and waited for a later escape, together with his family. This was only possible in fall of 2012 when Raslan immediately left the country.*

- 2) The decision dated [July 21, 2021](#) makes it necessary to hear PW2\_95, since the decision holds Raslan responsible for almost everything that happened at Al-Khatib Branch. The decision further lacks a legal analysis of the issue of aiding and abetting. Raslan was doing his service as a Sunni and tried to help. He defected as soon as his family was safe. The torture that happened at the Branch cannot be attributed to Raslan since he had no influence on the acts of others at the Branch. His critical attitude towards the regime also leads to conclusions about his behavior at the Branch where he tried to help people.

- 3) *The hurdles for required reachability of witnesses living abroad have to be set low for the purpose of this trial. Since this trial deals with acts committed abroad, has an international character, and is internationally recognized, the Court's efforts in determining the truth must be higher regarding such witnesses. Other forms of summoning such as telephone calls or email are possible and have been applied in the past. In the case of P52 who will testify shortly, it was possible to summon and hear the witness in a very short time. PW2\_95 confirmed that he is willing and able to travel and that he will appear in court.*

[Another spectator took a seat in the public gallery.]

Presiding Judge Kerber wanted to know whether the Defense knew PW2\_95 's address in [REDACTED]. Defense Counsel Fratzky said they would not have it yet.

Judge Kerber explained that after the court interpreter explained the technical aspects to P52 and how they would translate everything with only one court interpreter, there would be a short break before P52's testimony.

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[10-minute break]

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#### Testimony of P52

P52, a 46-year-old Syrian journalist and author and former [REDACTED], now living in [REDACTED] was informed of his rights and duties as a witness. He denied being related to the Accused by blood or marriage.

#### Questioning by Judge Kerber

Presiding Judge Kerber recalled that P52 would already know the topic for the day from his summons. She told P52 to first tell the Court who he is, how he and Anwar Raslan made contact, about P52's detention in 2011, and provide general information about Anwar Raslan, whatever he would know about him. P52 started to explain that at the beginning of 2011, when demonstrations started in Egypt and Tunisia, he and other activists also organized demonstrations in Syria to support the demonstrations abroad. They decided to have a demonstration in front of the Syrian Parliament on [REDACTED], 2011. But they decided to change the topic of the demonstration to now protest against the state of emergency which had been in place for half a century. P52 and his friends met at [REDACTED]. However, the security forces [Mukhabarat] were already informed and the place was crowded with security forces. P52 and his friends therefore decided to leave in pairs of two. P52 left together with a colleague, a journalist, when they noticed that security forces occupied the entire area. They took P52's ID and he and his friends were not allowed to go to the street leading to the Parliament, so they decided to go in a different direction. P52 told the Court that he and his friends agreed beforehand that in case they would not be able to demonstrate in front of the Parliament, they would instead meet in front of the [REDACTED] building. This company belonged to a cousin of Bashar Al-Assad. However, the *Mukhabarat* also occupied this area. One member of the security forces who was dressed in civilian clothes approached P52. He introduced himself to P52 and said he was [REDACTED]. This person told P52 that he was a friend of P52's late brother. P52 explained to the Court that his brother was a police officer, but died before 2011. This person further told P52 that he knew his brother well and because they were friends, he wanted to let P52 know that it is better to leave.

P52 told the Court that this person was apparently leading one of the divisions at the scene. However, P52 did not listen to his advice. He instead went to another place in the center of Damascus, [REDACTED]. He had been at this place before. When P52 was at this place, a colleague of his, a journalist called [REDACTED], called P52 on the phone to tell him that she left the scene as well but was traced by *Shabiha*. P52's colleague told him where she was and since it was close by, P52 went to pick her up. He saw how three *Shabiha* tried to beat her up. P52 and his colleague then went to the place where P52 was before but were surrounded by civilian-dressed security forces. This was when P31 met with P52 and his colleagues. P52 said that security forces approached P31 to tell him they would know where his friends were. P52 and the rest of the group therefore went to the hotel. P52 was told by a man that [security forces] would come, so P31 left and around thirty minutes later, [REDACTED] took a taxi home. Then P52 and his colleague left as well. However, as soon as they stepped outside, they were attacked by security forces and blindfolded. P52 said he was pushed inside a car where he had to sit in the middle of the backseat with guards left and right of him. P52 had to lower his head to a point where his head almost touched the floor. After a certain time, they arrived somewhere and P52 was blindfolded and had to leave the car. When he left the car, someone slapped P52 in the face and called him a traitor who conspired against the state.

P52 said he had to go upstairs on narrow, probably iron, stairs. When he arrived at a hallway, he had to stand there, facing the wall with his hands tied behind his back. P52 told the Court he did not know how long he had to wait in this position, but it felt to him like an eternity. After a while, P52 noticed that the security officer started moving quickly and acting with a certain degree of caution. P52 said "there was something in the air" when one of the security officers yelled that "the Colonel, the head of the Branch, arrived." P52 told the Court that this was the moment he realized that he was at Hafez Makhoul's Division 40. According to P52, this Division is special because it was led by a Colonel. Usually, such Divisions' head would have a higher rank like Lieutenant General.

P52 went on to describe that he was then taken to a person of whom he thought that he was Hafez Makhoul. This person wanted to know general information about P52, like personal information and his job. The man then asked P52 about his service at the Air Force. P52 explained to the Court that when he was working for the Syrian Air Force, he was interrogated several times. The man asked P52 about these interrogations and how it was possible that P52 was allowed to leave without any consequences. The man also asked P52 about [REDACTED] and why this person did not do anything about P52. The man further asked P52 about his participation in demonstrations. P52 explained to him that the demonstrations were in support of Tunisia and Egypt. The person then stopped talking and P52 was under the impression that the person got up. Indeed, the person was coming towards P52 and told him to open his mouth. P52 said the man put something in his mouth, presumably a gun barrel. He called P52 a liar and foreign agent, and said P52 organized demonstrations to force a situation like in Tunisia and Egypt where people overthrew the government. He said P52 and his friend wanted to start the same in Syria. However, according to this person the government was in control of everything and if someone tried to overthrow the government and say something against "Mister President" [security forces] would know about it and "cut your throat." P52 said the man told him that he had to stay where he was and if someone went to the streets, he would cut P52's throat. He also said to P52 that "just because you tried to save [P52's female colleague], you think you're tough guy. I show you your real value!" P52 told the Court that this was when the man ordered the guard to 'finish' P52.

The guard started beating P52 and continued kicking him when P52 was already lying on the floor. The guard was then told to drag P52 out of the room. P52 was taken back to the hallway where people were walking by. P52 had to stay there for some time before the guard was told to take P52 back to the man [whom P52 assumed it was Hafez Makhoul]. The man told P52 that he would be released on

the same day but had to leave his phone and ID card at the Division. The man explained to P52 that they had their own ways of contacting P52 to tell him what to do. P52 got back home late at night on that day. On the next morning, security forces called P52's female colleague on her phone to tell her that P52 should call them back using a public phone. P52 told the Court that when he called back, a friendly person explained to him that he could come and pick up his belongings. He told P52 to come to the police station close to the building of Turkish Airlines in Damascus at 11AM sharp. P52 said after the call, he and a friend of him went to see a lawyer, Khaleel Ma'touq to get his advice. He told P52 to be cautious, it would be a dangerous situation, and P52's female colleague should stay away and watch P52.

P52 said he went to the place where he was supposed to go, but already arrived at 10:30AM. There was a young and friendly looking police officer in a stall [check-point]. P52 told the police officer that he was supposed to pick up his belongings. Because the officer did not know about P52, he made a phone call to get clarification. P52 told the Court that when the officer came back from the call, he was pale and told P52 he would not know anything about inquiry and told P52 to go away. P52 went to a nearby café from where he could watch the area. Then P52 saw a bus arriving. The bus usually had space for thirty to forty people. P52 said the bus stopped around 100 meters from where P52 was and thirty to forty people left the bus. They were carrying Syrian flags. P52 explained to the Court that shortly before this instance, he learned that *Shabiha* were allegedly taking people to demonstrations, pretending to be demonstrators so that they could beat up others in the streets. One would recognize them by the Syrian flag they were carrying, using shovels.

Judge Kerber intervened, asking P52 who told him [about *Shabiha* participating in demonstrations with flags tied to shovels.] P52 said a colleague of his who organized demonstrations told him about that but P52 did not know how his colleague knew about it. P52 went on to describe how he thought he would be beaten up as soon as he saw *Shabiha* getting off the bus. P52 said it was on a Friday when streets were empty and it was raining. He said he then, together with his female colleague, went back to [the lawyer] who told them that it would indeed be possible [that *Shabiha* were trying to beat people up by pretending to be protestors.] [The lawyer] told them that this was a special strategy by the security forces, because in light of Arab Spring, they were afraid to simply arrest people on open streets.

P52 went on to tell the Court that after this instance, he received the same phone call as before. When he was asked why he did not appear at the initial meeting, he told the person on the phone what he saw earlier. The person started laughing and telling P52 that he had a vivid imagination. He assured P52 that there was nothing and he should come and pick up his belongings. P52 said he decided to go get his belongings because he now knew that the people there were aware that he knew what happened before. P52 said when he arrived, there was a young, good-looking police officer who did not look like he was a bad person. P52 immediately told this officer what he was thinking but the officer assured that they would never do such things. After a short, friendly conversation, the officer told P52 to come inside to pick up his things and confirm receipt. P52 described to the Court how he was taken to a neighborhood with small, narrow streets. It was an old neighborhood. It felt suspicious to P52 that he was taken through this area. After a while, they arrived at a vehicle. P52 was told his papers would be inside the vehicle and when he went there he was pulled inside the vehicle. He was taken to the same Division as before. At the division, someone questioned him about [REDACTED]. P52 was beaten and asked who took pictures. P52 said he did not know what was going on, he assumed that there [at demonstrations] were people filming for TV. He was beaten even more but did not say anything. He was also again beaten in the hallway.



Later that day, at night, he was taken to a different place, downstairs in the basement. He was thoroughly frisked and had to take off all his clothes. P52 said he was able to see that he was inside a “simple room” with three other people. Torture tools like 4-wired-cables, batons, and other items were hanging on the walls. After P52 was frisked, his phone and ID were passed along from the previous Division to the new place. P52 had to confirm that it belonged to him. He then had to leave the room, was again blindfolded and taken to a small cell. The cell [*zenzana* – solitary cell] was located in a hallway with cells left and right. P52 was told that when someone would knock on his door, he had to turn around and put his hands behind his back. P52 said there was a small hatch in the cell door which could be opened and closed. Days passed by with P52 being taken out of the cell once or twice a day. P52 told the Court that when he had to leave the cell, he had to take off his shoes and socks, face the wall, put his hands behind his back, and was blindfolded.

He was then always taken to a room where someone was waiting for him and asking the same questions over and over again. P52 told the Court he could not remember any specific occasions, except for once when there was an apparently educated person. This person was not a member of the *Mukhabarat* nor an officer. The person interrogated P52 while P52 had to sit on a chair. P52 told the Court that he usually had to kneel during interrogations with his hand tied behind his back. However, this person spoke differently. He was an educated man, unlike the others. He asked P52 about his opinion on Syrian-Iranian relations and Syria’s relationship with Hezbollah. P52 described the conversation as “objective and pleasant.” The man told P52 that he saw in the media that P52 had an agreement with [REDACTED]. P52 replied that he did not have an agreement. When asked about why he would no longer have that agreement, P52 explained to the interrogator that he was no longer convinced of the agreement.

Judge Kerber intervened, asking whether this agreement was related to P52’s service at the Air Force. P52 said no, it was not about the Air Force but [REDACTED]. P52 said he told the interrogator that he was no longer convinced of the joint project. The interrogator then asked that P52 would, however, get good money for cooperation, which he would need. He asked P52 if it was correct that P52 would get \$100,000 from the project. P52 affirmed and the interrogator told him that if he changed his opinion [and wanted to cooperate with [REDACTED] again] they [intelligence services] could contact him. P52 declined. The interrogator remained silent for a short moment before he told P52 that it would be obvious that P52 had a better source for money: he would sell Air Force secrets to Israel. P52 was dragged to the floor, beaten and insulted. The interrogator told P52 he should stay there [prison/Branch] until he would die.

Upon Judge Kerber’s request, P52 continued to describe what happened next. According to P52, he was then taken back to his cell. P52 said he was beaten all the time and his hair was shaved. He also had an injury on his head. P52 said things went on like that until [REDACTED] when he had to undergo the same procedure as usual and was taken to an interrogation room in the evening. P52 said when he took two steps inside the room, he heard a voice asking where P52’s shoes and socks are, as P52 could not be barefoot. When the guard said P52’s shoes and socks were in his cell, the person told the guard to get them. The guard was also told to take off P52’s handcuffs and blindfold. That was when P52 saw a man sitting in front of him. The man was around fifty-years-old, wearing glasses and a suit. He reached his hand to P52 and introduced himself as Colonel Anwar Raslan, head of the Interrogation Division at the Inner Security. P52 said he was allowed to put on his shoes and offered tea. Raslan also offered him a cigarette (the white ones) but P52 declined since he quit smoking. P52 said Raslan spoke about general things, for example about P52’s new novel which was banned. P52 said he was surprised that Raslan read it. They discussed the characters and spoke about the novel. From the way Raslan was talking, P52 noticed that he was educated. Raslan told P52 that he wanted to become an author as well but the way of life led him to where he was then.

P52 said they chatted for a relatively long time, around fifteen or twenty minutes. Raslan told P52 about his life: he studied law and went to the police academy. P52 told the Court that he was familiar with this curriculum vitae because his late brother's was similar. Raslan further told P52 that he became a Major and trainer at the police academy. However, he did not know P52's brother because Raslan was re-posted to State Security before P52's brother joined the police academy. Raslan then told another person 'We are ready, Sidi.' P52's hands were tied again, but he did not have to wear blindfolds. He was taken upstairs to a small square, then upstairs again for a few steps and to an office where someone was waiting. Someone said 'the Master' was waiting and a security officer took off P52's handcuffs. P52 said he immediately recognized the person waiting in the office: it was Tawfiq Younes, the head of Inner Security/Al-Khatib Branch. P52 told the Court he previously saw Younes at demonstrations.

Judge Kerber intervened, asking if Tawfiq Younes himself was present at demonstrations. P52 affirmed, saying he was the head of the Branch. P52 said someone [at a demonstration] told him that it was Tawfiq Younes, he is a tall and noticeable person. P52 went on to describe that Tawfiq Younes tried to calm P52 by telling him they would only gather to protect P52 from the Muslim Brothers who tried to kill people on open streets to start a campaign against the *Mukhabarat* and force a revolution like in Tunisia and Egypt. P52 said in this moment, he remembered the situation from the previous day and believed Tawfiq Younes. However, P52 showed him his injuries and asked if this is what it looks like when they tried to protect someone. Younes asked Raslan who did that [to P52] and Raslan replied that Younes would know how the guards were behaving from time to time. P52 explained to the Court that he was under the impression that Tawfiq Younes was hesitant: he started a sentence only to stop talking. It seemed to P52 as if Younes did not know what to tell him. Younes then told P52 that he would be released on the same day, however, they would stay in touch to further discuss the reasons for the demonstrations. When P52 was taken outside the room, Raslan was told to stay. P52's hands were tied again. When Raslan came a couple minutes later, he pulled P52 with him, telling him he should be grateful. Raslan was surprised that P52 was wearing handcuffs and he told the guard to take them off, since P52 would be free. The guard gave Raslan the keys and told him to do it [untie P52's hands] in his office. Raslan felt uncomfortable and again told the guard to take off P52's handcuffs. The guard gave Raslan a sign and said "do it in your office, Sidi." Raslan took P52 with him and they went downstairs. Raslan took P52 by his arm and told him that the Brigadier General told Raslan to let P52 know that he was released upon an order of the President. Raslan added that now, no one in Syria was allowed to say anything to P52. P52 showed Raslan his handcuffs and asked him to remove them. Raslan told P52 to be silent.

P52 told the Court that he was indeed released. His father was in coma at a hospital in [REDACTED] with a brain hemorrhage. P52 took his father to [REDACTED] for surgery. That was when Raslan called P52 to tell him he should come see him. P52 explained the situation with his father and the hospital to Raslan. Raslan asked P52 where exactly he was and told him he would come to P52, but he did not come. He then called again, asked about P52's father and told P52 he should come whenever he has time. P52 said he went there and the meeting took around thirty minutes. Raslan asked P52 how things [with the demonstration] were and P52 explained to him that he spent his entire time with his father. P52 told the Court that after this meeting, he took his father back to [REDACTED] and did not see Raslan again before he left Syria. P52 said he left Syria to go to [REDACTED].

P52 went on to tell the Court that after that, a friend of his, a female artist told him that Raslan would be in Jordan, and that he asked for P52's number. P52 agreed to give him his numbers and the two then had contact with each other. Raslan told P52 that he tried to reach P52 but he obviously changed his number. He also told P52 that he had been trying to defect for a longer time but he did not know anyone in the FSA, so he tried to contact P52 because he was a former officer.

P52 told the Court that they then had no contact until 2014. However, at the time when P52 was in contact with Raslan, P52 kept telling Raslan that he should [publicly] speak about the victims and all the torture. But Raslan said he did not like the media and did not want to appear on the media. Raslan said he preferred to work instead of giving interviews. However, he said that one day he would write a book about everything and P52 should help him with that.

At the end of 2013 or early 2014 – it was winter - Raslan called P52 who was in [REDACTED] at the time. P52 said Raslan was on a business trip with others who wanted to establish a ‘security apparatus’ for the opposition. P52 met with Raslan but did not ask him who he was working with. P52 said he was an author, not...

Judge Kerber intervened, asking if Raslan told P52 what this ‘apparatus’ should look like. P52 denied, adding that Raslan was reserved. He mentioned a few keywords but no details to P52. Around one week later, Raslan called P52 again and asked him whether he could come to [REDACTED]. P52 went there and saw Raslan waiting in the rain with a suitcase. Raslan quickly explained his situation to P52: Raslan and his colleagues were invited to [REDACTED] to establish the apparatus for the opposition. They stayed at a hotel but the person who invited them did not cover their expenses and disappeared. Raslan and his colleagues waited for one week but when they did not hear back from this person, they decided to go home. They were surprised that the hotel bill was not covered, so they had to use all their money to pay the hotel. Raslan was therefore bankrupt and on the streets. He asked P52 if he could stay with him until he found a solution. P52 agreed that Raslan could stay with him. At the same time, P52 had a visitor from [REDACTED]. Raslan then managed to get money to buy a ticket back to Jordan where his family was.

P52 told the Court that the next time he heard about Raslan, was when Raslan applied for Asylum in Germany. The two met for the last time in Turkey in early 2015. Meanwhile Raslan was granted asylum in Germany. However, he was concerned and said he felt under surveillance and that the [Syrian] regime tried to abduct him from Germany. Raslan told P52 about an incident in Berlin at his doctor’s medical practice. Raslan described that the last time he went to see his doctor, the appointment was deliberately rescheduled to a later time of the day. When Raslan looked outside the window [at his doctor’s practice], he was worried because he saw two men dressed in white standing next to an ambulance. Raslan concluded that the doctor postponed his appointment to anesthetize him, so that the two men could take him with them. When P52 asked Raslan why he assumed that, Raslan did not explain but said he did not do anything. P52 told the Court he then went to [REDACTED] and did not see or hear from Raslan again until he was arrested in Germany.

Judge Kerber announce that the Court would have a break soon, particularly for the interpreter to rest. Before that she wanted to know if Raslan met with P52 in [REDACTED] just to talk about him about being monitored in Germany. P52 explained that before he moved to [REDACTED], he lived in [REDACTED]. He lived in Turkey for three months. When Raslan visited Turkey, he also came to where P52 was living. They had each other’s’ number and when Raslan came to town, he visited P52 and they spent an evening together. From what Raslan told P52, P52 felt like Raslan felt safer in Turkey. P52 said he thinks Raslan’s daughter lived there as well, but he would not be sure.

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[70-minute break]

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### Questioning by Judge Wiedner

Wiedner asked if it was correct that the detention that P52 described to the Court happened from [REDACTED], 2011. P52 clarified that he was arrested on [REDACTED] for three hours before he was allowed to leave in the middle of the night. On the next day, the incident with the men happened at 11AM and P52 was arrested again until [REDACTED], 2011 [around 8 days].

Wiedner recalled P52 telling the Court that he was detained at Hafez Makhoul's Division 40 and interrogated by Hafez Makhoul himself. He wanted to know if P52 was blindfolded and how he was able to see this person. P52 said as he already described, there was a certain business at the place he was detained at when someone said the head of the Division, a Colonel would come. Makhoul is the only person at the intelligence services who has the rank of a Colonel and is the head of a division.

Wiedner wanted to know if [Makhoul's] name was mentioned or if he introduced himself. P52 said neither was the case, he only assumed it. When he later met Raslan, he told P52 that he was at Division 40.

Wiedner asked when Raslan told P52 that. P52 said it was in Turkey, after Raslan defected.

Wiedner concluded that P52 met Raslan at a different place [other than Division 40]. Wiedner wanted to know if P52 saw other detainees and people being interrogated and whether he was mistreated at the prison or during interrogations at this place [where P52 met Raslan]. P52 said of course, he was beaten on every occasion, whenever he moved and injured his head.

Wiedner recalled another interrogation/meeting with a person who P52 described as 'educated' but who suddenly went angry. Wiedner asked if P52 was blindfolded at this occasion. P52 said he was blindfolded, adding that as he mentioned earlier, one would always be blindfolded at Al-Khatib Branch. P52 said he could not see who interrogated him on this occasion, he would not know who the person was.

Wiedner wanted to know if it was not Raslan then, or if it could have been Raslan as well. P52 said he was not sure. The person was very upset and beat him.

Wiedner recalled P52 mentioning 'Al-Khatib' and asked P52 whether he knew that he was at Al-Khatib when he was there. P52 denied, adding that he only knew after Anwar Raslan introduced himself as the Head of Investigations at Al-Khatib Branch.

Wiedner asked if Raslan said that they were at Al-Khatib Branch. P52 affirmed.

Wiedner said P52 already described to the Court what his first conversation with Raslan, amongst others, was about. Wiedner wanted to know if Raslan, apart from his curriculum vitae, said anything else about himself, for example his political attitude. P52 said Raslan did not say anything about [his political opinion]. He avoided to ask P52 why he and his friends were demonstrating. He only asked P52 questions about P52.

Wiedner explained that P52 was summoned to testify because he could allegedly say something about Anwar Raslan's critical position towards the Syrian regime. Wiedner asked P52 what he could say in this regard. P52 explained that during their first conversation, they did not talk about anything like that but P52 was under the impression that Raslan was not particularly supportive of the regime. However, they spoke about personal things and Raslan's dream to become an author. Raslan indirectly tried to explain to P52 why he was working for the intelligence services. P52 told the Court that one must say in this regard that anyone who joined the intelligence services enjoyed a certain trust by the regime.

According to P52, Raslan was selected because of his good performance, because of his excellent performance during his studies. P52 said he assumed this was an indirect message from Raslan to let P52 know that it was not his wish [to work for the intelligence services]. P53 concluded it was an indirect hint.

Wiedner wanted to know if P52 knew Raslan's name before his detention. P52 denied.

Wiedner asked if P52 would recognize Raslan somewhere in the courtroom. P52 said of course.

Wiedner asked whom he would recognize. [P52 pointed at Anwar Raslan] saying he was sitting over there.

Wiedner recalled that Raslan took P52 to Tawfiq Younes. Wiedner said not every detainee would necessarily receive such a treatment and wanted to know from P52 what he thinks was the reason for this meeting. P52 explained that it was a very confusing situation at the beginning of the Arab Spring, the beginning of the revolution. [The Syrian government] did not know what to do if similar things would happen in Syria. Eleven days after P52 was arrested in Syria, his name was all over the media. When he was released, he saw his name on every news channel, in every news banner on TV. P52 told the Court that he thinks it would have been unfortunate to hide him for a longer time. He added that there was some truth behind the statement that he was released upon Bashar Al-Assad's order.

P52 recalled that he earlier mentioned his work and thinking about a project with a Syrian director, a friend of Bashar Al-Assad who later became [REDACTED]. This person would also be the one deciding how Bashar Al-Assad would present himself on the media. P52 concluded that this person might have mentioned P52's name to Bashar Al-Assad.

Wiedner asked P52 if he was a prominent person by the time he was arrested. P52 affirmed, adding that in [REDACTED]. In 2008 [REDACTED]. He was also working for certain Arabic newspapers, amongst others [REDACTED], and gave many interviews. [REDACTED] wanted to work on a project with P52.

Wiedner asked what Anwar Raslan wanted from P52 when he first contacted him after his defection; why he contacted him. P52 said that he himself was some kind of a spokesperson of the opposition. He assumed that Raslan wanted to let him know that he defected and was pro-opposition. He wanted to emphasize that if it would have been possible for him, he would have defected and contacted P52 earlier. P52 told the Court he thinks that Raslan thought P52 would play a big role in the events because he was a former officer. However, P52 had to deny that.

### **Questioning by the Prosecutors**

Prosecutor Klinge said there would be several reports on the role of intelligence services in Syria before and after the revolution. Defense Counsel Böcker asked Klinge to repeat what he just said because Böcker could not hear him well. Klinge repeated the sentence and asked P52 about his take on that. P52 explained that he was born in 1975 and ever since he could remember, intelligence services would rule Syria using torture and disappearances. Not only the immediately affected persons would suffer from that, but everyone close to them.

Klinge wanted to know since when torture was used, if there was a certain development, and what kind of torture was exactly used. P52 said he did not know if there was a development but he would be sure that although the spying method might have changed, the torture stayed the same.

Klinge asked when the Syrian intelligence services started using torture in Syria. P52 said since he was five years old, since he was able to remember. His father was arrested and tortured. He kept telling his story until he died a year ago.



Klinge wanted to know if P52 knew Al-Khatib Branch before he was arrested there. P52 said of course he knew the Branch, it would be very/relatively known among Syrian intellectuals. According to P52, the Branch would be in charge of spying on educated people and the cultural scene. It would be the brain of the State Security, so to say.

Klinge asked if P52 knew that before his detention or if he only heard about the reputation [of the Branch] after his detention. P52 said Al-Khatib was already known before his detention. Its role was particularly known among intellectuals.

Klinge wanted to know if on [REDACTED] 2011 when P52 was taken to Branch, everything was like P52 expected it based on the reputation and rumors. P52 said he wanted to clarify that he was taken to Al-Khatib [one day later than Klinge said]. But everything was like he imagined it.

Klinge asked how exactly it was. How the hierarchies, hygienic condition, and detention situation were. P52 said he could only describe his personal view: he was allowed to use the toilet twice a day. He got food three times a day. The food usually consisted of potatoes or an egg and only once did they get a tomato. According to P52, he never got fruits.

Klinge asked if the food was enough. P52 denied.

Klinge recalled that P52 was detained in a solitary cell and asked him whether he was still able to see other detainees. P52 said he did not see others, but was able to hear them in their cells. He said the next cell was only two meters away, opposite his cell.

Klinge asked if he was able to communicate with other detainees. P52 denied.

Klinge wanted to know if there were also communal cells or only solitary cells. P52 said he assumes that there were only solitary cells in the area where his cell was, because every time a person was called from the cell, only one detainee reacted to the call.

Klinge asked if P52 witnessed interrogations of other detainees. P52 said he heard voices and noises from a place outside of where he was. He heard the voices of people who were beaten, particularly around midnight and late at night. P52 once saw a person who was tortured but other than that, he only heard people being tortured.

Klinge wanted to know if P52 heard voices or rather screams. P52 said of course he heard how people were begging.

Klinge asked what they begged for. P52 explained to the Court that the detainees said that they already said everything they knew but the beating continued. P52 said he was under the impression that torture never stopped regardless of what one was saying. He also felt that detainees who were interrogated on the previous day were taken to be tortured again and again, and worse, in order to get more information, even if they would not know more.

Klinge wanted to know what the screams felt like to P52. P52 said he expected it to be like that, so it did not have a big impact on him but the situation he described...

Klinge intervened, asking if P52 was not afraid to be next. P52 said of course he was.

Klinge further wanted to know how P52 would explain that he was not tortured like that. P52 said because he was famous, they were afraid that the media would find out and make a big deal of it. He said this was even more the case, since the incidents surrounding the Arab Spring were very similar. P52 added that the person he saw who had been tortured, was tortured like hell.

Klinge said he could unfortunately not spare P52 of describing the situation. P52 said it happened on [REDACTED]. There was a young man who was tortured every night. He was screaming very loudly and P52 could hear him scream at night, although the room [where this person was tortured] was in a different area. P52 recalled that the young man managed to get out of that room and was running through the hallway. The guards were running behind him, beating him. P52 told the Court that he saw this scenery because it happened at night, and the hatch in his cell's door was usually opened at night to let in some fresh air and check on the detainees inside the cell. When P52 heard the young man, he looked through the hatch, although the detainees were actually not allowed to look. The young man was wearing long cotton underpants and his hands were tied behind his back. Two security guards were running behind him and beat him with a four-wired cable. The man was shouting for help. Suddenly, P52 heard one saying "*shilah!*" which means "take it away/pick it up". The young man replied he would do it but asked the guards not to beat him during that. P52 said he first did not know what was going on, when the man fell on his face. P52 then noticed that the man pooped in his pants and because his hands were tied, he started 'picking up' the feces by licking it. When he was done, the two guards returned and started beating him. The man did not swallow and spit the feces at the wall. P52 said the man therefore had to lick the wall as well.

Klinge asked P52 to describe the room with the torture tools where P52 had to undress. P52 told the Court that there was a four-wired cable (four cables twisted into one) in this room, as well as batons. P52 said this was everything he saw in the short time he was in this room. It was rather an office, no torture room. There was a space for files on the wall. P52's items were packed in a bag, sealed, stamped and put in a cupboard.

Klinge wanted to know if there was an application to hang people. P52 said he did not see one. He was then blindfolded and not tortured like that, and did not see anything like that.

Klinge said there was a system of torture in Syria that existed for decades. He asked P52 what one had to do to get promoted within this system, to get a higher position in the hierarchy. P52 told the Court that there would be two ways. The first one would be to be very loyal to the regime, this would be the main way. The other way would be for people with a particularly good performance. These people would be chosen to get the work done because the people who are loyal only had very limited intellectual capacities.

Klinge wanted to know what kind of performance was required at the intelligence services. P52 explained that in this case, one had to be intelligent and have a good academic record. One should not have a clear political opinion, neither pro nor contra regime. As soon as one would be on "their" side, one would get certain privileges to secure loyalty. P52 said the same would be the case at other places, like the Center for Scientific Research. P52 said the center recruited scientists to produce weapons and step by step they would become part of the regime.

Klinge asked what P52 thought the head of the interrogation division at Al-Khatib was required to do. P52 said this person was required to be knowledgeable and intelligent. P52 said in case of Colonel Anwar Raslan he could provide an example: the head of the Branch is a very loyal person who had more capable subordinates that got the work done. The head was incapable but loyal, and working for the government. But the more capable person would not be involved in bigger strategic issues. P52 said another, better example would be a scientist who produced a weapon but was not involved in the planning of where and how the weapon would be used. This would be decided by the loyal people.

Klinge said a scientist producing a weapon and an intelligence officer working at a Branch where people were brutally tortured were two different things. P52 said it would be the same for him, because both served the regime.

Klinge asked P52 if he could imagine that Raslan did not know about the conditions in the basement of Al-Khatib Branch. P52 said he could not say that with certainty, but Anwar Raslan knew what was going on for 99.9%.

Klinge said P52 and Raslan also spoke about that. Klinge wanted to know if P52 did not ask Raslan why he participated in all that and why he did not publicly speak about what happened. P52 said Raslan only often mentioned that he wanted to write a book about it and P52 should help him once the time had come.

Klinge recalled that at the meeting P52 had with Tawfiq Younes and Anwar Raslan, Younes told P52 that he wanted to protect him from the Muslim Brothers. Klinge asked P52 'if he seriously believed that'. P52 said of course he did not believe it. When he asked Younes and Raslan if that [P52's hand being tied and his head injury] was how they would protect people, Raslan and Younes looked at each other and smiled. Younes then said something funny: 'What happened to you was all legal, because you were only detained for three days.' When P52 flagged to Younes that he was detained for ten days, Younes asked P52 if he had a watch or was able to see the sun rise and go down to know that he was there for ten days. Younes was making fun and told P52 that he was detained for three days only.

Klinge wanted to know why Younes played this kind of game. P52 said he assumed that at the beginning [of the Syrian revolution] they wanted to keep a low profile and not make it public that they arrested demonstrators. They were afraid that the media would find out and therefore told P52 to stay in touch and tried to control him.

Klinge asked if P52 was not allowed to talk to the media. P52 said he was asked to keep them [intelligence services] up to date and told him there would be no reason to talk to anyone.

Klinge asked if P52 was under the impression that Tawfiq Younes and Anwar Raslan were able to moderately influence the opposition. P52 said he does not think that a strategy like that existed because no one knew what was going to happen. At first thirty to fifty people demonstrated but there were more and more people every day. People started taking pictures and filming. However, no one could prohibit the demonstrations because they were not about Syria at the time. However, they could neither allow the atmosphere in Syria to change.

Klinge recalled that Tawfiq Younes and Anwar Raslan wanted to stay in touch with P52. Klinge asked P52 if he felt that these two tried to win him over as a spy. P52 denied, adding that it was meant as a way to monitor P52 and call him.

Klinge asked if he was afraid that his calls would be monitored. P52 said every person in Syria would be afraid of that. Everyone was afraid to be monitored. P52 said this was particularly the case with mobile phones, since the leading cell service agency belonged to a cousin of Bashar Al-Assad. The latter was therefore in a position to easily spy upon people.

Klinge said that not every person in Syria was, however, as prominent as P52 and luckily not every Syrian was detained at Al-Khatib. Klinge concluded that P52 was more likely to be monitored by Rami Makhoul than others. P52 denied, adding that in Syria everyone would be the same and everyone would be monitored.

Klinge wanted to know if P52 was in contact with Raslan's family during the last few months. P52 said the family approached him to tell him that Raslan's Counsel wanted to know if P52 was willing to testify as a witness.

Klinge asked how P52 knew the family. P52 said he would not know the family and never met anyone of them. He did not know where they got his number from.

Klinge concluded that the family called P52. P52 affirmed, adding that he thinks Raslan's son Mohammad called him.

Klinge wanted to know when the family approximately called P52. P52 said it was two years ago.

Klinge asked when they were in contact for the last time. P52 said it was two weeks ago. The family wanted to assure that the Court contacted P52.

Klinge wanted to know if P52 and Raslan's family also spoke about the incident with the doctor in Berlin. P52 denied, adding that they did not talk about that during the call.

Klinge wanted to know how P52 was able to remember details from a conversation he had in Turkey in 2015 and remember precise details as to the threatening situation. P52 said the situation was important after all. [Raslan] was very concerned, afraid, and upset. P52 said this story, if it is true, would scare all opponents of the regime. If Raslan fantasized, P52 wanted to understand why he was thinking like that. P52 added that of course he could remember the details, he would be an author after all.

Klinge said the story was of course very important to P52. However, Klinge did not believe that P52 was able to precisely recall that Raslan saw two men dressed in white standing next to an ambulance, based on a conversation he had six years ago. One could not remember such details after such a long time. Defense Counsel Böcker intervened, saying Klinge's question would be inadmissible; it would be Klinge's subjective opinion. Böcker said he would not object to that. He himself would not be too happy with the witness's testimony but would still believe him more than other witnesses. Böcker directly addressed P52 to tell him that he thinks he is credible. Klinge replied that one should never have too high hopes regarding witnesses. Presiding Judge Kerber concluded that this conversation was a skirmish between the defense and the Prosecutor. She asked Klinge if he had a concrete question for P52.

Klinge asked P52 how he could explain that he was able to remember details about the number and appearance of people and where they were standing, based on descriptions he received from Raslan back in 2015. P52 said he had no clue and asked if the question was a joke.

Presiding Judge Kerber intervened, saying that one has to be careful now. What happened before was a skirmish between the parties, but that would be over now. All questions asked are important and P52 should not answer them by asking questions himself. P52 explained that he was impressed by the overall situation. It seemed to him as if Raslan was slowly becoming paranoid. P52 recalled that he even asked Raslan how he would know that the two men would be members of the intelligence services. Raslan replied to him that they looked like members of the intelligence services. P52 said it would be natural to him that people would remember such details and that such details would burn in one's memory because they had such far-reaching implications. P52 said he thinks he answered the question and added that if one thinks that Raslan's family provided instructions to him, one would be wrong.

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[15-minute-break]

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### **Questioning by the Defense Counsels**

Defense Counsel Böcker recalled P52 mentioning a demonstration in front of the Parliament and asked P52 if it happened [REDACTED]. P52 confirmed.

Böcker further recalled P52 mentioning P31 [P52 corrected Böcker's pronunciation and confirmed that he mentioned P31]. Böcker wanted to know if P52 also mentioned someone called [REDACTED]. P52 confirmed again. Plaintiff Counsel Mohamed intervened, saying Böcker would only check his notes with P52 and not ask actual questions. Presiding Judge Kerber said Böcker's questions would be okay so far.

Böcker went on to ask if [REDACTED] was a Major or First Lieutenant. P52 said he was not sure but he was in the same class [at the police academy] as P52's brother so he was either Major or First Lieutenant. P52 said he would not know for sure.

Böcker asked what this person's task was on [REDACTED] [at the demonstration that P52 organized and was arrested]. P52 said he would not know exactly. He led a group of security officers dressed in civilian clothes. P52 said that was all he knew.

Böcker wanted to know if P52 saw Raslan at the scene on this day. P52 denied, adding that he met Raslan once at the Branch.

Böcker asked if P52 can say something about [REDACTED] clothes. P52 said he remembered well that he was wearing a leather jacket. It was casual, rather functional clothes not like a usual officer.

Böcker asked about the color of the leather jacket. P52 said it was black.

Böcker recalled that P31 previously told the Court that he saw Anwar Raslan, leading security officers on [REDACTED] [demonstration that P52 organized and was arrested at]. According to P31, Raslan was dressed in civilian clothes, amongst others a brown leather jacket. P52 asked who was wearing a brown leather jacket. Böcker said it was Anwar Raslan, leading security officers. P31 identified Raslan like that. P52 said he did not see Raslan at the scene but there were several divisions and groups.

Böcker thanked P52, saying this was already more than he hoped for. Regarding P52's contact with Raslan's family, Böcker wanted to know if P52 since he left Syria and was in Germany ever had contact with the police, Prosecutors or counsels. P52 said not at all, this very day would be the first time in a courtroom for him.

Böcker said P52 would be someone who knows a lot, has a lot to say, and has a lot of contacts. He wanted to know if P52 did not want to talk to authorities or was never contacted by anyone. P52 told the Court that regarding Syria, he only spoke about it with OFPRA. Böcker asked what OFPRA would be. Klinge said it is the French equivalent to the German BAMF [Office for Migration and Refugees]. Böcker asked how P52 got into contact with OFPRA, whether they called or wrote him. P52 denied, explaining that it would be the official way to have one's asylum interview in France with this office. Böcker concluded it was a personal conversation then. P52 said of course, he had to explain his asylum request at this meeting.



Böcker said the procedure would be similar in Germany. He asked P52 if he was asked at this meeting to describe what he saw and experienced in Syria. P52 said of course. They also requested proof that he was detained in Syria. P52 then told them to simply check the media. Böcker asked P52 to leave the media out of it. P52 said this would, however, be what he told the OFPRA.

Böcker referred to the proof that P52 just mentioned, asking him what kind of proof that was and if he was able to deliver it. P52 said he referred to publications [about his detention]. He said he was interviewed by a human rights organization and BBC and Al-Jazeera also reported on it.

Böcker wanted to know if P52 told them [OFPRA] that he was detained at Division 40 and Branch 251. P52 said he could not remember if he mentioned the numbers or if they knew the numbers. However, he mentioned State Security which would be Division 40 and Al-Khatib.

Böcker asked if P52 also mentioned the year [of his detention]. P52 said of course he did, it would be an important event in his life after all.

Böcker concluded that P52 told the OFPRA what he also said in Court on this very day. P52 said he thinks so.

Böcker asked if one of the offices that P52 saw during his detention was the one of Anwar Raslan. P52 said he only saw Raslan's office when he was arrested the second time and taken to his office.

Böcker wanted to know if P52 was taken 'to' or 'inside' Raslan's office. P52 explained that after he was released for the first time, Anwar Raslan called him and told him to come to the Branch, to his office. Böcker asked what happened then. P52 said the first time, he told Raslan that he was at the hospital and when he called the second time, P52 went.

Böcker asked if P52 was inside Raslan's office. P52 said he was there once. Böcker asked P52 to describe the office. P52 said it was relatively small, full of files and had a small table that was not a proper desk. There were several phones and some chairs. P52 said one could notice that it was a place to work. According to P52, the office was different from Tawfiq Younes' office which was very spacious. Raslan's office had a cupboard with many files in it.

Böcker asked if there were pictures on the walls of Raslan's office. P52 said he was not sure but there would be not a single office in Syria that does not have a picture of Al-Assad.

Böcker asked P52 if he could say something about this topic. P52 did not understand the question. Böcker asked if there was a picture of Bashar or Hafez Al-Assad.

P52 explained that at the Branch itself, he saw many pictures of Bashar Al-Assad. However, he could not say if there was one at Raslan's office. What he could say is that it is not surprising that there was a picture of Al-Assad. According to P52, these pictures were everywhere in Syria, even at public toilets.

Böcker wanted to know if P52 was able to notice a certain relationship between Tawfiq Younes and Anwar Raslan and how the two interacted. P52 said it was a professional relationship. "He" entered... Böcker intervened asking who P52 was referring to. P52 said Anwar Raslan entered the room and greeted Tawfiq Younes calling him 'Sidi'. Raslan never said anything while Tawfiq Younes was speaking. It was a military interaction. P52 said he would know that because he was an officer himself. It was an officer and his supervisor.

Defense Counsel Fratzky recalled P52 saying he remembered Raslan's story about the two men dressed in white who allegedly tried to abduct him. Fratzky said P52 also mentioned Raslan possibly being paranoid. He asked P52 if he himself was scared when he heard that story. P52 affirmed and explained that he had two feelings.

First, he thought that the story could indeed be true. The second feeling was that Raslan might only be fantasizing. P52 said he was impressed by both possibilities. It would be impressive if the regime would be able to do something like that. If it only existed in Raslan's mind, it would be a "psychological question."

Fratzky asked if it had an impact on P52 if the regime was indeed capable of doing something like that. P52 affirmed.

Fratzky wanted to know what this impact looked like. P52 said he tried to ask if the story was true but he realized it was not...

Fratzky interrupted P52, referring to Anwar Raslan's position at Al-Khatib Branch. Fratzky recalled P52 mentioning that Raslan and Younes acted like supervisor and subordinate. He asked P52 if he was able to notice a similar relationship at another situation as well. P52 said he only saw the two together at one occasion. But there would be another issue: Raslan is a Colonel and Younes is a Brigadier General, and therefore higher in rank than Raslan. It would be commonly known that Tawfiq Younes is the head of Al-Khatib Branch. P52 said when Raslan said that he was the head of a Division within the Branch, it was obvious that there were others with higher ranks.

Fratzky asked if P52 saw the two [Raslan and Younes] together on another occasion. P52 said he only saw them together once, but he saw Younes on the street.

Fratzky asked if Anwar Raslan himself told P52 anything about his relationship to Tawfiq Younes. P52 denied, saying they did not talk about that. According to P52, Raslan was generally reserved. P52 kept telling [Raslan] that he should say something [about what happened at the Branch] but Raslan kept telling P52 that he would talk about it when the time was right, but "now is the time to work, not to talk."

#### **Questioning by the Plaintiff Counsels**

Plaintiff Counsel Dr. Oehmichen recalled that P52 mentioned that Raslan wanted to write a book. She asked P52 if there was already a draft or manuscript. P52 denied, adding that Raslan did not say anything about the book other than he intended to write a book and P52 should help him.

Dr. Oehmichen asked if Raslan said anything about the content of the book. P52 explained that when he asked Raslan about his years of service and all the people that were interrogated at the Branch, Raslan replied everything would have its time.

#### **Questioning by the Defense Counsels**

Defense Counsel Fratzky wanted to know if P52 knew a person called [REDACTED]. P52 said there was a Colonel [REDACTED], however, P52 never met him. He might have met him at an opposition event once but P52 said he thinks he did not speak with him. However, he saw him in the media.

Fratzky concluded that P52 was not in contact with this person. P52 affirmed.

Presiding Judge Kerber asked if she understood correctly that P52 tried to avoid this person, or if she just did not get it right acoustically. The interpreter clarified that P52 said he knew this person from the media and might have crossed paths with him at an event. Judge Kerber thanked the interpreter.

P52 was dismissed as a witness.

Plaintiff Counsel Bahns left.

### **Administrative Matters**

Plaintiff Counsel Mohamed said he wanted to read out a request to take evidence on behalf of his client P1 [Firas Fayyad].

[The following is a recreation of Counsel Mohamed's statement, based on what the Trial Monitor was able to hear in Court.]

#### **Plaintiff Counsel's Request to visually inspect pencil sketches of the crime scene**

*Anwar Raslan is the alleged head of the Investigation Division and the prison at Al-Khatib Branch where at least 4,000 people were tortured from April 2011 until September 2012.*

*Many witnesses testified on the prison area and the conditions there. However, these are all reports. There is no visual material existing. These accounts are therefore rather abstract and one cannot know what detainees are thinking when they are alone in their cells, blindfolded. Firas Fayaad captured all that: his arrest, torture, interrogations and other experiences in detention. These sketches provide an authentic impression of the crime scene.*

*Fayyad is further willing to testify on these sketches, if the Judges would request him to do so.*

*Signed by Counsels Schulz, Rieger and Mohamed*

Defense Counsel Böcker said he wanted to reserve his right to make a statement on this at a later point. Böcker further announced that the Defense had another request to read out in Court as well.

[The following is a recreation of the Defense's request statement, based on what the Trial Monitor was able to hear in Court.]

#### **Defense Request to make an inquiry with the federal Prosecutor General Office to ask if a transcript of P52's interview with the OFPRA is part of the structural investigation, and add it to the case file if it is part of the structural investigation.**

- 1) P52 said in court today, that he told the OFPRA about his detention at Al-Khatib Branch in 2011 and 2012. P52 testified today for more than four hours in court. The Defense requests to know from the BKA if they are in possession of a transcript of P52's interview with the OFPRA as part of the structural investigation.*
- 2) This is yet another aspect of the structural investigation to which the parties to this trial have no access.*

Prosecutor Klinge said he wanted to make a statement on this request: The transcript of P52's interview with OFPRA is not part of the structural investigation. If it was, the Prosecutors would of course have forwarded it.

Kerber asked if the Defense wanted to uphold their request, nevertheless. Defense Counsel Böcker said yes. Once the request was copied and added to the trial transcript, Defense Counsel Böcker announced that the request would no longer be needed.

Presiding Judge Kerber reminded the Plaintiff Counsels to agree on an order for the closing statements.

The proceedings were adjourned at 2:55PM.

The trial will resume on October 13, at 9:30AM in room 128 in the Regional Court's building.

## TRIAL OF ANWAR RASLAN

Higher Regional Court – Koblenz, Germany  
Trial Monitoring Report 48  
Hearing Date: October 6, 2021

*CAUTION: Some testimony includes descriptions of torture.*

### Summaries/Highlights:<sup>1</sup>

#### Day 96 – October 6, 2021

P53, a 36-year-old Syrian and (ex) brother-in-law of P32 told the court about his relation to P32 and her family. However, contrary to what the Defense previously proposed, P53 was not able to provide details about P32's detention or her mental health, as he did not speak about these issues with P32 and was not in frequent contact with her. He briefly told the court about his own arrest in 2012 and how Raslan helped him to be released, since P53's family and Raslan's family used to be neighbors.

The Prosecutors objected to two previous requests by the Defense to hear additional witnesses.

#### Trial Day 96 – October 6, 2021

The proceedings began at 9:34AM with five spectators and two journalists in the audience. The prosecution was represented by Prosecutors Klinge and Polz. Defense Counsel were present as usual. Plaintiff Counsel Dr. Kroker and Bahns were not present.

### Administrative Matters

Presiding Judge Kerber explained that there were some administrative matters that needed to be addressed before the court would hear another witness. She explained that due to a software problem, the [newly announced trial dates](#) were not sent to all parties. She therefore announced all dates in court and the parties confirmed that they took notice of it. Kerber further said that the Prosecutors submitted the transcript of a witness' questioning, which was also not sent to everyone due to technical issues. She said that since the prosecutors submitted additional evidence on this very day, everything would be printed and handed out to the parties in court. The witness whose interview transcript was just added to the case file, is summonsed to testify in court on October 14. The Judges, however, did not know if the trial day scheduled for October 13 would take place. Kerber said they had to make some phone calls after the session to clarify whether the day will take place or not.

### Testimony of P53<sup>2</sup>

<sup>1</sup> 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.

<sup>2</sup> Note from the Trial Monitor: The court interpreter who sat next to P53 to translate his Arabic statements into German was a new interpreter who had never worked in this trial before. The audience noted several incidents where parts of P53's statement were not translated into German or falsely translated. Whenever the Trial Monitor was able to note these inconsistencies, it is noted throughout this report.

P53, a 36-year-old Syrian currently living in [REDACTED], was informed about his rights and duties as a witness. Judge Kerber told P53 that he was free to take his COVID-19 mask off or leave it on. P53 denied being related to the defendant by blood or marriage.

### Questioning by Judge Kerber

Presiding Judge Kerber said the Court was aware that P53 was apparently detained at Al-Khatib Branch in 2011 or 2012 and possibly in contact with Anwar Raslan. She asked P53 what he could say about these issues. P53 said he first had to clarify that he was not detained at Al-Khatib Branch. Kerber asked where he was detained instead. P53 said he was arrested by a security branch in Deir ez-Zor. Kerber asked if he knew the number of the branch. P53 denied.

Kerber said the Court would not be interested in details of P53's arrest but rather in his contact with Raslan and how P53 was released. P53 explained that he was from [REDACTED] [The interpreter added that this would be a neighborhood in Damascus, however, this place is a suburb of Deir ez-Zor.] P53 went to Damascus by bus and was told to leave the bus at a check point in Deir ez-Zor.

Kerber asked when this happened. P53 said it was in 2012.

Kerber asked about the month. P53 said he remembers that it was during Ramadan but he did not remember the exact date, probably July.

Kerber said the Judges were aware that Ramadan started on July 12, 2012 and asked P53 whether he was arrested at the beginning or end of Ramadan. P53 said it was at the middle or end of Ramadan.

Kerber recalled that P53 had to leave the bus and asked him what happened next. She added that the Court was not so much interested in details of the arrest but rather what Raslan had to do with P53's release and detention. P53 explained that he was on the bus together with his cousin. When they were told to leave the bus, P53's cousin called P53's father to tell him that he should contact Anwar Raslan. P53's father then spoke to Anwar Raslan on the phone and P53 was released from the branch. The head of the branch asked P53 if he was in contact with Raslan and after two or three hours, P53 was released.

Kerber wanted to know how it came that P53's father had such a good relationship with Anwar Raslan. P53 said he himself knew Raslan since 2002 or 2003. Their families were neighbors and living in the same building in Damascus. According to P53, Raslan's wife was a close friend of P53's mother and they would still be friends until this very day. P53 concluded that the ties between the two families were close.

Kerber asked if P53 was arrested by regular police, the military or an intelligence service. P53 said he was arrested by the *Mukhabarat*.

Kerber said the Court would be interested in a second topic as well: P53 would be the brother-in-law of [P32](#) who previously testified in court. P53 affirmed.

Kerber wanted to know since when P53 knew P32 and since when P53's brother would be married to P32. P53 said he knew P32 from when he was in Jordan. He met her once before he went to Germany.

Kerber wanted to know in which year they met. P53 said it was 2014.

However, P53's testimony as written in this report is based on the German translation, which is the authoritative language in this trial.



Kerber asked if P53 spoke with P32 about her detention. P53 denied, and said the two had no direct contact.

Kerber asked if P53 spoke about it with P32's sisters. P53 denied, saying he did not talk to any of the sisters.

Kerber asked if P53 spoke to P32's mother, P33. P53 denied.

#### **Questioning by Judge Wiedner**

Judge Wiedner wanted to know if P53 was told a reason for his arrest or if it was rather arbitrary and he was not provided any information. P53 said he was not told any reason, not even upon his arrest. The head of the check point who looked at the IDs and checked the names spelled P53's name wrongly.

Wiedner concluded that it was a mistake/confusion then. P53 affirmed and said he was questioned for one hour about who he was, what he did for a living, where he was from, and where he wanted to go.

Wiedner asked if he understood correctly that P53's name was misspelled, and his arrest was possibly based on a confusion. P53 explained that the person who read the names [on the ID cards] got his name wrong. P53 said he would not know whether it was a mistake in pronunciation or spelling.

Wiedner said he wanted to come back to P32's family, asking if Anwar Raslan was a topic in discussions within the family and if the family members' experiences with Raslan were discussed. P53 said he would not know. He only met P32 once in Jordan and twice in [REDACTED].

Wiedner asked if the topic [Anwar Raslan] was discussed during these meetings. P53 denied and said they did not talk about it at all.

The Prosecutors had no questions for P53.

#### **Questioning by the Defense Counsels**

Defense Counsel Böcker wanted to know what the family, including P32, P32's husband and P32's sister [sister 2, TR#33] said about P32's sister [sister 1, TR#33] detention: if there was a conversation/meeting, who the meeting was with, and whether someone was beaten. P53 said he would not know much about this. He only met P32, P32's brother and his wife in Turkey, one or two days before he went to Germany. [P53 actually said that he met them before he went to Turkey to leave for Germany.]

Böcker asked if P53 would know nothing at all about this topic, or a bit. P53 said he only knew that she [not clear whether he meant P32 or her sister(s)] was detained at State Security Branch for one or two weeks. That was all he knew.

Böcker wanted to know when P53 heard Raslan's name for the first time. P53 said he knew Raslan since 2003.

Böcker concluded that P53 was familiar with the name and asked him if the name was mentioned within the family when P53 learned about [sister 1's] detention. P53 asked who [sister 1] was.

Böcker wanted to know if P53 did not know [sister 1]. P53 turned to the interpreter and said Böcker would know that he spoke about P32 [before]. After some confusion about the correct pronunciation of [sister 1's] name, P53 said he knew that she lives in [REDACTED] but he never met her and does not know her personally.

Böcker concluded that the misunderstanding was now solved, and asked P53 if he still spoke about [sister 1's] detention with someone, although he never personally met her. P53 denied. He assumed that P32's and [sister 1's] detention was before P53's brother married P32.

Böcker asked if P53 consequently did not know anything about it [[sister 1's] detention]. P53 said his knowledge would be very limited in this regard. He only knew that Raslan told him in Jordan that he helped "her" when she was in detention.

Böcker wanted to know if P53 was only referring to P32 here, not [sister 1]. P53 affirmed that he was talking about P32 in this regard.

Böcker concluded that everything that P53 knew about P32's detention, he knew from Raslan because the detention was before P53's brother and P32 got married. P53 explained that 'Mr. Raslan' was his neighbor in Jordan. They spoke about general things. P53 said it might be that Raslan mentioned him helping P32 and her sisters.

Defense Counsel Fratzky recalled Judge Kerber asking P53 when his brother married P32. Fratzky wanted to know the exact year and month. P53 said it was before he went to Turkey to go to Germany. P32 and his brother met there [in Jordan] in 2014 and had 'some kind of engagement'. Because P32 wanted to leave the country and because P32's brother was there as well, they all had lunch together one or two days before P53 left the country. P53 said this was when he met P32. He said he thinks that the wedding was at the end of 2014, December 2014 or January/February 2015. P53 said it was winter and he was in a refugee accommodation in [REDACTED] at the time.

Fratzky wanted to know how intense P53's contact with his brother would be. P53 said he would be his brother, they have a good relationship.

Fratzky asked P53 to tell the court his brother's name and address. P53 said his brother's name is [REDACTED]. He lives in [REDACTED].

Fratzky asked for the street name and told P53 he could also provide this information to the court after his testimony. P53 said he could not remember the name, but the address was saved on his phone.

Presiding Judge Kerber asked the Defense whether she should order a short break. Fratzky said yes, but P53 could also look up the number after his testimony. Kerber said in this case, P53 should complete his testimony first.

Fratzky thanked Judge Kerber and recalled that P53 said he assumed that his arrest was due to a misunderstanding. Fratzky wanted to know if P53 thinks this confusion was the reason for his arrest or if there was another reason. P53 said he did not do anything; he never committed a crime. However, it would be normal in Syria that people are arrested and even detained for up to two to three years simply because of a confusion of names. P53 said for example, his third brother has been missing since 2014. The family did not hear anything about or from him. He might be dead or alive, but no one knew. P53 concluded he does not know why he was arrested.

Fratzky wanted to know if P53 was interrogated before he was released after two or three hours. P53 said he was interrogated for almost one hour.

Fratzky asked what the topic of this interrogation was, what they wanted to know. P53 said it was about personal things. They wanted to know why P53 had *not* been arrested two weeks earlier when he went from [REDACTED].

Fratzky wanted to know if this meant that P53 was part of the opposition. He asked P53 what happened two weeks earlier. P53 explained that he was accused of smuggling arms between [REDACTED].

Fratzky recalled that P32's mental health was already mentioned in court earlier this day. He asked P53 if he ever heard about this issue from his brother, this year as well. P53 denied.

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[20-minute break]

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### **Questioning by the Plaintiff Counsels**

Plaintiff Counsel Scharmer recalled that it was said that P53's brother is P32's husband. Scharmer said according to his information, P32 was divorced. He asked P53 if his brother was or is P32's husband. P53 said they would no longer be married, his brother would be P32's ex-husband, the two divorced in 2015 or 2016. Scharmer thanked P53 and added that this information might also be relevant in terms of contacting P53's brother.

Judge Kerber announced a ten-minute break to get the contact information of P53's brother.

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[20-minute break]

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Judge Kerber explained that P53 provided his brother's contact information to the judges and that the court officers would hand out copies of all documents provided by the Prosecutors.

P53 was dismissed as a witness at 10:30AM.

### **Administrative Matters**

The Prosecutors read out two statements on the Defense's requests to hear additional witnesses [\[TR#47, day 95\]](#).

[The following is a recreation of the Prosecutors' statements, based on what the Trial Monitor was able to hear in court.]

#### ***The Prosecutors hold that the request to summon [PW2\_95] must be rejected in accordance with §244 (3) s.3 no.2 StPO.***

*The request is a mere repetition of Anwar Raslan's opening statement from May 2020 regarding information about PW2\_95 helping and contacting Raslan and arranging for two FSA members to travel to Syria to get Raslan and his family out of the country. The same is the case with statements that PW2\_95 allegedly rented a flat for Raslan in Amman and the two meeting in Jordan. In addition, the Defense's request states that PW2\_95 is supposed to testify that he learned through conversations with Raslan and others about Raslan's critical attitude towards the Syrian regime.*

*However, details about Raslan's escape and his efforts to help others are irrelevant with regard to the charges in this trial. The same is the case for Raslan's alleged critical attitude.*

*Anwar Raslan is accused of having killed, out of base motives, a considerable number of people and having tortured even more people in his capacity as head of the investigation division from April 29,*

*2011 until September 7, 2012 as part of an ongoing widespread and systematic attack against the civil population. He had an office and subordinate employees. The prison was also part of his division. He therefore was the military head of the prison and as such ordered torture. He also knew that people were tortured at the branch, since he dutifully reported to his superiors.*

*Raslan's flight out of the country is not contradictory to this. The Federal Court of Justice (BGH) further found that intent is not to be excluded in cases where the successful completion [of a crime] was not desired [by the perpetrator].*

*The summons of PW2\_95 is further not required [to establish the truth] as laid out in § 244 (5) s. 2 StPO.*

**The Prosecutors hold that the request to summon [PW1\_95] is to be rejected as well.**

*PW1\_95 is supposedly a former Colonel who defected in 2012 and before was the head of the police department in Hanano, Aleppo. The Defense's request states that PW1\_95 turned to Anwar Raslan at the end of 2012 when Division 40 invaded in Sayyidah Zaynab, plundered a safe and severely mistreated and arrested a shop owner. PW1\_95 asked Raslan for help but Raslan declined, saying he had no power over this Division.*

*This is irrelevant in light of the life sentence that the Accused has to expect for committing crimes against humanity. He is, however, not accused of criminal acts performed by Division 40. It is therefore irrelevant whether he had control over Division 40 or not. This reasoning is also in line with what the Prosecutors stated at the BGH statement on August 12, 2020.*

*PW1\_95 summons is not necessary pursuant to § 244 (2) StPO.*

Judge Kerber announced that the documents from the Prosecutors that were just handed out included copies of [REDACTED] interview with the BAMF as well as his police questioning [REDACTED]. Kerber added that the parties to the case could meet right after this public session to discuss the order of closing statements and further trial schedule.

The proceedings were adjourned at 10:42AM.

The trial will resume on Wednesday, October 13 at 9:30AM.

## TRIAL OF ANWAR RASLAN

Higher Regional Court – Koblenz, Germany  
Trial Monitoring Report 49  
Hearing Dates: October 13 & 14, 2021

*CAUTION: Some testimony includes descriptions of torture.*

### Summaries/Highlights:<sup>1</sup>

#### Day 97 – October 13, 2021

P54, a former Syrian military pilot testified about Raslan's defection and how Raslan helped the Jordanian authorities to find a safer route for refugees to flee from Syria to Jordan.

The Judges rejected several requests to hear additional evidence that have previously been submitted by the Defense. The Judges held that the requests did not indicate the precise scope and source of knowledge of the proposed witnesses. Therefore, a summons would not be necessary given the efforts that would be required to hear these witnesses living abroad. In announcing that certain crimes committed against plaintiffs were also punishable under regular German criminal law, the Judges indicated that it was unnecessary to add enforced disappearances as a crime against humanity to the charges.

#### Day 98 – October 14, 2021

P55, a former employee at Branch 285 of the General Intelligence Directorate told the Court that before his defection at the end of 2012, Raslan was working as the head of the Interrogation Division at Branch 285. Several documents displayed in Court showed Raslan's signature on notes detailing how to proceed with individual detainees. P55 indicated to the court that Raslan could only make suggestions in this regard and due to being a Sunni he did not have much authority.

#### Trial Day 97 – October 13, 2021

The proceedings began at 9:30AM with six spectators and three journalists in the audience. The prosecution was represented by Prosecutors Klinge and Polz. Plaintiff Counsel Dr. Oehmichen was substituted by Ms. Bier.<sup>2</sup> The interpreter who worked for this trial for the first time the previous week was in charge of translating the witness' testimony from Arabic to German.

The witness summoned for this day did not arrive at the court on time. Presiding Judge Kerber therefore explained that she had two court decisions that needed to be read out.

[The following is a recreation of the decision, based on what the Trial Monitor was able to hear in Court.]

<sup>1</sup> 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.

<sup>2</sup> Note from the Trial Monitor: The court interpreter in charge of translating from German to Arabic for the Accused did not translate while Presiding Judge Kerber was checking attendance.



**Court Decision to reject the request to take evidence issued by Defense Counsels Mohammed, Reiger, and Schulz on [September 30, 2021](#).**

*The Plaintiff Counsels had requested to admit as evidence, and visually inspect in court, sketches drawn by P1. Counsels argued that this would provide the court with an authentic impression of Branch 251. However, pursuant to § 244 (3) No.1 StPO [obviousness] it is not necessary to inspect these sketches since Firas Fayyad himself as well as many other witnesses already provided detailed statements about the Branch's premises and the conditions therein.*

The witness entered at 9:40AM. Judge Kerber thanked the witness [P54] for following the summons despite the short notice.

**Testimony of P54**

P54, a 54-year-old Syrian and former military pilot currently living in [REDACTED] was informed of his rights and duties as a witness. P54 denied being related to the defendant by blood or marriage.

**Questioning by Judge Kerber**

Presiding Judge Kerber indicated that the Judges were aware that P54 knew Raslan. She asked P54 to talk about Raslan, his escape from Syria, how and when P54 was in contact with Raslan. P54 explained that he had the rank of a Colonel back in Syria and was working as a military pilot. P54 said he "of course" did not know Raslan [during his service]. P54 defected in May 2012 and entered Jordan in July 2012. At that time, P54 heard through mutual friends that Colonel Anwar [Raslan] defected. However, according to P54 [Raslan] defected in December 2012. The mutual friends from whom P54 heard about Raslan's defection were [REDACTED], a businessman in Egypt, and [REDACTED], a [former] Colonel at the Political Security who was in Jordan together with P54. P54 told the Court that he did not know the reasons for the delay in Anwar's [Raslan's] defection; maybe he could not defect [earlier].

Kerber asked whether P54 got in contact with Raslan on the phone or in person the first time. P54 said the first meeting was face-to-face, when [Raslan] entered Jordan. P54 could not remember the exact date, but said it was a week before Christmas [2012].

Kerber said Raslan allegedly tried to defect in summer 2011, and asked P54 if he and Raslan spoke about the latter's attempt to defect. P54 denied, adding he did not hear about Raslan trying to defect in summer 2011. However, he had information from mutual friends that [Raslan] attempted to defect.

Kerber asked when P54 heard about this attempted defection. P54 said he heard about it when he himself defected. [REDACTED] told P54 that "Colonel Raslan wanted to defect and he was helping 'us' a lot".

Kerber wanted to know if this was in May 2012. P54 affirmed and said that [REDACTED] was detained at Raslan's Branch and [REDACTED] told P54 that [Raslan] helped him [to be released]. Kerber said she did not understand who helped whom. [The court interpreter in charge of simultaneous interpretation from German to Arabic clarified the issue].

Kerber recaptured that Raslan helped [REDACTED] to be released, and asked P54 if that was correct. P54 confirmed.

Kerber asked P54 if he and Raslan spoke about the latter's tasks and political opinions when they met before Christmas. P54 said he saw [Raslan] only for a short time in his own car, when he picked up [Raslan] at the [Syrian-Jordanian] border.

Judge Kerber asked if that happened in 2012 before Christmas. P54 confirmed, adding that he had previous information [that Raslan was going to defect] and therefore left [Raslan's] name with the Jordanian Military Services, saying that he would like to know when [Raslan] arrived. When [Raslan] eventually entered [Jordan], they told P54 about it and he went to pick up Raslan. P54 further told the Court that [Raslan] was separated from his family who was in a civilian [refugee] camp while Raslan was at the [Jordanian] Military Intelligence Services. It [the way that P54 drove Raslan from the border] was 90 kilometers long. It was the first time P54 saw or spoke to [Raslan]. On the way from the Military Intelligence Services [Raslan] spoke with P54 and mentioned that he had tried to defect: one time he could have fled from Az-Zabadani<sup>3</sup> but he refused because it would have been without his family. P54 stated that Raslan had no money at all.

Kerber asked if Raslan told P54 about the time he attempted to defect or thought about defecting. P54 said that [Raslan] did not agree with what was happening. [Raslan] said he was under immense pressure and mentioned an officer, Tawfiq Younes, who was thoroughly watching him in addition to Hafez Makhoulf. According to P54, [Raslan] also said that when he used to come home from work, there were two "members of the staff" <sup>4</sup> watching him from [down the street].

Kerber asked if Raslan said that he was being monitored at work. P54 recalled [Raslan] saying that there were people watching him all the time.

Kerber further wanted to know if Raslan told P54 about his job and tasks at the Intelligence Services and the reasons for not changing his job. P54 said he himself was part of the system and knows that [Raslan] could not change anything. He would have been risking his life with any mistake.

Kerber recalled P54 mentioning that Raslan was separated from his family. Defense Counsel Böcker intervened, saying that he did not understand who said that "[Raslan] could not change anything. He would have been risking his life with any mistake". Böcker wanted to know whether it was Raslan or P54 who said that, asking P54 to clearly differentiate between his own statements and the ones that he attributes to Raslan. P54 clarified this was his own evaluation [of the situation].

Kerber again recalled P54 mentioning that Raslan was separated from his family. Kerber asked if Raslan's family was in Syria or in Jordan. P54 said that [his family] were at Az-Za'tari [refugee] camp.

Kerber asked if Raslan's family arrived in Jordan before Raslan. P54 said no, they arrived together, but the civilians and the military people were separated from each other [in Jordan by the Jordanian authorities].

Kerber asked P54 where he picked up Raslan; if it was at the Syrian-Jordanian border. P54 said he picked him up at Al-Mafraq Branch, the Military Intelligence Services.

Judge Kerber asked if Al-Mafraq Branch was at Az-Za'tari camp. P54 denied and said it was a city at the border. The first city one enters [when coming to Jordan from Syria].

<sup>3</sup> Note from the Trial Monitor: The court interpreter doing interpretation of the witness' testimony pronounced the name of this place incorrectly throughout the entire testimony.

<sup>4</sup> Note from the Trial Monitor: The term used by P54 usually refers to members of the *Mukhabarat*, however, P54 did not specify whom he meant.

### Questioning by Judge Wiedner

Judge Wiedner asked if Raslan told P54 about his tasks back in Syria and where he had been working. P54 said [Raslan] told him that [he had been working] at the Interrogation Division at State Security, the General Intelligence Directorate. According to P54, [Raslan] did not say more than that.

Wiedner asked if Raslan mentioned the number of the Branch he worked at. P54 denied.

Referring to the time P54 himself was working in Syria, Judge Wiedner asked P54 whether he would know what tasks Raslan had. P54 said that it was [Raslan's] task to investigate security issues.

Wiedner wanted to know what had changed in regard to Raslan's tasks before and after 2011. P54 went on to explain that he himself was in the army, which is part of the same system [as the Intelligence Services]. As such, P54 had contact with the security services. Originally, [Raslan's] task would have been a noble one: he dealt with security issues concerning the state, just like any apparatus in a civilized state does.

Raslan's interpreter, sitting between Raslan and his Defense Counsel Fratzky, told the latter that a sentence from P54's answer was not translated. Fratzky therefore intervened to point this out to the Court. P54 repeated his previous answer and went on recalling that the question was about what had changed: P54 explained that what had changed was that the state was ruled by a dictator and the state was there to serve the dictator. According to P54, the institution where Raslan served was not supposed to detain the citizens and torture them, but all apparatuses were working to protect the regime.

Wiedner asked whether Raslan told P54 that, or if P54 was stating that. Defense Counsel Böcker intervened, saying that there could be a third option and Judge Wiedner should not restrict the options. Presiding Judge Kerber told Böcker that he could ask his questions later. Böcker replied that he wanted to point out that Judge Wiedner gave the witness only two options of answers to choose from. Wiedner said he would rephrase his question and asked P54 how he knew that. P54 explained that he would know everything 'about the system'. P54 added that he had been in the army since 1983 and was from a military family, had many contacts and would even know Bashar [Al-Assad] personally. P54 further explained that it was true that he was a pilot, but he would also know how security forces, the Republican Guard, the Air Force Intelligence Services, the Military Intelligence Services, and the Political Security operate. P54 concluded that his personal assessment would be accurate. Even without Raslan telling him anything, P54 would know everything.

Wiedner asked P54 about the last rank he held before he defected. P54 said he was a Colonel.

For clarification purposes, Judge Wiedner asked P54 if the previous statements were based on his own experience and not derived from Raslan. P54 said 'let us detail [the answer]'. He told the Court that if Judge Wiedner would like to know if Raslan made a statement on a certain issue, P54 would say so.

Wiedner recalled that P54 said that Raslan's tasks at the Intelligence Services were similar to what is done in every other country. Wiedner asked P54 how he knew that. P54 said he knew because he was part of that system and is from a family that would be part of the ruling system.

Wiedner asked P54 if he would know what Raslan did within this system; and if he would know, how he knew it. P54 said he knew all this without Raslan [telling him]. A person who works as an interrogator at the state security, his job is to interrogate.

Wiedner concluded that the information that P54 just provided to the Court was known to P54 without Raslan telling him. Wiedner asked P54 if he, nonetheless, asked Raslan about it. P54 said he did ask [Raslan] who told P54 about his psychological state and the magnitude of violations and torture. P54 further explained that [torture] also happened 'under normal circumstances' before 2011. At that time, torture was used to extract information from suspects. However, after 2011, it was a means of retribution. The probability of someone dying under torture before 2011 was [marginal] but after 2011, it was at around 80%.

Wiedner wanted to clarify whether that statement was from Raslan. P54 confirmed and said it was from the conversations he had with Raslan, and P54 would know it as well.

Wiedner asked P54 what Raslan said about his psychological state. P54 explained that [Raslan] said his psychological condition was bad and that he was unable to do anything or to stop this policy. P54 added that he would know that neither Raslan, nor his chief, nor the chief of his chief would be able to stop this policy.

Wiedner asked P54 how he knew that. P54 said he was part of the system.

Wiedner further wanted to know how often P54 chatted with Raslan when they were in Jordan. P54 said they spoke on the way, after [Raslan] got out [of the Military Intelligence Services]. P54 also met Raslan on the [following] day, and later, for a third meeting, [Raslan] was disguised and afraid. When P54 asked Raslan why he was behaving like that, he said that he was afraid that 'they' would assassinate him. P54 attributed that to the fact that [Raslan] knew with whom he was working and therefore, he was afraid.

Wiedner asked P54 if he knows whether Raslan helped or worked with the Syrian opposition in Jordan. P54 explained that he himself was involved in one situation: the route that civilians were taking when they were leaving Syria [to Jordan as refugees] was dangerous. Since Raslan was the last officer [to defect at that time] he, along with the help of the Jordanian authorities, helped to draw a safe route for people to leave. P54 concluded that [Raslan] helped them, because he suggested using a desert route east to As-Sweida, which helped the opposition and reduced the number of casualties during the displacement.

Wiedner asked whether the route was in Syria or Jordan. [P54 apparently misunderstood the question.] P54 said it was [he apparently referred to the location from where Raslan was helping the opposition] in Jordan. P54 went on to explain that in 2013, displaced people were subjected to ambushes and killing by the regime. "We" [opposition] were looking for a safe route without army camps. Since Raslan was the last officer to defect, "we" sought his help to sketch the route and the number of casualties decreased indeed. P54 said that forty to fifty people were killed every day before that. The route which Raslan provided, however, avoided many military sectors.

Wiedner wanted to confirm if P54 was talking about a route from Syria to Jordan. P54 confirmed.

Wiedner asked P54 what exactly Raslan did. P54 explained that [Raslan] provided them with the safest route to leave. According to P54, Raslan arrived safely because he was an officer and smart. However, regular civilians would not know how to choose that [route].

Wiedner asked if P54 knew about this instance from Raslan. P54 said he himself asked [Raslan] to draw the map, and the route was established with the help of the Jordanian Intelligence Services. P54 stated that they were concerned about the humanitarian aspect and wanted to avoid casualties.

Raslan in fact helped them to do so. P54 said regarding the second part of the question about the opposition, he would have no idea what Raslan offered the opposition, because P54 would not be part of the opposition.

Regarding the help Raslan offered, Judge Wiedner wanted to differentiate between information that P54 got from Raslan in this regard, and information that P54 obtained based on his own experiences. Wiedner asked P54 if he asked Raslan for help and what Raslan replied. P54 said that “we” opened the map, and “this” [P54 was demonstrating and pointing at the table in front of him] is the Jordanian Intelligence Services headquarters. “We” asked Raslan to specify the route that he took to safely arrive in Jordan.

Wiedner asked if that happened at the Jordanian Intelligence Services. P54 confirmed and added that a week prior to creating the map, 280 people were killed along the road.

Wiedner asked P54 how he would describe the relationship between him and Raslan; whether it was friendly or a friendship. P54 said he did not know Raslan before Christmas 2012 and he had the same strong skepticism towards Raslan that any Syrian has against people who worked for the Intelligence Services, even though P54 himself used to be an army officer. However, up to 2011, “we” [the army] were not involved in the torture of people.

Wiedner wanted to know “who” [he did not specify the conduct he was referring to]. P54 said “the army” and went on to explain that after 2011, everything was the same: army, police, and Intelligence Services. All of them detained and tortured [people], and even the customs agencies were involved.

#### **Questioning by the Prosecutors**

Prosecutor Polz asked P54 if he knows how Raslan’s defection was carried out and whether somebody helped him. P54 said [Raslan] undoubtedly received help, but he did not ask him which party helped him. [Raslan] only told P54 that he had a failed attempt [to defect] through Az-Zabadani and the destination was Lebanon. However, P54 did not know why it did not work. According to P54, Raslan told P54 that the agreement was that his family should not be with him. P54 further explained that there was definitely cooperation in Jordan from the Syrian opposition who volunteered to transport officers. P54 himself experienced this support. According to P54, the locals were happy when a Syrian officer defected. Therefore, they volunteered to help, in order to solidify their position as part of the opposition.

Regarding Raslan’s failed attempt to defect, Polz asked P54 if he knew about this because Raslan told him or if he knew from somewhere else. P54 said “no”, [Raslan] mentioned that.

#### **Questioning by the Defense Counsels**

Defense Counsel Böcker asked P54 about his role at the Intelligence Services in Jordan. P54 said his role was that of a defected officer who opposed what the regime was doing. His whole job was of a humanitarian nature: to mitigate the suffering of people. P54 added that he was neither connected to politics nor to the armed conflict, in which he did not participate.

Böcker asked if P54 was working with the Jordanian Intelligence Services. P54 denied and said he would not work with any Intelligence Services.

Böcker asked if P54 picked up Raslan at the border. P54 confirmed, saying he went there and took him.

Böcker asked if Raslan drew the route. P54 confirmed.



Böcker concluded that this would mean that P54 and Raslan only met and P54 did not pick Raslan up. Judge Kerber clarified that P54 did pick up Raslan before the sketching of the route took place.

Recalling that P54 consequently picked up Raslan before the latter provided the map, Böcker asked how P54 helped Raslan. P54 said he got information about Raslan wanting to defect, months before Raslan actually arrived in Jordan. P54 therefore asked the Jordanian Intelligence Services to let him know once Raslan arrived. The Intelligence Services did inform P54 at the time and when Raslan got there, P54 went to pick him up. P54 further described that the instance when Raslan helped creating the map happened 20 days after Anwar [Raslan] entered Jordan. Usually, officers entered through Nasib نصيب, from the villages, but there were army checkpoints and border guards. P54 explained that a big attack on and raids in Al-Ghouta happened after that, and the roads were closed. “We” therefore needed a desert route without military checkpoints and posts. According to P54, Raslan indeed helped in this regard.

Böcker recalled that P54 said “we” and asked him whom he meant by that. P54 said “we”, the ones concerned about civilian and unarmed people, “we” together with the Jordanian authorities.

After reminding P54 to differentiate between his own experiences and Raslan’s statements, Böcker asked P54 whether Raslan carried important “things” with him when he came from Syria to Jordan. P54 said [Raslan] had important things with him, but P54 neither asked Raslan to have a look at them, nor was he interested in having a look at them.

Böcker asked what Raslan had with him. P54 said Raslan had “stuff and information”.

Böcker asked P54 whether he saw these important things or if Raslan told him about it. P54 said when P54 and Raslan went to create the map, Raslan had papers with him. P54 assumed that Raslan might have thought that the meeting was about the important things he had with him. But when P54 told him that the purpose of the meeting was the creation of a safe route, Raslan left the things in the car, and P54 neither asked Raslan to have a look at them, nor he was interested to have a look at them.

Böcker asked if Raslan left the things in the car. P54 said Raslan left some papers, a folder.

Böcker asked if Raslan left it in P54’s car. P54 said yes, in his car.

Böcker asked if there were other meetings with Raslan at the Jordanian Intelligence Services. P54 clarified that what he described was the only meeting Raslan had with the Intelligence Services with P54’s participation. However, P54 was sure that Raslan cooperated with the Jordanian Intelligence Services and gave information. Without P54 being present.

Böcker asked why P54 was so sure about that. P54 said he knew that from the intermediary, the director of the Syria desk at the Jordanian Intelligence Services, who told P54.

Böcker said that the translation was unclear and asked the answer to be repeated. P54 repeated that Raslan cooperated with the Jordanian Intelligence Services. The director of the Syria desk at the Jordanian Intelligence Services, told P54 that Raslan had important things in his possession but P54 did not ask him [P54 did not explain whether he was referring to the director or Raslan].

Böcker said that he did not understand what was meant by the “director of the Syria desk at the Jordanian Intelligence Services”. [There was some confusion about the translation of desk/file/case/division, so the other court interpreter intervened and clarified the meaning].

Böcker affirmed that he now understood the meaning of “director of the Syria desk at the Jordanian Intelligence Services” and noted that there would be a similar desk in Germany as well. P54 explained that Jordan is one of Syria’s neighboring states, and at that time, there were more than one million refugees illegally [in Jordan]. The [Jordanian] General Intelligence Directorate therefore (not the general director) assigned a Colonel who was responsible for the Syria desk regarding all aspects.

Böcker asked if P54 was talking about the Syria desk at the Jordanian Intelligence Services. [The interpreter reiterated what he meant by the “Syrian file/Syria desk”]. [Plaintiff Counsel Dr. Kroker summarized and clarified that a person at the Jordanian Intelligence Services was responsible for and in charge of Syrian matters in Jordan].

Böcker wanted to know if it was correct that a person called [PW1\_97] was currently living in [REDACTED]. P54 confirmed.

Böcker asked if P54 knows the name of the street where this person lives. P54 denied.

Böcker asked if P54 knows his email address. P54 said he has his phone number and Facebook account.

Böcker asked if P54 could share this information with the Defense, either at this very moment or after the end of the session. Presiding Judge Kerber asked P54 if he had the information on his mobile phone that he left outside the courtroom. P54 said he could send the phone number later, because he had nothing on the phone that he had with him. Böcker told P54 that he would give him his business card and would appreciate if P54 could send him the information via email.

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[30-minute break]

[The court interpreters swapped positions]

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Defense Counsel Fratzky asked P54 about his religious denomination. P54 said he would be Sunni.

Fratzky asked P54 if he could explain the interactions between Sunnis and Alawites within the Syrian regime to the Court. P54 wanted to know what aspect Fratzky was referring to: social, military, or security [forces].

Fratzky said he was interested in the security apparatus. P54 explained that the security apparatus was dominated by Alawites. However, there would be different grades even within the same denomination. According to P54, the Alawite denomination consists of tribes, which would “not be something invariable: for example, the Kalbiyya كلبية tribe ...etc.”

Fratzky wanted P54 to clarify whether the Alawites comprise 10% of the Syrian population while being in control of the state. P54 confirmed.

Fratzky asked P54 how difficult it was for a Sunni to work at the Intelligence Services. P54 said there were difficulties. There was a political system, and if one was involved in this system and committed to it, one would not face a problem.

Fratzky wanted to know who would have more decision-making power in a scenario where a Sunni has a higher rank than an Alawite. P54 said with regards to importance: even if Raslan was an Alawite, he would not be allowed to have a different mind-set.

Sectarianism exists distinctly in the security apparatuses. The essence of the police-regime is unrelated to religions. According to P54, even if the oppositionist is Alawite, Christian, or Sunni, he would still get annihilated for the sole reason of opposing the system, with respect to the supreme command. Regarding officers below the high decision-making ranks, P54 explained that the system would be that the Alawite might have more authority.

Fratzky wanted to know whether P54 knew Hafez Makhoulf. P54 said he knows him personally.

Fratzky asked what Makhoulf's role within the Syrian regime was. P54 said that he was among the "inner circle" as a result of his kinship to the president (he is actually his cousin) and has more power than a director. P54 said that there was an occasion when he was in Syria: Hafez [Makhoulf] had the same rank as P54 (Colonel), yet his orders were binding for [Ali] Mamlouk, Deeb [Zaytoun], and even on the Minister of Defense, only due to his closeness to the President. According to P54, Makhoulf's actual position was being the head of one division among hundreds of [other] divisions. Like the role of Maher Al-Assad, who was the head of one [army] division among a hundred [other] divisions. P54 explained to the Court that Makhoulf, however, made decisions and extended his power even on civilian [sectors]: the Prime Minister and the economy [...etc.]. P54 concluded that Makhoulf is a member of the "inner circle".

Fratzky asked P54 if he knows Manaf Tlass مناف تلاس. P54 said that he is [REDACTED]. "He was the head of the Republican Guard, a friend of the President, and the son of the former "Deputy of the Commander-in-Chief, the Minister of Defense", General Mostafa Tlass مصطفى تلاس and a friend of Bashar [Al-Assad]."

Recalling that Manaf Tlass was Al-Assad's friend, Fratzky asked P54 whether the relation between them changed. P54 said that it changed since the incidents of the revolution. Manaf had a different opinion regarding the use of the army, the violence, and against the security solution in general. Manaf advised Bashar to find a different solution, but he did not listen. He then left the regime and defected, [REDACTED]."

[REDACTED].

Fratzky asked if there was a conflict between Hafez Makhoulf and Manaf Tlass in 2011. P54 confirmed and said that there was a dispute between Hafez [Makhoulf] and Manaf Tlass, and between Manaf and Maher [Al-Assad] as well.

Fratzky wanted to know what the dispute was about. P54 said it was about [REDACTED] which Manaf opposed. Manaf was assigned by the President to meet delegations from Duma, find a "logical solution" with them, and meet their living and administrative demands. According to P54, Manaf was surprised that Hafez [Makhoulf] detained the delegations when they left Manaf. Some of them were killed at the headquarters of the 4<sup>th</sup> Division. P54 described that Manaf understood that there was another stream, 'the Falcons' which completely influenced the President and carried on with the security solution. Before he defected, Manaf resigned, and disobeyed orders. He was able to refuse and say "I cannot [do it] anymore" thanks to his personal history. According to P54, however, someone like Raslan would have been killed [for disobeying], just like P54.

Fratzky asked P54 if [REDACTED] Manaf Tlass was entrusted by the French Intelligence Services. [Judge Kerber asked whether Raslan was receiving interpretation since Raslan seemed to be waiting for something]. P54 asked if Fratzky meant before Manaf defected. [The interpretation of the question and the witness' reply overlapped.]

Judge Kerber requested the court interpreter who was in charge of translating from German to Arabic to stop interpreting and asked Raslan's personal interpreter to start interpreting for him and the court interpreter sitting next to the witness to also interpret from German to Arabic until the end of the session.

Fratzky said that he was referring to the context of Manaf's defection. He asked whether Manaf told P54 something about getting help from the French Intelligence Services. P54 said "of course."

Fratzky asked P54 if he could share the address of Manaf Tlass with the Defense. P54 said he could raise the issue with Manaf personally, but he would not know Raslan. P54 added that if the testimony would be political and a matter of public record, then what would be the benefits for this trial? P54 added he could share Manaf Tlass' phone number though.

Fratzky asked if he could get the phone number right away. Judge Kerber asked if P54 memorizes the number by heart. P54 denied and said it was saved on his phone.

Fratzky said that he could get that later and went on to ask whether P54 knows [REDACTED]. P54 denied.

Fratzky asked whether P54 knows [REDACTED]. P54 denied.

Fratzky asked whether P54 knows [REDACTED]. P54 said that this person would be a defected officer who participated in the armed conflict. He used to be a military commander in Aleppo area and is currently [REDACTED]. P54 concluded that this was all he knew about this person.

Fratzky asked if P54 had his phone number. P54 said he could get it.

Fratzky asked whether P54 knows Khaled Al-Halabi خالد الحلبي. P54 confirmed.

Fratzky asked what P54 knew about him. P54 said that he was the head of the State Security Branch, the Intelligence Services in Ar-Raqqa city, and P54 met him in Jordan. He is currently in a European country, maybe Austria.

Fratzky asked if this person would know Raslan. P54 confirmed.

Fratzky asked P54 if he and Al-Halabi spoke about Raslan. P54 confirmed.

Fratzky wanted to know what Al-Halabi said. P54 said that Al-Halabi had legal proceedings before Raslan and he was prosecuted as well.

Fratzky asked where that was. P54 assumed it was in the country where he was, in Europe.

Fratzky asked if P54 referred to the same European country that he mentioned when he said that Al-Halabi might be in Austria. P54 confirmed.

Fratzky asked if P54 had Al-Halabi's phone number. P54 denied and said he could get it, though.

### **Questioning by the Plaintiff Counsels**

Plaintiff Counsel Scharmer asked if P54 defected in July 2012. P54 confirmed.

Scharmer asked when P54 had contact with the Jordanian Intelligence Services for the first time after he arrived in Jordan. P54 said it was "immediately".

Scharmer asked how much time was between P54's first contact with the Jordanian Intelligence Services and Raslan's first encounter with them. P54 said he [himself] entered Jordan in July.

The system in Jordan was that the Jordanians wanted to [interrogate] each officer who defected from the [Syrian] Intelligence Services, and even the Americans wanted to interrogate them as well, that was unavoidable. P54 explained that Raslan defected in December, there was consequently a 6-month-period between their respective defections. P54 further stated that the Jordanian Intelligence officer said that Raslan offered useful information in January 2013. P54, however, did not know the content of this information. Raslan then cooperated with the political opposition and was involved [with the opposition] until Raslan traveled to Geneva, and since then P54 had no contact with him and did not follow what Raslan was doing, because P54 was not engaged with the opposition.

Scharmer recalled that P54 said that the Jordanian Intelligence Services had their first contact with Raslan at the border. Scharmer wanted to know at what point P54 saw Raslan for the first time. P54 said the first time was at the Military Intelligence Services in Al-Mafraq. After “they” were done with him [Raslan] and ensured that he was a defected officer. P54 explained that part of the Military Intelligence Services’ tasks was to confirm that defected officers were not sent by the [Syrian] regime. At that time, the Jordanians were hostile towards the [Syrian] regime. They were concerned about vandalism and retaliatory acts [by the Syrian regime against the refugees or Jordan]. Thus, it was the job of the Military Intelligence Services to make sure that the person was genuine and did not travel using a pseudonym. P54 said one was subjected to lengthy interrogations that could take more than twelve hours. This was to ensure that not everybody who was an alleged defected officer was simply let in to the country. According to P54, the military camp contained around 1,800 officers and 6,000 soldiers. Many soldiers defected with their arms, and it was Jordan’s right to verify the person’s identity, confiscate the arms, and authenticate the documents. Therefore, the Jordanian Intelligence Services did not inform P54 at the very moment when Raslan entered, but rather after they were done with him. P54 further explained that another reason for informing P54 was that Anwar [Raslan] had no money, and P54 paid Raslan’s rent the first time [month].

Scharmer asked P54 if he was present during the first interrogation about Raslan not having money. P54 clarified that Raslan was not being interrogated regarding money. P54 added that dozens of officers were entering Jordan every day. Thanks to his personal connections, P54 was able to leave a notice at the Jordanian Intelligence Services asking them to inform him whenever Raslan came to Jordan. P54 said it was a result of him talking with [REDACTED], because the officers who defected from the Intelligence Services were few, whereas the [defected] army officers were many (around 4,000). That was why P54 was interested [in Raslan].

Scharmer indicated that what he understood was that P54 was not present during Raslan’s first interrogation. P54 said no, he was not present.

### **Questioning by the Prosecutors**

Prosecutor Polz recalled P54 saying he knew months before Raslan arrived in Jordan that he wanted to defect. Polz asked if P54 could specify the period between receiving the information and Raslan’s actual defection. P54 said the period was around four months. P54 added that he might have received the information about Raslan wanting to defect in August. Raslan then defected in December, meaning it was a four-month period.

Polz wanted to know the precise content of P54’s information. P54 said he learned “that there is a Colonel at the State Security, Intelligence Services, who wants to defect”. P54 explained that since he was a defector himself, he knew that the decision was sensitive, meaning that if it would have been leaked, it would have cost Raslan’s and his family’s life. That was how P54 received the information, that Raslan intended to defect.



P54's personal assumption would be that he Raslan was in contact with [REDACTED] or someone whom he trusted, and the information was delivered to P54 who had to keep it secret, because there was some information about many people [s defection] like [REDACTED], who sent a message and "we" verified it to be authentic, but it never happened [he did not defect], either because he changed his mind or he was unable to do it.

Polz asked how P54 could personally assess the purpose of sharing such information. P54 said that concerning the information; anyone who enters [Jordan], would not be offered anything by the Jordanian authorities. According to P54, Jordan would not be like Germany [which helps refugees]. The Jordanian authorities could simply tell Raslan to go to the street, and the only option available was to stay at the camp. [REDACTED] therefore spoke to P54 in order to make special arrangements for Raslan. In order to get out of the camp, Raslan's family needed a Jordanian guarantor who had to sign a pledge to host them and to be responsible for them. Additionally, the director of the camp had to agree. P54 said many refugees were unable to secure such procedures which delayed their exit from the camp. What P54 did on his part was that Raslan got out the following day and did not stay in the military camp, and his family stayed for one or two days only.

### **Questioning by the Plaintiff Counsels**

Plaintiff Counsel Schulz recalled that P54 denied working with the Jordanian Intelligence Services. P54 confirmed.

Schulz asked how exactly P54 was acting as a mediator for the Jordanian Intelligence Services. P54 said he was a respectful guest with them. They asked him questions about any officer who entered [Jordan]. P54 explained that there are many [Syrian] family names that are common to Sunnis, Shiites, and Alawites.<sup>5</sup> P54 said he was mostly asked about officers. The Jordanian authorities had security concerns which P54 found reasonable. P54 wanted to offer help because there was a mutual benefit: not letting someone who should not enter get help to enter. However, the cooperation was not a job and was no obligation for P54 but rather voluntary.

Schulz asked if P54 knows whether Raslan had contact with other Intelligence Services. P54 said he had no information in this regard.

Plaintiff Counsel Dr. Kroker recalled P54 mentioning that some people should not be let in and asked P54 who these people were. P54 said that there was great anxiety among defectors in the beginning. Even the location where they were put [contributed to their fear, because] there was a high probability that they could be attacked with missiles [by the Syrian regime]. Jordan also had security concerns and there were precedents for this: in 1982, two pilots escaped to Jordan from the airport where P54 was serving. Since the Syrian regime is "baltaji بلطجي" [here: aggressive], it sent helicopters and forces to the airport in Jordan where the 2 pilots landed and wanted to detain them from Jordan. P54 said the Syrian regime would be "crazy." It could target the camp where 4,000 officers and 6,000 soldiers were gathering or conduct a military operation and send forces abroad like it did in 1982. P54 said the Jordanian authorities wanted to ensure that no one would be able to geo-locate [the camp] or assassinate anyone, considering that there were high-ranking personalities like Generals, Major Generals, the Deputy of the Army Chief of Staff or even the Prime Minister. P54 concluded that "we" were careful to not let intruders in.

<sup>5</sup> Note from the Trial Monitor: P54 did not explain well. He presumably indicated that he was able to identify the background of a person based on their names.

Kroker asked P54 what happened to that group of people whom the Jordanian authorities decided not to let in. P54 said that they were sent back to Syria. They were transferred back to the official border crossing point.

#### **Questioning by the Defense Counsels**

Defense Counsel Fratzky asked P54 if that means that he was helping the Jordanian authorities to verify whether a person was trustworthy. P54 said it was not only him, he was only a part of it.

Fratzky asked if the Jordanian authorities took information about defectors from P54 and others. P54 confirmed.

Presiding Judge Kerber announced a short break to let P54 bring in his phone before he would be dismissed as a witness.

P54 came back and handed Judge Kerber a sheet of paper.

Judge Kerber indicated that the Judges were given the phone number of Manaf Tlass, [REDACTED], Khaled Al-Halabi, and [REDACTED].

Böcker asked if the other phone numbers, including [REDACTED], could be shared with the Defense. P54 nodded. Judge Kerber said the phone numbers would be shared.

P54 was dismissed as a witness at 12:25PM.

#### **Administrative Matters**

Defense Counsel Böcker announced that the Defense had two requests to take additional evidence.

[The following is a recreation of the Defense's requests, based on what the Trial Monitor was able to hear in Court.]

#### **Defense Request to summons Ahmad Al-Jarba أحمد الجربا [PW1\_97] as a witness**

- I) *PW1\_97 was head of the opposition coalition from 2013 to 2014. He was opposing Hafez Al-Assad. PW1\_97 and his family had been arrested in 1996 when his brother met Raslan at Branch 285. PW1\_97 will testify that Raslan was friendly to him at the time and helped three of his relatives be released. Additionally, PW1\_97 can testify about Raslan's activities for the opposition in Turkey, that he was opposing the regime of Bashar Al-Assad and worked for the opposition, for example by making black-and-white lists of officers, issuing travel documents, revealing a journalist who was working for Hezbollah, making some security studies, and so on.*
- II) *This will show the behavior of the defendant before and after the time of the crime, and will contradict any suspicions that he only defected for show while actually still working for the regime. According to Faye Sarah, PW1\_97 spoke with the U.S. American Ambassador Robert Ford about Raslan. Additionally, PW1\_97 worked with Dr. Kamal Al-Labwani in Geneva.*
- III) *The requirements on reachability of witnesses living abroad pursuant to § 244 (5) s.2 StPO must be reduced for the purpose of this trial. This trial deals with acts committed abroad and is internationally recognized. Witnesses living abroad were and are daily business in this trial. The Court's efforts in determining the truth pursuant to § 244 (2) StPO must be increased regarding such witnesses. Other forms of summoning such as telephone calls or email are possible and have been used in the past. PW1\_97 has been informed by the Defense and is willing to testify, although he would prefer to testify by phone.*

**Defense Request to summons [PW2\_97] living in [REDACTED] as a witness**

- I) PW2\_97 will testify that as early as summer 2011, the Accused expressed his negative attitude towards the regime and his wish to defect. PW2\_97 promised to help, but it did not happen because he left for [REDACTED]. He knew Raslan's sympathy for the revolution from the very beginning. In addition, PW2\_97 knows that he transferred/mentioned fifteen to twenty detainees to Raslan in 2011, who were consequently released.
- II) The requirements on reachability of witnesses living abroad pursuant to § 244 (5) s.2 StPO must be reduced for the purpose of this trial. This trial deals with acts committed abroad and is internationally recognized. Witnesses living abroad were and are daily business in this trial. The Court's efforts in determining the truth pursuant to § 244 (2) StPO must be increased regarding such witnesses. Other forms of summoning such as telephone calls or email are possible and have been used in the past.

**Request to summons [PW3\_97], living in [REDACTED] as a witness**

- I) PW3\_97 is a Syrian journalist and was detained at Al-Khatib Branch for four days. He can testify that the Accused treated him well during this time. PW3\_97 was eventually released. PW3\_97 also knows P31 and will testify that P31's parents were allowed by Raslan to bring P31 food to the Branch, and that Raslan allowed P31 to eat that food in his office. This contradicts the testimony of P31 who said that he was insulted by the Accused.
- II) PW3\_97's testimony will show that the Accused was trying to help as many detainees as he could. The Accused was not responsible for everything that happened at the Branch. PW3\_97 indicated to Raslan's family that he is willing to testify in court.

Presiding Judge Kerber read out the second Court Decision.

[The following is a recreation of the Court Decision, based on what the Trial Monitor was able to hear in Court.]

**Court Decision regarding the legal classification of acts attributable to the Accused**

- I a) [P20](#) said that he saw a fellow detainee bleeding from a circular wound and that this detainee later died. It is likely that a gunshot wound was the reason for his death, which could amount to murder with base motives, pursuant to § 211 (2) var. 4 StGB.
- I b) [P46](#) mentioned deaths happening in July 2012: one dead body being carried out of the cell, then three to four more detainees died and the other detainees prayed for them inside the cell. P46 further said that in a room in Harasta Hospital where only detainees from Branch 251 would be taken to, two more people died. One had a prior heart issue and the other died of gangrene after an injury he suffered at the Branch. Murder with base motives pursuant to § 211 (2) var. 4 StGB could be considered in four cases, the fifth case could have had a different cause.
- I c) P51 said that he confirmed the death of two people between April 2011 and June/mid 2012. This could amount to a crime pursuant to § 211 (2) var. 4 StGB in two cases.
- I d) When different witnesses mention deaths occurring within the same time frame, the Court resolves any doubt in favor of the Accused, assuming that the dead bodies were identical and related to the same instance. As mentioned previously, the limitation of prosecuted acts is not applicable for plaintiffs who joined the case according to § 395 (5) StPO. Therefore, a conviction under the German Criminal Code (StGB) is possible in the following instances:

- a) P50 said that he was beaten on the soles of his feet, this could amount to §§ 223, 224 (1) no. 2, 239 (3) no. 1 StGB.
- b) P48 said that he was beaten with a four-string cable, this could amount to §§ 223, 224 (1) no. 2 StGB.
- c) P47 said that he was beaten with cables and rifle butts and threatened with death, this could amount to §§ 223, 224 (1) no. 2, 239 (3) no. 1, 239b StGB.
- d) P46 said that he was beaten with cables and pipes, a plastic bag was held above his head and set on fire, and there was an attempt to insert an object into his anus, this could amount to paragraphs §§ 223, 224 (1) no. 2, 239 (3) no. 1 StGB and § 177 (1) nos 1 + 3 StGB [old version].
- e) P44 said that he was not abused, however, the general prison conditions he described could amount to § 223 StGB.
- f) P42 said that she was beaten, received electric shocks, and that one of the guards pushed her head between his legs, this could amount to §§ 223, 224 (1) no. 2 StGB and § 177 (1) nos 1 + 3 StGB [old version] and § 174a StGB [old version].

As mentioned before on the July 21, the crimes of torture and severe deprivation of liberty according § 7 (1) nos 5 + 9 VStGB are considered as given. Several plaintiffs described the necessary prerequisites thereof. In cases d and f sexual assault is considered. The Judges do not consider it to be necessary to add § 7 (1) no. 7 VStGB [enforced disappearances] to the charges.

#### **Court Decision rejecting a request to take evidence previously filed by the Plaintiff Counsels**

The Plaintiff Counsels' Bahns, Kroker and Scharmer request [[TR#46, day 92](#)] to summons Fadel Abdul Ghany and Mariam Al-Hallak and to read several UN and other reports is rejected.

It has already been proven that it was part of the regime's strategy to arrest individuals without informing anyone about their whereabouts. This was confirmed by the majority of witnesses. The motives of the state are, however, not important. Only the motives of an individual perpetrator are relevant.

#### **Court Decision rejecting requests to take evidence previously filed by the Defense**

The Defense's request [[TR#46, day 93](#)] to summons PW3\_93, living in [REDACTED] is rejected.

It has not been clarified what PW3\_93's job was, where he worked or when he worked there. The Intelligence Services are a large system with many branches. It can therefore not be assumed that PW3\_93 would simply know anything about what Branch 251 was during the relevant indictment period of this very case.

There is a further lack of connectivity. Neither location nor time of PW3\_93's own detention has been specified in the Defense's request. The request also does not state whether PW3\_93 met the Accused before his defection or how PW3\_93 would know anything about the Accused's views or about how the Accused treated detainees. It is also not mentioned how exactly the Accused helped PW3\_93 nor where and when this alleged help took place.

The Judges assessed the defense's request in accordance with § 244 (5) s. 2 StPO, weighing the relevance and the expected evidentiary value of PW3\_93's testimony against the organizational efforts of his summons. The evidentiary value is considered to be low. It is unclear what and how much information PW3\_93 will provide. The fact that PW3\_93 was released quickly could further only show that the Accused was willing to help individual detainees. It is also already known to the Court that he was in touch with the opposition and people like Kamal Al-Labwani and Riad Saif.

*PW3\_93 does not live in the EU and therefore can only be reached through a formal request for legal assistance addressed to Turkey. However, by making relevant inquiries, the Judges learned that a legal assistance request to Turkey would take at least four to six months to be processed, probably longer. A request from 2019 to Turkey is still pending. According to the current estimate, the taking of evidence will end in October and would significantly be prolonged by summoning PW3\_93. An audio-visual testimony cannot be conducted since it is crucial to get a personal impression of PW3\_93.*

#### **Court Decision regarding requests to take evidence previously filed by the Defense**

*The Defense's request [TR#47, day 95] to summons PW1\_95, who worked as the head [REDACTED] is rejected.*

*The evidentiary value of PW1\_95's testimony is very low, close to being irrelevant. [The Judges referred to the Prosecutor's statement on October 6 [TR#48]. The Court further finds that the Accused might have simply been unwilling to help PW1\_95 and used his alleged powerlessness as an excuse. Even if the Accused was indeed powerless in this situation, it would not be surprising that he was unable to object to another Colonel's order, particularly in light of the special position of Hafez Makhlof.*

*PW1\_95 does not live in the EU and therefore can only be reached through a formal request for legal assistance addressed to Turkey. However, by making relevant inquiries, the Judges learned that a legal assistance request to Turkey would take at least four to six months to be processed, probably longer. A request from 2019 to Turkey is still pending. According to the current estimate, the taking of evidence will end in October and would significantly be prolonged by summoning PW1\_95. An audio-visual testimony cannot be conducted since it is crucial to get a personal impression of PW1\_95.*

The proceedings were adjourned at 1:37PM.

#### **Trial Day 98 – October 14, 2021**

The proceedings began at 09:45AM with seven spectators and four journalists in the audience. The prosecution was represented by Prosecutors Klinge and Polz.

#### **Testimony of P55<sup>6</sup>**

Presiding Judge Kerber informed P55 of his rights under § 55 StPO [right to not answer any questions that could incriminate the witness or a close relative]. P55 agreed to provide his personal information in court, stating his name, age and current occupation. P55, a 56-year-old Syrian and former Secretary of the Head of the Interrogation Branch 285, currently living [REDACTED], was informed of his rights and duties as a witness. P55 denied being related to the defendant by blood or marriage.

<sup>6</sup> Note from the Trial Monitor: P55 referred to “Investigation Branch/Division” throughout his testimony. However, the equivalent Arabic phrase for investigation can also mean interrogation. Since most of the previous witnesses referred to Interrogation Branch/Division, the term interrogation will be used throughout this report. The terminology also caused some confusion Court which P55 had to solve at a later point in his testimony.



### Questioning by Judge Kerber

Presiding Judge Kerber asked P55 what he did in Syria and how he came in contact with Raslan. P55 said he volunteered at the Intelligence Services in 1983 and, after a nine-month training course, he was assigned to the Interrogation Branch, Branch 285 of the General Intelligence Services. P55 emphasized that he does not remember dates very well. [Then] Raslan came to the Branch, holding the rank of a First Lieutenant.

Kerber asked if P55 could specify when that happened. P55 said he does not remember the dates, but it could have been in 1984, 1985, or 1986. P55 further explained that he served at Branch 285 in all divisions and his last position before he defected was Secretary of the Interrogation Branch.

Kerber asked when P55 started working at the Intelligence Services. P55 said he started in June 1983.

Kerber asked when P55 started working as Secretary of the Interrogation Branch. P55 said it was eight months before his defection.

Kerber asked P55 in what capacity he was working before that. P55 said he served in all divisions of the Branch, for example he was the Head of the Computer Department where he had to print out papers.

Kerber wanted to know more about the structure of Branch 285 and of which Divisions it consisted. P55 asked Kerber to clarify whether she was talking about Divisions outside the branch.

Kerber clarified that she was talking in general. P55 explained that the structure of the Branch provided a separate building where the Head of the Branch was situated with his Secretary and the Head of the Archive Division next to him.

Kerber wanted to make sure that she understood correctly that the offices of the Head of the Archive Division and the Head of the Branch were on the same floor. P55 affirmed, saying that the office of the Head of the Archive Division was next to the Head of the Branch's office.

Kerber asked if there were Divisions in Branch 285. P55 said that there were none outside the building, but within the building.

Kerber indicated that this was what she meant. P55 [enumerated]: the Head of Guarding Division, the Head of Interrogation Division and the interrogators, the Head of the Accounting Division, the Prison Division and its personnel, the Officer of the Vehicles and his personnel (the cars and the drivers).

Kerber asked whether there was a Mail Division. P55 wondered whether Kerber meant that there was a Mail Division [interpretation caused a misunderstanding] and denied, saying that there was قسم الذاتية [an Entity] and the Postal Correspondence Division. All these divisions report back to the Head of the Archive.

Kerber wanted to know in which Mail Division P55 worked. P55 said he worked in all Divisions of the Branch for two or three years each before he was transferred to another Division. P55 added that he would know all tasks of the Branch.

Kerber asked when Raslan was transferred to Branch 251. P55 said he did not understand but [Raslan] served a long time until he was transferred to Branch 251.

Kerber asked if Raslan came back to Branch 285 at some point. P55 explained that after [Raslan] went to Branch 251, he came back to Branch 285.

Kerber asked what Raslan's job was at Branch 285. P55 described that [Raslan] was an interrogator before he was relocated. After he came back from the Inner Branch [Branch 251], he was the Head of the Interrogation Division.

Judging by his own personal experience, Kerber wanted to know how P55 would describe and evaluate Raslan as a person. P55 explained that as a human being, [Raslan] was a good Syrian human being, but at Branch 251 [upon Raslan's transfer] their relationship was interrupted, because it was a different Branch and Division.

Kerber asked if P55 had contact with Raslan after he came back to Branch 285. P55 clarified that their contact was limited to greeting each other and P55 paying respect to Raslan, considering Raslan's military rank. P55 said he himself was a non-commissioned officer while [Raslan] was an officer. [Therefore, P55 addressed Raslan with] "Sidi [Sir]" and respect.

Kerber asked if P55 knows how Raslan's demeanour was at Branch 251. P55 denied.

Kerber recalled that it was said that Raslan was cold. P55 said he does not have any knowledge in this regard. P55 only knows that they relocated [Raslan] and brought him back [to Branch 285].

Concerning his working circumstances, Kerber wanted to know if Raslan had a workspace and how it was. P55 said it was an office, a table, a car, and a telephone. He used to sign the notes of the Interrogation Committee. P55 concluded that this was all that was apparent to himself and others and that these would have been normal procedures.

### **Questioning by Judge Wiedner**

Judge Wiedner first wanted to know when exactly P55 defected. P55 said it was at the end of December 2012, exactly on December 31th.

Wiedner asked who the Head of Branch 285 was until P55 defected. P55 said that the Head of Branch 285 was Brigadier General Rukn,<sup>7</sup> Ahmad Deeb عميد ركن أحمد ديب.

Wiedner asked P55 to describe what his job was at the end of summer/autumn 2012. P55 said [he was] the Secretary of the Head of the Interrogation Branch.

Wiedner wanted to clarify whether by saying "Interrogation Branch", P55 was talking about the Division within Branch 251, and asked P55 for whom exactly he was working as a Secretary. P55 said [he was the Secretary of] the Head of Branch 285, Ahmad Deeb.

Wiedner asked if P55 was his secretary. P55 confirmed and said he and another person, Al-Ammouri العموري [were his secretaries].

<sup>7</sup> Note from the Trial Monitor: There is no English translation for the term "Rukn". It is used as an addition to military titles when an officer completes an "Arkan [plural of Rukn] course".

Wiedner asked when P55 became his secretary. P55 said it was seven to eight months before his defection.

Wiedner recalled P55 saying that Raslan was a First Lieutenant when he started working at Branch 285. P55 said he did not say Brigadier General. [Apparently, the court interpreter translating from German to Arabic for the witnesses, defendant, and plaintiffs used the term Brigadier General. The court interpreter sitting next to P55 and translating from Arabic to German clarified that Wiedner meant "First Lieutenant."] P55 indicated that he understood now.

Wiedner asked if Raslan was a First Lieutenant when he started working. P55 said that [Raslan] was a First Lieutenant and was promoted during the following years to a Lieutenant Colonel. P55 explained that they were together at the [same] branch.

Wiedner asked P55 if he could estimate Raslan's age when he started working at Branch 285; whether he was in his mid-twenties or mid-thirties for example. P55 asked if Wiedner meant the time when [Raslan] returned from Branch 251.

Wiedner denied and clarified that he meant when Raslan first came to Branch 285. P55 said [Raslan's] age was 26, or 27, or 30 [between 26 and 30] when he came as a First Lieutenant.

Wiedner asked if that might have happened in the 1990s. P55 denied, adding that he saw Raslan between 1980 and 1987 when [Raslan] was young.

Wiedner recalled P55 saying that he did not have contact with Raslan after the latter was transferred to Branch 251. Wiedner asked P55 if he knows whether the transfer between the branches was normal or happened for a special reason. P55 asked Wiedner whether he meant the transfer from Branch 285 to Branch 251, or when [Raslan] returned to Branch 285.

After clarifying that he meant the first option, Wiedner asked whether transfers between branches were common or not. P55 explained that there were many transfers during the incidents, including when they brought Anwar [Raslan] back to the branch [Branch 285]. However, in terms of a reason, P55 and others did not know if it was normal or not. [Raslan] came back to the branch to his normal job.

Wiedner asked P55 what he meant by "normal job". P55 said "his normal job". Even P55 and others had respect for Raslan due to the immense work pressure during the incidents. The whole branch was busy.

Wiedner asked what the task of Raslan was at Branch 285. P55 said [Raslan was] the Head of the Interrogation Division.

Wiedner wanted to know what exactly his task was. P55 said [Raslan's task] was interrogations and signing notes.

Wiedner asked if this meant that Raslan was conducting interrogations by himself. P55 explained that all interrogators were interrogating. However, the building of the Head of the Branch and his Secretary was separate from the branch, P55 could therefore not see who was interrogating because he was sitting at the Secretary's [office].

Wiedner asked if this meant that P55 could not see or notice that by himself. P55 asked “notice what?”.

Wiedner clarified that he meant whether P55 saw or met Raslan while the latter was working or interrogating. P55 said he did not see him while interrogating. [Raslan] interrogated in the prison downstairs or sometimes in his office. However, his job was the Head of Interrogation Division and P55 and his colleagues had nothing to do with him.

Wiedner recalled P55 mentioning that he had no knowledge of the reason for Raslan’s transfer and that there were many transfers during the incidents. Wiedner wanted to know if the transfers were as common before 2011. P55 explained that there were transfers every year and “they” even brought heads from other governorates. P55 provided an example: Brigadier General Ahmad Deeb was transferred from Dar’a Branch to Branch 285, and Colonel Firas Hamed العقيد فراس حامد who was the Head of Branch 285, was transferred to Homs Branch (318). P55 concluded that there were many transfers.

Wiedner asked if P55 knows whether it was possible that Raslan was transferred from Branch 251 to Branch 285 as a punishment. P55 said as far as he was concerned [P55 stopped for a moment], however, he would not be in a position to know if it was a punishment or not. Nonetheless, [staff transfers] happened often during the incidents and P55 and others did not know whether it was a punishment.

Asking in general about P55’s personal assumption, Wiedner wanted to know how the Syrian regime would deal with someone who was not loyal to it. According to P55, if the regime considers that someone has no loyalty, he would be referred to an investigation/interrogation or to the Directorate Disciplinary Board. Sometimes, depending on the case, he might get fired or suspended from his job. P55 pointed out that he was not sure and further explained that such cases happened in the directorate and P55 knew [of these cases]. After [being referred to] the Disciplinary Board, some people were imprisoned and others were released of their duties. P55 concluded that this was all he knows in this regard concerning the General Intelligence Directorate, but he would not know about the rest, because during the incidents, P55 and his colleagues did not know anything. According to P55, many things happened which they did not expect to happen, and everything was “crowded and noisy” [hectic].

Wiedner wanted to know if that means that P55 does not know the situation concerning Raslan. P55 denied, saying he would not know.

Wiedner wanted to know if someone would be released from duty if he was not loyal to the regime and did something wrong. P55 said that depending on the crime, he could be imprisoned if he was collaborating with [certain] “groups”, [or] he could be suspended from work. However, P55 stressed that officers would know more about such matters.

Wiedner asked whether P55 was aware of any instances where such scenarios occurred. P55 denied knowing of such cases during the incidents but said he would know a case that happened before the incidents.

Wiedner asked P55 to explain what happened. P55 said [after taking a moment to recall details in his mind] there was the Head of the Intelligence Directorate, Major General Bashir Najjar اللواء بشير نجار and the Head of Interrogation Branch, Brigadier General Rukn Aziz Abbas العميد الركن عزيز عباس.

Najjar was referred to the judiciary and imprisoned at a military prison where he died. Abbas was imprisoned at Branch 285 (he was previously the Head of this branch), was referred to the investigation, and was released from his duties [due to] him transcending from their working protocol. According to P55, Abbas was loyal to “them” [regime] and they still imprisoned him.

Wiedner recalled P55 saying that Raslan had an office and a car, asking P55 whether Raslan had other privileges as well. P55 said that as far as he knew [Raslan] went back to his work and had his office and a car.

Wiedner referred to the transcript of P55’s questioning with the police according to which P55 stated that when Raslan came back to Branch 285, he had his office and car, as well as personnel to serve him coffee. Wiedner asked P55 what he meant by personnel serving him coffee. P55 said there was First Lieutenant Tammam Abbas الملازم أول تمام عباس and [REDACTED] [along with Raslan] who were all on the same floor and they had their private conference where they were served tea and coffee.

Wiedner pointed out that P55 mentioned during the police questioning that if Raslan’s transfer would have been a punishment, then he would not have obtained what he did. P55 told the Court that they might have suspended [Raslan] but P55 would not know the reasons for the transfer because he himself was a non-commissioned officer. P55 further described that Raslan was initially a good person before he was transferred. Thus, they might have sent him back [to Branch 285] because he “was good.”

With regards to the hierarchy at the branch, Wiedner wanted to know if Raslan was able to make important decisions and if so, to what extent. P55 explained that as an interrogation officer [Raslan] would make suggestions and was not a decision maker at the branch. According to P55, the decision makers were the Head of the Interrogation Branch and the Director of the General Intelligence Directorate. Any note from the Head of Interrogation Division, Raslan, had to go via the Head of the Interrogation Branch, who could possibly modify it, and then onto the Head of the General Intelligence Directorate.

Defense counsel Böcker indicated that he did not understand some of the terms. Judge Kerber said that they should give the interpreter some time to sort out the problem.

P55 said he wanted to give an example to explain to the Court what actually happened: the Head of the Interrogation Division, Raslan, makes suggestions in a note concerning an individual detainee. The note then goes to the Head of the Interrogation Branch, Ahmad Deeb who could agree to [Raslan’s] suggestions or not. If he would agree, then the note would be passed to the Head of the General Intelligence Directorate, Mamlouk or Deeb Zaytoun who in turn might agree or disagree.<sup>8</sup>

Judge Kerber asked Defense Counsel Böcker whether everything was clear to him now. Böcker affirmed.

<sup>8</sup> Note from the Trial Monitor: This example also served to clarify the difference between Interrogation Division and Interrogation Branch. In line with what [P10](#) stated, Branch 285 was also called the central Interrogation Branch. P55 was therefore referring to Branch 285 when talking about Interrogation Branch and referring to a sub-division of branches when talking about Interrogation Division.



Judge Wiedner wanted to clarify whether Ali Mamlouk was the Head of the General Intelligence Directorate. P55 explained that after Mamlouk was relocated and became the Head of the National Security Bureau, Deeb Zaytoun became the Head of the General Intelligence Directorate.

Wiedner wanted to make sure that he heard “General Intelligence Directorate” correctly. P55 confirmed, adding that he was the Head of the General Intelligence Directorate – also called State Security – but not in all of Syria since there would be many other security apparatuses.

Wiedner asked P55 if he knew whether there was a special council that was established within Branch 285 to make decisions. P55 asked if Wiedner meant before or during the incidents.

Wiedner clarified that he meant during the incidents. P55 said “they” established a committee including the head of the Interrogation Division, First Lieutenant Tammam Abbas, Major [REDACTED], and another officer whom P55 does not know. Sometimes they would also invite the Head of the General Intelligence Directorate in addition to the Head of the Interrogation Branch, Ahmad Deeb.

Wiedner said he would show some documents in Court and would like P55 to demonstrate what they represent, in case he would know what they are.

[The following is a recreation of the shown documents, based on what the Trial Monitor was able to see in court.]

A note informing Mr. Major General, the head of the General Intelligence Directorate

Branch 285

Case number 24375, evaluating the detainee [REDACTED]...

First Lieutenant,

Major,

Hasan Isma’eel

Colonel,

Brigadier General  
Rukn, the head of  
the Branch 285

Tammam Abbas

[REDACTED]

Anwar Raslan

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

The resolution of Mr. Major General, the head of the General Intelligence Directorate:

Agreed to paragraphs...

مذكرة إطلاع السيد اللواء مدير إدارة المخابرات العامة

الفرع ٢٨٥

قضية رقم ٢٤٣٧٥، تقييم الموقوف [REDACTED]...

العميد الركن رئيس الفرع ٢٨٥	العقيد	حسن إسماعيل	الرائد	الملازم أول
أنور رسلان	[REDACTED]	[REDACTED]	تمام عباس	[REDACTED]
[توقيع]	[توقيع]	[توقيع]	[توقيع]	[توقيع]

قرار السيد اللواء مدير إدارة المخابرات العامة:

موافق على الفقرة...

Wiedner asked P55 if he would know what the shown document would be. P55 said of course.

Wiedner wanted to know what P55 knows about it. P55 said he needed to have a look at the suggestions.

[Another document was shown]

...

Suggestions:

1-...

2- Referring him to the court of terrorism...

3- Addressing the Minister of Defense...

4- Confiscating the 2000 USD and distributing it to the personnel as a reward...

5- Submitting a copy of the note to Branch 331...

6- Communicating with Branch 255 for information...

First Lieutenant,

Major,

Hasan Isma'eel

Colonel,

Brigadier General

Tammam Abbas

[REDACTED]

Anwar Raslan

Rukn, the head of  
the Branch 285

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

The resolution of Mr. Major General, the head of the General Intelligence Directorate:

Agreed to paragraphs 2, 3, 5, 6 and disagreed to 1, 4.

[Signature]

...

الاقتراحات:

١ - ...

٢ - إحالته إلى محكمة الإرهاب...

٣ - مخاطبة وزير الداخلية...

٤ - مصادرة مبلغ ٢٠٠٠ دولار وتوزيعها على العناصر كمكافأة...

٥ - إيداع صورة من المذكرة للفرع ٣٣١...

٦ - التواصل مع الفرع ٢٥٥ للإفادة...

العميد الركن رئيس الفرع ٢٨٥	العقيد أنور رسلان	حسن إسماعيل	الرائد [REDACTED]	الملازم أول تمام عباس
[توقيع]	[توقيع]	[توقيع]	[توقيع]	[توقيع]

قرار السيد اللواء مدير إدارة المخابرات العامة:

٤ و ١ مع عدم الموافقة على ٦، ٥، ٣، ٢ موافق على الفقرة

[توقيع]

P55 explained to the Court that the Head of the Branch agreed to the suggestions in this case, however, Deeb Zaytoun only agreed to suggestions 2, 3, 5, and 6 and disagreed to 1 and 4. Thus, it [the note] went back to the branch with the resolution: "Referring him to the court of terrorism, re: Confiscating the 2000 USD: Deeb Zaytoun, the Head of the General Intelligence Directorate does not agree".

Wiedner asked if P55 could recognize the signatures of the people in the document. P55 denied, adding he would recognize only the one of the Head of the Branch, Ahmad Deeb. However, if the document would be verified, then the signatures should be as said in the document.

[Another set of 5 documents were briefly displayed one after another. They belong to the same note. The focus was on the last page.]

Wiedner asked P55 if he could comment on the document. P55 said that he needed to see the suggestions. [The last page including the suggestions was shown. The document looked similar to the last one recreated above].

P55 explained that in this note, the detainee was considered guilty. The investigation/interrogation committee signed it and Major General Deeb Zaytoun agreed to all suggestions.

In terms of interaction between Branch 251 and Branch 285, Wiedner wanted to know if there were connections between them interrogation-wise. P55 said there would be indeed a connection, in the sense that when the subject matter of a detainee concerned Branch 285 but he was with Branch 251, the interrogation had to be continued at Branch 285. In such cases, Branch 285 would interrogate the detainee and after some procedures and signatures, refer him to a court. P55 said the same would also happen vice versa: if [the detainee] was at Branch 285 and Branch 251 wanted to complete investigations/interrogations. P55 concluded that this would be the connection between the Branches. In terms of personal connections however, for example if P55 would have gone to Branch 251 alone, this would have been prohibited, only official correspondence or postal correspondence was permitted.

Regarding Branch 251 and Branch 285, Wiedner wanted to know whether their function and power was the same. P55 said he could not tell because he would not know their specialties. However, in terms of power, Branch 251 was much bigger since Hafez Makhlof – a Colonel and the cousin of Bashar Al-Assad – was in charge of Division 40. P55 added that the Patrols Division had a high status during the incidents and that Hafez Makhlof was more powerful than the Head of the Branch of Branch 285.

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[15-minute break]

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### **Questioning by the Prosecutors**

Prosecutor Klinge wanted to know how many people were arrested at Branch 285 on a daily basis. P55 said he would not know; however, the numbers were high during the incidents, especially on Fridays when arrests took place from mosques and streets.

Klinge asked if there was a transcript – similar to the ones just shown in Court – for each detainee. P55 said that what he and others saw concerned people whose crimes were proven. “They” [staff at the branches] could interrogate people and refer them to court and eventually release them.

Klinge wanted to know what P55 meant by “proven”. P55 said that [one could be] convicted for: possession of arms, acts against the state, possession of foreign currencies like USD or Euro since it would be prohibited in Syria to have foreign currencies without a permission from the Central Bank, unlicensed weapons, car smuggling, or possession of large amounts of drugs.

Klinge asked whether such confessions were taken under torture. P55 said [they could have been taken] through explicit confessions or sometimes from confessions under torture, especially during the incidents, innocent people were detained and put in prison.



Klinge wanted to know how many interrogation transcripts the Head of Branch 285 would have received. P55 said that there was no specific number, but there were many during the incidents, and the duty [interrogations] continued until midnight or 1AM. P55 added that even himself and his colleagues at the secretariat did not have the official [working hours]. P55 worked three days in a row, then Al-Ammouri would work for three days. They had to work a full day and slept at the Branch.

Klinge asked if a distrusted Colonel would have had the ability to release detainees without getting punished for it. P55 indicated that he mentioned before that no officer was able to release any detainee without the approval of the Head of the General Intelligence Directorate. P55 told the Court that as shown before, Raslan could suggest [releasing a detainee] according to his own beliefs. The Head of the Branch could disagree or agree and then it would go up to the Head of the General Intelligence Directorate, Zaytoun, who would in turn either agree or disagree until further notice. The detainee could be referred to a civilian prison like Adra, or Sednaya. According to P55, the colonel in Klinge's example could release [a detainee] but only after the approval of... [Klinge interrupted].

Klinge wanted to know the reason why a distrusted Colonel would be assigned as the Head of a Division. P55 said he would not know because these decisions would be made at a higher level at the Branch or the Directorate. Brigadier General, Tawfiq Younes [the Head of Branch 251] might suggest that he does not want Raslan and that he should go back [to Branch 285]. Perhaps if [Younes] would not like [Raslan], [Younes] submits to someone [unclear whom P55 referred to] that he does not want [Raslan]. According to P55, anything Younes suggests would be effective because [Branch 251] is a powerful branch.

Klinge wanted to know whether the position of the Head of the Interrogation Division was important. P55 wanted to make sure whether Klinge meant the Head of the Interrogation Branch or the Interrogation Division – Deeb or Raslan [respectively].

Klinge clarified that he meant Raslan. P55 said that [Raslan] was an officer who was respected for his rank. He could suggest whatever he wanted in a note, but the final decision belonged to... [Klinge interrupted].

Klinge recalled that P55 was asked during the police questioning whether someone would be punished when committing something wrong, and P55 answered that one option would be that one would be relocated. Klinge wanted to know if that could apply to Raslan's case. P55 told the Court he would not know the mechanisms at Branch 251. According to P55's knowledge, one could not be released in such a way at his Branch [285], however, he had no knowledge about Branch 251. P55 added he would believe that the approval of the Head of the Branch is mandatory [at Branch 251] as well. [Raslan] could suggest releasing twenty detainees, and Younes might request him to come, and they would discuss it. Perhaps [Younes] agreed or not, depending on the beliefs of the Head of the Branch, concluded P55.

Klinge recalled that P55 was also asked during the police questioning whether someone whose loyalty was questioned would be punished by being relocated to another branch. According to Klinge, P55 replied to the police that this would be illogical and if one's loyalty was questioned, he would have been punished in another way and could get imprisoned. P55 explained to the Court that "they" had many procedures in these cases: One could be sent back to his initial branch but with certain restrictions and if the crime was serious, he might be imprisoned. P55 stated that during the incidents, many problematic issues occurred, and the system was sabotaged.

### Questioning by the Defense Counsels

Defense Counsel Böcker asked P55 where he was questioned on [REDACTED], 2021. P55 said in [REDACTED].

Böcker wanted to know the reason for the questioning and how he was contacted. P55 said that he was told that there was a case concerning Raslan and due to P55's long service history at the Interrogation Branch, "they" sent him a summons for P55 to tell them what happened. P55 said they asked him questions and he answered.

Böcker asked if P55 was contacted via mail. P55 said of course, he received a letter.

Böcker asked whether Inspector Knappmann was present during the questioning. P55 said he would not know their names, but they were two [police officers] and an interpreter.

Böcker asked if they talked to him about the possibility of being a witness in a trial and whether they told him how they reached him. P55 said this did not happen, they sent him a letter and did not tell him how they reached him.

Böcker wanted to know whether P55 heard something on the topic of the Intelligence Services and trials in the EU before he was interrogated. P55 denied, adding that [in this regard] only two young men came to him in Jordan when he defected.

Böcker asked if P55 was questioned on another occasion other than at the end of September. P55 said that this was the only time [he was questioned] in Germany.

Böcker wanted to confirm that he correctly understood that P55 was questioned only one time in Germany. P55 confirmed and said this very day would be the second time.

Böcker asked if P55 was interrogated once in Jordan. P55 confirmed.

Böcker asked if P55 was interrogated somewhere else in the EU. P55 denied.

Böcker wanted to know how many interrogation divisions would be within the Interrogation Branch. P55 said that the question was not clear and wanted to clarify whether Böcker was asking about the Interrogation Division or the Interrogation Branch.

Böcker said the Interrogation Branch whose head was Ahmad Deeb. P55 explained that the Interrogation Branch and the Secretary were [isolated]: Ahmad Deeb, P55, Al-Ammouri, and the Archive. Regarding the Interrogation Divisions, there were two to three officers and [other] civilian interrogators.

Böcker wanted to know if that means that the Interrogation Branch has just one Interrogation Division. P55 said there would only be one Interrogation Division in the branch: Raslan and someone else [as officers].

After he reiterated that there was only one Interrogation Division, Böcker recalled that Raslan became its head after coming back from Branch 251. Böcker wanted to know how P55 knew that information. P55 said that the head of the branch, Ahmad Deeb, said that Raslan came to "us", and the whole branch and all staff knew that he returned.

Böcker asked if P55 knew that only through this one source or if there was an additional source. P55 said he did not understand.

Böcker asked P55 if he knew about Raslan's return only because Ahmad Deeb told him that, or whether P55 knew that information from somewhere else as well. P55 said that the whole branch knew that Raslan was transferred from Branch 251 to Branch 285, just like when Ahmad Deeb came from Dar'a to Branch 285. According to P55, this was normal [procedure].

Böcker asked whether the officers at the Interrogation Branch had offices. P55 said of course.

Böcker wanted to know if they had phones in their offices. P55 said they might have had an external phone [to make calls outside the branch]. P55 wondered if Böcker meant a phone [to make calls] within the directorate [internal]. P55 concluded that they had four-digit-number phones [every division has its own four digits] to call other departments and there were phones with which one could use to make calls outside [the branch].

Böcker asked if Raslan's phone was able to make external calls. P55 said maybe, however, they also had mobile phones. P55 said he believes that they did not use ordinary phones anymore.

Böcker said he was asking because P55 mentioned earlier that "Raslan got his office, his phone, and his car". So, he was just wondering if it was a special phone. Böcker went on to ask P55 about Raslan's office, whether it was premium, upstairs or downstairs in the basement, or like P55's office. P55 said there might have been slight differences [to P55's office]. According to P55, "it was an office" with a desk, two or three sofas, but also a TV screen, a chair... [P55 repeated the objects again to indicate that it was nothing that special].

Böcker asked whether every officer had a car by the time Raslan came back to Branch 285. P55 explained that every officer at the General Intelligence Directorate had a car, except Ahmad Deeb who had four or five cars from good brands.

Böcker asked what car brands there were: Lada, Mercedes, something else. P55 wanted to know if Böcker meant Raslan or the Head of the Branch.

Böcker clarified that he meant anybody, in general. P55 said "we" had Mercedes, Opel, Peugeot 405 or 504.

Böcker wanted to know if P55 was able to recall from which brand Raslan's car was. P55 said he would not remember, it was ten years ago.

Böcker asked if P55 could tell whether Raslan worked at Branch 285 between October 2006 and August 2008. According to P55, Raslan stayed at Branch 285 until the day he was transferred to Branch 251. P55 apologized to the Court, saying he would not recall the precise date.

Böcker recalled P55 mentioning other divisions like Division 40 which was headed by Makhoul. Böcker asked which branch it belonged to. P55 said that Division 40 would be one of Branch 251's divisions.

Böcker concluded that Division 40 was not related to Branch 285, then asked P55 if members from [Division 40's] staff used to enter Branch 285. P55 stated that he would not know and did not come across such a person. However, P55 was not sure whether Makhoul had sent someone from his side [division] to the Head of the Interrogation Branch.

According to P55, [Makhlouf] did not need to send anyone and could [simply pick up the phone] being a supreme authority, and “top” cousin of the President.

Böcker wanted to confirm that P55 personally never came across such a person [from Division 40]. P55 denied and said himself and his colleagues were lower-ranking personnel than that. Maybe officers and the bosses came across such personnel.

Böcker recalled P55 saying that he defected on the last day of 2012, during the incidents. P55 said that “first of all,” the incidents were not in Damascus. P55 was in Damascus and there were not many incidents. When the incidents increased P55, his wife, and children decided that it was “outside the law” [it did not become clear what P55 meant by that.]

Böcker asked P55 when he decided to escape. P55 said “thinking about it was...[he interrupted his line of thoughts]”, the day he decided was the day he defected, but [thinking about defection] started two or three months earlier.

Böcker wanted to know for how long P55 thought of the topic of escaping before he made the decision. P55 explained that three months before his defection, he sat down with his family (his children were old [enough]) and they discussed. Then P55 got a passport for his wife and daughter and thought about the topic. However, three days before his defection, P55 sent his wife and daughter to Beirut and then to Jordan on the same day. Three days later, P55 and his son, [REDACTED], got their salary, prepared themselves, and went via rural Damascus to Jordan.

Böcker quoted from the transcript of P55’s police questioning according to which P55 said with regards to escape and defection that he needed a few months and wanted to organize many things and get his family outside [Syria] first. Böcker asked P55 why he needed to secure his family first. P55 explained that in Syria, any member of the [government] personnel, an officer or a non-commissioned officer, who defects... [P55 stopped] P55 said he was afraid that his wife and daughter would be detained. Even after his defection, P55 knew that “they” went to his relatives’ houses and asked about him. P55 was very concerned about his family and did not want to get blood on his hands [in case] “they” would have forced him to “go out” and shoot. P55’s son was also a reservist, and the family did not want to “get involved”. P55 was worried about his wife and daughter and did not want them to be harmed, P55 added that he only had one daughter.

Böcker recalled that P55 said he needed three months to decide. Böcker asked P55 what happened. P55 said the family discussed the subject matter and agreed.

Böcker recalled that P55 was working at the Intelligence Services at that time and discussed with his family to leave his work and escape, however, P55 was working under Zaytoun and Mamlouk. P55 said it was Ahmad Deeb, not Zaytoun and Mamlouk.

Böcker said “okay” and asked P55 to describe what he did during these three months, whether he spoke with his colleagues about it or simply told Deeb that he wanted to leave. P55 explained that at the climax of the incidents, no one had trust in his colleagues and all members of the personnel were afraid of [more like ‘discreet with’] each other. Had P55 told Al-Ammouri about it at the office, he would have reported P55. P55 kept his relationships as if everything was normal until he defected. P55 added that he [kept working] as an administrative person, [received or dealt] with the guests of the Head of the Branch.

He did not often sit with the staff and had no conversations about the defection topic, only about work. It was an immense pressure, if he had spoken with someone, someone would have written a report about him or made a phone call and P55 would have been imprisoned immediately. P55 concluded that it was an absolute secret.

Böcker reiterated that P55 did not talk with his colleagues. P55 said “absolutely not.”

Böcker wanted to know why. P55 explained that in Syria, there would be no democracy, and no one was allowed to ever talk about the state’s politics. It was a red line, simply preposterous.

Böcker recalled that P55 said “in our opinion, Raslan was a good person”. Böcker wanted to know who P55 meant by “we/our”. P55 clarified that before the incidents, Raslan was good with all the personnel. No one talked about him. He was neither mean, arrogant, strict, nor imperious. He used to greet [people]. P55 said if Raslan came across P55 or one of the personnel, they would say “Respect, Sir!” [salute] and he would greet them back. Others, however, did not greet back. After the incidents, P55 was relocated to a remote office with the Head of the Branch and the work pressure increased. P55 thus had no more contact [with Raslan] and everybody was busy with his own work.

Böcker asked P55 if Raslan’s demeanor with detainees changed after the incidents. P55 explained that he had no personal connection with Raslan, he only knew his external manifestations [the surface]. However, in general, before the incidents and even after them, Raslan was smiling and had a happy face but P55 did not know [how Raslan acted] in prison and during interrogations.

Böcker wanted to know what P55 meant with “happy face” and whether Raslan kept it when he was at [or returned from] Branch 251. P55 said he already mentioned that [Raslan] was a morally good human being. P55 added “he was good, but I don’t know”. However, P55 did not see Raslan [after/at] Branch 251 at all.

Böcker reiterated that Raslan was a good person according to P55. Böcker wanted to know P55’s opinion on the likelihood of whether Raslan kept that smiley face with the detainees and treated them well, in a subjective comparison with how he used to treat other people. P55 said that first and foremost, he and others did not see the detainees who Raslan interrogated. P55 and others would have had to see whether [the detainee] was shocked or not. P55 told the Court that he was talking about [Raslan’s] relationship [interaction] with him and his colleagues as personnel, not the detainees. P55 further added that he wanted to mention an older instance: P55 had a car and back then, before the incidents, there were coupons for gas before. P55 used to go to Raslan and say “Respect, Sir! I need 20 liters of gas”. If [Raslan] got some [coupons] available, he would say “Ok, [REDACTED]! [here you go], 20 liters”. P55 would thank him saying “Respect, Sir!”. P55 concluded that he would, however, not know anything regarding prison and detainees.

Defense Counsel Fratzky recalled that P55 was the Secretary of the Head of the Branch. Fratzky wanted to know what P55’s tasks were and whether he came across interrogation transcripts. P55 explained that regarding the job of the Secretary of the Head of the Branch, P55 and his colleagues had a nice, luxurious office with four to six telephones. Their task was delivering the mail to the Head of the Branch, for example notes and things like that were delivered by the Head of the Archive. In addition, they had to deal with the service log, and things concerning vehicles, working hours, holidays, and sick leave, as well as other administrative matters. P55 said they sometimes received sealed letters, addressed to the head of the Branch personally. P55 and his colleague did not have to look at mail that was addressed to officers personally and thus did not know its contents.



According to P55, the Head of the Branch would only pass these letters to P55 and his colleagues if the subject matter was trivial. If it was, however, important, [the Head of the Branch] would keep it with him or inform the Head of the Archive, because he was close with the Head of the Branch, and sometimes the Head of the Archive dealt with the matter on the computer in his office, in case it was classified.

Fratzky asked P55 whether the resolution to relocate Raslan to Branch 251 or back to Branch 285 was passed via P55's office. P55 clarified that when [Raslan] was relocated to Branch 251, P55 was not [yet] the Secretary of the Head of the Branch. When [Raslan] came back, [the Head of the Branch] told P55 and his colleagues that Raslan came back. P55 did not see the relocation resolution. According to P55 it was exclusive to the officers.

Fratzky stated that he did not fully understand the reason for P55's escape from Syria. P55 explained that he did not agree with what the regime was doing regarding detentions and killings. He was also afraid that one day, they would be forced to go to detention [operations] or demonstrations, to do field work. P55 said he was further afraid that he and his son would "be polluted with blood" [get blood on their hands].

Fratzky recalled that P55 defected on December 31, 2012. Fratzky wanted to know if Raslan was missing before that. P55 said that the question was not clear.

Fratzky asked P55 if he heard that Raslan defected or was reported missing before P55 himself defected. P55 said he did not know that [Raslan] defected in the first place, until "they" said that [Raslan] was missing from the Branch. It was Raslan and another officer who defected before or after [Raslan]. The officer was called [REDACTED] and was missing from the branch as well. According to P55, himself and his colleagues did not know anything about Raslan.

Fratzky asked P55 to repeat the name as he did not understand it acoustically. P55 said [REDACTED].

Fratzky asked P55 where this person worked. P55 said that [REDACTED] was an interrogation officer. His name was on the note along with Tammam, Hasan, Anwar, and Ahmad Deeb.

Fratzky wanted to know what was said about Raslan at the branch when he left, from P55's own experience as the Secretary of the head of the Branch. P55 stated that it was said that Raslan and [REDACTED] did not appear for work, contact with them was lost, and there were rumors about them having defected and escaped. However, no one knew with 100% certainty. According to P55, the rumors could be true after all.

Fratzky wanted to know how the Head of the Branch reacted and whether he told P55 something concerning Raslan's escape. P55 denied and said that a search warrant was circulated, the Director of the General Intelligence Directorate was informed, and "they" conducted the rest of the measures.<sup>9</sup>

Fratzky asked if such measures passed P55's office. P55 said that such a topic was exclusive to the officers, but generally, the "search card" would be known in Syria. According to P55, "they" would conduct a search, and it would not pass his desk, because these would be legal measures.

<sup>9</sup> Note from the Trial Monitor: It was not clear whether P55 himself or the Head of the Branch initiated the search warrant.

P55 pointed out that he mentioned earlier that anything that concerns the officers, would be exclusive to them: any mailed search card would have “Exclusive to officers” written on it. That would be the working mechanism according to P55’s experience.

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[Lunch break]

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Presiding Judge Kerber announced that the BKA [Federal Criminal Police Office] sent her the transcript of an anonymous potential witness’ questioning. She then recalled that the next trial session would take place on October 26th would be held in room 120 at the Higher Regional Court’s building.

### **Questioning by the Defense Counsels**

Fratzky continued his questioning of P55 by asking whether P55 was working at Branch 285 during 2005 and 2006. P55 confirmed.

Fratzky asked if P55 would know a person called Anwar Al-Bunni. P55 said he heard the name and added that this might be a lawyer, however, P55 did not remember. P55 concluded that the name crossed his mind, he was indeed a lawyer.

Fratzky asked whether P55 heard about Al-Bunni’s detention at the Intelligence Services or encountered him there. P55 denied, adding that he would, however, recall that a person with the name “Anwar Al-Bunni” was a lawyer.

Fratzky wanted to know which religious denomination P55 would belong to. P55 said he would be a Sunni Muslim.

Fratzky asked P55 to describe the power-hierarchy between Sunnis and Alawites, and to elaborate on his own experiences, in case he had some. According to P55, the Alawite authority would be more powerful and there would be no Sunni authority. According to P55 there are names [some people] on the margin. P55 said he wanted to shed light on something: from 1983 when P55 volunteered at the Intelligence Services and until he defected, there was a Sunni Director of the General Intelligence Directorate, but the Head of the Interrogation Branch was Alawite. The decision would be made by the Head of Branch 285, who was Alawite, but the responsibility [liability] of signing would lie upon the Sunni. In case a problem occurred, the Director of the General Intelligence Directorate would be held accountable. The Head of the Interrogation Branch would not be held accountable, and instead say that he just made a suggestion, and it was the Director of the General Intelligence Directorate who made the decision and who is in fact the boss of the Head of the Branch.

Fratzky concluded that, according to what he understood, the head of the Interrogation Division only suggests resolutions. Fratzky wanted to know if it would give the Head of the Interrogation Division more significance and power, in case he was an Alawite. P55 said that Fratzky did not understand him correctly: the Head of Interrogation Branch would be the one with power, personnel, vehicles, and money. However, regarding prison matters, he only suggests things, but the decision belongs to the Director of the General Intelligence Directorate. P55 said there was only one exception to this: the Director of the General Intelligence Directorate who was powerful, Major General Ali Mamlouk, succeeded by Deeb Zaytoun. These were the ones to make powerful decisions during the crisis.

### Questioning by the Plaintiff Counsels

Plaintiff Counsel Scharmer summarized that P55 worked at the Intelligence Services for approximately twenty-nine years. Scharmer wanted to know roughly how many employees worked there. P55 asked if Scharmer meant at the branch.

Scharmer confirmed. P55 explained that there was no specific number, sometimes there were eighty and on other days there were one hundred, depending on the release of the conscript classes (the compulsory service). Sometimes a decision to release one to five people was issued, and thus they had to wait for other personnel to come to join them. Having said that, P55 added that the [number of] [enlisted] employees who were working there voluntarily, and the officers would only fall short by one or two, when someone was relocated to another branch.

Scharmer wanted to clarify whether eighty to one hundred included the officers. P55 confirmed.

Scharmer asked whether the situation was the same after 2011. P55 clarified that this was before the incidents. After the incidents, the personnel increased at all the security apparatuses. The reason for that were summons of the released ones and the reserve, like P55's son who was released and then was summoned years later.

Scharmer asked whether that situation applied to September 2012. P55 said he could not provide an exact answer, but the personnel increased, because they pulled people from their houses as reserve. P55 was the Head of the Computer [department] and witnessed that people were released, and then were summoned back during the incidents.

Scharmer wanted to know the total number of officers during that time. P55 asked whether Scharmer meant the Interrogation Division or the Interrogation Branch.

Scharmer said he was referring to the Interrogation Division. P55 indicated that there were approximately eight to nine people: employees, interrogators, and officers, during the incidents.

Scharmer wanted to know the number of the personnel, among others, the prison guards, who were responsible for the prison of the branch. P55 described that there were two prisons before the incidents, the southern and the northern with eight people working at each prison in on-day shifts of four people. Nevertheless, during the incidents, detainees increased and a third, western, prison was opened which was underneath the building of the Head of the Branch and his secretary office. According to P55, eight people worked there as well in shifts of four. P55 summarized that the approximate number of the personnel, including the director of the prison, was twenty-five or twenty-six people.

Scharmer asked P55 if everything he said during the police questioning at the end of September in Germany was true and whether he said something that could be confidential. P55 said that he did not say anything but the truth.

Scharmer clarified that he wanted to ask to make sure that P55 did the same on this very day [in court]. P55 said of course, he said everything he would know.

Scharmer wanted to know on which floor Raslan's office was in 2012. P55 described that "our" branch consisted of a ground floor, a prison in the basement, and a first floor. The inner building was above the southern prison. Raslan's office was there.

Scharmer asked if Raslan's office was above the prison. P55 said of course.

Scharmer concluded that Raslan conducted interrogations at that office. Scharmer wanted to know whether interrogations were conducted in other offices as well. P55 said there were no other offices for the officers. There was Raslan, [REDACTED], and Abbas, the rest were interrogators situated above the northern prison. P55 added that the office of the Director of the Prison was where Raslan's, [REDACTED], and Abbas' offices were.

Scharmer asked what position and rank Raslan was holding at that time. P55 said Raslan was the head of a division and a Colonel Officer; the highest rank.

Scharmer recalled P55 telling the police that one could hear screams at the branch. P55 explained that Branch 285 was very small and not big at all. If any human being was screaming, his voice would be heard, particularly at the time of the incidents when there were many detainees. P55 said he could hear screams at his office when there was an interrogation. However, he could not see anything because his office was far away.

Scharmer asked if one could hear screams even outside the office. P55 explained that there was no real distance, only one wall was separating "our" office and the inner building of the branch. Separating them was one iron door that would close automatically and P55's office was above the western prison.

Plaintiff Counsel Schulz recalled that P55 was asked during the police questioning whether the Head of the Division could hear screams. Schulz wanted to know how P55 answered. Judge Kerber intervened and asked Schulz to specify whether he meant the head of the Interrogation Division or the Interrogation Branch. Schulz said that he would have a follow-up question after the answer. Kerber requested Schulz to specify whether he meant Ahmad Deeb or Raslan. [After a short discussion between Schulz and Presiding Judge Kerber about specifying the question and quoting from the transcript, Schulz said he would make a quote first and then ask his question later].

Schulz quoted from the transcript of P55's questioning with the BKA, according to which P55 said that Anwar [Raslan] could of course hear screams. Schulz asked P55 if Raslan could hear screams from his office. P55 said he did not sit in Raslan's office [to verify that]. P55 could hear them in his own office as it was directly above the prison and nothing separated the office and the prison except for the ceiling.

Presiding judge Kerber announced that P55 was dismissed. P55 apologized and said he was trying to remember anything he could say.

The proceedings were adjourned at 2:20PM.

The trial will resume on October 26, at 9:30AM in room 120 at the Higher Regional Court's building.

## TRIAL OF ANWAR RASLAN

Higher Regional Court – Koblenz, Germany  
Trial Monitoring Report 50  
Hearing Dates: October 26 & 27, 2021

*CAUTION: Some testimony includes descriptions of torture.*

### Summaries/Highlights:<sup>1</sup>

#### Day 99 – October 26, 2021

During this short administrative session, the Prosecutors objected to three requests previously issued by the Defense Counsels to hear three additional witnesses. The Defense announced that they would submit further requests to take additional evidence.

#### Day 100 – October 27, 2021

The Defense submitted eight more requests to take evidence. Amongst others, they requested to hear additional insiders to testify about Raslan's opposition-friendly attitude, how he wanted to defect since the beginning of the revolution, his limited powers at Al-Khatib Branch due to Hafez Makhlof, and Division 40 allegedly taking over interrogations and the prison at the Branch. According to the Defense, additional expertise on the history and power structures of the Syrian Intelligence Services is needed.

The Judges did not make any decision about previous request to take evidence and explained that the schedule for the next trial days was still unclear.

#### Trial Day 99 – October 27, 2021

The proceedings began at 9:30AM with two spectators and three journalists in the audience. The prosecution was represented by Prosecutors Klinge and Polz. Plaintiff Counsels Bahns and Dr. Kroker were not present.

#### Administrative Matters

Presiding Judge Kerber explained that the Defense previously announced that it would submit further requests to take additional evidence, however, according to the Defense, the submissions were not yet complete. Kerber concluded that this trial day would therefore be relatively short. She announced that the session would start with statement by the Prosecutors regarding previous requests by the Defense to hear additional witnesses.

[The following is a recreation of the Prosecutors statement, based on what the Trial Monitor was able to hear in court.]

*Statements regarding the Defense's request to take evidence dated October 13, 2021*[\[TR#49, day 97\]](#).

<sup>1</sup> 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.



**The Prosecutors object to summons and hear Mr. Al-Jarba [PW1\_97], [PW2\_97], [PW3\_97] as witnesses.**

**Reasoning:**

- I) According to the Defense's request, PW1\_97 is supposed to testify that he and three of his relatives were accused of supporting Iraq to intervene in Kuwait and consequently arrested in 1996 and detained for two years. The request to hear PW1\_97 as a witness must be rejected in this regard.  
 PW1\_97 is further supposed to testify that his brother was detained at Branch 285 at the same time, and that his brother told him that Anwar Raslan was always friendly, treated him with respect, was never disrespectful towards PW1\_97's brother and never used violence against him. PW1\_97 is further supposed to testify that his brother told him that he and his relatives were only released due to Anwar Raslan's intervention. However, there is no evidence that the release was solely based on Raslan's intervention.  
 The Prosecutors further doubted the connectivity of the Defense's request regarding the question about how PW1\_97's brother would know all that. In light of this, summons of PW1\_97 is further not required because of the court's obligation or judicial enquiry since PW1\_97 is living abroad.  
 It remains unclear how these events that happened between sixteen and eighteen years ago could be fruitful for the question of fact and guilt in this present trial. It is irrelevant what Anwar Raslan did between 1996 and 1998 and whether he was friendly towards detainees at that time. This trial is also not about Raslan's work at Branch 285 but at Branch 251.  
 Regarding the Defense's aim to have PW1\_97 testify on Raslan's dissertation and work for the opposition: PW1\_97's summons must be rejected as well.  
 On August 12, 2020, the Prosecutors already stated at the Federal Court of Justice that the Defendant's behavior after the charged acts is irrelevant. The behavior was furthermore already detailed in the course of taking evidence at this court, in the form of testimonies by [P54](#) and [Riyad Saif](#). Testimonies of additional witnesses in this regard would only provide limited new insights.  
 Neither the alleged content of the requested evidence, nor time and place thereof are sufficiently detailed in the defense's request. It is also unclear how exactly Raslan was involved with the opposition. The request provides no explanation on how Raslan's interventions affected Syria. For example, it remains unclear what happened to the black-and-white lists that Raslan allegedly drafted.
- II) The overall judicial enquiry does not require to hear PW2\_97 as a witness, since he is residing in [REDACTED].  
 PW2\_97 is supposed to testify that Raslan was pro-opposition, wanted to defect and discussed his escape with PW2\_97. However, the request does not provide any concrete information on how PW2\_97 knew about all that. It merely mentions nebulous conversations in the summer of 2012. The purpose of the requested evidence is not visible due to missing details. There is further no connection between the charges and Raslan's escape and his pro-opposition attitude.  
 Raslan is accused of having killed a high number of detainees for base motives and tortured an even higher number of detainees as part of a systematic and widespread attack against the Syrian population from April 29, 2011 until September 7, 2012. During this time, Raslan was in charge of the state-organization that was responsible for these crimes.

*This is, however, not contrary to Raslan planning his escape. Jurisprudence from the Federal Court of Justice finds that the intent element is not discarded solely because the successful completion of a crime might not have been desired.*

*Regarding the allegation that PW2\_97 could confirm Raslan's position of power, the Prosecutors further refer to their statement at the Federal Court of Justice, dated August 12, 2020. In addition, according to Anwar Raslan, PW2\_97 was only aware that some detainees were referred to Raslan, but not how exactly these detainees were released or how much power Raslan had.*

- III) *The request to summons PW3\_97 must be rejected. PW3\_97 allegedly resides in [REDACTED] and would testify that he was detained at Al-Khatib for four days (although it is not clear when he was detained there) and that Raslan treated him well during this time and eventually released him. Further, PW3\_97 would testify that [P31's](#) parents were allowed to bring food to the Branch and that P31 was allowed to eat his food in Raslan's office. In addition, PW3\_97 is supposed to testify that Raslan asked government employees why they continued to arrest innocent people.*

*The Defense's request lacks connectivity and therefore does not meet the threshold pursuant to § 244 (3) s.1 StPO.*

*The Defense's request is missing information about how PW3\_97 knows this information, and in general only provides vague information. For example, it is not clear when PW3\_97 was detained at Al-Khatib, or why and how he was arrested. It is further unclear how, when and where he was in contact with Anwar Raslan and how he knew about Raslan's efforts regarding his release.*

*According to all evidence taken so far, one must assume that detainees at Branch 251 were usually held in the underground prison at a building close to Baghdad Street in Damascus. Detainees were only taken to other buildings for interrogations. It remains unclear how PW3\_97 could have witnessed P31's parents bringing food to the Branch and P31 eating this food at Raslan's office.*

*If one considers the Defense's request to be a request to take evidence, the predicted evidentiary value is so limited that summons of PW3\_97 is not necessary. According to a decision by the Judges dated [October 13, 2021](#), Raslan was involved in the arrest and referral of detainees. PW3\_97's testimony would merely provide information on individual support from Raslan to some detainees.*

Presiding Judge Kerber handed out paper and digital copies [CDs] of the prosecutors' statements.

Defense Counsel Fratzky said the defense reserved its right to provide a response to the Prosecutors' statements.

Presiding Judge Kerber explained that the court decided on October 19, 2021 to refrain from hearing another female witness. Copies of the e-mail conversation between Judge Wiedner and a police officer regarding this witness, and the German translation of a screenshot provided by [P54](#) were sent to the parties to the case.

Defense Counsel Böcker asked to talk to his clients for 30-60 minutes after the session to clarify aspects of future requests to take additional evidence that the Defense intends to submit the following day. Böcker added that the Defense already finalized some requests, however, it decided to submit all requests at once on the following day, after they spoke to their client. Judge Kerber consulted the court guards and confirmed that the Defense could talk to their client for thirty minutes after the session.

The proceedings were adjourned at 9:54AM.

### **Trial Day 100 – October 27, 2021**

The proceedings began at 9:35AM with two spectators and two journalists in the audience. The Prosecution was represented by Prosecutors Klinge and Polz. Plaintiff Counsels Dr. Kroker and Dr. Oehmichen were not present. Plaintiff Counsel Bahns joined five minutes late.

#### **Administrative Matters**

After opening the session, Presiding Judge Kerber announced that the Defense Counsels would now read out the requests to take additional evidence, as the Defense announced they would the previous day.

Defense Counsels Fratzky and Böcker explained that they already provided the signed copies of the following requests to the court interpreters to ease simultaneous interpretation. Defense Counsels Fratzky and Böcker took turns reading out the following requests.

[The following are recreations of the Defense's requests, based on what the Trial Monitor was able to hear in court.]

#### **Request to summons [PW1\_100], living in [REDACTED]**

- I) *PW1\_100 held the rank of a [REDACTED] in Syria and attended three training courses with Anwar Raslan. He helped Raslan escape and defect, together with [REDACTED] and [P54](#). PW1\_100 knows from conversations he had with Raslan about Raslan's pro-revolution attitude. From these conversations, as well as from his own close connections to government circles, PW1\_100 also knows that as early as one or two months after the start of the revolution, Raslan opposed the government and wanted to defect. However, Raslan was unable to safely leave the country with his family at that time and therefore he had to delay his escape. PW1\_100 can further testify that Raslan did not want to go along with the government's handling of the revolution and had his bags packed by the start of the revolution. PW1\_100 obtained this knowledge from conversations he had with Raslan in November 2012 regarding Raslan's escape. PW1\_100 and Raslan were both part of a committee on travel restrictions for retired officers over the age of 66 years. After a session of the committee at the Ministry of Interior, PW1\_100 and Raslan went to PW1\_100's office and spoke about Raslan's escape and the bad conditions at Branch 251. PW1\_100 had the same opinion as Raslan. During this conversation, Raslan also told PW1\_100 that he would contact people in Jordan regarding his escape. PW1\_100 defected one or two days before Raslan and went to Jordan, where the two of them met again. PW1\_100 is a Sunni like Raslan and is familiar with the problems that come with that. PW1\_100 also knows about the problem that Hafez Makhlouf detained people at Branch 251 and oversaw their torture at this Branch. PW1\_100 can testify how on one instance, when Raslan heard screams from the basement prison, he called there and was told that Mohammad Abdallah and others were in charge of torturing detainees.*
- II) *The decision dated July 21, 2021 makes it necessary to hear PW1\_100, since the decision holds Raslan responsible for almost everything that happened at Al-Khatib Branch. The decision further lacks legal elaborations on the topic of aiding and abetting. However, Raslan's authority to give orders and his organizational authority at Branch 251 was very limited due to him being Sunni. Raslan tried to help detainees and eventually defected.*

*Division 40 and Hafez Makhoul, as well as Alawites in general, were the ones in power at the Branch. Raslan's attitude allows for conclusions on his behavior during his time at Branch 251. [Defense Counsel Fratzky added that the following paragraph would also be a reply to the Prosecutors' statement from the previous day.]*

- III) *Pursuant to § 244 StPO, a request to take evidence first requires one to (1) precisely describe an allegation or fact, (2) to name the evidence that is proposed to prove this allegation or fact, and (3) show connectivity between the alleged fact and the evidence proposed to prove the fact. Regarding requests to summons and hear witnesses, it is consequently required to detail in the request why the witness is supposed to testify about certain things. However, this is not required if the connectivity requirement becomes apparent from the overall context. On the issue of how and why a witness obtained knowledge of certain things, the Prosecutors stated that 'nebulous conversation without providing a time when these conversations allegedly took place' are insufficient for a request to summon and hear a witness. The Defense points out that the requirements for requests to take additional evidence must be set lower for witnesses from abroad. It must therefore be sufficient to state that someone had a conversation with someone else without specifying the time or providing a broad time frame. It must further be sufficient to draw a person's knowledge of certain facts from the person's rank or position within the government. The present trial is a trial of international nature, dealing with acts committed abroad, and is of international interest. In light of this and the fact that many of the charged crimes took place ten years ago, it is hard for the Defense to conduct its own investigations. The Defense does not have the capacities like the BKA or intelligence services with their specialized personnel. If one is to say that conducting a trial under universal jurisdiction is "prosecution without borders", the limitations to requests to take evidence must be set lower than in usual trials. It would otherwise violate the constitutional provision of the German state under the rule of law. The investigation of the truth must not fail due to lacking connectivity in requests to take evidence. The defense can only provide rather broad descriptions of a requested witness' testimony, however, restrictions in this regard would unproportionally restrict the work and rights of the Defense.*

Defense Counsel Fratzky stressed that paragraph III would be the Defense's reply to the Prosecutors' statement from the previous day. Fratzky added that the Defense also objects to the Prosecutors' statements regarding PW2\_97/PW2\_100 and insists to summon and hear him as a witness.

**Request to summons [PW2\_97/PW2\_100] (phone number provided by P54)**

- I) *PW2\_97/PW2\_100 was a major and also known as Abu Mahmoud in [REDACTED]. He acted as an intermediary between his town [REDACTED] and Branch 251. One week after the start of the revolution, PW2\_97/PW2\_100 was at Raslan's office at the Branch. PW2\_97/PW2\_100 is able to testify that Raslan released 30 to 40 detainees every week but had to consult Tawfiq Younes, who was the head of the Branch, for every release. Raslan always told Younes that the detainees would be unarmed, innocent civilians. PW2\_97/PW2\_100 and Raslan spoke about government attacks on their respective hometowns. Between April 2011 and summer 2011, PW2\_97/PW2\_100 went to Raslan every week to pick up 30 to 40 detainees. After that, it was no longer possible for PW2\_97/PW2\_100 to continue this practice since [REDACTED] took over all of Raslan's tasks at the Branch. There was only one single exception: when someone named Youssef was released after two or three hours in detention after PW2\_97/PW2\_100 contacted Raslan regarding Youssef's detention. Youssef was an opposition activist and participated in every demonstration. Raslan further told PW2\_97/PW2\_100 at an early stage that he wanted to defect.*



*Raslan's positive attitude towards the opposition is also known to PW2\_97/PW2\_100 due to the many conversations the two of them had. They also spoke about how very sad they were over government attacks on their respective hometowns.*

- II) *The decision dated July 21, 2021 makes it necessary to hear PW2\_97/PW1\_100, since the decision holds Raslan responsible for almost everything that happened at Al-Khatib Branch. The decision further lacks legal elaborations on the topic of aiding and abetting. However, Raslan's authority to give orders and his organizational authority at Branch 251 was very limited due to him being Sunni. Raslan tried to help detainees and eventually defected. Division 40 and Hafez Makhoulf as well as Alawites in general were the ones in power at the Branch. Raslan's efforts to defect and escape have direct implications on the charged acts and his attitude allows for conclusions on his behavior during his time at Branch 251.*
- III) 1) *The requirements on reachability of witnesses living abroad pursuant to § 244 (5) s.2 StPO must be placed lower for the purpose of this trial. This trial deals with acts committed abroad and is of international interest. Witnesses living abroad were and are daily business in this trial. The Court's efforts in determining the truth pursuant to § 244 (2) StPO must be higher regarding such witnesses. Other forms of summoning witnesses, such as making telephone calls or contacting them via email, are possible and have been applied in the past.*
- 2) *Pursuant to § 244 StPO, a request to take evidence first requires one to precisely describe an allegation or fact, to name the evidence that is proposed to prove this allegation or fact, and to show connectivity between the alleged fact and the evidence proposed to prove the fact. Regarding requests to summons and hear witnesses, it is consequently required to detail in the request why the witness is supposed to testify certain things. However, this is not required if the connectivity becomes apparent from the overall context.*
- 3) *On the issue of how and why a witness obtained knowledge of certain things, the Prosecutors stated that 'nebulous conversation without providing a time when these conversations allegedly took place' are insufficient for a request to summons and hear a witness. The Defense points out that the requirements for requests to take additional evidence must be set lower for witnesses from abroad. It must therefore be sufficient to state that some had a conversation with someone without specifying the time or providing a broad time frame. It must further be sufficient to draw a person's knowledge of certain facts from the person's rank or position within the government. The present trial is a trial of international nature, dealing with acts committed abroad, and is of international interest. In light of this and the fact that many of the charged crimes took place ten years ago, it is hard for the Defense to conduct its own investigations. The Defense does not have the capacities like the BKA or intelligence services with their specialized personnel. If one is to say that conducting a trial under universal jurisdiction is "prosecution without borders", the limitations of requests to take evidence must be lower than in usual trials. It would otherwise violate the constitutional provision of the German state under the rule of law. The investigation of the truth must not fail due to lacking connectivity in requests to take evidence. The defense can only provide rather broad descriptions of a requested witness' testimony, however, restrictions in this regard would unproportionally restrict the work and rights of the Defense.*

[Judge Kerber reminded Defense Counsel Fratzky to read slower so that the court translators could follow. The court translators swapped after these two requests and took turns in the further course.]

**Request to summons Dr. Kamal Al-Labwani [PW3\_100], living in [REDACTED], as a witness and expert**

*Dr. Al-Labwani, who is requested to be summoned and heard as a witness and expert, indicated his willingness to testify in court in Koblenz to Raslan's family.*



- I) *Dr. Al-Labwani is a [REDACTED] citizen. He worked as a doctor in Syria and is one of the leading members of the Syrian opposition. Dr. Al-Labwani met with Anwar Raslan in Jordan after the latter defected. PW3\_93 and Raslan both worked for the opposition and amongst others participated in talks in Geneva. Dr. Al-Labwani can testify that in 2011 Anwar Raslan was responsible for the release of PW3\_93 who was detained between one and ten days. Both later worked for Dr. Al-Labwani as part of the opposition. The three of them therefore had several conversations. Dr. Al-Labwani can further testify that Hafez Makhoulf was the 'instance of power' at Branch 251, which was amongst others due to his family relations to the President Bashar Al-Assad. Dr. Al-Labwani knows this from his work with the opposition. Dr. Al-Labwani further has his own [YouTube Channel](#) where he is posting videos on the history of Syria and the revolution on a daily basis. He is therefore a suitable expert on Syria and the Syrian revolution.*
- II) *The decision dated July 21, 2021 makes it necessary to hear Dr. Al-Labwani, since the decision holds Raslan responsible for almost everything that happened at Al-Khatib Branch. The decision further lacks legal elaborations on the topic of aiding and abetting. However, Raslan's authority to give orders and his organizational authority at Branch 251 was very limited due to him being Sunni. Raslan tried to help detainees and eventually defected. Division 40 and Hafez Makhoulf as well as Alawites in general were the ones in power at the Branch. Raslan's efforts to defect and escape have direct implications on the charged acts and his attitude allows for conclusions on his behavior during his time at Branch 251. In determining whether one went along with what happened at the Branch, it makes a difference if this person helped one or many detainees.*
- III)
  - 1) *The requirements on reachability of witnesses living abroad pursuant to § 244 (5) s.2 StPO must be placed lower for the purpose of this trial. This trial deals with acts committed abroad and is of international interest. Witnesses living abroad were and are daily business in this trial. The Court's efforts in determining the truth pursuant to § 244 (2) StPO must be higher regarding such witnesses. Other forms of summoning witnesses, such as making telephone calls or contacting them via email are possible and have been applied in the past.*
  - 2) *Pursuant to § 244 StPO, a request to take evidence first requires one to precisely describe an allegation or fact, to name the evidence that is proposed to prove this allegation or fact, and to show connectivity between the alleged fact and the evidence proposed to prove the fact. Regarding requests to summons and hear witnesses, it is consequently required to detail in the request why the witness is supposed to testify certain things. However, this is not required if the connectivity becomes apparent from the overall context.*
  - 3) *On the issue of how and why a witness obtained knowledge of certain things, the Prosecutors stated that 'nebulous conversation without providing a time when these conversations allegedly took place' are insufficient for a request to summons and hear a witness. The Defense points out that the requirements for requests to take additional evidence must be set lower for witnesses from abroad. It must therefore be sufficient to state that someone had a conversation with someone else, without specifying the time or providing a broad time frame. It must further be sufficient to draw a person's knowledge of certain facts from the person's rank or position within the government. The present trial is a trial of international nature, dealing with acts committed abroad, and is of international interest. In light of this and the fact that many of the charged crimes took place ten years ago, it is hard for the Defense to conduct its own investigations. The Defense does not have the capacities like the BKA or intelligence services with their specialized personnel. If one is to say that conducting a trial under universal jurisdiction is "prosecution without borders", the limitations of requests to take evidence must be lower than in usual trials. It would otherwise violate the constitutional provision of the German state under the rule of law. The investigation of the truth must not fail due to lacking connectivity in requests to take evidence.*

*The defense can only provide rather broad descriptions of a requested witness' testimony, however, restrictions in this regard would unproportionally restrict the work and rights of the Defense.*

Defense Counsel Böcker noted that § 184 of the German Court Constitution Act (GVG) would be the core of the Defense's reasonings.

**Request to summons a witness, following the decision to not summon female witness Z121020528**

- I) *Z121020528 was initially supposed to be summoned for October 26, 2021. However, after a phone call between Presiding Judge Kerber and CCI Frey, Kerber decided to refrain from summoning Z121020528. While the Defense does not know about the precise content of this phone call, Presiding Judge Kerber added a handwritten note to the file in which she explained that the witness's in-court testimony would require measures by the BKA and its partners. However, these measures could only be granted in calendar week 45 since the BKA does not have the respective capacities before that.*
- Z121020528 is, however, still relevant to this trial. This is not waived by the fact that the BKA currently has no time to accompany the witness and can only do so in week 45.*

**Request to summons [PW4\_100], living in [REDACTED], as a witness**

- I) *PW4\_100 worked as an interrogation officer at Branch 251 with Anwar Raslan for two years until the start of the revolution. PW4\_100 will be able to testify that not a single detainee died at the Branch before the revolution. He can further testify that members of Division 40 conducted interrogations at Branch 251 and tortured detainees before the revolution and did increasingly so after the start of the revolution. PW4\_100 can further say that due to orders at Branch 251, Anwar Raslan was not allowed to intervene in March 2011, however, he helped detainees by releasing them as part of his daily transcript work. Division 40 was in power of Branch 251 and the relevant prison. PW4\_100 can testify that members of Division 40 created interrogation reports and used employees of Branch 251 for their purposes, such as to identify persons they considered traitors. As early as May 2011, Raslan was deprived of all his powers. PW4\_100 is able to confirm this because he was transferred to [REDACTED] in May 2011.*
- II) *PW4\_100's testimony will further support Anwar Raslan's statements made in this trial.*
- III) *The requirements of reachability of witnesses living abroad pursuant to § 244 (5) s.2 StPO must be placed lower for the purpose of this trial. This trial deals with acts committed abroad and is of international interest. Witnesses living abroad were and are daily business in this trial. The Court's efforts in determining the truth pursuant to § 244 (2) StPO must be higher regarding such witnesses. Other forms of summoning witnesses, such as making telephone calls or contacting them via email are possible and have been applied in the past. PW4\_100 indicated that he is willing to testify via video link.*

Presiding Judge Kerber asked the defense how many more requests they would read out. Defense Counsel Böcker said they had three more requests.

**Request to summons [PW5\_100], living in [REDACTED], as a witness**

- I) *PW5\_100 will testify that Anwar Raslan was transferred from Branch 285 to the Espionage Branch, Branch 300, at the end of 2006. Raslan could therefore not have been present at Branch 251 in 2007, as one of the previous witnesses stated. PW5\_100 himself was transferred from Branch 300 to Branch 251 in 2007. Anwar Raslan took over PW5\_100's task at Branch 300. PW5\_100 was the head of the Interrogation Division at Branch 251 until 2008 when he was succeeded by Anwar Raslan.*

PW5\_100 was then transferred to Branch 285 and the police before he eventually defected. PW5\_100 can say that he was unable to act within his Division at Branch 251 due to a conflict he had with Lieutenant Colonel Mohammad Abdallah about [...].

- II) The decision dated July 21, 2021 makes it necessary to hear PW5\_100, since the decision holds Raslan responsible for almost everything that happened at Al-Khatib Branch. The decision further lacks legal elaboration on the topic of aiding and abetting. However, Raslan's authority to give orders and his organizational authority at Branch 251 was very limited due to him being Sunni. Raslan tried to help detainees and eventually defected. Division 40 and Hafez Makhoulf as well as Alawites in general were the ones in power at the Branch. Raslan's efforts to defect and escape have direct implications on the charged acts and his attitude allows for conclusions on his behavior during his time at Branch 251.

PW5\_100 is further relevant in light of [P35's](#) testimony. Raslan was not the head of the Interrogation Division at Branch 251 in 2007. P35's testimony is therefore incorrect with regard to Raslan's activities in 2007.

- III) The requirements on reachability of witnesses living abroad pursuant to § 244 (5) s.2 StPO must be placed lower for the purpose of this trial. This trial deals with acts committed abroad and is of international interest. Witnesses living abroad were and are daily business in this trial. The Court's efforts in determining the truth pursuant to § 244 (2) StPO must be higher regarding such witnesses. Other forms of summoning such as telephone calls or email are possible and have been applied in the past.

**Request to summons Manaf Tlass [PW6\_100], living in [REDACTED], as a witness (number provided by P54)**

- I) Tlass is a former Syrian Brigadier General, now living in [REDACTED]. He escaped Syria in July 2012 with the help of the [REDACTED] intelligence service. His father served as [REDACTED] for over thirty years. [The Defense cited from an interview that Tlass gave to the [BBC: @14:08 – 14:45](#), the translation was provided by the Defense team's translator]. PW6\_100 will testify that Hafez Makhoulf was the head of Division 40 and gave orders and tortured detainees at Branch 251. Makhoulf's power was so great that he was able to act without the knowledge of the president and no one could disobey his orders without being detained or even killed, even if one had a higher rank than Makhoulf.

- II) The decision dated July 21, 2021 makes it necessary to hear Manaf Tlass since the decision holds Raslan responsible for almost everything that happened at Al-Khatib Branch. The decision further lacks legal elaborations on the topic of aiding and abetting. However, Raslan's authority to give orders and his organizational authority at Branch 251 was very limited due to him being Sunni. Raslan tried to help detainees and eventually defected. Division 40 and Hafez Makhoulf as well as Alawites in general were the ones in power at the Branch. Raslan's efforts to defect and escape have direct implications on the charged acts and his attitude allows for conclusions on his behavior during his time at Branch 251.

Tlass' testimony is also relevant in light of what P54 said about Manaf Tlass: that he was leading the Republican Guard but changed his attitude when the revolution started; that he disapproved of the military reaction to the revolution, but Bashar Al-Assad did not listen to his suggestions; that Manaf Tlass and Hafez Makhoulf had an argument about a more rational solution for the revolution, and that no one could simply disobey Makhoulf's orders. In light of these statements by P54 about Tlass, one can conclude that Anwar Raslan, who was not as high-ranking as Manaf Tlass, would have been killed in case of disobedience. Manaf Tlass' testimony will also confirm that Hafez Makhoulf was the source of power at Branch 251 and that even a high-ranking, long-serving officer like Tlass could only defect and flee.

*A lower-ranking officer without relevant connections would have risked detention or even death in case of disobedience. Anwar Raslan's help for detainees must be evaluated in light of this and acknowledged accordingly.*

- III) 1) *The requirements on reachability of witnesses living abroad pursuant to § 244 (5) s.2 StPO must be placed lower for the purpose of this trial. This trial deals with acts committed abroad and is of international interest. Witnesses living abroad were and are daily business in this trial. The Court's efforts in determining the truth pursuant to § 244 (2) StPO must be higher regarding such witnesses. Other forms of summoning witnesses, such as making telephone calls or contacting them via email are possible and have been applied in the past.*
- 2) *Pursuant to § 244 StPO, a request to take evidence first requires one to precisely describe an allegation or fact, to name the evidence that is proposed to prove this allegation or fact, and to show connectivity between the alleged fact and the evidence proposed to prove the fact. Regarding requests to summons and hear witnesses, it is consequently required to detail in the request why the witness is supposed to testify certain things. However, this is not required if connectivity becomes apparent from the overall context.*
- 3) *On the issue of how and why a witness obtained knowledge of certain things, the Prosecutors stated that 'nebulous conversation without providing a time when these conversations allegedly took place' are insufficient for a request to summons and hear a witness. The Defense points out that the requirements for requests to take additional evidence must be set lower for witnesses from abroad. It must therefore be sufficient to state that someone had a conversation with someone else, without specifying the time or providing a broad time frame. It must further be sufficient to draw a person's knowledge of certain facts from the person's rank or position within the government. The present trial is a trial of international nature, dealing with acts committed abroad, and is of international interest. In light of this and the fact that many of the charged crimes took place ten years ago, it is hard for the Defense to conduct its own investigations. The Defense does not have the capacities like the BKA or intelligence services with their specialized personnel. If one is to say that conducting a trial under universal jurisdiction is "prosecution without borders", the limitations of requests to take evidence must be lower than in usual trials. It would otherwise violate the constitutional provision of the German state under the rule of law. The investigation of the truth must not fail due to a lack of connectivity in requests to take evidence. The defense can only provide broad descriptions of a requested witness's testimony, however, restrictions in this regard would disproportionately restrict the work and rights of the Defense.*

#### **Request to summons Gerhard Conrad as an expert**

*Request to summons an expert on Islamic Studies with a focus on Syria, to testify about the power structures in Syria, particularly regarding to Branch 251, Hafez Makhoul, and Division 40, as well as the structures between Alawites and Sunnis.*

*The Defense proposes to hear [Gerhard Conrad](#), who according to Wikipedia [German entry] is a retired German intelligence officer with experience working in Damascus and the Middle East. He retired in 2011 and is a Visiting lecturer at King's College and a member of the Roundtable of Intelligence Services in Germany. His testimony is based on his professional background and own personal experiences.*

- I) *On April 28, 2020 the Court heard from Ms. Thurmman who provided an overview of Syrian history and a media analysis of what happened during the revolution. [The Defense provided a comprehensive summary of Thurmman's testimony. For a summary and her full testimony, see [TR#1](#), trial day 3].*



*An additional expert report will show that Anwar Raslan had no power and had to follow orders of Hafez Makhlouf. Anwar Raslan could neither order torture nor prevent what Division 40 was doing. Within his limited capacities, Raslan tried to help detainees regardless of the dangers for his own life.*

- II) *The decision dated July 21, 2021 makes it necessary to hear Mr. Conrad since the decision holds Raslan responsible for almost everything that happened at Al-Khatib Branch. The decision further lacks legal elaborations on the topic of aiding and abetting. However, Raslan's authority to give orders and his organizational authority at Branch 251 was very limited due to him being Sunni. Raslan tried to help detainees and eventually defected. Division 40 and Hafez Makhlouf as well as Alawites in general were the ones in power at the Branch. Raslan's efforts to defect and escape have direct implications on the charged acts and his attitude allows for conclusions on his behavior during his time at Branch 251. Anwar Raslan put his own life at risk when he turned against the regime. In assessing contribution under the German Criminal Code and the Code against International Crimes, examining the backgrounds is crucial. Ms. Thurmman's expertise was far from being sufficient for these purposes. The Defense therefore requests to hear Mr. Conrad.*

Presiding Judge Kerber asked the Defense whether their statement on the Prosecutors' statement would be submitted and read out. Defense Counsel Fratzky affirmed, saying that it would be paragraph III/2 of the previous requests and since he already read it out four or five times, he sees no necessity to read it again. Kerber concluded that the deadline for submitting the statement would be met.

None of the parties provided a statement on the Defense's new requests. Prosecutor Klinge said he and his colleague would reserve the right to provide statements and would try to submit the statements in writing before the next trial day.

Presiding Judge Kerber announced a 30-minutes break to prepare copies of all submitted requests for the parties and to discuss additional administrative issues afterwards.

\*\*\*

[35-minute break]

\*\*\*

After handing out the copies of all submissions made on this day, Kerber announced that the Judges have to read out a decision regarding charges of crimes committed against the plaintiffs:

*Supplementing the decision dated July 21, 2021 on crimes committed against the plaintiffs in this trial pursuant to German domestic criminal law, the Judges consider that all acts were committed unanimously together with jointly performed dangerous bodily harm, [§ 224 \(1\) No. 4 StGB](#).*

Based on recent phone calls he made with several people, Judge Wiedner added a note to the case file:

*On October 25, 2021 Judge Wiedner had phone call with an officer at the Ministry of Justice of Rhineland-Palatinate who is in charge of legal assistance requests. This person informed Wiedner that legal assistance requests issued to Egypt would only be processed very slowly and it would be difficult to estimate how long such requests would take to be processed by Egyptian authorities. A request related to a confiscated truck was issued in 2017 and until this day, there has not been a reply from the Egyptian authorities. Another legal assistance request related to the transfer of files was issued in 2018 and it took one year to be processed.*



*A request from 2011 remained unaddressed for six months and eventually was withdrawn since it could no longer be considered in the relevant trial. The officer further explained to Wiedner that there was no legal basis to have audio-visual testimonies of witnesses in Egypt.*

*Wiedner further called the German embassy in Cairo on October 26, 2012<sup>1</sup> The relevant officer there confirmed to Wiedner that the above descriptions were similar to his own experiences. He also added that it is questionable if requests would be processed at all. According to the officer at the embassy, legal assistance requests would take at least four to six months to be processed, however, it usually takes one year, and some are never processed at all. However, it would depend on political aspects and intelligence background of the requests. The officer explained to Wiedner that the Egyptian intelligence service has a veto right concerning certain legal assistance requests of special interest. This would lead to some request never being processed or being blocked.*

Presiding Judge Kerber explained that the Judges are unable to provide information about the schedule and content of the next trial days. They would have to make several phone calls and as of now, the next trial day would take place as initially scheduled.

The proceedings were adjourned at 11:28AM.

The trial will resume on November 3, at 9:30AM.

## **TRIAL OF ANWAR RASLAN**

Higher Regional Court – Koblenz, Germany  
Trial Monitoring Report 51  
Hearing Date: November 4, 2021

*CAUTION: Some testimony includes descriptions of torture.*

### **Summaries/Highlights:<sup>1</sup>**

#### **Day 101 – November 4, 2021**

P56, a former colonel at the Syrian Ministry of Interior and a long-time friend of Raslan, told the Court that Raslan defected relatively later than other members of the military because he was concerned about his family and he had to take a long route to Jordan littered with military checkpoints. P56 also identified Hafez Makhoul as the head of Al-Khatib Branch and said Raslan was under immense pressure from Makhoul.

The Prosecutors objected to hear additional witnesses requested by the defense. According to the Prosecutors, whether or not Raslan helped people or planned to defect was irrelevant because he knowingly followed through on orders to have thousands of individuals tortured and he reported back to his superiors regarding the successful completion of those orders. The Presiding Judge announced that the Court undertook immense efforts to secure witnesses for the following trial days, however, it was not possible in many cases.

#### **Trial Day 101 – November 4, 2021**

The proceedings began at 9:40AM with four spectators and three journalists in the audience.<sup>2</sup> Two cameramen took videos and photos before the start of the session. The prosecution was represented by Prosecutors Klinge and Polz. Plaintiff Counsel Schulz was not present.

The witness waited in the last row of the public gallery before the start of the session.

#### **Testimony of P56**

Presiding Kerber apologized to P56 for mispronouncing his name and informed him about his right and duties as a witness. P56, a 59-year-old Syrian living in [REDACTED] and former colonel at the Syrian Ministry of Interior denied being related to the defendant by blood or marriage. [REDACTED]

#### **Questioning by Judge Kerber**

Presiding Judge Kerber explained that she was going to ask P56 general questions before her colleague, Judge Wiedner, would continue with in-depth questions. Before starting her questioning, Kerber asked Plaintiff Counsel Scharmer if he had any concerns because he looked slightly confused.

<sup>1</sup> 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.

<sup>2</sup> Note from the Trial Monitor: One of the accredited Arabic-speaking journalists was given headphones after the break to follow the in-court interpretation.

Plaintiff Counsel Scharmer said he assumed that P56 was to be informed about his right under § 55 StPO since, according to the Defense's request that proposed P56 as a witness in this trial, P56 worked at the same Branch as Raslan. Judge Kerber said she did not see any necessity in this regard. Defense Counsel Böcker intervened, saying since other witnesses in a similar capacity testified in this trial without any issues, he thought that it was irrelevant to inform P56 about his rights under § 55 StPO. Böcker concluded that there were no indications as to why P56 should be informed about these rights. No other parties provided statements in this regard. Presiding Judge Kerber said it was unnecessary to inform P56 about his right under § 55 StPO.

Defense Counsel Böcker said he could not hear the Presiding Judge very well. Kerber pulled the microphone closer and started her questioning of P56.

Kerber asked P56 who he was, what he did in Syria, and how he came into contact with Raslan. P56 said he did not work in the same area as Raslan. He worked at the Ministry of Interior on police issues.

Kerber wanted to know how P56 came into contact with Raslan. P56 said he and Raslan were friends and colleagues because they attended police academy together in 1992. According to P56, Raslan was among the top three of their class and therefore started working at State Security after their one-year training and graduation. P56 stayed with the police. He added that he and Raslan were friends. They stayed in touch, but they did not visit each other until the end of October in 2012. At that time, there was an assembly at the Ministry of Interior to establish a council in order to deal with the issue of retired officers. Raslan and P56 were both members of this council. After the assembly – which took place at the Ministry of Interior where P56 worked – he invited Raslan to his office for a coffee. P56 and Raslan spoke about the events in Syria and Raslan told P56 that he wanted to defect. Raslan “made it clear” to P56 that he wanted to leave the office and Syria. P56 then explained to Raslan that he himself “was sitting on packed bags” and would be leaving the country within the next two days. Raslan therefore asked P56 for help and they agreed on a plan: they agreed to only talk about their defection by using codes. P56 told the court that the phones of all officers were monitored so they decided to refer to the people helping them as ‘you are invited for lunch’. P56 went on to tell the Court that he contacted people in Jordan who wanted to help him, including [REDACTED], who in turn was willing to help Raslan. P56 gave them each other's number and Raslan contacted [REDACTED]. P56 added that he left Syria two days after his meeting with Raslan, then Raslan followed and left Syria two weeks later. However, according to P56, Raslan's journey was more difficult than his own because P56 lived in a town close to the Jordanian border. Whenever he went home from his workplace, the Ministry of Interior, no one asked him where he was going, while Raslan was from a town close to Homs with many military checkpoints on the way to the border. People would have noticed that he was moving toward the border. Raslan therefore had to take a detour via Dara'a, Damascus suburbs and Sweida.

Kerber asked whether P56 knew if someone called [P54] helped Raslan. P56 denied.

#### **Questioning by Judge Wiedner**

Judge Wiedner said his first question referred to how P56 got to know Raslan in 1992 when they did their training together. He asked P56 what kind of training that was and what kind of people were trained to do which tasks. P56 explained that there were 50 students training to become officers. All of them previously studied law and then took a voluntary training at the police academy. Courses dealt with all aspects of police work, such as crimes and drugs.

Wiedner recalled that Raslan joined the Intelligence Services after this training and asked P56 if the training was geared toward potential work with the Intelligence Services. P56 said he did not think so. It focused on police tasks, but it was possible that someone was accepted to another department afterwards.

Wiedner wanted to know what happened with Raslan after the training and where he worked afterwards. P56 said both of them were busy and had no time to visit each other. However, as friends they stayed in contact and asked each other about their families and children.

Wiedner said that was not what he wanted to know. He wanted to know where Raslan worked after the training. P56 said Raslan went straight to the State Security. He was dealing with crimes concerning the security of the state. P56 added that Raslan maybe also dealt with drug issues.

Wiedner asked at what Branch Raslan worked. P56 said Raslan worked at the State Security Branch in Damascus and was the deputy of the Investigation Division shortly before “the events”. According to P56, the head of the Branch was a cousin of Bashar Al-Assad, Hafez Makhoulf.

Wiedner asked for the number of the branch. P56 said he could not remember, maybe it was 225. It was known as Al-Khatib Branch.

Wiedner wanted to know if P56 knew who led Al-Khatib Branch. P56 said it was Brigadier General Hafez Makhoulf.

Wiedner asked P56 if he knew the name Tawfiq Younes. P56 affirmed that he heard the name.

Wiedner wanted to know who this person is. P56 said he might be the head of a different State Security branch.

Wiedner wanted to know if Raslan worked at Al-Khatib Branch ever since their training or if he also worked somewhere else. P56 said Raslan maybe worked as a police instructor for two years before starting at State Security.

Wiedner asked what P56 meant by “maybe” or if he knew that for certain. P56 explained that he knew Raslan was working as an instructor but was not sure for how long. It might have been one or two years.

Wiedner wanted to know how close P56’s contact to Raslan was since 1992. P56 said they did the one-year training together. They were friends and colleagues and in constant contact by telephone.

Wiedner asked how often they were in contact and whether they called each other or sent messages. P56 said they were in contact on special occasions, such as holidays. P56 added that it was normal in Syria that people acted as intermediaries, meaning they would contact each other and ask for favors. When Raslan needed anything police-related, he contacted P56.

Wiedner asked P56 to provide an example. P56 described how a doctor friend of his was arrested during the events in Syria. He was accused of treating wounded people. P56 therefore contacted Raslan, and his friend was released after two days.

Wiedner wanted to know when this happened. P56 said it was in early 2012.

Wiedner said he still did not understand what exactly P56 meant when he said that he and Raslan were friends. He asked P56 how often he and Raslan were in contact: once a week, once a month or rather once a year. P56 said he and Raslan were both very busy.

Sometimes they contacted each other once a year, sometimes multiple times per month. He added that they were in contact for special occasions.

Wiedner asked what they spoke about when they were in contact and what P56 knew about Raslan's work. P56 explained that he did not interfere with Raslan's matters. They spoke about their children. P56 added that Raslan was not allowed to talk about his work and P56 did not ask him about it.

Wiedner asked if they spoke about politics. P56 denied, adding they could not do so.

Wiedner asked if P56 knew something about Raslan's work at Al-Khatib Branch. P56 told the Court that demonstrators who were arrested during the events in Syria were taken to Al-Khatib Branch where they were interrogated.

Wiedner asked if P56 knew that from Raslan or somewhere else. P56 said he and Raslan spoke in P56's office in 2012. That was when Raslan told him that a couple of demonstrators were taken to the Branch and that he helped thirty of them to be released. He had to talk to the head of the Branch to do so. When P56 told Raslan that he must help these people, Raslan told him he could not always help them.

Wiedner asked if this was the meeting at P56's office that he previously mentioned when he and Raslan first met. P56 affirmed, adding it was two days before he left Syria.

Wiedner wanted to know when it exactly happened. P56 said it "could have been" on October 29, 2012. He said he left Syria on December 2, 2012.

Wiedner asked if they met two days before P56 left since P56 just said they met on October 29, 2021. After P56 turned to the interpreter, the latter told the Court that P56 had just asked him which month October would be and that he meant the eleventh month. Wiedner asked P56 whether he consequently meant November 29, before his departure. P56 affirmed that it was two days before that. Wiedner asked if P56 left on December 2, 2012. P56 affirmed, adding that Raslan left a few days later.

Wiedner asked P56 if he knew when Raslan left Syria. P56 said it was three or four days after him.

Wiedner said P56 previously mentioned a longer time span and asked P56 how he learned that Raslan left Syria. P56 said they both were in contact by phone after Raslan arrived in Jordan.

Wiedner wanted to know if P56 and Raslan also met in person. P56 said they met once.

Wiedner asked if they met in Jordan since they were in contact. P56 denied.

Wiedner asked P56 what he could tell the Court about his first meeting with Raslan. Wiedner recalled that it was on the occasion of the establishment of some sort of committee. He asked P56 who comprised the committee and what the committee's functions were. P56 explained that the Ministry of Interior established a council of five or six officers. P56 was the representative of the Ministry of Interior and Anwar Raslan represented State Security. There was also a brigadier general from Air Force Intelligence and a brigadier general from the Military Intelligence, as well as a brigadier general from the same division at the Ministry of Interiors as P56. This brigadier general was in charge of passport and migration issues. The aim of the committee was to come up with restrictions for retired officers who wanted to leave Syria.

Wiedner asked how many times the committee met. P56 said they had one assembly, maybe two but he thinks it was once.



Wiedner wanted to know whether P56 knew what Raslan was doing at this time and where he was working. P56 said when they met at his office it was the first time they met [again].

Wiedner asked from which Branch Raslan was sent [to the committee] and what his task was. P56 said it was Al-Khatib Branch. [Raslan seemed upset, gesticulating with his hands while talking to his translator who in turn spoke with Raslan's Defense Counsels.]

Wiedner wanted to know whether Raslan said that. P56 said Raslan told him, adding that P56 knew where Raslan was working and Raslan knew where P56 was working.

Wiedner recalled that first, P56 and Raslan both attended the assembly before they had a private conversation. He asked P56 to recall this conversation in detail. P56 recalled that after the assembly was over, everyone went their own ways and he invited [Raslan] to his office for a coffee because they were colleagues and friends, since they did their training together. P56 added that they both had not seen each other in a long time. It was therefore necessary to meet again and talk because the situation in Syria "was very precarious" at the time.

Wiedner asked what happened next. P56 told the court that "as he already mentioned," he asked Raslan [if he was going to flee Syria], because he felt that Raslan was under psychological pressure. Raslan then told P56 that he had to leave [Syria].

Wiedner wanted to know if P56 was surprised. P56 said of course he was surprised. He told Raslan that he was sitting on packed bags and ready to leave within the next two days. Raslan asked P56 how he was going to "do that" and if he could help him. P56 therefore contacted the person who wanted to help him. P56 explained to the Court that he contacted the person when he was at home, not in his office. He contacted him via Skype because it was less monitored. According to P56, the same person then contacted Anwar [Raslan].

Wiedner asked P56 if Raslan told him about earlier attempts to defect. P56 said he does not think so, however, [Raslan's] situation was different from his own situation: Raslan was from Homs, in the middle of Syria and was working in Damascus, and the easiest way to leave was to go to Jordan. P56 said Raslan was apparently looking for people to help him leave Syria. Maybe he got a chance that day.

Wiedner asked whether money had to be paid [for Raslan's escape]. P56 said he was in contact with Raslan via phone after Raslan arrived in Syria and he thinks that Raslan had to pay money. P56 added that Raslan's journey took ten days because he had to go from house to house, from farm to farm. According to P56, this was certainly expensive.

Wiedner asked if the two men had further contact in Jordan or at a later time. P56 explained that the two of them spoke about the events and the difficult situation of living in Syria when they were both in Jordan. They spoke about the fact that their children could no longer attend university. According to P56, that was the main issue they spoke about.

[The two court interpreters were quickly chatting with each other, as did the Judges.]

Wiedner wanted P56 to tell the Court what Anwar Raslan told P56 about the reasons for his defection. P56 said they did not talk about details, but he could see that [Raslan] was under psychological pressure. P56 went on to explain that the two of them left Syria at a point in time that some would consider quite late because many officers left before them. However, [fleeing] was dependent on the situation and opportunities. P56 said it could cost one his life to be arrested [while trying to leave the country].

Wiedner asked if Raslan told P56 why he did not defect earlier and why he was unable to try before. P56 denied, adding that he could not remember the details. He said he already mentioned earlier that it was not easy for an officer to leave Syria, it was depending on opportunities.

Wiedner wanted to know if Raslan spoke about his family in this regard. P56 said of course Raslan wanted to take his wife and children with him, otherwise they would have been arrested by the regime.

Wiedner asked if they spoke about that. P56 said of course Raslan said that he did not want to leave alone but only together with his family. P56 added that this was normal. He recalled that he himself went to Geneva in 2011 to attend a conference on human rights. He wanted to stay in Geneva, but his family was still in Syria, so he returned.

Wiedner recalled P56 mentioning psychological pressure on Raslan. Wiedner asked P56 if Raslan said anything on this matter, like where the pressure came from and what kind of pressure he faced. P56 said Raslan told him that he became tired of his work. P56 added that he already told the Court that Hafez Makhoulf was working in the same area [as Raslan]. Raslan was under [Makhoulf's] control and had to do everything Makhoulf wanted.

Defense Counsel Böcker intervened saying he had one question: who said that Hafez Makhoulf worked at the same area? Judge Wiedner replied that this was his next question anyway: how did P56 know that Hafez Makhoulf worked at the same area as Raslan? P56 explained that he was an officer at the Ministry of Interior. He of course knew who worked at the different branches because Damascus was relatively small.

Wiedner wanted to know whether what P56 just told the Court was what Raslan told him or what he concluded from his own experience. P56 said he knew that without Raslan telling him. P56 knew [Makhoulf]. P56 added that he knew that Hafez Makhoulf was the head of a Branch at the State Security.

Wiedner asked P56 who Hafez Makhoulf is and what branch he led. P56 said Hafez Makhoulf was the head of Al-Khatib Branch and enjoyed full sovereignty because he is the cousin of Bashar Al-Assad.

Wiedner asked about Makhoulf's rank. P56 said he was Brigadier General.

Wiedner wanted to know where Makhoulf's office was. P56 said it was in Damascus on Baghdad Street.

Wiedner asked P56 if he knew about Division 40. P56 said he thinks it was [Makhoulf's office].

Wiedner asked if the office and Division 40 were the same place. P56 said he thinks so, adding that if someone asked him questions about police matters, he would be able to answer all of them. However, he was unsure about the different State Security Branches.

Wiedner wanted to know if Anwar Raslan was under Hafez Makhoulf's influence when P56 met Raslan. P56 said of course he was, he was until the very last minute. According to P56, the name Hafez Makhoulf was frightening in Syria.

Wiedner explained that the Court heard that Raslan worked at Branch 285 at this time and not at Al-Khatib. P56 said what he knew was that Raslan was at Al-Khatib, however, it could have been possible that he was somewhere else.

After a short discussion, Presiding Judge Kerber announced a ten-minute break.

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[15-minute break]

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Judge Wiedner said he only had two short questions. He first wanted to know which rank P56 held when he defected. P56 said he was a Colonel.

Wiedner also wanted to know what Hafez Makhlouf's rank was as far as P56 would know. P56 said he was a Brigadier General. [Judge Wiedner consulted both interpreters to confirm that P56 indeed said Brigadier General ["ameed" عَمِيد]].

### **Questioning by the Prosecutors**

Prosecutor Klinge asked P56 whether he knew something about Raslan's political beliefs before they met in November 2012. P56 explained that Raslan was from Homs, more precisely Al-Houla, where more than a hundred people were killed, including neighbors, friends and relatives of Raslan. P56 said he knew Raslan as a friend and colleague, and he knew Raslan's morals and character as well. According to P56, Raslan definitely did not agree with [the killing in Al-Houla].

Klinge asked when the killing happened. P56 said it was at the end of 2011.

Klinge asked if it could have also been May 2012. P56 said he already told the Court that he could not remember details very well because it happened ten years ago.

Klinge wanted to know if P56 spoke with other people about Raslan's attitude. P56 denied, explaining that everyone kept that to himself.

Klinge asked if Raslan at one point spoke about the massacre in Al-Houla himself. P56 said of course. He added that he and Raslan had another colleague who also did his training together with the two and was from the same town. This colleague, [REDACTED] and his child were killed there.

Klinge recalled P56 mentioning that relatives of Anwar Raslan were killed as well. He asked P56 how he knew that. P56 explained that the massacre was in the same town [as Raslan was from] and it was a very small town. According to P56, there were certainly relatives, neighbors, and acquaintances of Raslan among those who were killed. P56 said one of them was the colonel whom he just mentioned.

Klinge wanted to know if Raslan told P56 about the conditions at Al-Khatib Branch in 2011 and 2012 or later. P56 denied, adding that they did not talk about details.

Klinge asked if Raslan said anything on this matter at all. P56 said no, quite the contrary. Raslan told him that he helped thirty people. They were protestors who were arrested at Al-Madamiyyeh in Damascus. Raslan convinced the head [of the Branch] that they were innocent and should be released.

Klinge asked who the head [of the Branch] was. P56 said he assumed it was Hafez Makhlouf.

Klinge further wanted to know if P56 was in contact with the Jordanian Intelligence Services before he fled to Jordan. P56 denied.

Klinge asked if P56 was questioned by the Jordanian Intelligence Services after his flight to Jordan. P56 affirmed.

Klinge asked what they wanted to know. P56 said they asked him personal questions, for example, where he had been working.

Klinge said Intelligence Services normally did not question people without a purpose and always had a special interest. He asked P56 whether he had an idea what this special interest was. P56 explained that every officer who defected was questioned by the Jordanian Intelligence Services. Their focus was on officers from the [Syrian] Intelligence Services, not the police.

Klinge wanted to know if many intelligence officers had defected at that time. P56 said the number of intelligence officers who defected was relatively low. More military and police officers had defected.

Klinge wanted to know what it looked like in Syria when P56 left: what the state of the regime was and where the frontlines were. P56 explained that the war was on the doorstep of Damascus. The situation in Syria was difficult. When P56 left, he heard gunshots everywhere.

### **Questioning by the Defense Counsels**

Defense Counsel Böcker recalled that P56 went on a trip to Geneva in 2011 but returned home because of his family. Böcker asked P56 to describe how he went to Geneva and what he did there. P56 explained that there was a conference. He was a member of a discussion board dealing with human rights in Syria. P56 said [the board] was supposed to discuss this matter. He was part of an official delegation led by the current Foreign Minister who was then the Minister of Justice, Faisal Muqdad. P56 was sent from the Ministry of Interior with another officer.

Böcker wanted to know in which month this happened, acknowledging that it happened a long time ago. P56 said it was in [October].

Böcker recalled that P56 fled in October [2012], asking P56 whether he had to pay money [to flee]. P56 said he personally did not have to pay money.

Böcker further recalled that P56 mentioned that he left Syria relatively late and that it was easier [to escape with one's family] the closer one was to Jordan. P56 confirmed.

Böcker asked if this circumstance affected the timing of one's escape, considering that people who were closer [to Jordan] could leave earlier. P56 said his situation was different from [Raslan's]. P56 lived in the border area and defected later because he was under no pressure since his work was solely administrative. Anwar [Raslan] however was from the middle of Syria. Things were therefore not that easy for him and he had to wait for an opportunity.

Böcker asked if P56 knew what Raslan or others in 'small Damascus' said about the beginning of 2011, the events in spring 2011. Böcker wanted to know if P56 held the same post throughout this period. P56 affirmed.

Böcker wanted to know if Anwar Raslan told P56 anything about what changed after the start of the events, since early to mid 2011 P56 said they did not talk about details, and he did not ask Raslan what and where he was working.

Regarding their talks, Böcker wanted to know what P56 had to expect what would happen between his meeting with Raslan and his escape, in case Raslan would have been a good servant [of the regime]. P56 asked if Böcker referred to whether P56 trusted Raslan. Böcker affirmed. P56 explained that he knew Raslan since 1992. He knew his morals, his character, which town he was from. P56 said Raslan opened his heart to him.

Böcker asked what would have happened if P56 trusted the wrong person. P56 said it could have cost him his and his children's lives.

Böcker concluded that P56 was aware of that. P56 said of course he was. He was cautious.

Defense Counsel Fratzky said he had another question regarding the conversation that P56 had on November 29. Fratzky recalled that P56 and Raslan were both members of a committee and he asked P56 if he spoke with Raslan [during the conversation on November 29] about where Raslan was working. Fratzky recalled P56 saying that Raslan worked at Al-Khatib. Fratzky wanted to know from P56 whether he knew [where Raslan was working] from what Raslan told him during this conversation or from the fact that they knew each other for a long time. P56 said he did not know if Raslan mentioned it, however, P56 already knew that Raslan was working at Al-Khatib Branch.

Fratzky further recalled P56 saying that Hafez Makhoulf was a Brigadier General, a relative of Bashar Al-Assad and had a lot of power. Fratzky wanted to know if Makhoulf was able to give orders to persons with a higher rank due to his family relations. P56 said that Makhoulf surely derived his power from his familial relation to the President. According to P56, Hafez Makhoulf gave orders to higher-ranking persons. His brother Rami was in control of the economy.

#### **Questioning by the Plaintiff Counsels**

Defense Counsel Dr. Kroker recalled that P56 mentioned he was in Geneva in “the tenth month of 2012.” He asked P56 whether it could have been September. P56 said he thinks it was “the tenth month.”

Kroker asked if the meeting was at the United Nations. P56 affirmed that it was at the UN.

Kroker asked if it was at the seat of the United Nations Human Rights Council. P56 affirmed, adding that there was a report on Syria and they discussed this report internationally. P56 added that it was a report which is issued every four years.

Kroker wanted to know if the report also included descriptions of the Intelligence Service’s prisons in Syria. P56 affirmed, explaining that the heads of the security branches dealt with this report before the events in Syria. Every minister was given the opportunity to make statements on his position.

Kroker asked what the report said about the conditions at the Intelligence Service’s prisons after April 2011. P56 said he did not know exactly.

Kroker recalled that P56 mentioned a meeting at the Ministry of Interior which took place on November 29 and included brigadier generals from the Ministry of Interior and the Intelligence Services. Kroker asked P56 for the names of these people. P56 said he could not remember names. The name of the colonel from the Ministry of Interior might have been Naji An-Numayri ناجي النميري, who was responsible for passport and migration issues.

Kroker asked about the ranks of other people who were present. P56 said there was a brigadier general from the Intelligence Services. There were three brigadier generals.

Kroker recalled P56 describing six people. He asked P56 whether he could remember who else was present. P56 said it was him, Anwar Raslan and three brigadier generals. There were five or six people in total.

P56 was dismissed as a witness at 11:27PM.

#### **Administrative Matters**

Presiding Judge Kerber announced that the session was not yet closed for the day since the Prosecutors had a statement to read out.



[The following are recreations of the Prosecutors' statements based on what the Trial Monitor was able to hear in Court.]

**Prosecutors' objection regarding the Defense's request to summons [PW2\_97/PW2\_100], [PW4\_100], and [PW5\_100] as witnesses**

- I) *The request to summon PW2\_97/PW2\_100 should be rejected pursuant to [§ 244 \(5\) s. 1&2 StPO](#) since the Court's duty to establish the truth does not require it to hear PW2\_97/PW2\_100 as a witness. The positive attitude of the Accused towards the opposition, as mentioned in the statement on October 26, 2021, is irrelevant to the events at the Division at issue. The Federal Court of Justice repeatedly found that intent is not waived if the final outcome of an act might not be desired.*  
*Raslan might have planned his escape for a year and a half, however, during this time, he continued working in his position, passing along orders that he knew were illegal and always reported back to his superiors on the successful completion of these orders. In its decision from [October 13, 2021](#), the Court found that occasional help by the Accused to individual detainees took place. However, this does not change the fact that within the same period, thousands of people were tortured with the Accused's acceptance. He could hear their screams at his office and refrained from helping them. His liability is not waived by his escape.*  
*The effort in terms of time and organization does not acceptably relate to the expected evidentiary value of PW2\_97/PW2\_100's testimony. [The prosecutors referred to their statement from [October 26, 2021](#) regarding efforts, expected duration and success of legal assistance requests to non-EU countries.]*
- II) *PW4\_100, a former interrogation officer at Branch 251 is supposed to confirm that no one died at the Branch before early 2011. This knowledge would, however, require that PW4\_100 was involved in all aspects at the Branch, which will most likely not be the case. It is also not apparent if this would have any effect on the question of facts and guilt. Even if PW4\_100 testifies for the purpose of showing that even after early 2011 no one died at the Branch, his summons should still be rejected pursuant to [§ 244 \(3\) s. 3 no. 2 StPO](#) [irrelevant for decision]. The general obligation of the Court to establish the truth would neither justify PW4\_100's summons. Moreover, PW4\_100 is supposed to testify that Hafez Makhoul's Division 40 conducted interrogations and torture at the Branch, controlled Al-Khatib Branch, independently wrote interrogation transcripts, and made use of Al-Khatib Branch personnel for its own purposes. Nonetheless, there is no connectivity between the temporal information provided in the Defense's request. PW4\_100 should also be rejected as a witness in this regard, considering that his testimony would be irrelevant for the decision. The request only offers possible conclusion but no mandatory conclusions. Anwar Raslan's liability is independent of a potential use of Al-Khatib Branch by Division 40. It would not prove a deprivation of power.*  
*It is also unclear what PW4\_100 is supposed to say in terms of the Accused's general behavior since this is not part of the indictment. The required connectivity between the request and the trial as laid out in [§ 244 \(2\) StPO](#) is not given since the alleged facts are irrelevant for the decision. PW4\_100 is also supposed to testify on orders by the head of Branch 251 given from March/May 2011 onwards. However, the Defense's request is not a formal request to take evidence on this matter since it lacks connectivity. The request does not elaborate on how PW4\_100 is supposed to know about this. The sole fact that PW4\_100 and Raslan both worked at the same Branch is insufficient, since not every employee knows about everything that is going on at a Branch, as P55's testimony showed. The same is applicable regarding Raslan's treatment of detainees and his alleged involvement in releases. The request is lacking precise information in this regard as well and only offers general information.*

*It remains unclear why, when, and how many detainees Raslan helped. It is further irrelevant how many detainees he helped before April 29, 2011 since it is not part of the indictment period. It is also not apparent how PW4\_100 should know that Raslan was completely stripped off his authority from May 2011 latest, as claimed in the request. This claim is further contrary to what Raslan himself stated on [May 18, 2020](#) when he said that he was stripped of power in June 2011.*

- III) *PW5\_100 is supposed to testify that Raslan did not work at Branch 251 in 2007 and thereby refute [P35's](#) testimony. This is, however, irrelevant pursuant to [§ 244 \(3\) s. 3 no. 2 StPO](#) as it does not matter where Anwar Raslan was working before April 2011 when he accepted and ordered horrible acts as part of a systematic and widespread attack against the Syrian civil population. Regarding the alleged differences between Raslan and Mohammad Abdullah, PW5\_100's testimony would be irrelevant pursuant to [§ 244 \(3\) s. 3 no. 2 StPO](#). PW5\_100 is supposed to testify that Anwar Raslan was completely hindered in doing his work and that there was enmity between Raslan and Abdullah. However, it is not apparent how this would affect the question of guilt.*
- IV) *Lowering the threshold for the requirement of connectivity for cases related to other countries, as proposed by the Defense, is not compatible with German law. The issue of witnesses who need to be summoned abroad is already addressed in [§ 244 \(5\) StPO](#). This legislation concerning summons of witnesses living abroad entered into force in 2000. When the German Code of Crimes Against International Law (CCAIL – VStGB) entered into force two years later, in 2002, the legislator did not see any necessity to amend the existing law on witnesses living abroad, as one can see from the legislation-reasoning. Rather, the Procedural Code (StPO) was [amended in 2019](#) by adding detailed requirements in terms of connectivity that need to be fulfilled for a request to qualify as a valid request to take evidence. This amendment aims to prevent delays of judicial processes through submission of unqualified requests. A lowering of these requirements in cases of witnesses living abroad was not intended.*
- The argument that the Defense would not have sufficient capacity to conduct its own investigation, thus lowering the threshold for connectivity, is irrelevant since the party investigating a matter is not the one who has to draft the request and set out how and why a proposed witness knew certain things. This is for the party requesting the witness.*

#### **Objection regarding the Defense's request to summon Gerhard Conrad as an expert**

- I) *The Defense's request to summon Gerhard Conrad as an expert is not a request to take evidence but a suggestion to take evidence because there are no concrete allegations as to how Conrad obtained the relevant expert knowledge. The reasons for rejecting a request to take evidence as set out in [§ 244 \(3\) StPO](#) are applicable in this case as well. [§ 244 \(4\) StPO](#), however, only includes additional reasons for the rejection of an expert. The summons of an expert must therefore be rejected pursuant to [§ 244 \(3\) s. 2 StPO](#). The requirements of a formal request to take evidence and a formal request to summon an expert are not fulfilled [Prosecutor Klinge recalled that it was the Defense's intention to prove that Raslan did not have decision-making power at the Branch due to being a Sunni and therefore also suffering mortal fear]. The Defense's request, however, merely includes assessments and conclusions without any facts. It is not apparent how the proposed expert would know all that. The experts CV that the Defense pulled from Wikipedia, does not provide any hints for the source of the expert's relevant knowledge. The relevant knowledge requires that the expert had knowledge of Anwar Raslan's personal connection to Hafez Makhoulf – knowledge that other experts would not have either. The Defense's request is therefore a mere suggestion.*

- II) *The suggestion should be rejected pursuant to § 244 (3) s.3 no. 1 StPO since the Judges themselves already have the relevant knowledge. Throughout the trial, the Judges heard several experts, among them Syrians such as Al-Bunni and Darwish, and obtained multiple reports on the Syrian context. Judges can obtain certain knowledge throughout trial which consequently renders the summoning of additional experts redundant. No expert could provide additional expertise to what had already been collected from the countless witnesses who testified in this trial. All these witnesses had direct experience of the events happening in Syria during the indictment period.*

Defense Counsel Böcker replied that, in terms of connectivity, time cannot be a decisive factor since P56, for example, provided valuable contributions to the trial, although he testified about his experiences after the indictment period. Böcker further said it would be in the Defense's own discretion to determine the time to submit a request to take additional evidence and that the required connectivity was given in all their requests.

Defense Counsel Fratzky added that it would be far from irrelevant if the court heard from witnesses and the Defense summoned witnesses to debunk previous statement from other witnesses. According to Fratzky, this would all be about the truth and therefore be relevant to the overall evaluation. Every piece of evidence would be relevant if it was pertinent to the truth. On the topic of required connectivity, Fratzky added that this present trial was one of its kind. One could therefore not make arguments referring to jurisprudence from the Federal Court of Justice from the last century. Fratzky added that he quickly looked up other, more current and relevant jurisprudence from the Court of Justice and indeed found something to which he might come back.

Plaintiff Counsel Mohammed said establishing the facts is always important. However, on the 99<sup>th</sup> trial day, one could indeed ask why these requests were not submitted one and a half years ago.

Defense Counsel Böcker replied that the Defense does not have the relevant resources and it sometimes makes more sense to submit these requests now, rather than earlier.

Presiding Judge Kerber explained that the Court had several piles of paper to hand out to the parties. These papers included the Court's efforts during the last few days:

- Email communication between Judge Wiedner and a witness;
- Note dated October 29, 2021;
- Email communication between Judge Wiedner and one of the court interpreters;
- Note from the BKA dated October 29, 2021;
- Statement from the BKA dated October 29, 2021 regarding the evaluation of a situation of threat;
- Note from the Court's administration regarding a phone call;
- Note from Judge Wiedner regarding a phone call;
- Forwarded email from Judge Wiedner to Presiding Judge Kerber regarding an email from the BKA dated November 3, 2021;
- Annexes:
  - two travel documents
  - one identification card
  - witness summons by the BKA
  - one of the Prosecutors' statements that were just read out in court.



Presiding Judge Kerber added that the Judges undertook significant efforts to secure witnesses for the coming trial days. However, it was not always possible to do so, the trial day scheduled for November 10 would therefore be cancelled.

Defense Counsel Böcker asked if the Judges could informally ask Mr. Al-Bunni and the BKA why the witness “HS” only appeared now after the trial had been going on for one and a half years. Judge Kerber replied that Böcker could ask Attorney Schulz himself.

The proceedings were adjourned at 11:47AM.

The trial will resume on November 11, at 10:15AM.

## **TRIAL OF ANWAR RASLAN**

Higher Regional Court – Koblenz, Germany  
Trial Monitoring Report 52  
Hearing Date: November 11, 2021

*CAUTION: Some testimony includes descriptions of torture.*

### **Summaries/Highlights:<sup>1</sup>**

#### **Day 102 – November 11, 2021**

**Dr. Kamal Al-Labwani, a former Syrian doctor and a member of the opposition testified about his work with the opposition through which he met Raslan. He told the Court that he had no doubt that Raslan turned his back towards the Syrian government and sympathized with the opposition. Al-Labwani also extensively elaborated on his own views of the Syrian conflict and transitional justice.**

#### **Trial Day 102 – November 11, 2021**

The proceedings began at 10:23AM with two spectators and three journalists in the audience. Four cameramen took videos and photos before the start of the session. P30 took a seat next to his Counsel, Mr. Bahns. The prosecution was represented by Prosecutors Klinge and Polz. Plaintiff Counsels Dr. Kroker and Mohammed were not present, and Plaintiff Counsel Schulz joined three minutes late.

#### **Testimony of Dr. Kamal Al-Labwani**

Dr. Kamal Labwani, a former Syrian doctor and a member of the opposition, now living in [REDACTED] was informed about his rights and duties as a witness.

When asked by Presiding Judge Kerber, to provide personal information, Al-Labwani detailed that he was born on October 1957, became a Swedish citizen in 2017, and would now live in [REDACTED], he further said that he was initially working as a doctor in Syria, and engaged with the opposition since he went to university. Since 1976 he had been a member of Riad Al-Turk's Syrian Democratic People's Party.

Judge Kerber said the court would be interested in Al-Labwani's current personal information, for example whether he currently had job. Al-Labwani said he would be unemployed and waiting for pension since he would already be sixty-five years old. He was working with the opposition and continued working with them after he stepped down.

Kerber asked if Al-Labwani was related to the defendant by blood or marriage. Al-Labwani denied, adding that he would be from Az-Zabadani while Raslan was from Al-Houla. The two only got to know each other after Raslan left Syria.

<sup>1</sup> 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.



**Questioning by Judge Kerber**

Presiding Judge Kerber first wanted to know how Al-Labwani and Raslan met, how they worked together and what the name [PW3\\_93](#) would have to do with that. Al-Labwani explained that he was engaged in the opposition coalition. His work was related to former, now defected, officers who went to Jordan. It was Al-Labwani's task to meet with them, get to know them, and determine "whether their defection was truthful or false." Al-Labwani added that the coalition wanted to make use of these officers for the benefit of the Syrian people.

Kerber asked if this was how Al-Labwani got to know Raslan as well. Al-Labwani affirmed, adding that Raslan together with twenty-five other higher-ranking officers, was waiting in Amman where they had difficulties with their flat and were threatened by Jordanian authorities. Al-Labwani said the work he and others were doing [in relation to defected Syrian officers] was not official.

Kerber said she would still not know how Al-Labwani met Raslan and how they had worked together. Al-Labwani said he worked with Raslan on a friendship-basis and they got to know each other in person. He added that they were part of a group and that in Syria, there was no opposition party and the room for maneuver was very limited for the opposition. The group that Al-Labwani was part of wanted to get rid of this chaos and create a situation where they would be recognized by the 'friends of the Syrian people.' The idea was to establish an institution for information, some kind of "Inteligencia". Al-Labwani said that "there, as part of this work," he met Raslan and three or four other officers from the security sector: State Security, Political Security, and Military Security. Al-Labwani said their groups did not receive financial support from Jordan, and when they went to Turkey they did not receive support there either. Al-Labwani told the court that in his opinion, these countries wanted the chaos to stay "with the aim that it would end in a fiasco." Al-Labwani concluded that this was how he knew Raslan and why he chose to step down from his opposition work in 2013.

Kerber explained that from what Al-Labwani just said, she understood that Al-Labwani's and Raslan's group wanted to establish some kind of counter-espionage. Al-Labwani said they wanted information.

Kerber concluded that it would be a counter-intelligence service then. Al-Labwani confirmed. He said that the group knew the situation in Syria and the threats coming from the Islamists, the regime, and from everywhere. It was their task to secure security and weapons. Al-Labwani was part of the political body who had meetings with ambassadors from friendly states, such as the US and Germany. These embassies required that [the opposition group] must form organizations in order to be supported.

Kerber asked Al-Labwani about the name PW3\_93 and whether he worked with the opposition as well. Al-Labwani confirmed that he knew the name.

Kerber recalled that a conference on Syria took place in Geneva and asked Al-Labwani if he participated in this conference as well. Al-Labwani explained that he retired because he was against negotiations "with the criminal regime." Al-Labwani said he assumes that the Syrian issue would be of criminalistic nature and not political. If someone cares about society, he should take care of it. If someone instead kills them, it would be a crime and not politics.

Kerber wanted to know whether PW3\_93 and Anwar Raslan knew each other. Al-Labwani said they both worked for State Security. PW3\_93 was an academic and teacher while [Raslan] was at the interrogation division.

Before [Raslan] started at Al-Khatib Branch, he was working at State Security, as far as Al-Labwani was concerned. He added that Raslan was a Sergeant, then attended university and became an Officer. He was reliable and a technocrat, and people had great trust in him. According to Al-Labwani, Raslan was tasked whenever there were “grave issues” because he drafted good things and was familiar with the law.

Kerber asked Al-Labwani to provide an example. Al-Labwani said he met Raslan after the questioning [it did not become clear who questioned whom and who was interrogated] with Ahmad Al-Jarba the president of the National Coalition. Al-Labwani said he suspected Al-Jarba of lying, Al-Jarba said that he was a political prisoner. But Anwar was able to remember details very well. He remembered the interrogation and precisely recalled it for Al-Labwani who was then able to publish everything.

Kerber concluded that Al-Labwani had great trust in Raslan and once asked him about Al-Jarba. Al-Labwani told the Court that to be precise, he did not trust anyone. He was very careful and wanted to make sure that none of the defected officers was cooperating with the regime. He therefore examined them to see if there were any tendencies. Al-Labwani said he did not have suspicions in Raslan’s case, which had different reasons: before Raslan defected, many people in Az-Zabadani and from Duma were arrested and eventually released. When they were released, they said there was a Colonel at Al-Khatib Branch, at State Security, who they felt had a strong affinity towards them and towards their people and helped to get some of them released. According to Al-Labwani, these people were again arrested by the Air Force or Military Intelligence. Al-Labwani concluded that there were first signs that at the beginning of the revolution, at the time when the security forces and the regime were split into for and against, some of them were eager to find a political solution but others were very strict. Officers therefore only had a very limited scope to act how they wanted to. Al-Labwani went on to explain that from April or May on, the strict and loyal group had support from Iran. The ones loyal to the regime regained strength while the ones who wanted a political solution were endangered.

Kerber wanted to know if Al-Labwani was talking about 2011 or 2012. Al-Labwani explained that it was March 2011 when the regime was still split in two groups. In July or August [2011], the ones loyal to the regime regained strength and the first crimes started. They started “detaining and liquidating” people in November or December [2011]. Al-Labwani said amongst these people [victims of the regime crimes] was his brother-in-law [note for the translator: his wife’s brother] and two of his cousins from his father’s side of the family. Just because they were related to him, they were killed in detention. Al-Labwani went on to explain that the crimes mainly happened in 2012 and 2013.

Al-Labwani said the third reason [why he trusted Raslan] was that Anwar [Raslan] would be Sunni. Al-Labwani said, if the Court would like to hear, he could report many things to illustrate how Sunni officers were treated. The fourth reason would be that Raslan is from Al-Houla where the massacre happened. According to Al-Labwani no “human conscience” could accept what happened there. Al-Labwani explained he wanted to know from Raslan about his intentions and ambitions. Had he been a spy, he would have wanted information about [the opposition’s] information and activities and would have asked questions. However, Raslan only wanted two things: he had health issues (urology) and was eager to protect his family because he was afraid of the regime. Al-Labwani told the Court that Raslan avoided to engage with the opposition because he knew himself how many people in the opposition would cooperate with the regime.

Kerber wanted to know if Raslan told Al-Labwani about Branch 251. Al-Labwani denied.

Kerber asked what Al-Labwani would know about Branch 251 from his work. Al-Labwani said he would know that Branch 251 would be the State Security itself. It would be the directory of State Security, however, that would only be pro-forma. It [Branch 251] would “be the actual kitchen” that is in charge of filling posts. According to Al-Labwani, Branch 251’s president would be Alawite with a direct connection to the president [Bashar Al-Assad]. Al-Labwani added that these structures were not in place before, but only established under Hafez Al-Assad. The directory of the State Security would normally be a constitutional authority to collect information just like in any other country, such as the US for example. However, Hafez Al-Assad turned it into a criminal authority, according to Al-Labwani. Al-Labwani further elaborated that the head [of the State Security Directory] would be Sunni but the actual acting head would be the Head of the Inner Branch, an Alawite. This person would do everything: appoint Ministers and Ambassadors.

Al-Labwani added that Anwar [Raslan] was not working at Al-Khatib Branch when [Tawfiq] Younes started working there. However, Younes did not have much experience and therefore hired technocrats to help him. Al-Labwani said that this happened at the time of the revolution and this person [the technocrat] was in charge of arrests and detentions.

Kerber asked if Raslan was one of these technocrats. Al-Labwani explained that he meant that Younes took him [Raslan] to the Investigation Division as a technocrat. According to Al-Labwani, Younes was a chaotic person and idiot and therefore needed people around him who were able to write. Al-Labwani said if the Court would allow him to add one thing, he must say that Anwar [Raslan] had no competencies and could not make any orders. He only wrote reports to the Head of the Branch, who then in turn made suggestions and the directorate would make a final decision.

Kerber concluded that Raslan consequently had no competence to release people. Al-Labwani said this would be correct, unless [Raslan] was able to guide the people in a certain direction during the interrogation. Al-Labwani added that he himself was detained for ten years and he would know all Branches and had been at every court. The problem was that the employees, and particularly the head of his office, were tasked to spy on Raslan. Even other branches were ordered to spy on this Branch [Branch 251], for example branches at the Air Force Intelligence, State Security, and Military Intelligence. All of them were spying and reporting information to the President [Bashar Al-Assad]. Al-Labwani said that the Branch [Branch 251] was not allowed to communicate with others. The President got information from his spies and compared the information to ensure that everyone was loyal. Al-Labwani concluded that the possibility that an officer was able to release someone would practically be zero.

Kerber asked Al-Labwani how he would know all that. Al-Labwani explained that he served his military service in Hama in 1982. He would still have his military booklet to prove that [he opened his bag pack to show the booklet to the Court]. He was a doctor with the 99<sup>th</sup> Legion in Hama in 1982. As a doctor doing his military service, he was called to go to Hama immediately after the incidents. There he saw detained and injured people. The military took Al-Labwani to a school which was filled with injured people, but he was only allowed to treat one of them. Al-Labwani recalled that there were fifty people in the room, all of them were injured and needed help, however, “he” [the person whom he was allowed to treat] apparently paid bribes to get medical treatment and Al-Labwani was only allowed to have a look at him. Al-Labwani said that all other detainees were watching him, and he could see from the look on their faces that they all needed help. Because it was his job as a doctor, Al-Labwani turned to the Head of the Legion Brigadier General at the Air Force to explain to him that there would be hundreds of injured detainees who needed Al-Labwani’s help but he was only allowed to see one of them. As the Brigadier General was the Head of Hama, Al-Labwani asked him to be allowed to treat all patients and they argued back and forth about it.

The Brigadier General then told Al-Labwani that if he wanted to live, he would be welcome to stay with the army. Al-Labwani said he had to make a decision and was not able to leave. He could have either died or waited for an opportunity when the situation in the country would be better. Al-Labwani told the Court that until this very day, his conscience would not be at ease because he did not treat even half of the patients.

Judge Kerber said she wanted to come back to Anwar Raslan. She asked Al-Labwani if Raslan told him during one of their conversations about his margin of action at Branch 251, or how Al-Labwani would know about that. Al-Labwani denied that he and Raslan spoke about this issue. He told the Court that he compared Raslan's situation with his own situation at the Political Security. If for example Brigadier General Abdel Mahmoud would come and exercise pressure as an Alawite, to force "us" to do something, this would be what happened on September 9, 2001. Al-Labwani said this was when he and others were arrested. He himself did not provide any testimony and requested a lawyer. However, "they" wanted to beat him instead. Al-Labwani therefore requested to see the Director who asked him what his problem would be. Al-Labwani told him that his people would not know any laws and asked him what the allegations against him would be. The Director told Al-Labwani: "Listen, it was not our Branch who arrested you, but Political Security who brought you here. We are convinced that you are innocent but the leadership, the president, gave us orders that we cannot abandon." Al-Labwani further described that the people at the branch had a transcript with questions and he was told to write down his answers to these questions. He was transferred to the State Security Court which found that he was a criminal and sentenced him to three years imprisonment, which he completely spent in a solitary cell. Al-Labwani said all this happened because he was Riad Seif's deputy in an association of the National Body [Forum for National Dialogue]. Al-Labwani told the Court that all he wanted to say is that the Head of the Investigation Division could not change much. If he was to compare a Sunni and an Alawite, the Alawite would be like the Head of the Branch although he was only the Head of a Sub-Division. Al-Labwani added that he said he could provide further illustration.

Kerber said further illustration would not be necessary at this point. She asked Al-Labwani if he was detained at Branch 251 or where the story that he just told took place. Al-Labwani said he was not detained at State Security but at Political Security for his first detention. His file was then forwarded to State Security. Al-Labwani explained that he was detained twice: once due to the Damascus Spring in 2011 and once in 2005 due to a trip to the US, the EU, and Germany. His overall sentence was eighteen years. However, he only spent ten years in prison because the United Nations Human Rights Council issued a resolution that condemned his detention as arbitrary and found that he was an unlawful political prisoner.

Kerber concluded that Al-Labwani had never been detained at Branch 251. Al-Labwani said he directly came from State Security and was never detained at Branch 251.

Kerber recalled that Al-Labwani previously mentioned he would know all Branches. Al-Labwani confirmed, saying he would know State Security, Political Security and Military Security.

Kerber said she again would like to know if Al-Labwani was ever detained at Branch 251, also known as Al-Khatib Branch, located close to Baghdad Street in Damascus. Al-Labwani denied.

Defense Counsel Fratzky intervened, saying that Al-Labwani merely said he would know all Branches, not that he was detained there himself. Kerber said that Al-Labwani just confirmed that.

Judge Wiedner and Kerber had a short discussion after which the court interpreter who was in charge of translating Al-Labwani's testimony from Arabic to German, requested a short break.

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[15-minute break]

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### **Questioning by Judge Wiedner**

Judge Wiedner first wanted to know when Al-Labwani was arrested for the second time and when he was released. Al-Labwani detailed that he was first arrested in 2001 and released in 2004. He was released by the State Security Court and it was a Branch of State Security that arrested him. His second detention was after he travelled to the US and the EU. One could see his visas and corresponding dates of issuance in his passport. Al-Labwani said he visited Great Britain and the EU where he visited the European Parliament, the German Foreign Office in Berlin, and the CDU [Christian Democratic Party] who just won the elections in 2005. After that, he went to Washington DC where he met with the US government for fifteen days. Al-Labwani added that he already told people back then that Syria would be on its way to a civil war if no reforms were implemented.

Wiedner apologized for interrupting Al-Labwani and told him that he just wanted to know the dates of his second detention. Al-Labwani explained that he arrived at Damascus Airport on November 8, 2011. That was where he was arrested. Al-Labwani said that he was stopped by the General Security who then called the Air Force Intelligence Service in front of Al-Labwani. However, the Military Intelligence Services did not want Al-Labwani, neither did the State Security. Al-Labwani said no branch wanted him and there was no arrest warrant against him. Someone therefore called Bashar Al-Assad and Al-Labwani was taken to the Political Security for interrogation. Al-Labwani told the Court that he would need to provide some details here: At the Political Security, Ali Makhoulf [Al-Labwani kept saying Ali Makhoulf although it became apparent that he was referring to Ali Mamlouk] called President Bashar Al-Assad's advisor via loudspeaker. Al-Labwani told the Court that when he heard that, he told Ali [Mamlouk] to go to Bashar Al-Assad and tell him that Al-Labwani wanted to be seen for three hours, in case Al-Assad would want to know what was going on. Ali Mamlouk indeed went to Bashar Al-Assad and on the next day, Al-Labwani was taken from his room, blindfolded and with his hands tied in front of his body. He was taken to Ali Mamlouk's office who told him that he should talk. However, Al-Labwani told him that he would only talk in the presence of his lawyer and if there were any concrete accusations against him. Al-Labwani was then slapped in his face four times. Al-Labwani then took off his blindfolds and saw that an officer who was working with Bashar Al-Assad, and [REDACTED] were present. Al-Labwani therefore asked Ali Mamlouk whether this would be Bashar Al-Assad's response. Mamlouk in turn told Al-Labwani that this would be a message for Al-Labwani's friends. Al-Labwani was then taken to another room "where they wanted to be friendly." Al-Labwani there told [the officer working with Al-Assad] that he would make sure that they were one day to be held accountable for what they were doing. [The officer working with Al-Assad] laughed at Al-Labwani and told him that only God would be their witness.

Wiedner asked when Al-Labwani was arrested. Al-Labwani said the court in Damascus sentenced him to twelve years and three additional years. He was supposed to stay in prison for fifteen years. He would actually have to stay in prison until this very day. However, at the beginning of the revolution amnesties were issued and Al-Labwani only had to serve half his sentence. He added that he served his first prison term on November 15.

Wiedner wanted to know if Al-Labwani was talking about 2001 or 2011. Al-Labwani said he was talking about 2011 when he was at the State Security Directorate and detained by Ali Mamlouk for five days.



Al-Labwani went on to describe that he had to go downstairs where there were several solitary cells on the right-hand side and ten solitary cells on the left. His cell was the last one on the left side. Al-Labwani said he started a hunger strike and said he would only want to be released “when things were resolved.”

Wiedner wanted to know where Al-Labwani was last detained before he was released. Al-Labwani said it was Adra Prison and that he was released due to the US government interfering with Bashar Al-Assad. Al-Labwani was then transferred to a civilian court and a civilian prison. Al-Labwani went on to say that “he armed his henchmen...”

Judge Wiedner interrupted Al-Labwani to ask when this happened. Al-Labwani said this was in 2007. [He again opened his backpack and showed a document to the Court.] Al-Labwani went on to say that there would be pictures of Assad’s henchmen. Al-Labwani pointed at the document he was holding up and explained that “this one” was sentenced to two times life imprisonment but he was released before Al-Labwani. He was then ordered as a henchman to kill the population. Al-Labwani said these people were armed with knives and attacked him. According to Al-Labwani, Hafez Makhoulf who was the Head of Al-Khatib, ordered that and was a witness.

Wiedner wanted to know when Al-Labwani left Syria. Al-Labwani said he left five days after he served his sentence. Ali Mamlouk, the head of State Security called Al-Labwani to see him, after Al-Labwani was with another officer called Abdul Dani Taleb before that. Al-Labwani said that there were many TV screens in the [Mamlouk’s] office on which one could see the community cells.

Wiedner asked Al-Labwani to only provide the date of when he left Syria, since the Court would only be interested in the temporal processes. Al-Labwani explained that it was November 15, 2011, when he was at Mamlouk’s office and saw the pictures on the screens. [Mamlouk] told Al-Labwani that he would release him and that he should participate in the national dialogue. Al-Labwani told the court that he replied to Mamlouk that he would not want to participate in this and rather go back to his cell instead. However, Mamlouk told Al-Labwani that he wanted to release him. According to Al-Labwani, observers were ordered to follow him and even snipers were positioned in front of his home. On December 30, 2011, his children took a plane to Jordan and at the same time, he crossed the border [to Jordan] on a motorcycle [Al-Labwani started giggling.]

Wiedner wanted to know when Al-Labwani met Anwar Raslan for the first time. Al-Labwani said it was at the beginning of 2013. [Ahmad Al-Jarba](#) was newly elected and Al-Labwani was also part of the political body and Al-Jarba tasked him to meet and talk to defected officers in Jordan. These officers were afraid that they would “be kicked out of their flat.” Al-Labwani met these around twenty officers and Brigadier Generals. The second and third time they met in the second district in Amman and once Raslan was not able to attend because he was sick. Six months later, they met in Istanbul. Al-Labwani said they met four times in total, once in Istanbul and thrice in Amman.

Wiedner asked if Al-Labwani was familiar with the name Anwar Raslan while he was still in Syria. Al-Labwani denied, adding that he did not know Anwar Raslan at all.

Wiedner asked Al-Labwani whether he would know where Raslan was working at what time. Al-Labwani explained that after he met some people, he drafted a document and understood that Anwar Raslan was first working with State Security and at last at Al-Khatib Branch. He defected when he was working at the Branch.

Wiedner wanted to know where Al-Labwani had this document from. Al-Labwani said he drafted it himself. He drafted these documents for every officer. “We” as politicians should assess these documents.

Wiedner asked how Al-Labwani knew about [Raslan working at] Al-Khatib Branch. Al-Labwani said he learned about that from former detainees who were released [from this Branch]. These released detainees said that there was an officer from Al-Houla who helped them. Al-Labwani did not know his rank. That was the first time he heard his [Anwar Raslan’s] name. That was months before Raslan defected.

Wiedner wanted to know if Raslan spoke about his work in Syria. Al-Labwani said that Raslan “was very conservative.” He said that he would talk about it when there would be time for that. Al-Labwani said he assumed that Raslan was “not able to open the files of the Syrian Security because otherwise he would have suffered a horrific revenge from the Syrian regime.” Al-Labwani went on to tell the Court that both he and Raslan would know that there is a connection between international Intelligence Services and the Syrian Intelligence Services. Every officer in the Arab world who would defect and then speak, would be chased everywhere in the world. According to Al-Labwani, this would show that the Syrian Intelligence apparatus would not be independent of the US, European, and Russian Intelligence Services. Al-Labwani added that as a European citizen himself, he would find it awful that there is a “common file of the European and Syrian Intelligence Services.” [...]

Wiedner concluded that Raslan said he would talk at a certain time but that never happened, and that Al-Labwani had an assumption why Raslan never spoke. Wiedner asked Al-Labwani if this would be the correct summary. Al-Labwani said he would repeat that when Raslan would feel safe, he will talk. Al-Labwani further said he could imagine that Raslan’s verdict would be seen as a warning to other defected officers to “shut their mouths.” Al-Labwani said he wants that defected officers to feel safe so that they could together unveil the “joint files of the French and Syrian Intelligence, the GDR and Syrian Intelligence, and the Syrian and Russian Intelligence.”

Wiedner asked Al-Labwani if Raslan ever spoke about all this at all. Al-Labwani said he told Raslan that “he should open these files.” All Al-Labwani wanted to know was whether Syria would be an independent or “staged” country. However, Anwar Raslan said that the situation in Jordan would not permit that and when the revolution would be successful then...

Wiedner interrupted, asking Al-Labwani if Raslan said that. Al-Labwani affirmed.

Wiedner wanted to know if Al-Labwani would know anything about PW3\_93’s detention. Al-Labwani denied, adding that PW3\_93 would, however, have told him something. He told him that...

Judge Wiedner intervened, asking what PW3\_93 told him. According to Al-Labwani, PW3\_93 told him that there were suspicions against him and that he was arrested because every Sunni officer was suspected of something. Al-Labwani added that the crimes in Syria would have “adopted a religious couleur.” Certain religious communities would be the targets. Al-Labwani said if one would take into account the number of cities and the arrests, one would see that 95% are Sunnis and that all militias who would fight the war for the regime would be “on the President’s religious side.”

Wiedner wanted to know when PW3\_93 was detained. Al-Labwani said it was after the revolution, in 2011 or 2012 but he would not know exactly. When PW3\_93 told Al-Labwani about it, he had already defected and left Syria in 2013.

Wiedner asked if Al-Labwani knew where PW3\_93 had been detained. Al-Labwani denied.

Wiedner wanted to know if Anwar Raslan had something to do with PW3\_93 detention. Al-Labwani said he heard from PW3\_93 that Anwar [Raslan] helped him with his release and during the interrogation but one should ask PW3\_93 about that.

Wiedner asked how Raslan helped. Al-Labwani said there were exaggerated allegations, which was always the case. Normally, someone would be tortured until he confessed everything. If an interrogation officer wanted to help, it would be sufficient to simply investigate the truth and not search for anything else. According to Al-Labwani, the mere application of the laws would already qualify as help in Syria.

The Prosecutors did not have any questions.

#### **Questioning by the Defense Counsels**

Defense Counsel Fratzky recalled that Al-Labwani already spoke about the role of Sunnis within the “Syrian power apparatus,” and asked him to clarify what he wanted to say. Fratzky said he understood from Al-Labwani that the power structures were related to and dependent on religion. He asked Al-Labwani what he could say in this regard. Al-Labwani said he would not condemn the Alawites belonging to the regime. However, if one was to define the crimes one should have this [religious dependance] in mind. According to Al-Labwani, the crimes turned political and there had been a change with regard to the crimes. He said that crimes against humanity turned into regular crimes, and that he could provide two examples to illustrate his point:

When Brigadier [REDACTED] issued criticism in relation to the prisons, he knew that if his deputy would hear that, he would be dead. Al-Labwani said the Brigadier General would be Sunni and was the one who hit Al-Labwani. However, because he would be Sunni, his phone was monitored. Al-Labwani said he once noticed that an officer from the [REDACTED] family lowered his voice. He realized that the head [of his Branch] was monitoring him and that his deputy officer was listening to his conversations. According to Al-Labwani, the officer therefore sent (i.e. deployed) his deputy to another workplace. The Ministry of Defense then issued an order which said that Hassan Mohammad, the previous deputy-officer would become the head. Al-Labwani said this means that the deputy officer was a person of trust because he was Alawite and therefore got promoted. The Brigadier General was, however, not trusted.

Al-Labwani further described that in the same year, there were military celebrations on August 2 and Al-Labwani participated in them with his former Brigade. At this time, [REDACTED] was the head of the Military in Hama. Al-Labwani sat next to him during the celebrations, and they drank anise liqueur together. Al-Labwani filled [the head of the military in Hama’s] glass and when he was tipsy, Al-Labwani asked him how he would interrogate criminals. [The head of the military in Hama] told him that there was a small joinery next to his office. The joinery had a vice in which [the head of the military in Hama] put the criminals’ heads for five minutes. Al-Labwani replied to him that the people then might confess although they were innocent. [The head of the military in Hama] denied and said he would recognize from their family names if they were criminals. Al-Labwani explained to the Court that there was a list with the names of families who were supposed to be killed. Al-Labwani concluded that these would be crimes against humanity.

Al-Labwani further told the Court that the same thing happened to him when his relatives were killed. Al-Labwani therefore insisted that these crimes against humanity would be religiously motivated. Al-Labwani said that when he sees that a defected Sunni officer is to be sentenced by this Court while other officers request reconciliation as Pederson told the UNSCR, he does not think that this is fair. Al-Labwani therefore thinks that this idea and understanding has a negative impact on all Arab Sunnis, especially because so many of them are living in Germany.

Al-Labwani said it is selective justice if defected Sunnis are sentenced while Rifaat Al-Assad was allowed to return from Syria to France where he now lives freely. According to Al-Labwani, “we” understand this as hatred and racism which will lead to extremism.

Al-Labwani turned to the Court, saying he had one request: that it will not spread this message. He added that “we as opposition” were trained, amongst others by Germany, and that they learned that there has to be transitional justice because it would be impossible “to put all criminals in front of a court.” Al-Labwani said justice would be a global designation. He requested the Court to consider the crime of torture, because he would know that this happens in all areas in Syria and that torture was applied at all Branches and the Police. Al-Labwani said this would be a fact and no one could deny that. However, the problem of who would be responsible would remain.

Al-Labwani further recalled that he already mentioned before that as a doctor he was subordinate to someone from the regime who gave and received orders. Everyone who is a friend would make money and a fortune. Everyone else would defect and escape as quickly as possible. Al-Labwani added that this was not to say that Anwar Raslan] was not responsible, but he should have defected earlier. However, other people would think just like Al-Labwani himself and could not imagine that a security employee would ever be taken to court. Al-Labwani said it was heroic [to defect] but according to the law it was high treason. He said he would not know anything about the judiciary in the GDR and after WWII, but the Syrian judiciary would be much worse. Since the 20<sup>th</sup> century there would be no sense of the law. Officers are not supposed to respect the law but to follow orders that were given orally via telephone and not on documents. Al-Labwani said there would be no documents at all, and he could tell the Court what happened to him at the criminal court [in Syria]:

[REDACTED] was the judge and he had one person sitting to his left and right each. The prosecutor was from the [REDACTED] family. Al-Labwani said he asked the judge why the Quran was lying in front of him at the judges’ bench. The judge replied that witnesses have to take an oath on the Quran. Al-Labwani then asked the judge whether he did not take an oath on the Quran. The judge replied that he did. Al-Labwani then told the judge that if he would get a call the next day to sentence Al-Labwani he would have to do so. The judge denied and told Al-Labwani that if he would get such a call, he would resign. Al-Labwani told the other judges who were present to witness what the judge just said. According to Al-Labwani, on the day of his judgment, the judges’ bench was staffed differently and Al-Labwani was sentenced for many things that he did not commit. Al-Labwani concluded that everyone at the Syrian judiciary, the security, politics, and army would receive oral orders that they had to follow. Whoever would disobey orders, would have the same fate as the prison guard who hit detainees [during Al-Labwani’s detention]. Al-Labwani said he knocked on the door of his cell and told the guard to either stop beating the detainee or beat him as well. The guard replied that he would beat his own father if he was at the prison. According to Al-Labwani, this means that the guard had to either follow orders or die.

Al-Labwani went on to say that he appeared before the Court to speak. He said he would not want to lower the crimes and the torture that the victims suffered, but as [Syrian] people, “we” need a “feeling of security in terms of how the German judiciary would address the Syrian issue.” He would therefore be very precise in his testimony and tell the Court all the details. Al-Labwani said there would be a feeling of injustice if justice was coming from Bashar Al-Assad. Instead, justice starts if it would come from the victims. Al-Labwani added that there would be several more security officers who were under immense pressure: [REDACTED], who worked at a Police Branch in Damascus, [REDACTED], [REDACTED] who was an Alawite as well, [REDACTED], and General Major Ali Mamlouk who is a Sunni. Al-Labwani said that all of these people told him that they would not be responsible for interrogations and would only serve their country.

Al-Labwani added that in his opinion, “Bashar Al-Assad is mentally retarded” and that as a doctor, Al-Labwani considers him to only be “half-responsible for his acts.” The problem in Syria would be very complicated and much more complicated than to address it “here” in parts. Al-Labwani therefore insisted on transitional justice to do justice to the victims and the people. [The Syrian people] should decide on the instances that it wants justice for. Al-Labwani said this would be the right of the people and which would apply to everyone. Al-Labwani added that if “you [the Court in Koblenz] would like to help us, then what you are doing is not right.”

Defense Counsel Fratzky intervened, asking if Al-Labwani and Raslan were in contact when Raslan was in Geneva and Al-Labwani in Jordan. Al-Labwani explained that Anwar Raslan went to Geneva upon demand of the opposition to make sure that they would not be spied on. As a former Intelligence officer, Raslan had “experience with meetings in hotels and such things.” Al-Labwani said Riad Seif was the one in charge and tasked Raslan to go to Geneva. Al-Labwani was against that.

Fratzky recalled that Al-Labwani previously mentioned that Branch 251 was a Branch of the State Security but that its Head was only pro-forma and that it was an Alawite who was actually in charge. Fratzky wanted to know who it was. Al-Labwani said [REDACTED] was the Head and he was factually the president’s deputy. He was the one who should help Bashar Al-Assad to be President.

Fratzky asked about Younes and wanted to know from Al-Labwani whether Tawfiq Younes was the pro-forma Head. Al-Labwani explained that before Younes came, Hafez Makhoulf was there for a long time “until the last epoch” when there were changes. Al-Labwani said Tawfiq Younes was the last one. He was the Head of State Security when Raslan went from State Security to Al-Khatib Branch, which was actually a downgrade for Raslan. Al-Labwani said it would make a difference if one was the Head of the Investigation Division at the Directorate or the Investigation Division at a Branch.

Fratzky wanted to know more about the role of Hafez Makhoulf at Al-Khatib Branch. Al-Labwani said he [Makhoulf] is the maternal cousin of Bashar Al-Assad and practically his deputy due to this position [family connection]. According to Al-Labwani, there were two persons in Syria who “had something to say”: Assef Shawkat and Hafez Makhoulf.

Fratzky said he was referring to Al-Khatib Branch and asked what influence and position Hafez Makhoulf had at the Branch. Al-Labwani described that “every Ambassador who is appointed, comes through Al-Khatib Branch.” He further said that every Minister, or Governor, or head of something, everything related to inner matters would be decided at Al-Khatib Branch, which would be “the kitchen” leading the state. Al-Labwani said it would be Al-Khatib Branch who puts the names on a list [suggests appointments] that is sent to the president, “the main kitchen.” According to Al-Labwani, “there” [Al-Khatib Branch] must be someone “who has a word” and is cooperating with the state leadership. He added that everyone who had something to say in Syria is a criminal. “They” [criminals] would have all institutions in their hands and turned the republic into an “inheritance matter.” Al-Labwani concluded that there is no law and no institutions.

Al-Labwani was dismissed as a witness. He thanked the Court and said he would not need to fill the travel reimbursement form.

Presiding Judge Kerber said the interpreters would certainly need a break and that the Court had nothing else on its schedule for the day. She asked all parties to stay for a non-public discussion and closed the session for the day.

The proceedings were adjourned at 12:35AM.

The trial will resume on November 17, at 9:30AM.



**TRIAL OF ANWAR RASLAN**

Higher Regional Court – Koblenz, Germany  
Trial Monitoring Report 53  
Hearing Dates: November 17 & 18, 2021

*CAUTION: Some testimony includes descriptions of torture.*

**Summaries/Highlights:<sup>1</sup>****Day 103 – November 17, 2021**

P57, a 40-year-old Syrian, testified about his detention at Branch 251 where he was interrogated three times. He told the Court that Raslan was present during one of these interrogations and that he was able to recognize Raslan during a later visit to the Branch based on Raslan's voice.

The Defense had several questions for P57 regarding his connection to Anwar Al-Bunni who was, according to P57, the person who helped him testify in Koblenz. Al-Bunni previously sent the Prosecutors a German-language summary of P57's testimony based on a zoom call he had with P57. However, some aspects of the summary, for example that Raslan threatened P57 to be tortured, were revised by P57 in Court, who said there must have been a translation error. The Defense suggested to hear Al-Bunni again, saying there would be an "Al-Bunni problem" in this trial.

**Day 104 – November 18, 2021**

Criminal Chief Inspector Alexander Frey from the German Federal Criminal Police Office (BKA) testified about an interview he previously conducted with a former doctor at the Red Crescent Hospital in Damascus. The doctor was initially summoned to testify in Court herself. However, the BKA was unable to reach her, although she was under special witness protection. According to the BKA, the witness left the EU and her current whereabouts are unknown. In her police interview, the witness stated that Al-Khatib Branch treated the hospital like their own and frequently referred detainees there. Many detainees showed signs of beatings, torture, dehydration, and malnutrition. Although the doctor did not see corpses of detainees, she heard about some dying from alleged heart attacks.

The Court also rejected several of the Defense's previous requests to hear additional witnesses. Amongst others, the Court rejected a request to summon Manaf Tlass because he told the Court that he was unwilling to testify as he does not want his statements to be publicly perceived as either incriminating or exculpatory for Raslan. The Judges decided that Tlass would most likely not provide any new and relevant information and therefore refrained from summoning him. In their rejection, the Judges also stated that the period of accepting evidence will probably be closed in early December. In addition, the Judges said they will not follow the defense's suggestion to summon Al-Bunni again.

<sup>1</sup> 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.

**Trial Day 103 – November 17, 2021**

The proceedings began at 9:35AM with four spectators and two 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. Plaintiff Counsels Mohammed and Dr. Oehmichen were not present, and Plaintiff Counsel Schulz left after the lunch break.

**Testimony of P57**

P57 was accompanied by attorney, Dr. Daimagüler, who told the Court that P57 requested to conceal his name and other personal information because P57's brother, a human rights lawyer, was in the hands of the regime or might be dead already, however, one could not say for sure. If P57's name went public, the situation for his brother would be life-threatening. Presiding Judge Kerber asked P57 whether he could confirm what his counsel just said. P57 confirmed. Since there were no objections from the parties, Judge Kerber announced that the Court would allow P57 to conceal his personal information due to the possibly life-threatening situation of one of his close relatives.

Kerber asked if P57 requested Dr. Daimagüler to act as his witness counsel. Daimagüler and P57 confirmed. Kerber announced that Daimagüler was admitted as P57's witness counsel because of P57's posttraumatic stress disorder and due to the fact that P57 would otherwise be unable to exercise his rights.

P57, a 40-year-old Syrian currently living in [REDACTED], was informed about his rights and duties as a witness. He denied being related to the defendant by blood or marriage.

**Questioning by Judge Kerber**

Presiding Judge Kerber recalled that P57's counsel already sent the Court some of P57's descriptions regarding his detention at Branch 251, and asked P57 to tell the Court "what was going on there." P57 said he first wanted to take the chance to thank the Federal Republic of Germany and the German people for "the opportunity to face the criminal." He would also like to thank the Court for being able to talk about his suffering after seven months.

P57 described that he was arrested on [REDACTED], 2012 at his store. He was sitting in his shop when suddenly around twenty armed people entered and five vehicles arrived. The people put guns against his and his business partner's heads, pulled their t-shirts over their heads, and put them in the cars. P57 added that he and his business partner were put in separate cars. According to P57, "this was when my journey of suffering started." P57 further described that the armed people started beating him and his business partner on their heads with rifle butts. P57 was holding his car key in his hands, which was taken away from him. Some members of the security forces took P57's and his partner's mobile phones from the shop. P57 said they then started a long trip through Damascus before they arrived at Division 40, which he knew very well. P57's name was put on the wanted list by Major Mohammad Abdallah. When P57 and his partner arrived, they were taken to the second or third floor. P57 described that they went upstairs more or less voluntarily; they were basically pushed upstairs. When they arrived upstairs, they received electric shocks and were beaten. P57 told the Court that he had previously heard that sparks flew out of a person's eyes due to electric shocks, but this was the moment when he experienced it himself. He was also beaten at his kidneys. P57 then requested to use the toilet and felt that "something warm was flowing out of me." The guard therefore said to another person "Sidi, he is losing blood." [P57 and the court interpreter sitting next to him had a short discussion after which the interpreter explained that P57 was using a term that he did not know.

The other interpreters helped clarify.] P57 said that the furthest back part of his tongue - the skin in his throat - was stuck inside his throat.

He was then taken to the military hospital in Harasta where he arrived on the seventh floor. His eyes were blindfolded, and pictures were taken of him. He was also beaten at his shoulder. P57 described that he stayed at the seventh floor. He was not allowed to use his name there and was instead given a number. He was number 5 and his business partner was number 12. P57 said they had to stay there for two days, and he noticed that people were being tortured. One guy had a gunshot wound on his leg and was beaten on this wound until he fell unconscious. When they were served food, they were allowed to lift their blindfolds a bit, but only so far as to see the food in front of them. P57 said he once wanted to use the toilet at the hospital. He stepped on a corpse at the toilet. Two days later, a guard called P57's name. P57 told the Court that before that, he was interrogated at Division 40 where he met an officer who stole the identity of an FSA member. This person called P57's name which surprised P57 because they were not allowed to use their names at the hospital.

P57 said that they then went on a long trip through Damascus until they stopped in Al-Baramkeh. P57 expected to be released there because it was only him, the driver, and the officer. However, P57 had to put the blindfolds on again. The officer told him to do so, saying that there was a checkpoint in front of them. They then went to Branch 251. P57 described that when they entered, "we" received a welcoming party which was directed by Abu Ghadab who was known for his brutality and hatred. After P57 was beaten, he was taken to a "recreation room" that was around 10x3.5 meters or 10x4.5 meters big and had a window looking at the cells. "We" could therefore hear the screams from torture. P57 said there were around 200 people inside this room and everyone's smell was awful due to sweat and other things. At the end of the cell, on the right side, was a toilet where people had to sleep. P57 said he once asked for medicine because his kidneys got inflamed, however, he never received any medicine.

Two or three days later, he was taken for interrogation. P57 explained to the Court that he had already been arrested in 2011 when there were pictures of him participating in a demonstration. [Another journalist took a seat in the public gallery]. P57 said, during the interrogation, he was asked questions and he noticed that the interrogation officer was typing. The officer recalled that P57 had already been detained in 2011 at Branch 227. P57 said he confirmed because "they" already knew that and because there were pictures anyway. P57 was admonished to stop attending demonstrations otherwise the officer would "show [him] God himself". One of the accusations against P57 was that he founded a "gang" to abduct security officers. The interrogation officer said P57 led this gang as someone told the officer. P57 denied all accusations. P57 told the Court that, after his denial, he was beaten with a tube, a certain pipe called "Al-Akhdar Al-Ibraheemi". He had to lay down on the floor, hold up his feet, and was beaten on his feet. P57 said "they" also insulted his mother and sister, but he still did not admit anything. The officer then told the guard to take P57 to Abu Ghadab. P57 was taken downstairs to Abu Ghadab who tied P57's hands behind his back and hung P57 at his hands for four hours. Every person who walked by P57 spat on him and called him a traitor. P57 told the Court that one of the employees hit him on his "most sensitive part" of his body. Four hours later, P57 was taken back to the community cell where he had been before. P57 described that he was very exhausted because the beatings had been very harsh.

One week later, P57 was again called for interrogation. It was the same interrogation officer as before. P57 told the Court that this officer pretended to be someone from the FSA. According to P57, someone was hurt at a demonstration and this FSA officer was supposed to take the injured person to Lebanon. However, the injured person disappeared and was never seen again.

The interrogation officer who took the identity of the FSA officer mentioned names of people who P57 knew and who allegedly testified against P57. P57 kept denying. He told the Court that he knew it would be his end if he admitted any of the accusations. In any event, he did not have anything to do with the accusations: he did participate in demonstrations but never established a gang to abduct officers. When the officer had enough, he called one of the guards to take P57 with him. On the way downstairs, P57 was beaten, and his teeth broke. The guard kept beating P57 who started screaming. P57 was taken back to the community cell.

P57 further described that there was a doctor detained in the same cell, who P57 knew. He was from [REDACTED]. There was also a lawyer inside the cell, [REDACTED] who was arrested by Anwar Raslan himself. According to P57, there were also elderly people, one of them was eighty years old and tortured. Inside the cell, the elderly people had to [urinate] right where they were standing. P57 added that another detainee was called [REDACTED] who was one day taken from the cell and never returned. When P57 was released, he went to [REDACTED] family who told P57 that he was missing.

P47 went on to describe that two weeks later, he was again taken for interrogation. This time, there were more people [officers] inside the interrogation room. These people had a conversation about a detainee from [REDACTED] whom they wanted to release. According to P57, one of the people said to his subordinate "Sidi, we cannot release him on my responsibility." P57 said the person who was supposed to be released was supposed to help "them" to arrest others, however, one of the persons inside the room said it could not be his responsibility to release the detainee since he might "go to the mountains and disappear." P57 said one of the people who discussed the matter then left the room while P57 had to kneel. The interrogation officer asked P57 questions and told him that he would soon be confronted with another person. When P57 said this would not be a problem for him, he was beaten by the interrogation officer. P57 started screaming and said he would be willing to just give them his fingerprint or they should "put a bullet in [his] head." The interrogation officer replied to P57: "You traitor, you might wish to get a bullet in your head, but I would rather put a gun in a dog's head than in yours because you went to the streets and demanded freedom." P57 told the court that he was again beaten and taken downstairs. He added that he did not describe all details of the torture but could do so if the court wants him to.

Presiding Judge Kerber said P57's descriptions were "okay for now." P57 recalled that after three or four days he was supposed to be confronted with another person. It was P57's paternal cousin. P57 told the court that when "they" told him they would bring another person, they tried to talk to him in a friendlier way but P57 refused. He was then beaten on his head and forced to put his fingerprint on three sheets of paper. Since he was wearing blindfolds, P57 was unable to see whether there was something written on the papers or if they were blank. He was then taken back downstairs and released after a while. P57 said that, when he was released, a guard took him outside the cell. He added that he experienced many things that he could tell the Court about.

Presiding Judge Kerber explained to P57 that the Judges were going to ask more detailed questions later on, but for now, P57 could just tell them what he wanted. She recalled that P57 was released and asked him if there was a reason for his release and what happened next. P57 said the truth was that when he was outside the Branch and released, he learned that his family had hired an intermediary. Fifteen days after his release, P57 returned to the Branch to get his car back. He went to Al-Khatib Branch together with the intermediary, and they met with a Warrant Officer 3<sup>rd</sup> Class. When P57 and the intermediary went there, the Warrant Officer 3<sup>rd</sup> Class asked P57 whether he "wanted to have Bashar [Al-Assad's] job or why [he was] participating in demonstrations." P57 said the Warrant Officer 3<sup>rd</sup> Class also advised him to be careful and took P57 and the intermediary to Anwar Raslan's office.

P57 said he did not know what the Warrant Officer 3<sup>rd</sup> Class told Anwar Raslan, but the latter asked him whether there was someone else on his file. When P57 affirmed and said there was his business partner, Raslan sent them to another office. There, P57 demanded to get back his car. The Warrant Officer 3<sup>rd</sup> Class again asked the same question about an additional person on P57's file and P57 again affirmed. P57 was then told that, when his business partner would be released, P57 would get his car back. P57 replied that it was his car and not someone else's. The Warrant Officer 3<sup>rd</sup> Class told him to go before he would be sent back downstairs. P57 then left.

When P57 and the intermediary were outside, P57 told the intermediary that he knew "the person" from his voice. P57 added that his memory was still fresh and he was able to remember well. The intermediary replied that "it is him" [P57 presumably meant Raslan but the Trial Monitor was not able to see if P57 was pointing in Raslan's direction]. P57 recalled that other detainees in his cell were interrogated by this person himself. P57 added that after this happened in 2012, he went back to his hometown and never returned to Damascus.

Judge Kerber asked if the intermediary mentioned the name of the person. Defense Counsel Böcker intervened, saying that the intermediary was referring to a person that P57 saw at the office and not the person that P57 is referring to himself. Judge Kerber replied that she understood that both were referring to the same person. Böcker said it was not clear to him. Judge Kerber recalled that P57 and the intermediary were standing at the entrance of an office, and asked P57 if he was able to look inside the office or if the door was closed. P57 said he had a look inside the room.

Kerber asked what it looked like. P57 explained that in this moment, he was paralyzed by fear. He recalled that they left the office of the Warrant Officer 3<sup>rd</sup> Class and turned to the right where they stopped in front of a door which was on the right side. He did not take explicit note of the office.

Kerber concluded that P57 did see the room but was unable to describe the furniture. P57 said he did not explicitly look at it. He only had a quick look.

Kerber asked if P57 heard the voices of both people. P57 affirmed, adding that immediately when he and the intermediary left the building, he told the intermediary that he recognized the person. The intermediary then told P57 the person's name and said he was the Head of the Interrogation Division.

Kerber wanted to know which name the intermediary mentioned. P57 said he did not focus on the name.

Kerber asked if the name was mentioned. P57 said the intermediary did not mention the name, he only said the person was the Head of the Interrogation Division. From that, P57 learned that it was Anwar Raslan because fellow detainees told him about that before.

Kerber wanted to know how P57 made the connection between rank and name. She asked if one of the detainees explicitly told P57 "Anwar Raslan is in this building" and where that was. P57 said there was a lawyer [in the same cell as P57] and after that lawyer was interrogated, he said that the Head of the Interrogation Division, Anwar Raslan, interrogated him. His name was [REDACTED]. He had to kneel during the interrogation, but Raslan did not beat him and took off his blindfolds.

Kerber concluded that P57 recognized Raslan at his office. She asked P57 whether he personally saw Raslan. P57 said "yes, exactly" Raslan might have even recognized him as well.

After a short discussion with Judge Wiedner, Presiding Judge Kerber said she had an "overview question": P57 mentioned that he was first interrogated at Division 40. She asked P57 how he knew it was Division 40.



P57 explained that he had been at the Division many times in 2006 and 2007 when he met with Major Mohammad Abdallah. At this time, P57 owned a store in Damascus and Mohammad Abdallah often asked him to tell him if he ever noticed something strange. P57 added that he went back and forth for one month and said he did not notice strange things.

Kerber wanted to know where the building of the Division was, in which neighborhood. P57 said it is in Jisr al-Abyad.

Kerber recalled that when P57 was at Harasta Hospital, he always had to wear blindfolds. She said she was wondering how P57 noticed that another person was constantly beaten on the wound on his leg. P57 said he did not see but heard it.

Kerber asked if that person screamed “do not beat me on my wound on my leg again” or what exactly P57 heard. P57 explained that the guards were talking to each other. They said that there was a man from Harasta who was shot in his leg.

Kerber wanted to know how many people were in P57’s room at the hospital. P47 said he did not know because he was blindfolded.

Kerber concluded that P57 did not talk to others and did not know where they came from. P57 confirmed.

Kerber asked how P57 knew that he was at Branch 251. P57 explained that “downstairs, all guards and detainees know”. He said there was a guard who “was alright.” P57 said he preferred not to mention the guard’s name in Court, however, this guard informed P57’s family about his whereabouts after a couple of months.

Kerber concluded that P57 learned from his fellow detainees [that he was at Branch 251]. P57 affirmed.

Kerber further asked what part Abu Ghadab played, recalling that P57 said this person directed P57’s welcoming party. She explained to P57 that the Court did not hear often that detainees arrived at the Branch individually, however, P57 described that he was alone with the officer. She asked P57 if there were no other detainees when he arrived. P57 said that from the moment they were arrested at his store, he did not know what happened to his business partner. At Division 40 they were still together, as well as at the hospital. But from then on, P57 did not hear anything about his business partner anymore. P57 said the interrogation officer told him that his business partner betrayed him.

Kerber asked P57 to describe his arrival at Branch 251. She recalled that P57 left the car and wanted to know what happened after that. P57 said since he was blindfolded his perception was based on his feelings. “We” were taken downstairs where “we” had to undress, were frisked, and beaten.

Kerber asked where that happened, at which part of the building. P57 said it happened downstairs.

Kerber also wanted to know if P57 was beaten before, during, or after he had to undress. P57 said “of course”.

Kerber asked what P57 meant, if he was always beaten while he had to undress. P57 said “we” were perpetually beaten. If one was slow, he would be beaten. He recalled that in 2011, he was wearing a ring. When he was unable to quickly put the ring off his finger, the guard threatened to cut off his finger. P57 added he was not sure if the guard was serious about it. He added that this happened at Military Security.

Kerber again asked P57 about Abu Ghadab and wanted to know how he knew that it was him who was in charge of the welcoming party. P57 said he knew from fellow detainees who told him that Abu Ghadab would “do that.” P57 said a young man who wore a t-shirt with a German phrase on it, told him.

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[15-minute break]

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### **Questioning by Judge Wiedner**

Judge Wiedner explained to P57 that he would ask P57 individual questions in chronological order. He recalled that P57 previously mentioned he had been arrested and detained before and noted Branch 227 in this regard. Wiedner asked when and where P57 was detained. P57 said it was at the beginning of the Syrian revolution in April.

Wiedner concluded it happened in 2011. P57 affirmed, adding that he was detained for a “good two months.” In 2011 he was also arrested at his store. He said that there was a customer who regularly came to his store. His name was Colonel Munir Al-Hariri. He blindfolded P57 but P57 was able to recognize his voice. P57 said he was taken to Branch 227 where he was tortured as well and had to stay in a solitary cell, cell [REDACTED]. He stayed there for ten or eleven days until he went crazy, started screaming, and knocking on the door of his cell. P57 added that at this point he was not yet told that there were pictures showing him at a demonstration. After 25 days he was interrogated and tortured but did not admit anything. After the interrogation, a TV screen was taken to the room where P57 was held. His blindfolds were taken off and he was shown the pictures of him at a demonstration. P57 said it was clear to “them” that he participated in demonstrations, and he was tortured for his acts.

Wiedner asked if P57 also had been detained at Division 40 and Branch 251 before. P57 denied. He explained that in 2006 and 2007 he was at Division 40 and again in 2012. He said it was State Security of which Division 40 was part.

Wiedner recalled P57 describing that a shirt was pulled over his head when he arrived at Division 40. P57 confirmed.

Wiedner wanted to know how P57 knew he was at Division 40 when he was unable to see. P57 said that first of all, the textile of his shirt was relatively thin, so he could see some things. At the door of Division 40, the shirts were pulled back and “we” were blindfolded. P57 added that he knew the entrance of the Division from earlier.

Wiedner asked if P57 was interrogated already at this Division. P57 affirmed, explaining that the officer who pretended to be from the FSA came. This man told P57 that they had already arrested other people who said that P57 helped his brother to defect from the army. P57 told the court that when he was later told that he would be confronted with another person, he thought it would be his brother, but it turned out to be his paternal cousin.

Wiedner asked if the interrogation took place inside a room and whether accusations were raised during the interrogation. P57 said “of course.” When he was “taken outside” he was beaten and told that they had arrested other people who said that P57 established a gang to abduct officers. P57 told the Court that he denied everything, however, later after so many beatings – including with metal poles – he could not say a word. Blood was running from his nose and face.

His kidneys got inflamed. P57 described that when he was at the toilet, a soldier came and said “Sidi, he is bleeding”. P57 was then taken to the Harasta Hospital by car. P57 remembered that in 2011, a man called [REDACTED] was detained at the same time as P57. This man was accused of having founded an Islamic extremist group although he was Christian.

Wiedner asked if the accusations regarding the foundation of the gang to abduct officers were made at Division 40 or Branch 251. P57 said these accusations were made once at Division 40 and once at Branch 251. He was confronted with that during both interrogations.

Wiedner asked how long P57 stayed at Division 40 until he was taken to Harasta Hospital. P57 told the Court that he was taken from the Division at around 7PM. He arrived at the hospital around midnight.

Wiedner concluded that P57 was taken to the hospital the same day that he arrived at the Division. P57 confirmed.

Wiedner again wanted to know whether the interrogation at Division 40 was conducted only by the alleged FSA officer or if there were others present as well. P57 said “we” were subjected to the beatings of several people. However, the alleged [FSA] officer was the one who said that P57 founded a gang to abduct people. P57’s name was allegedly mentioned by other people who were arrested before that. P57 told the Court that he found out more things later on – many things were happening. P57 mentioned that, for example, a friend of his was injured at a demonstration. A person said he knew a Warrant Officer 3<sup>rd</sup> Class who could help them to take the injured friend away. The Warrant Officer 3<sup>rd</sup> Class then took the injured person with him after they agreed to hand him over at a restaurant. It then turned out that the Warrant Officer 3<sup>rd</sup> Class was an officer “from the other side” who let their friend disappear.

Wiedner said he would jump to the point in time when P57 was taken from Harasta Hospital. He asked P57 if there was only one person with him or if other detainees or guards were there as well. P57 said that the person who accompanied him knew his name and called him by his name. P57 was afraid and did not dare to react because they were assigned numbers and not allowed to use their names. This person calmed P57 down and told him everything would be fine, and that he would be released. P57 told the Court that he was very surprised and told the person to gift him 50,000 [he did not specify the currency]. He also took off P57’s blindfolds and they took the elevator down to the first floor [German ground floor] where they went into a car, a Peugeot estate car. It was only P57, the driver, and the guard. The latter told P57 he would be released.

Wiedner asked if P57 was blindfolded. P57 denied and added that he was comforted by this circumstance. He was expecting to be let out at any moment. When they arrived at Al-Baramkeh, where people were usually released, P57 thought he would be released as well. However, the guard told P57 to put his blindfolds on again because there was a checkpoint ahead of them. They then continued driving until P57 at some point heard a person who was talking to the guard. They then drove to Branch 251 where P57’s belongings were.

Wiedner said he did not understand what happened with P57’s belongings. P57 said he meant his car, his purse, and his ID card. He added that in this situation he had the chance to run away because there were only two people but he “was so distracted by the words.”

Wiedner asked if P57 was told where they were driving to, and if he was told that they were driving to Branch 251. P57 denied, adding that he was told that he would be released, and that was everything he was told.

Wiedner wanted to know why P57's belongings were at Branch 251 although P57 previously said he was at Division 40 before that. P57 explained that the belongings always followed a detainee. Wherever a detainee went, their belongings did as well.

Wiedner asked when it had been discussed that P57's belongings were at Branch 251. P57 said it was when they were on the road. The guard told him that he had to deal with P57's matters and would then release him.

Wiedner asked how P57 thought he would get his belongings back, and what he had expected to happen. P57 said he of course believed [what the guard told him.] P57 added that usually one would be accompanied by four people in the car. But since there was only the driver and one guard, P57 believed what the guard said.

Wiedner concluded P57 believed that he would get back his belongings and be released. P57 affirmed.

Wiedner asked P57 to describe the situation when he arrived at Branch 251, whether he already knew the Branch. P57 asked Wiedner if he was referring to Branch 251 or Division 40.

Wiedner clarified he meant Branch 251. P57 said he did not know [how he knew the Branch], the Branch was commonly known. He knew about Al-Khatib Branch before but had not been there.

Wiedner asked P57 to describe what happened on his arrival there. P57 said "we" went through a door and down the stairs. Downstairs was a yard, a square, and cells. "We" had to undress and were frisked and then taken through a room on the left and through a long corridor. At the end of the corridor on the right side was another room - what one would call a break room or an "outer room". P57 said he might confuse this situation with Branch 227, however, since there was a similar room.

Wiedner wanted to know what the building looked like from the outside when P57 was arriving by car. P57 said he did not see it due to his blindfolds.

Wiedner asked when P57 had to put his blindfolds on again. P57 said it was in Al-Baramkeh at the checkpoint.

Wiedner asked if P57 was allowed to take off the blindfolds after they had passed the checkpoint. P57 denied.

Wiedner wanted to know if P57 had asked why he had to wear blindfolds again. P57 affirmed that he asked. He said the guard tried to calm him down by saying that he would be released and then give the guard money.

Wiedner asked when P57 was allowed to take off the blindfolds again. P57 said it was after "we" were frisked, at the room where they had to hand in their shoelaces, at the beginning of the corridor. [P57 was showing the space with his hands] This room was full of belts and laces.

Wiedner said P57 would constantly say "we", and asked him if he was not alone, adding that he assumed P57 was alone. P57 said he was alone. He might use the plural form because he is used to talking in the plural form.

Wiedner wanted to know when and where P57 was mistreated for the first time, whether it was on his arrival at Branch 251. P57 said he was tortured in the yard close to the cells and during the interrogations which happened upstairs.

Wiedner asked P57 to describe the frisking that happened downstairs. P57 said he entered and was perpetually beaten and insulted.

Wiedner wanted to know if P57 had to undress outside and was frisked there, or inside. P57 said it was inside the building. "We" had to undress ourselves and while doing that they were beaten with hands, feet, and sticks. "We" then had to do "the security move" meaning to squat several times while being naked. "We" were then taken to the cells. P57 said he was "strung out" by the many beatings but other detainees came towards him and comforted him. They also put wet tissues on his wounds. P57 explained to the Court that they always did that for new detainees. New detainees also had to sleep by the toilet and gradually moved to other sleeping places. P57 said he stayed there until [the Trial Monitor was unable to hear what P57 was saying due to the generally bad acoustics inside the court room.] P57 said they heard screams from torture because the cell had windows showing to .... he could draw a sketch if the Court wanted him to do so. P57 concluded that he could never forget what he experienced. He tried to abandon the memory but was unable to do so.

Wiedner wanted to know how P57's fellow detainees were doing, if they were injured, and how their condition was. P57 said that there were of course many people who were close to the end. He recalled that there were people who had been arrested at a mansion. One of them had an open wound on his head. P57 later heard that this person died. All of this person's teeth were broken because when he was arrested, he was having lunch and "they" put a potato in his mouth and hit it. Fellow detainees further told P57 that one man from [REDACTED] died. There were also people whose bodies were blue. There were elderly people who had to urinate right where they were standing. P57 recalled that one detainee was 85 years old. "They" wanted to arrest his son and the old man stood in front of his son and they arrested him instead. There was also an IT person, [REDACTED]. He was not tortured. P57 recalled that this person was picked up at the airport and before he was released, he was allowed to shower and got dressed. P57 concluded that this person was treated differently because he was working for the UN.

Wiedner wanted to know if there were juveniles or children as well. P57 said "of course." There was a person from Harasta who was tortured. This man was detained together with his son who was 15 or 16 years old. The son was also tortured in front of his father and vice-versa. Both their feet were massively swollen. P57 concluded that he had seen many horrible things.

Wiedner asked if there were women. P57 explained that there were cells for women, he was able to hear their voices. P57 said this was what hurt him most. It was torture to hear the female screams.

Wiedner wanted to know if the detainees spoke with each other about how they were mistreated and what they had to endure. P57 said they did talk to each other, however not much because there were spies among them. P57 remembered one person called [REDACTED]. P57 assumed that Raslan might know him. This person was killed and P57 later learned that his corpse was taken to Ghouta. However, no one dared to ask about it.

Wiedner asked if there were dead people at the Branch. P57 said he did not see dead people with his own eyes, but he might have touched one and stumbled over corpses.

Wiedner clarified that he was not referring to Harasta Hospital in which regard P57 already mentioned that he stumbled over a corpse at the toilet. Wiedner was instead referring to Al-Khatib Branch, Branch 251. P57 said "of course people died there." He did not see dead people, but he heard about them. He learned after his detention that one of his fellow detainees, [REDACTED], had been "eliminated."

Wiedner asked P57 if he did not see anyone die during his detention. P57 said there was an old man. P57 did not know if he was dead or unconscious. Nevertheless, the man was taken outside the cell and did not return. [REDACTED] was also taken from the cell and P57 later learned that he died.



Wiedner wanted to know how many times P57 had been interrogated at Branch 251 in total. P57 said “around 4 times.”

Wiedner asked if it had always been in the same room. P57 described that “we” sat in a room, a kitchen, which had a window toward the street. They had to wait there until the interrogator would call them. P57 concluded that he assumes it was the same room most times.

Wiedner wanted to know who P57 meant by saying “we”, whether there were several people in one interrogation. P57 clarified that he was talking about himself. He added that “my business partner was involved in the same thing.” That might be the reason P57 kept saying “we”.

Wiedner asked on which floor the room was. P57 said it was upstairs, but he did not know which exact floor it was. It was definitely not the basement, because when he raised his head he was able to look below his blindfolds and see the building around him.

Wiedner asked if P57 was able to see the interrogation room the same way. P57 denied. He added that the interrogation officer was cautious that the blindfolds were in place. P57 did not have the chance to see anything, not even the sheets on which he had to put his fingerprint. He was unable to see if they were blank or if there was something written on them.

Wiedner recalled that when P57 earlier described the mistreatment he had to endure, he mentioned that he was beaten on his most sensitive body part. Wiedner asked P57 whether he had experienced other forms of sexualized torture or heard from others about it. P57 said as far as he was concerned, he was beaten and threatened that he would be castrated. The guards told him that someone like him should not have children. P57 said that he ordered a medical examination and report [REDACTED] to document the signs of torture on his body. His Counsel had a picture of him and the signs of torture. This picture was taken one year ago, after that...

Judge Wiedner interrupted, asking whether all mistreatment was related to interrogations and if mistreatment happened in the interrogation room or if P57 was taken to another room to be mistreated. P57 said it happened in the [interrogation] room upstairs.

Wiedner asked if there were orders to beat and torture P57, whether he was able to notice something. P57 said there was once an order for him to be taken downstairs. However, there was constant beating, not to mention the insults.

Wiedner wanted to know how someone could picture the situation of when P57 was asked a question by the interrogator and then beaten. Wiedner asked if the beatings happened in reaction to something. P57 described that when he, for example, said that he had nothing to do with the accusations, he was threatened, and the interrogator told him that he would “show you God himself” and insulted him.

Wiedner asked whether the interrogation officer insulted P57 or someone else. P57 said it was the one who also said “that” [quote above] but he did not know who hit him. P57 once felt that there were multiple persons. People were talking at his third interrogation, saying they wanted to release someone but one of them said he did not want to be responsible for it. This person said that if the [person supposed to be released] would go to the mountains they would never get him back again.

Wiedner asked if it was the same voice or multiple. P57 said he would never forget the voice of his interrogator. Judging from his dialect, he was from Aleppo. P57 said there were multiple voices, but he would never forget the voice of his interrogator.

Wiedner asked if it was always the same person [interrogator]. P57 affirmed.

Wiedner wanted to know if P57's family was informed about his whereabouts. P57 denied, adding that his family did not know anything at all for one and a half months. They thought he was dead. His family then hired an intermediary who knew a Warrant Officer 3<sup>rd</sup> Class and who wanted money.

Wiedner asked "how much money." P57 explained that it was less about the money. The family had an estate in Syria and "he" got half of it. P57 told the Court that this is all he wanted to say to not endanger his family.

Wiedner asked who was benefitting and receiving a reward for his duties. He told P57 to answer as long as it would not endanger his family. P57 said he could provide the name to the Court, but it should remain "amongst us" and not be mentioned "here." He said that if he mentioned the name, Anwar Raslan would immediately know who he was, although P57 assumed that Raslan already recognized him. [Raslan was laughing.]

Wiedner asked how P57 got to know the name Anwar Raslan. He recalled P57 previously saying that he and the intermediary went to Branch 251 together where the Warrant Officer 3<sup>rd</sup> Class led them to Raslan's office. Wiedner asked if that was correct. P57 affirmed, summarizing that he went to Anwar Raslan's office together with the Warrant Officer 3<sup>rd</sup> Class and the intermediary.

Wiedner asked P57 to stop for a second, asking whether he was blindfolded on the way to the office. P57 denied, saying that he entered together with the intermediary and did not wear blindfolds.

Wiedner wanted to know on which floor they were. P56 said it was the second floor as far as he remembered. He had to take some steps, two landings.

Wiedner asked if P57 saw the person inside the room or only heard him. P57 said he heard him, adding that as he already mentioned, he was asked if there was another person on his file. When he affirmed, he was sent to the next office. P57 said he was asking for his car.

Wiedner wanted to know if P57 spoke with the person himself. P56 denied, adding that the person, however, was standing at the door and P57 saw him.

Wiedner asked P57 to explain why he assumed that this person was Anwar Raslan. P57 explained that the intermediary told him that this person was the Head of the Interrogation Division. He did not mention his name, but P57 knew the name already, from one of the detainees who was detained by Raslan himself.

Wiedner asked P57 if he would recognize the person in this courtroom. P57 said "of course." He had been seeing Raslan the entire time. He assumed that Raslan already recognized him as well and he himself already recognized Raslan when he entered the room.

Wiedner asked if Raslan had anything to do with P57 interrogations. P57 said "of course" he did, because P57 was detained at Branch 251. According to P57, Raslan might not kill or torture people, but it happened upon his orders and he would report to the Head...

Wiedner interrupted, asking if P57 himself noticed anything. The Court was not interested in what P57 solely heard from others. P57 said he did not understand the question.

Wiedner asked if P57 saw or heard Raslan while he was detained at Branch 251 or whether he saw him for the first time when he wanted to pick up his belongings. P57 said he only heard [Raslan's] voice, he did not see him. Fifteen days after his release, P57 saw him and when he spoke, P57 recognized his voice. P57 immediately told the intermediary that he recognized the voice and his intermediary said he would know the person, he would be the Head of the Interrogation Division.

Wiedner asked from where P57 recognized the voice. P57 said [he recognized the voice] from the third [interrogation] session when the people were talking about the man whom they wanted to recruit.

Wiedner asked P57 if he only heard the voice in this situation. P57 affirmed.

Wiedner recalled that P57 previously said that he had been interrogated by the same interrogator for all three interrogations, and concluded that the voice therefore did not belong to the interrogation officer who was present during P57's interrogations. P57 said "for 95%, it was the same person."

Wiedner asked whether it was correct that P57 recognized the voice from the third interrogation and did not hear it before. P57 said there was only one person at all other interrogations.

### **Questioning by the Prosecutors**

Klinge first wanted to know how long P57 stayed at Harasta Hospital. P57 said he stayed there for two days.

Klinge further asked P57 to describe the conditions there: if patients were lying in beds, received treatment, what the procedures at the hospital looked like. P57 said he did not know the number of beds because he was blindfolded. However, there were multiple people. From what P57 heard from the guards, there were injured people who were beaten until they fell unconscious. P57 added that he was always blindfolded, even when he got food. This was not to mention the insults and offences.

Klinge wanted to know how the patients were accommodated if they were lying in beds or sitting on chairs. P57 did not understand the question and Klinge repeated it. P57 said he and other patients were lying in beds, handcuffed.

Klinge asked if P57 was alone in his bed. P57 said "yes", there was one person next to him. He was a detainee as well.

Klinge recalled that P57 was first at Division 40, then Harasta Hospital, and after that at Branch 251. Klinge also recalled that P57 mentioned he was interrogated at Division 40. Klinge asked if P57 met someone at Branch 251 who he had already met at Division 40 or elsewhere. P57 said that due to the blindfolds he could not see anything.

Presiding Judge Kerber said she assumed that the Defense's questions would not be done in five minutes and The Court would therefore have a break before that. Defense Counsel Böcker said the assumption was "correct."

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[75-minute break]

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### **Questioning by the Defense Counsels**

Defense Counsel Böcker explained to the witness that the parties had received several files. He first wanted to know whether it was correct that there is a journalist accompanying P57 for several weeks together with a camera team to make a movie about P57. P57 said there would be a film, but he was not accompanied right now.

Böcker said according to the BKA, a witness called them and told them that P57 wanted to make a movie. P57 said he was not accompanied by anyone at the moment. He added that he was initially summoned for July 28, 2021, however, he did not know what went wrong at the Court.

Böcker said he would talk about this aspect [reasons for rescheduling P57's in-court testimony], however, he had a problem that P57 was working on a public movie while in court, yet he wanted to conceal his name. P57 said his name would not be mentioned in the movie and his face would be censored.

Böcker wanted to know whether the summons that P57 just mentioned, July 28, 2021, would have been a court summons or a summons for a police interview, for example with the BKA. P57 said the summons was for a police interview regarding his witness testimony. However, at that time, he was in [REDACTED] and his documents were not yet complete. When he spoke with his lawyer, his lawyer gave him the police's number and told him to call them. P57 said, before going on an unofficial journey, "we" called the police.

Böcker wanted to know who P57 referred to as "we". P57 said he meant the young men who was supposed to accompany him to the police.

Böcker said he had a BKA summons for P57 laying in front of him. However, the date was July 27, 2019. He asked P57 whether that was a typo or if he was summoned two years ago. P57 said it was a mistake. It was in 2021.

Böcker asked how P57 received the summons. P57 said it was orally through the "Syrian Center for Documentation and Research" [Syrian Center for Legal Studies and Research].

Böcker asked if the Center was in Berlin. P57 affirmed.

Böcker asked about the name of P57's lawyer. P57 said "Anwar Al-Bunni".

Böcker asked P57 what would make him think that Al-Bunni was a lawyer. P57 explained that when he first saw the defendant's picture on the media, he was in [REDACTED]. He already provided a witness testimony in 2018 with [REDACTED]. According to P57, this testimony was documented for "the Americans" and he provided it in [REDACTED]. When P57 learned that Anwar Raslan was in Germany, he called [REDACTED] to ask him "who was the lawyer in charge of testimonies on this matter." [REDACTED] replied that it was attorney Al-Bunni. P57 therefore told Al-Bunni that he wanted to make a witness testimony. Al-Bunni said this would not be a problem and P57 sent Al-Bunni copies of his passport and Syrian ID. However, COVID-19 happened. P57 added that after his testimony in [REDACTED], he was afraid.

Böcker concluded that P57's testimony was from 2018 then. P57 denied, explaining that he was only able to testify with Al-Bunni in 2020. The testimony from 2018 was with [REDACTED].

Böcker said this would answer his question. He continued saying "if we assume that in 2018 you had your first contact with 'the Americans'... P57 intervened, saying at that time he was in contact with [REDACTED]. [Böcker complained about the difference in volume between P57 and the interpreter. Several parties intervened and agreed. Judge Kerber asked the interpreter to pull his microphone closer.] P57 asked whether he should repeat his last sentence. He said that he assumed his testimony was for the U.S. Foreign Ministry, but he would not know for sure.

Böcker asked if [REDACTED] said it would be for the U.S. Foreign Ministry. P57 said he thinks so.

Böcker said he wanted to go back to 'the lawyer in charge of testimonies', asking P57 whom he meant. P57 said he did not fully understand the question. Böcker recalled that P57 previously told the Court that he was asking for 'the lawyer in charge' of documentation. Böcker added that given the time, P57 could not have meant his current counsel. Böcker therefore wanted to know to whom P57 was referring.

P57 explained that the first time he documented his witness testimony was in 2018 with [REDACTED] and then with Al-Bunni. "There was nothing official involving a court or something like that."

Böcker asked if that was all. P57 said that "one month later" I contacted a German lawyer and sent him a letter. However, he replied one and a half months later and "said no."

Böcker asked when P57 contacted this lawyer. P57 said it was in August 2021.

Böcker said that given that P57 already provided a statement on the human rights situation in Syria back in 2018, he was, according to Böcker, getting involved this trial at a late stage. Böcker asked P57 why he only joined now. P57 said "yes, I am late."

Böcker asked why. P57 said he could not say what happened at the Court, apparently something went wrong.

Böcker said the Court had, however, not been in trial since 2018 when P57 gave his first testimony. Böcker wanted to know if P57 ever since [2018] was in contact with German authorities, the police or the BKA for example. P57 denied, adding that there was no contact with German authorities at all.

Böcker concluded that P57 was in contact with Al-Bunni but there was nothing official. He asked P57 if there was something official, and if so, what it was. P57 said "it was the content of the communication with Al-Bunni". The Court said P57 should appear to provide his testimony. P57 said he was supposed "to be here" seven months ago. He did not know what happened.

Judge Kerber intervened, saying "to repair shortcomings" she can say that P57's current counsel recently sent the Court the email in which P57 contacted Counsel Schulz, who on October 30, 2021 told P57 that he would not take him as a client due to the already well-advanced stage of the proceedings.

Böcker explained that he had two documents lying in front of him that looked like they contained the statements P57 made on what happened to him in Syria. Böcker said both documents were, however, unsigned, nor were they dated. The first document was a two-page document which Böcker assumed P57 created with his current counsel. He asked P57 to have a look at this document and tell the Court whether the statements therein were his, and how the document was created. Judge Kerber asked Böcker how he wanted P57 to inspect the document since it was written in German. Böcker said the interpreter could translate parts of it. P57 having a look at the summarized version was sufficient for Böcker. P57's Counsel Dr. Daimagüler added that this document was not created in cooperation with him. P57 sent it to him together with the original Arabic-language version. Daimagüler explained that because he could not speak Arabic, he could not translate it, but sent it to the Court. Judge Kerber told Böcker to hand the document to the interpreter so he could quickly go through it together with P57. She further added that this procedure would be treated as a remonstrance [citing from a previous statement of a witness or another document for recollection purposes].

After the interpreter translated the first two or three paragraphs for P57, the latter said "it is the same" document.

Böcker recalled that P57 previously described to the Court how he recognized Anwar Raslan and made the connections: he recognized him in the room at the Branch and then learned the name from the intermediary, however, in the document.... Presiding Judge Kerber intervened, saying that Böcker's summary was wrong. She clarified that P57 previously said that the intermediary did not mention the name, but that P57 knew the name from a fellow detainee. P57 added that the intermediary did not mention the name but only told him that "he" was the Head of the Interrogation Division. Böcker asked who mentioned the name then. P57 said it was [REDACTED] - one of his fellow detainees.



Böcker explained that in the last paragraph of the document, it says that: ‘one year later in [REDACTED], I saw a picture of Anwar Raslan in the media. It was the same man who I saw at the office and whose voice I heard at my third interrogation.’ P57 intervened, saying he did not see him, but heard his voice.

Böcker said the issue was how exactly P57 saw Raslan or assigned him. According to what P57 said on this very day...Plaintiff Counsel Scharmer intervened, saying he objected to Böcker’s question. According to Scharmer, seeing someone and assigning something were two different things which did not exclude each other. Böcker agreed that they did not exclude each other, however, P57 said in Court that he was told the rank ‘Head of the Interrogation Division’ and heard the name from another person. Böcker asked P57 why he did not deem it necessary to mention this in the document as well. P57 said the document was only a summary.

Böcker concluded that P57 did not deem this detail to be relevant. P57 affirmed, adding that he was supposed to testify in Court as well, anyway.

Böcker went on to explain that there was another document which also contained names. Böcker said the document was from the Syrian Center for Legal Studies and Research and titled “Testimony Against Anwar Raslan and Hafez Makhlof”. As “name” the document stated two letters, Böcker said they matched P57’s first and second name and he therefore assumed that P57 was referred to here. The document also included a date and a statement provided in the first-person-singular-perspective, but was not signed. Böcker again asked P57 to have a look at the document and explain how this was drafted. Presiding Judge Kerber said this would be handled as a remonstration and asked Böcker to simply show the document to P57. She added that the document included names which she did not want to be shown in court through visual inspection. Böcker asked P57 to have a thorough look at the document and then describe what he was able to say about it. P57 added that the document included the name of his business partner which he did not want to be shown in court. Kerber assured P57 that the name would not be shown or mentioned and that for this particular reason, only P57 would be able to see the document.

[After P57 and the interpreter went through the document together, P57 consulted his Counsel.]

Böcker explained that according to the Court’s files, the Syrian Center for Legal Studies and Research, namely Anwar Al-Bunni, sent this document as a one-page pdf file. The file name said “Testimony Against Anwar Raslan and Hafez Makhlof” and also featured P57’s initials. The document itself featured the date and place of birth of P57 and stated “mandate to interview.” Böcker asked P57 what this document was. P57 said it was also a summary of his statements that “we” created through a zoom call in early June.

Böcker asked if P57 meant this year. P57 affirmed, saying it might have been later [than early June].

Böcker also wanted to know who P57 meant by saying “we”. P57 said he and Al-Bunni documented that.

Böcker summarized that there had been a zoom call between P57 and Al-Bunni. Böcker wanted to know whether P57 had ever been interrogated by Hafez Makhlof between the date of his arrest and the date of his release in Syria. P57 explained that he never saw Hafez Makhlof, however, he was in his office when the soldier said “Sidi, he is urinating blood.” P57 added that the soldier was Warrant Officer 3<sup>rd</sup> Class, Moussa Al-Khateeb. He was a regular customer at P57’s store but actually worked for the *Mukhabarat*, the Air Force Intelligence.

Böcker asked if P57 had ever been interrogated by Hafez Makhlof. P57 affirmed.

Böcker asked if P57 was interrogated by Hafez Makhlof. P57 affirmed, adding that he did not see [Makhlof] himself, but later learned this from fellow detainees.

Böcker concluded that P57 was interrogated at an office when a soldier said that he was urinating blood. P57 was not able to see the interrogator but fellow detainees later told him that it was Hafez Makhlof. Böcker asked P57 whether this was correct. P57 confirmed.

Böcker said the document, contrary to what P57 said in Court on this very day, provided the following summary: 'While Anwar Raslan was present, I was beaten and mistreated in various ways. Anwar Raslan threatened to take me in a torture room and hang me.' [P57 wanted to say something] Böcker asked P57 if these were his words. P57 said that he remembered, however, there might be a translation mistake: Raslan was present at P57's third interrogation.

Böcker said "OK" and went on to explain that the document stated that, after two days, P57 was transferred from Division 40 to Branch 251 where P57 was beaten and mistreated in different ways while Anwar Raslan was present. Böcker wanted to know whether this was consequently be wrong. P57 said it was a mistake. He never said that Raslan personally tortured him.

Böcker said "OK", asking P57 whether Raslan threatened P57 and ordered to hang him in a torture room. P57 said this was the interrogation officer at his first interrogation. P57 added that he never said that Anwar Raslan said that.

Böcker asked if P57 could explain how these two sentences, that were not from P57 and were wrong, could be part of the statement from Anwar Al-Bunni and the Syrian Center for Legal Studies and Research. P57's Witness Counsel Dr. Daimagüler intervened, saying he objected to this question because his client already said that there could have been a translation mistake. Daimagüler added that one should rather ask the person who drafted the document about that.

Böcker said this would actually be a good idea, and asked P57 whether he could say something about how these two sentences got into the statement: yes or no. P57 said he could not answer and will not answer.

Böcker wanted to know if P57 was unable or unwilling to answer. P57 said he already answered by saying that if these two sentences are part of the document, there must have been a translation error. P57 added that Böcker should ask the person who drafted the document, instead.

Böcker further recalled that P57 mentioned [REDACTED] and wanted to know where he was currently residing. P57 said it was correct that he mentioned this person. P57 could provide the information to the Court "but not to you."

Böcker explained that he would also get the information if P56 would provide it to the Court and acknowledged that P57 might be uncomfortable sharing it in public. Böcker asked P57 to provide this information to the Court in due time. Presiding Judge Kerber intervened, asking P57 if he would be able to let the Court know on this very day. She asked P57 to write the information down on a sheet of paper, using the pen and notepad in front of the interpreter.

Defense Counsel Böcker said he would then have some more questions later this day. Judge Kerber denied, asking Böcker to complete his questioning right away. P57 added that as far as he remembered, [REDACTED] denied appearing in Court.

Böcker asked P57 if he wrote down the address and if it was correct that this person is currently living in [REDACTED]. He further wanted to know how [REDACTED] was released from his detention. P57 described that [REDACTED] had not been released directly but was transferred to Kafar Souseh.

Böcker asked if he was released from there or was still there. P57 clarified that he was not talking about Branch 285 which was in Najha.

Böcker concluded that [REDACTED] was released and left Syria. P57 confirmed.

Böcker asked if [REDACTED] had a brother called Mohammad who was the head of a hospital. P57 denied, saying [REDACTED] did not have a brother called Mohammad.

Böcker asked whether he had brothers at all. P57 said [REDACTED] was an only child.

Böcker said regarding the document, he would like to know whether Al-Bunni ever told P57 that he submitted it. P57 said of course Al-Bunni told him that he wanted to forward it.

Böcker asked if P57 read it before that. P57 denied.

Defense Counsel Fratzky recalled that when asked by the Prosecutors whether he saw people at Al-Khatib Branch whom he had seen at another Branch before, P57 replied that he was blindfolded. Fratzky therefore wanted to know whether P57 was able to recognize someone from Division 40 at Al-Khatib Branch based on their voice. P57 asked whether Fratzky meant the person in charge.

Fratzky said he meant the interrogating person, guards, and people like that. P57 denied, adding that “it has nothing to do” with each other. Division 40 and Al-Khatib Branch had nothing to do with each other according to P57.

Fratzky further recalled P57 describing to the Court that he was holding his car key when he was arrested and later returned [to the Branch] to get his car back. Fratzky said he understood from P57’s story that he was not taken to the Branch in his own car. P57 explained that usually when someone is arrested, his car gets confiscated. When he was arrested, he was asked if his car was there and they then took it with them.

Fratzky asked if he understood correctly that the intermediary paid bribes to the Warrant Officer 3<sup>rd</sup> Class equivalent to half a house. P57 affirmed, adding that he and his family would however not know who exactly was paid how much. It was the intermediary who had the contacts.

Fratzky wanted to know to what exact value P57 was referring when he talked about half a building. P57 explained that he did not know any details because the intermediary agreed on the details with P57’s brother. P57 said that his family owned a “mantiquh bina” [meaning building in Arabic but according to the interpreter meaning building site in Syria]. The intermediary was given that ground and built a house on it.

Fratzky asked if this was a comparison or if the intermediary actually received half a building site. P57 said he received half a building site. It was transferred to the name of the intermediary.

Fratzky wanted to know where the site was. P57 said it of course belonged to “us.”

Fratzky asked if it was P57’s site. P57 said he must be careful here because he does not want to unveil too much.

Fratzky wanted to know who transferred the site to whom, and who “he” was. P57 explained that his brother transferred half of the site to the name of the intermediary. P57’s brother had been arrested in 2013.

Fratzky asked why the intermediary received the site although he was not the one who released anyone. P57 said this person would simply be an intermediary with connections. According to P57, all of Syria “lived like that.” One could get everything for money.

Fratzky concluded that the intermediary did his intermediary work for half a site. P57 affirmed, saying that this was what he was told. The intermediary said he wanted something to get P57 released. P57 said he did not say anything [during the interrogations] and they had nothing against him. During the revolution, people often made use of such situations.

Fratzky asked who the intermediary was and whether P57 could identify him. P57 said he could not mention his name.

Fratzky asked P57 to provide some context, if for example the intermediary belonged to Al-Khatib Branch. P57 said he was a civil engineer.

Fratzky concluded that he was not an employee of Al-Khatib Branch. P57 confirmed.

Fratzky further summarized that when the intermediary facilitated P57's release and received half a building site for that, there must have been another person involved. Fratzky wanted to know if "anything else flew there" [if more bribes were paid]. P57 said he did not know who the intermediary paid or not. All he knew was that he facilitated P57's release.

Fratzky concluded that P57 did not know what the intermediary paid to Al-Khatib Branch. Fratzky said he did not believe P57 in this regard. P57's counsel Dr. Daimagüler intervened, saying he objected to this question. According to Daimagüler, what Fratzky believed or not was his private matter. In any event, P57 already answered the question regarding who received bribes. Daimagüler concluded that it was the very nature of an intermediary to be paid and to pay others.

Fratzky said he did not believe P57 and recalled again that P57 said he did not know what the intermediary paid to Al-Khatib Branch. Plaintiff Counsel Scharmer intervened, saying that this question has just been objected to. Presiding Judge Kerber intervened, saying that Fratzky might not believe P57, nonetheless, P57 already answered this question.

Defense Counsel Böcker wanted to know how P57 knew that it was the intermediary who facilitated his release. He asked P57 if he had any clues from the intermediary's statements. P57 said he did not know, but it was certainly the intermediary who facilitated his release. After all, it was the intermediary who accompanied him to the Branch after his release and met with the Warrant Officer 3<sup>rd</sup> Class.

Böcker asked how it could be that P57 was not sure whether someone has been paid. P57 said he did not know how [people were paid/how exactly his release was facilitated].

P57 was dismissed as a witness at 2:07PM.

Presiding Judge Kerber thanked P57 for his testimony and for being able to come to the Court on short notice, which was not normal, as Kerber concluded.

Defense Counsel Böcker announced that the Defense suggested to again summon Anwar Al-Bunni. According to Böcker, it was a mere suggestion for the moment, but the Defense considered submitting a request in writing. Böcker concluded that P57's witness counsel Dr. Daimagüler correctly stated that one should ask Al-Bunni [the drafter].

Presiding Judge Kerber wanted to know what exactly the defense wanted to ask Al-Bunni. Böcker explained that the Defense would like to hear Al-Bunni as a witness and ask him what parts of Annex I derived from P57 and how the annex was drafted in light of the fact that it included "extremely incriminating statements" with regard to Anwar Raslan, however, "no word of it was true."

The Defense would further question Al-Bunni about his interactions with P57. Böcker concluded that all this information would be necessary, not only for his closing statement, but with regard to the existing “Al-Bunni problem.”

The proceedings were adjourned at 2:12PM.

#### **Trial Day 104 – November 18, 2021**

The proceedings began at 9:30AM with three spectators and two journalists in the audience. The prosecution was represented by Prosecutors Klinge and Polz. Plaintiff Counsels Dr. Oehmichen and Mohammed were not present. Defense Counsel Böcker was not present either.

#### **Administrative Matters**

Presiding Judge Kerber announced that she would read out a Judges’ Decision before the witness, a BKA officer, would be called.

#### **Decision rejecting the Defense’s request dated [October 27, 2021](#) to summon female witness [Z121020528](#)**

*The Senate finds that the request submitted by the Defense does not constitute a proper request to take evidence as outlined in [§ 244 \(3\) s.1 StPO](#) since there is no concrete claim as to which facts the requested evidence is supposed to prove. There is further no obligation to investigate on the side of the Court regarding the requested witness.*

*The witness was supposed to be summoned, however, received witness protection from the German Federal Criminal Police Office (BKA). The Court therefore tried to summon the witness through the BKA to appear in Court on November, 18, 2021. However, the BKA was unable to contact the witness and found that the witness left the EU. Her current whereabouts are unknown. The Judges therefore summoned the BKA officer who led the police interview of the witness.*

*In case one would consider the Defense’s request a proper request to take evidence, it was rejected pursuant to [§ 244 \(3\) s. 3 no. 5 StPO](#), given that the witness cannot be contacted.*

#### **Testimony of Criminal Chief Inspector Frey**

Criminal Chief Inspector (CCI) Alexander Frey from the German Federal Criminal Police Office (BKA) was informed about his rights and duties as a witness. He denied being related to the defendant by blood or marriage.



**Questioning by Judge Kerber**

Presiding Judge Kerber first wanted to know how the interview of the witness<sup>2</sup> came about, whether she was informed about her rights and duties, and what she told the BKA. CCI Frey explained that CCI Deußing told him that there was a witness who had previously worked at the Red Crescent Hospital in Damascus. Since Frey had previously conducted an interview with another doctor from this hospital, Deußing tasked him to interview this witness as well. Frey told the Court that he and his colleague Strell of course informed her of her rights and duties as a witness. They also ensured that the witness's communication with the interpreter was smooth. According to Frey, the witness was also informed about her rights under § 55 StPO [right to refuse an answer in case of incrimination for oneself or close relatives]. Frey further told the Court that the witness was concerned about her relatives' safety at a relatively early stage of the interview. Frey therefore contacted Prosecutor Klinge regarding anonymization of the witness which was granted.

In terms of the witness' career, she told the BKA that she had studied medicine and worked as a doctor at a hospital which was close to Al-Khatib Branch. The witness stated that this hospital was treated by Al-Khatib Branch as if it belonged to the Branch. The Branch's employees went there to get treated themselves. Since the beginning of the conflict, detainees from the Branch were transferred to the hospital. The witness said this started at the end of 2011 or even June 2011. The witness further told Frey that the detainees were mostly "relatively bad" cases, however, added that she probably did not see the really bad cases. Starting in mid 2012, hospital staff also had to go inside Al-Khatib Branch and the witness heard that detainees from this Branch were taken to military hospitals. According to Frey, the witness saw fifteen to twenty detainees herself. She particularly remembered a young woman who was sixteen or seventeen years old. Her upper body was completely blue due to the many bruises. However, the witness was not able to examine her from close up. The witness further told Frey that she could imagine that there were corpses coming from the Branch, but she did not see any herself. She knew about the mortuary, however, never had been there herself.

Kerber wanted to know about the diagnoses that the witness made and her findings. Frey explained that the witness mostly found that the patients were dehydrated, malnourished, and showed signs of beatings caused by sticks and metal poles. Dehydration was the most common finding and the cause of death was mostly cardiac failure.

Kerber asked if that [cardiac failure] was what was stated in the death certificate. Frey said the witness did not fill in any death certificates but heard about this cause of death.

**Questioning by Judge Wiedner**

Judge Wiedner first wanted to know whether the witness said anything about the possibilities of treatment regarding the fifteen to twenty patients she saw from Branch 251. He added that he was aware that the witness was unable to say much in this regard due to her anonymity. Frey said that the people who the witness saw or treated herself must have been more. They mostly only stayed for one night or were transferred to another station.

Wiedner asked in which period the witness saw the fifteen to twenty patients. Frey said it was from 2011 until mid 2012. He added that it was since the beginning of the conflict.

<sup>2</sup> For the purposes of this report, the term "witness" refers to the woman (Z121020528) who was previously interviewed by the BKA. The person who appeared in Court as a witness for this day, CCI Frey, will be referred to by his name and/or title.

Wiedner wanted to know whether the witness said anything about surveillance and guards in terms of possibilities to treat people. Frey affirmed, adding that according to the witness, all detainees were accompanied by intelligence employees who ensured that the detainees would not flee and who monitored the treatment. The witness described that the detainees were not handcuffed and did not wear blindfolds during the medical examination. However, the opportunities for conversations were limited to medical aspects. Frey added that in the case of the young woman, the witness was not allowed to make a blood examination because Al-Khatib Branch would have to pay for that.

Wiedner asked if there was the chance to have conversations with patients beyond medical matters. Frey said neither the witness nor the patients dared to do that.

Wiedner wanted to know more about the condition and injuries of the patients. He added that according to the BKA's transcript, the witness often illustrated what the patients looked like. Frey recalled that the witness told him that the patients showed signs of torture that were very well visible. On the surface, the patients showed bruises, signs of beatings, and abrasions on their wrists. However, the witness was not able to closely examine the abrasions to determine whether they were caused by fixations, because the guard threatened her.

Wiedner cited from the BKA's transcript of the witness' interview according to which, when asked about injuries and methods of torture, the witness stated that she saw signs of beatings, superficial injuries, inflammations of wounds. But that she was unable to tell what exactly had happened. Frey confirmed that the witness said that.

[Another spectator took a seat in the public gallery.]

Wiedner recalled that Frey already told the Court that the witness did not see any corpses. Nonetheless, Wiedner wanted to know what the witness said about corpses in terms of hearsay, what she heard from others. Frey recalled that the witness noticed that normally when patients died, the corpses were handed over to their families. Regarding detainees, they were often handed to their relatives shortly before they died. The witness assumed that this happened when the families paid money or had connections, so that the detainees could die at home. Frey concluded that the witness said she did not see anything but could imagine that these things actually happened.

Wiedner wanted to know more about the witness' experience regarding causes of death of detainees. Frey said that in the end, cardiac failure was noted as cause of death.

Wiedner asked about the actual cause of death. Frey said the witness stated it was often kidney failure and dehydration. Frey added that the witness mentioned a medical term in this regard that he was unable to remember.

Wiedner cited from the BKA's transcript according to which the witness stated that she did not witness it herself, but that detainees died of disseminated intravascular coagulation (DIC). Frey said this sounded like the term that the witness mentioned, however, he would not know whether this was the correct terminology.

Wiedner recalled that according to the BKA's transcript, the witness was asked whether deaths were avoidable. He asked Frey what the witness replied here. Frey said the witness denied this question. She explained to him that the patients were already in such a bad condition that it was impossible to prevent their death. Frey recalled that when he asked the witness if the deaths could have been prevented by earlier treatment, the witness affirmed and added that they were all strong, young men.

Wiedner asked if the witness said how the patients were normally treated. Frey said according to the witness, they were usually given hydration and in one case a patient received antibiotics.

Wiedner wanted to know how long the detainees usually stayed at the hospital. Frey said they normally stayed for one day or night, and some of them stayed even shorter.

Wiedner asked how the witness was able to determine that certain patients came from Al-Khatib Branch. Frey explained that the witness often assumed it, saying that 90% of the patients came from Al-Khatib Branch due to the proximity [between Branch and hospital]. However, the witness was unable to make a direct connection because the head of the hospital announced every time an intelligence patient arrived, however, it was never said which patient was from the Intelligence. Nonetheless, the faces of Al-Khatib Branch staff were familiar to the witness due to the fact that many of them were patients at the hospital themselves. This was how she was able to determine which patients were from the Branch.

Wiedner asked if the witness said anything about the arms carried by the intelligence employees who accompanied the patients. Frey said the witness told him that she was not familiar with arms but could say that the weapons they carried were bigger than a pistol.

Wiedner recalled that Frey told the Court that according to the witness, Al-Khatib Branch treated the hospital as if it belonged to the Branch. Wiedner wanted to know what the witnesses said in terms of medical treatment of Branch employees. Frey said according to the witness, the employees went to the hospital when they were sick to receive medical care.

Wiedner asked how exactly that happened. Frey said he could not remember what the witness said in this regard and asked Wiedner to cite from the transcript.

Wiedner said according to the BKA's transcript, the witness said that the employees simply appeared at the hospital, requested favored treatment and were ruthless toward other patients. Frey confirmed that the witness described that.

Wiedner asked Frey whether he remembered what the witness said regarding delivery and retrieval of corpses that initially came from Al-Khatib Branch. Frey recalled the witness telling him that she did not witness anything herself, because it happened at night. However, she stated that there was a hearse and that corpses were transported by ambulance. Frey added that this was, however, hearsay.

Since none of the parties had questions for Frey, he was dismissed as a witness.

### **Administrative Matters**

Presiding Judge Kerber said that the Judges would now read out a number of Judges Decisions. She added that the Judges would not follow the Defense's suggestion to summon Al-Bunni again.

### **Rejection of the Defense's request to summon [\[PW4\\_100\]](#) as a witness**

- 1) *PW4\_100 is allegedly residing in the [REDACTED]. The Defense's requests merely states [REDACTED] as current place of living alongside a phone number and e-mail address. PW4\_100 allegedly worked as an interrogation officer at Al-Khatib Branch for two years until 2011, together with the defendant Anwar Raslan. PW4\_100 supposedly knows that until this point in time, no one died at the Branch. He is further supposed to know that before March 2011 and after that, members of Division 40 conducted interrogations, mistreated and tortured people at Al-Khatib Branch.*

PW4\_100 also supposedly knows that the defendant Anwar Raslan was the head of the Interrogation Division, but was unable to intervene in this matter between March and May 2011. However, the defendant was allegedly able to help detainees by releasing them as part of his daily transcript work.

According to the Defense's request, officers from Division 40 were active at Al-Khatib Branch where they allegedly interrogated detainees and created their own transcripts. The request further states that the Division 40 officers therefore used Al-Khatib guards and other personnel. PW4\_100 is supposed to provide statements regarding the person in charge of arrests and the circumstance that Anwar Raslan had no more competencies from as late as May 2011.

II)

- a. The Defense's submission does not qualify as a request to take evidence pursuant to [§ 244 \(3\) s.1 StPO](#) regarding various aspects.

It is not apparent how PW4\_100 obtained the alleged knowledge. It is merely stated that he worked at Al-Khatib Branch in an unspecified position until the outbreak of the revolution. Relying on the expert testimony previously heard in this trial, the start of the revolution can be dated early- or mid-March 2011, which was also mentioned in the request. However, it remains unclear what PW4\_100 did at this time. The Judges therefore assume that PW4\_100 only worked with Anwar Raslan until March 2011 and cannot make any statements as to the defendant's obligation to act after that time. Due to PW4\_100's unknown ranks, it cannot be assumed that he will be able to testify about the defendant's deprivation of competencies, releases and activities of Division 40. Previous witnesses such as [P10](#), [P21](#) and others rather told the Court that they only received limited information as to the activities of others. The Judges consider this a tool of the government's exercise of power in Syria.

The Judges do not see any indications in the request for an obligation to investigate.

- b. The circumstances regarding competencies are not concretely described in the request. The request is therefore not a proper request to take evidence as described in [§ 244 \(3\) s.1 StPO](#). The request does not describe the defendant's competencies before they were allegedly taken, how they were taken and what they looked like after that. The same can be said regarding the allegation that "Division 40 ruled over Al-Khatib Branch". The Judges do not see any indications of an obligation to investigate this matter.

- c. Precautionarily assuming that the entire request would constitute a proper request to take evidence, the Judges reject the request pursuant to [§ 244 \(5\) s.2 StPO](#) which provides that witnesses living abroad do not have to be summoned if the Judges consider that their testimony is not relevant to establish the truth.

- aa. The expected evidentiary value of PW4\_100's testimony is not high regarding cases of death that allegedly did not occur at Al-Khatib Branch until March 2011. The taking of evidence so far rather showed that at least since end of April 2011, arrests and brutality increased. State repressions drastically worsened at this point in terms of quality and quantity, leading to an increase in the number of victims.

Regarding the activities of Division 40, it is unlikely that PW4\_100 made any concrete observations in this regard. The Judges are aware that there has been informal influence by Hafez Makhoul at Al-Khatib Branch. However, there have not been any indications so far pointing at a direct interference. Regarding Anwar Raslan's work it is further irrelevant who conducted interrogations.

*In terms of the defendant's alleged inability to intervene, it remains questionable whether PW4\_100 can provide any information. The indictment period ranges from April 29, 2011 until December 7, 2012 but PW4\_100's position during this period remain unclear. The same is applicable in terms of deprivation of competencies which further contradicts alleged releases by the defendant.*

*The fact of who conducted arrests has almost no relevance for the present trial since the defendant is not accused of involvement in arrests and a potential evidentiary value is not visible.*

*bb. Efforts to summon PW4\_100 are high and seem to be unsuccessful.*

- 1. [REDACTED] is a non-EU country. Therefore, a formal legal assistance request would be required. The Defense's request states that he would be willing to testify by video conference. However, the witness' postal address is not detailed. The Judges could contact PW4\_100 via phone and ask for his postal address. Should the witness be willing to provide his address and testify, formal summons would still be required. There is no treaty between Germany and [REDACTED] regulating legal assistance. It must therefore be requested through diplomatic channels as there is also no legal basis to question the witness in [REDACTED].*
- 2. According to an oral information, the Ministry of Justice of Rhineland-Palatine has no experience with requests for legal assistance with [REDACTED]. Two previous requests have not been replied to. In 2003, a request for a witness interview had been issued. After a request to extend the deadline, the request remained unaddressed as of October 2006. A request for extradition in 2019 did not receive any reaction until 2020. It was eventually said, after one and a half years that the documents were lost, and the request has remained unanswered for two and a half years. The German Foreign Office stated that they had a "mixed picture" in terms of legal assistance requests in criminal matters. Some requests were addressed after a short time while others remained unaddressed. Official letters often arrive at the wrong address or are not delivered at all. Requests for assistance that have an intelligence or political background are first examined regarding potential prosecution in the country of destination and after that often remain unanswered.*
- 3. Efforts to summon PW4\_100 are therefore afflicted with uncertainties. First, the postal address of PW4\_100 must be determined, if he is willing to share that at all. If PW4\_100 is only willing to provide an audio-visual testimony, the authorities in [REDACTED] must be willing and capable to support this. In any event, an official request for legal assistance must be granted.*

*The taking of evidence in this trial will most likely be concluded at the beginning of December 2021, a summons of PW4\_100 would therefore considerably delay the proceedings. One must calculate nine months for the summons, after which it still remains unlikely that PW4\_100 would actually testify.*



*It is uncertain whether the [REDACTED] authorities would be willing to permit a request without any legal basis or regulations. The summons of PW4\_100 would require a lot of time, be complex, and a success is unlikely*

- cc. *In an overall weighting, summons of PW\_100 is not demanded in terms of judicial obligation to establish the truth. The summons will likely be unsuccessful, delay the trial, and the testimony will not deliver any new insights. The summon is therefore not demanded. The same can be said regarding an audio-visual testimony, through which the evidentiary value would be further limited due the Court being unable to immediately observe PW4\_100's reactions and behavior.*

**Rejection of the Defense's request to summon Manaf Tlass [PW6 100] as a witness**

- I) *Manaf Tlass cannot be reached. The request is therefore rejected pursuant to § 244 (3) s. 3 no. 5 StPO. The postal address of Tlass in [REDACTED] is known to the Court. He could therefore be summoned. Nonetheless, the Judges know for sure that the former Brigadier General would not follow the summons. One of the Judges had contact with Tlass via e-mail regarding his willingness to testify in Court.*
- Tlass first vividly told the court interpreter via phone that he would not appear as a witness and not testify in Court. He said he was not involved in anything relevant to the case and that he would not want to contribute anything to the trial which could be publicly perceived as incriminating or exculpatory for the defendant, because he would like to return to Syria one day. Upon request by Judge Wiedner, Tlass confirmed these statements, saying that he would not be willing to testify as a witness in this case. It was further stated that formal summons would be dangerous. Although a detailed explanation is missing in this regard, the Judges found that the simple informal summons was already not convincing.*
- II) *The Court can further refrain from summoning Manaf Tlass pursuant to § 244(5) s. 2 StPO [rejection of a request to summons a witness abroad in case the testimony would not contribute to establishing the truth].*
- The Defense's request merely states general facts. The fact that Hafez Makhoulf had a close relationship to Bashar Al-Assad given their family relation had already been proven. The same can be said for the request's general statements regarding Hafez Makhoulf's position within the Intelligence Services. Manaf Tlass further told the Judges that he could only provide general information and that he knew 'no person' and would like to have 'no connection' to this trial. The expected evidentiary value is therefore low and lacking willingness of the witness to testify, his summons is not demanded to establish the truth.*

**Rejection of the Defense's request to summon [PW5 100] as a witness**

- I) *The witness cannot be reached. The request is therefore rejected pursuant to § 244 (3) s. 3 no. 5 StPO. The Defense's request merely stated PW5\_100's name and that he is currently residing in [REDACTED]. Other measures to reach PW5\_100 such as phone number or e-mail address as included in other requests are not detailed in this request. The Judges contacted the BKA and asked them to investigate PW5\_100's current whereabouts. The BKA in turn contacted the Criminal Police in [REDACTED] on October 29, 2021. However, PW5\_100's name is not contained in the residents register in [REDACTED]. The criminal police only found one person with the same last name. However, this person is an Algerian national who is currently not residing in [REDACTED]. It is therefore impossible that this person is PW5\_100.*

**Rejection of the Defense's request to summon [PW2\_97/PW2\_100] as a witness**

- I) The Defense's request does not state PW2\_97/PW2\_100's address or place of living. PW2\_97/PW2\_100's phone number was provided by a previous witness. The Defense filed a previous request on October 13, 2021 regarding the same witness. However, his place of living was only provided in the current request and the phone number was recently provided to the Court by another witness.

According to the request, PW2\_97/PW2\_100 was living in Damascus suburbs and acted as an intermediary between his town and Al-Khatib Branch. He is supposed to testify that one or two weeks after the beginning of the revolution, he met Anwar Raslan in Raslan's office. Further, PW2\_97/PW2\_100 supposedly knows that from March until summer 2011, Raslan released thirty to forty detainees every ten days. In order to do so, Raslan allegedly had to consult Tawfiq Younes and argue that these detainees were unarmed civilians and unlawfully arrested. PW2\_97/PW2\_100 is also supposed to testify that Abdel Na'saan took over Raslan's responsibilities and that Raslan was consequently no longer able to do much. Nonetheless, Raslan allegedly released a person called [REDACTED] who was released after two or three hours once PW2\_97/PW2\_100 contacted Raslan. [...] PW2\_97/PW2\_100 is also supposed to testify that he spoke with Raslan about the attacks on their respective hometowns, and that Raslan told him about his plans to defect, his critical position towards the regime, and his sympathy for the revolution. During this conversation Raslan allegedly also told PW2\_97/PW2\_100 how sad he was about the government attacks on his hometown that were carried out with heavy artillery.

The aim of the Defense's request is to find that Raslan had no decision-making and organizational power at Al-Khatib Branch and that he cannot be held liable for what went on at Branch 251 and the torture that happened there. The request argues that Raslan's attitude leads to conclusions about his work as an intelligence employee.

- II) It can be left unaddressed whether the request is actually a request to investigate, since a postal address to summon PW2\_97/PW2\_100 is not detailed and, in this case, must be investigated first. The request neither makes any claims as to PW2\_97/PW2\_100's willingness to testify as a witness in this trial. Efforts to investigate PW2\_97/PW2\_100's address must be assessed in light of §§ 244 (2), 244 (5) s. 2 StPO, according to which all evidence that contributes to establishing the truth must be taken into account. However, the required efforts to investigate PW2\_97/PW2\_100's address and to eventually summon him are not demanded with regard to the Court's obligation to establish the truth.

- a. The expected value of PW2\_97/PW2\_100's testimony is not very high, neither in terms of the question of guilt, nor in terms of legal consequences [sentencing].

aa. Defendant Anwar Raslan is accused of having been the Head of Investigations at Branch 251 between April 29, 2011 and December 7, 2012. His critical position [towards the Syrian government] does not affect this accusation and does not allow for conclusions about his activities as far as he did not critically evaluate his own activities at Branch 251 starting in 2011 and did not oppose the torture there. Intent or base motives do not play a role here [...] the evidence so far, as well as the defendant's own statements, rather point at a liability due to his superior position and the overall situation in Syria. He was aware of the reasons for the events happening in Syria at this time because the overall situation was already emerging during the time when Hafez Al-Assad was still in power. The overall picture rather indicates that Raslan overlooked his own doubts and put his work at Branch 251 and the aim of this work above.

*The same can be said in terms of his plans to escape. One can merely find that his escape was foreseeable, however, it cannot be said whether there had been an actual opportunity to defect or not.*

- bb. The release of certain detainees does not indicate a willingness on Raslan's side to oppose the regime. [...] it is therefore possible that Raslan initiated the release due to PW2\_97/PW2\_100's personal relation with him or because the release was scheduled anyway since the aim of the detention had already been achieved. In this regard, the Court notes that the aim of detentions included obtaining information, scaring the population, and intimidating opponents. Detainees were sometimes released after one of these aims had been achieved. It is further noted that Raslan had to get approval from Tawfiq Younes to release detainees and did not do so on his own. The early release of [REDACTED] seems to have been a favor rather than being motivated by altruistic motives. It is further not apparent how he would know the actual reasons for the releases and Raslan's own motives and internal workings at the Branch. The claims are rather based on assumptions and do not affect Raslan's work at Branch 251 and the treatment of other detainees at this Branch. The Defense's request is further limited regarding claims that were inaccessible for PW2\_97/PW2\_100: the circumstances under which the Head of Branch 251 was involved in detention issues. In addition, PW2\_97/PW2\_100 only heard about the change of powers at the Branch from Anwar Raslan himself. The correctness of these claims can barely be assessed.*
- b. Efforts to investigate the whereabouts of PW2\_97/PW2\_100 and to summon him are very high while the success of these efforts will probably be low. Since PW2\_97/PW2\_100 is living in [REDACTED], he can only be summoned through an official legal assistance request. While the Judges could indeed contact the witness via phone to investigate his address and ask him about his general willingness to testify as a witness, his summons would still require the official way through a legal assistance request, if PW2\_97/PW2\_100 was at all willing to testify.*  
*The Judges have information from the Ministry of Justice of Rhineland-Palatine that legal assistance requests with this country are generally difficult and require considerable time. A request from 2017 remained unanswered until this day, while a request for referral of a case file dated 2015 was only answered after one year. Another request from 2011 was taken back after six months since it could no longer be considered in the relevant proceedings.*  
*An agreement regulating audio-visual testimonies is nonexistent between Germany and this country. The German embassy in [REDACTED] told the Judges that legal assistance requests with this country are generally difficult, particularly regarding the delivery of summons. According to their experience, the quickest requests took four to six months, however, one should usually calculate at least one year or more, while an answer is not guaranteed. Requests for legal assistance are particularly difficult in cases with a critical political or intelligence background due to the veto right of the [REDACTED] Intelligence Services that can block a request entirely. The Judges must calculate one year to summon PW2\_97/PW2\_100. Having him testify in court would take even longer, while the success of the summons remains questionable. At the same time, the taking of evidence in this trial will most likely be concluded at the beginning of December 2021.*

- c. *In an overall weighing, the summoning of PW2\_97/PW2\_100 is not required under the Court's duty to establish the truth due to the questionable success of a required legal assistance request which would most likely be unsuccessful. PW2\_97/PW2\_100's summoning and testimony would further considerably delay the trial while it would not provide new insights. The summoning is therefore not required.*
- III) *An attempt for audio-visual questioning is not demanded since the expected success is the same as with the general summons detailed above. It is further questionable if the [REDACTED] authorities have the required organizational and personnel capacities to conduct such a testimony. It would further lower the evidentiary value of PW2\_97/PW2\_100's testimony.*

**Rejection of the Defense's request to summon [PW3\_97] as a witness**

- I) *PW3\_97 is allegedly residing in [REDACTED] and is supposed to testify that he was detained at Al-Khatib for four days at an unspecified time. During his detention, Raslan allegedly treated PW3\_97 well and facilitated his release. PW3\_97 further supposedly knows that Raslan asked other employees at the Branch why they kept arresting innocent civilians. PW3\_97's testimony is supposed to prove that Raslan had no decision-making and organizational power at the Branch and rather tried to help detainees. PW3\_97 also supposedly knows that P31's parents brought him food to the Branch which P32 was allowed to eat at Raslan's office. PW3\_97's testimony is aimed at questioning P31's credibility and convince the Court that the alleged violent attacks from Raslan against P31 are not credible.*
- II) *The Defense's request to summon PW3\_97 must be rejected.*
  - a. *Regarding P31, the Defense's request is not a request to take evidence as it does not fulfill the criteria of § 244 (3) s. 1 StPO because it does not specify how PW3\_97 is supposed to have the alleged knowledge.*
    - aa. *Regarding P31 allegedly eating food that his parents brought him in Raslan's office, it remains entirely unclear how PW3\_97 knew about that. It is unclear how he was able to learn about that directly or indirectly. The request does not state whether he was detained at the Branch at the same time as P31 or not. It is also unlikely that P31's parents told PW3\_97 about it.*  
*The evidence taken so far rather indicates that the detainees were mainly in the prison at the basement and only taken upstairs for interrogations to rooms where they were individually tortured and mistreated. It is therefore unclear how PW3\_97 obtained the relevant alleged knowledge. The request only states that PW3\_97 knows P31, however, it remains unclear how he would have been able to witness the alleged scenery and recognize P31 in an office upstairs. It is also unlikely that PW3\_97 made his own conclusions. In his testimony in Court, P31 provided detailed descriptions of Branch 251 as well as the distribution of food in the prison area. No other witness, apart from what he is supposed to testify, ever told the Court about a privilege to receive food in one of the offices upstairs. [...]*
    - bb. *The same can be said about PW3\_97's perceptions of Anwar Raslan's comments regarding arrests of civilians. It remains unclear how PW3\_97 is supposed to have heard that comment during the arrival of new detainees. The evidence taken so far indicates that new detainees arrived at the yard while the detainees were in the underground prison of close-by buildings.*
    - cc. *PW3\_97's insights therefore remain unclear and do not demand his summons.*



- b. *As far as the Defense's request claims that PW3\_97 is able to testify about his own detention and in relation to Anwar Raslan, it is irrelevant whether the request is considered to be a request to take evidence pursuant to § 244 (3) s. 1 StPO, since it must be assessed in accordance with § 244 (5) s. 2 StPO. However, according to that, the expected evidentiary value of PW3\_97 is so low that his summons is not demanded. The description of the requested evidence is weak, and it is not detailed whether PW3\_97 was detained during the indictment period or not. The reasons for PW3\_97's detention and release are unclear as well, so is Anwar Raslan's alleged involvement in this matter. [...] The 'good treatment' is not further specified in the request. Overall, the request is not a sufficient foundation to assume that PW3\_97 would provide additional insights regarding the treatment of detainees by Anwar Raslan. Although summons of witnesses living in [REDACTED] are relatively uncomplicated, the expected evidentiary value is without reasonable relation to the delay that the summons would still cause. In addition, PW3\_97's appearance in Court is not granted.*
- c. *The request is also rejected with regard to other evidentiary claims pursuant to § 244 (5) s. 2 StPO. Regarding these other claims, the request does not provide any sources of PW3\_97's alleged knowledge which further seems unlikely. It is therefore not demanded to make further assessments.*

**Rejection of the Defense's request to summon Ahmad Al-Jarba [PW1\_97] as a witness**

- I) *The Defense's request does not state PW1\_97's address, however, the phone number that was given to the Judges indicates an [REDACTED] country code, the country that was also stated in the request. The request further stated that PW1\_97 was willing to provide his testimony via phone. PW1\_97 supposedly knows that Anwar Raslan was working at Branch 285 between 1996 and 1998, at the time when Hafez Al-Assad was still in power. PW1\_97 is also supposed to testify that Anwar Raslan treated PW1\_97's brother well during his detention. PW1\_97 further allegedly learned from his brother that Anwar Raslan was the one who facilitated their release back then, arguing that there was allegedly no evidence against them. PW1\_97 is also supposed to testify about Raslan's activities for the Syrian National Coalition between June 2013 and June 2014, and that Raslan was standing alongside the opposition, opposing the regime, and working with the opposition. The defense's request lists several of Raslan's alleged activities for the opposition: distributing passports, creating black-and-white lists, and unveiling the activities of certain journalists.*
- II) *It is left open whether the request is a request to take evidence or a request to investigate evidence. An assessment in favor of the latter conclusion is supported by the fact that the request does not provide PW1\_97's place of residence and that his address is unknown and must be investigated first. It is also unclear whether PW1\_97 is willing to testify at all. Even if one was to consider the request a proper request according to § 244 (2) StPO, it would still be overruled pursuant to § 244 (5) s. 2 StPO which says that the summons of a witness abroad can be rejected in case the Court finds after careful consideration that the testimony of the witness is not necessary to establish the truth.*
  - a. *The expected value of PW1\_97's testimony regarding the question of guilt in this trial is low. Regarding the question of legal consequences [sentencing] the expected value of PW1\_97's testimony is not high.*
    - aa. *The request is irrelevant regarding the release and treatment of PW1\_97 by Anwar Raslan since this happened eleven to thirteen years before the indictment period, at a different branch, within a different political framework during the time of Hafez Al-Assad, and before the escalation of the revolution and repressive measures.*



*It is further unclear if the treatment happened according to official duty since it is known that sometimes, prominent people like PW1\_97 received different treatment during their detention and did not experience the same violence as other detainees.*

- bb. The same can be said for Anwar Raslan's activities for the opposition. The Judges are familiar with the fact that Anwar Raslan was active with the opposition in 2013 and 2014, this was already mentioned in court. Regarding precise activities as claimed in the request, efforts to summon PW1\_97's are not justified as these claims do not provide particularly valuable insights. For example, it is unknown what precise impact the above-mentioned lists actually made. The Judges acknowledge that PW1\_97 might be able to provide more detailed information regarding Anwar Raslan's activities for the opposition, however, this happened after the charged acts and therefore has only limited effect on this trial. PW1\_97's willingness to testify is also questionable.*
- b. The Defense's request would require official summons of PW1\_97 in [REDACTED] by a legal assistance request which must be issued through diplomatic channels. While the Judges could indeed contact the witness via phone to investigate his address and ask him about his general willingness to testify as a witness, his summoning would still be required through official channels via a legal assistance request, if PW1\_97 was at all willing to testify. An informal questioning of PW1\_97 would violate [REDACTED] sovereignty.*

*The Judges have information from the Ministry of Justice of Rhineland-Palatine that legal assistance requests with this country are generally difficult and require considerable time. A request from 2017 remained unanswered until this day, while a request for referral of a case file dated 2015 was only answered after one year. Another request from 2011 was taken back after six months since it could no longer be considered in the relevant proceedings. An agreement regulating audio-visual testimonies is not existent between Germany and this country. The German embassy in [REDACTED] told the Judges that legal assistance requests with this country are generally difficult, particularly regarding the delivery of summons. According to their experience, the quickest requests took four to six months, however, one should usually calculate at least one year or more, while an answer is not guaranteed. Requests for legal assistance are particularly difficult in cases with a critical political or intelligence background due to the veto right of the [REDACTED] Intelligence Services that can block a request entirely. The Judges must calculate one year to summon PW1\_97. Having him testify in court would take even longer, while the success of the summons remains questionable. At the same time, the taking of evidence in this trial will most likely be concluded at the beginning of December 2021.*

- c. Considering all aspects, it is not required to summon PW1\_97 in order to establish the truth. The success of the summons as well as PW1\_97's willingness to testify remain questionable. Considering that it would delay the proceedings and not add new insights, the request to summon PW1\_97 must be rejected.*
- III) An attempt to have PW1\_97 testify via audio-visual questioning is not demanded for the same reasons. It is further questionable if the [REDACTED] authorities have the required organizational and personnel capacities to conduct such a testimony. It would further lower the evidentiary value of PW1\_97's testimony.*



Presiding Judge Kerber explained that another request by the Defense to take an additional expert report was pending and would be decided soon.

The proceedings were adjourned at 11:03AM.

The Trial will resume on December 1, 2021 at 9:30AM

## **TRIAL OF ANWAR RASLAN**

Higher Regional Court – Koblenz, Germany  
Trial Monitoring Report 54  
Hearing Dates: December 1 & 2, 2021

*CAUTION: Some testimony includes descriptions of torture.*

### **Summaries/Highlights:<sup>1</sup>**

#### **Day 105 – December 1, 2021**

P58, a 33-year-old Syrian testified about his detention at Branch 251, as well as Raslan's sympathy towards the Syrian opposition and Raslan's good treatment of P31. The Court previously rejected the Defense's request to hear P58 as a witness, arguing that he would not add relevant information. P58 then travelled to Koblenz on his own initiative and was allowed to testify in court. He was not able to answer questions by the party and provided an inconsistent and vague testimony.

The Judges then closed the period of taking evidence in the trial of Anwar Raslan and announced that the closing statements by all parties would follow.

#### **Day 106 – December 2, 2021**

The Prosecutors provided their closing statements, arguing that Raslan should be found guilty as an accomplice to crimes against humanity in relation to 4,000 cases of torture, 30 cases of murder, and sexual violence. Accordingly, they contended that Raslan should receive a life sentence. The Prosecutors also stated that Raslan was an accomplice to several underlying crimes against humanity, therefore, he should not be eligible for parole after serving 15 years [German law typically provides for a review of imprisonment after 15 years of the life sentence to determine whether the convicted person is eligible for parole.]. Finally, the Prosecutors expressed the importance of psychosocial support for all survivor witnesses and Germany's historic responsibility to prosecute core international crimes under universal jurisdiction.

#### **Trial Day 105 – December 1, 2021**

The proceedings began at 9:35AM with three spectators and three journalists in the audience. Two cameramen took videos and photos before the start of the session. The witness, P58, was in the public gallery. The prosecution was represented by Prosecutors Klinge and Polz. Plaintiff Counsel Scharmer was the only Plaintiff Counsel present, Counsel Mohammed joined twenty minutes late and Plaintiff Counsels Dr. Oehmichen and Schulz joined during one of the breaks.

#### **Administrative Matters**

Presiding Judge Kerber said the witness called by Defense Counsel Fratzky was already in court, however, the Judges would first read pending decisions regarding previous requests by the Defense.

[The following are recreations of the Judges' decisions based on what the Trial Monitor was able to hear in Court.]

<sup>1</sup> 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.

**Judges' decision regarding the Defense's request to summon [Gerhard Conrad](#) as an expert**

- I) *According to the Defense's request, the proposed expert Gerhard Conrad is supposed to testify about the question of power structures within the Syrian intelligence services and Al-Khatib Branch, the role of Hafez Makhoulf as head of Division 40, and the relation between Sunni and Alawite members of the intelligence services. The Defense's request further states that Gerhard Conrad is a former high-ranking member of the German Foreign Intelligence Service, BND, and that the [expert testimony of Laura Thurman](#) was insufficient in terms of power structures. As alleged evidentiary fact, the request states that Anwar Raslan had no decision-making powers. Instead, Hafez Makhoulf was in control of the Branch and Raslan had no competencies to order torture or disobey torture orders from Alawite members of the intelligence services. The request describes that Raslan tried to help detainees wherever he could. The aim of the Defense's request is to state that the mistreatment that happened at Al-Khatib Branch cannot be attributed to Anwar Raslan.*
- II) *The Judges consider the defense's request to be a mere suggestion of evidence, but in light of § 244 (3) s. 1 StPO, is not a proper request to take evidence. The defense's request does not put forward any concrete facts that the proposed expert is supposed to evaluate. The request only describes general conditions at the intelligence services that the expert is supposed to testify about. The request therefore does not correspond with the requirements set out in § 244 (3) s. 1 StPO. The Judges further doubt that the descriptions in the request regarding Anwar Raslan's role and to general power structures are framed precisely enough. It is also unclear what exactly the proposed expert knows that could add new information in terms of Anwar Raslan's individual situation. One can doubt that the expert is able to have the relevant knowledge on the individual situation of one single intelligence employee. The relationship between Anwar Raslan and Hafez Makhoulf, in particular, was already determined and confirmed by previous witnesses. The system of the Syrian intelligence services is widely ramified with many Branches, making it questionable whether the expert has the relevant knowledge about one individual Branch at a certain point in time.*

*The proposed expert Gerhard Conrad worked for the BND office in Damascus from 1998 until 2002 and speaks Arabic. He then worked in Jerusalem on international intelligence issues. However, it is unclear how he is able to testify about the inner workings of another intelligence service by the time of 2011. It is also not apparent how any additional expert could have such relevant knowledge. The alleged evidentiary facts as laid out in the defense's request would be sufficient if the expert's testimony allowed for relevant conclusions. However, it remains unclear what general allegations the proposed expert is supposed to support.*

*The Judges therefore do not see the necessity to summon and hear Gerhard Conrad as an expert pursuant to the Court's obligation to establish the truth.*
- III) *The Defense's submission must also be rejected pursuant to § 244 (4) s. 1 StPO, if one would consider it to qualify as request to take evidence. Although the facts and circumstances at the heart of the request are not common knowledge, the Judges have the relevant knowledge nevertheless. The Judges know about the power structures and, in particular, Anwar Raslan's position and power through several experts and documents presented in Court. There are clan-like power structures at the top of the Syrian government and relevant agencies and intelligence services. This was confirmed by expert [Laura Thurman](#), the [expert report on Syrian intelligence services by the BND](#), as well as experts [Al-Bunni](#), [Mazen Darwish](#), and [Christoph Reuter](#).*

*Witnesses [P10](#), [P21](#), [P54](#), [Al-Labwani](#), [Riad Seif \(P13\)](#) also provided the Court with insider knowledge about the power structures within the Syrian intelligence services in 2011 and 2012, the social structures and hierarchies, the influence of the Al-Assad family, and the effects of denominations on power and possible consequences of certain denominations. In terms of the individual relationship between Anwar Raslan and Hafez Makhoul, the Court also heard from the above-mentioned witnesses. In addition, former detainees who directly observed Anwar Raslan at the Branch testified about his position and role. Eyad Al-Gharib also provided comprehensive descriptions of Division 40. In addition, people close to Anwar Raslan told the Court about Raslan's position and role in the intelligence services and the Branch. The Judges can therefore determine for themselves if and to what extent Raslan was limited in his scope of action. No expert could have better expert knowledge in this regard or provide better detail knowledge.*

Judge Kerber said that the Defense had an additional witness, however, the Court would need a relevant request to hear the witness. Defense Counsel Fratzky said the Defense referred to its request from October 13, 2021 (PW3\_97). Defense Counsel Böcker added that the defense would not refer to para. II of this request, but to the fact that the witness is already present in court.

#### Testimony of P58

P58 was informed about his rights and duties as a witness. He provided his name and told the Court that he is 33 years old and works as a journalist. P58 currently resided in [REDACTED]. He denied being related to the Defendant by blood or marriage.

#### Questioning by Judge Kerber

Presiding Judge Kerber first asked P58 to provide his ID or other proof of identity to allow the Court to assess his identity. P58 said he left his documents downstairs at the security gate. Judge Kerber told P58 to go and get his documents.

While the session was on a break, defense Counsel Böcker complained to the Judges that his client, Anwar Raslan, was treated rudely by the court guards and almost dragged into the courtroom. He asked the Judges to talk to the guards and to remind them that they treated Raslan well for the last year-and-a-half and that Raslan always behaved well. Judge Kerber explained that there was a new court guard and that she would talk to him about the issue.

P58 came back to the courtroom and handed a sheet of paper to the Judges. Judge Kerber asked him whether this piece of paper was his only proof of identity. P58 explained that he lost his wallet including all his identification cards, and that this piece of paper served as his proof of identification until he received new cards.

Presiding Judge Kerber summarized the French-language document, and asked P58 why the document would state that the department of [REDACTED] confirmed the loss of his wallet when P58 was allegedly living in [REDACTED]. P58 explained that this was the department in charge of his affairs. It was common in [REDACTED] that someone was responsible for the matters of political refugees.

Kerber asked who, where, what P58 was talking about. P58 said that he studied in [REDACTED] and now he lives in [REDACTED]. He requested the relevant papers in [REDACTED].

Kerber said she now understood what P58 meant and had no concerns about his identity. Defense Counsel Böcker added that [REDACTED] is right next to [REDACTED] anyway.



Kerber asked one of the court interpreters (who is also a sworn-in interpreter of the French language) to translate P58's document. According to the interpreter, the document states that P58 lost his identification card on October 8, 2021, and it was currently being renewed. The document was stamped by the authority in charge of adults based in [REDACTED].

Judge Kerber explained to P58 that the Court was told that he had once been detained at Branch 251. She asked him whether that was correct and what he could tell the Court about it. P58 said he was detained five times before the revolution. He was a member of the Association of Publicists and Journalists which was part of the Syrian state. P58 worked together with one of his cousins who had a high position within the Syrian state and P58 himself was employed in [REDACTED]. P58 said he is a friend of [P31](#). He was friends with P31 and visited him in [REDACTED]. According to P58, he himself was an employee of the Syrian state and not a member of the opposition before the revolution. Since 2017 and he worked as a journalist who did documentaries and expert-journalism. Within Syria, he never had issues with the police or intelligence services. P58 said that "of course there was a dictatorship in Syria," but he is from a family that had always worked with the state.

On January [REDACTED] 2011, P58 visited P31. They met at P31's home and P58 was there together with a group of five journalists. P58 said he then accompanied P31 to a demonstration because he was worried about him. They went to a café together where they wanted to meet others. They went to the [REDACTED] café in Damascus, close to the Syrian parliament. P58 explained that at this time, he did not know anyone from the Syrian opposition, except for P31. At first, they were 30 people, then 15 people. According to P58, it was the first time he had been in such a situation. There were security forces everywhere and strict regulations to prevent anyone from protesting or doing a minute of silence in front of the parliament. "The guys" therefore decided to go to the Syriatel building instead. P58 added that the company was owned by one of Bashar Al-Assad's close relatives [Rami Makhlouf]. However, security forces came into the café and asked for everyone's IDs. The protestors stayed close to the Syriatel building for around five minutes before everyone went their own ways. P58 said that one patrol stopped him and P31's girlfriend [REDACTED], an artist, nearby [REDACTED] Cinema. P31's girlfriend was not physically harmed, but she was [nervous] and started crying. According to P58, "the guys" [who stopped them] were in contact with Colonel Anwar Raslan and were waiting for his orders. They then found P58's card stating that he was a member of the journalist association and started beating him. They only stopped the beatings after "Mister Colonel" arrived. They then put "us" in state-owned Volkswagen cars where P58 and P31's girlfriend had to wait for one hour. P58 told the Court that "people were in contact with other people" and that there were many phone calls during the one hour that he and P31's girlfriend had to wait in the car. During the last call, P58 heard someone saying "Sidi". After someone called and said he spoke with Anwar Raslan. P58 assumed that they were told to stop beating, but he had to wait in the car for one hour. They were then taken to Crime [State] Security Branch [P58 constantly said "Strafsicherheit" meaning Crime Security] in Damascus where they had to stay from 7PM to 10PM. P58 said he had to wait in a cell for one hour before he went to an officer, a captain at the "crime security." P58 had to wait for two more hours in this captain's office. The captain received a call and "we were served coffee and the captain apologized saying 'well, you know how the situation is these days.'"

P58 told the Court that he was very familiar with the hierarchies within the Syrian regime. At the demonstration [where P58 was arrested] the intelligence services were not overly aggressive, they just wanted to get information. P58 said at 10PM, there were other journalists as well [at the Branch]: a TV journalist, [REDACTED], the journalist [REDACTED] from Al-Jazeera, the Al-Jazeera newspaper in Damascus, and P31. As P58 found out later, Anwar Raslan ordered their release. P58 said he learned that later when [REDACTED] was arrested.

That was the first time he heard the name Anwar Raslan. P58 went on to describe that on the next day [after their release] P31 and P58 went to [REDACTED]. P31 was afraid of check points on their way. When they arrived, P58 first went to his office where he found a letter - his notice of termination. P58 said this was when his life was turned upside down. These were all the details on how P58 first heard the name Anwar Raslan.

Judge Kerber asked whether P58 was detained another time at Branch 251 or if this was his only detention. P58 said this was the first time. It was at Crime Security, not at Branch 251.

Judge Kerber asked P58 what he meant by Crime Security. P58 said it was the normal police "that was in charge."

Kerber concluded that everything that P58 just described happened at a regular police station. P58 said "we" were arrested by Crime Security and were held on the street from 4PM to 6:30PM. When they were moved, P58 asked where they were, and he was told that the people were from Crime Security.

Kerber asked P58 whether he was detained at Branch 251. P58 said "of course." It was his fifth and last detention before he left Syria. P58 said he was detained at Palestine Branch for 37 days.

Kerber warned P58 that he could not continue his testimony like that. She said that she did understand his excitement, but he had to wait for the court interpreter to translate what he was saying. Kerber asked P58 to testify one sentence after the other. P58 said "okay."

Kerber recalled that P58 was detained at Palestine Branch and affirmed that he had been detained at Branch 251. She wanted to know when he was detained at the latter Branch. P58 recalled that on March [REDACTED] 2012, he was released from State Security Court. He was at P31's house in [REDACTED] when on March [REDACTED] 2012, officials came into the house and arrested P58 and a friend of his. From there, "we" were taken to Branch 251 on Baghdad Street.

Kerber wanted to know who P58 meant by "we". P58 asked if Kerber wanted to know names.

Kerber affirmed. P58 said [REDACTED].

Kerber asked if P31 was with them. P58 denied, saying P31 was not in Syria at that time.

The court interpreter, interpreting P58's testimony from Arabic to German, told the Court that due to P58's speech defect, he had difficulties understanding P58 and therefore had to frequently consult him for follow up questions.

Judge Kerber summarized that P31 was not present at P58's arrest which he had just described in Court. She asked P58 what happened next and whether he was taken to Branch 251 or not. P58 explained that he was arrested but was not beaten. He arrived at the Branch at 7:30PM. When he arrived at the Branch, he read a sign on a door saying "Head of Investigations." They were five friends, students from the faculty of fine arts, and friends of P31. P58 said it was very loud and Colonel Anwar Raslan asked what was going on and if they brought him the entire faculty of fine arts. According to P58, no one was beaten. P58 said it was important for him to tell the Court that his worst experience was his detention at the Military Intelligence Service where he was detained for 37 days. He was detained with the intelligence in Deir ez-Zor...

Presiding Judge Kerber interrupted P58, telling him that she wants to know when and for how long he was detained at Branch 251. P58 said he wanted to mention the second point to provide a comparison.

Kerber concluded that P58 was arrested on March [REDACTED] 2012 and was treated well. Defense Counsel Böcker intervened, saying P58 did not say that he was treated well. Kerber said that was what she understood, and she therefore wanted to ask P58 about it. P58 denied [being treated well], adding that he and the five friends were detained at a community cell which was around 15-sqm with more than 50 detainees inside. There was torture...[P58 paused]

Kerber asked P58 to try and remember because the Court needs to know what happened. P58 said it stressed him [to speak on the subject].

Kerber said she would then try to make it less painful for P58 by first asking him how long he was detained at Branch 251. P58 said he was detained from 7PM until 10AM the next morning.

Kerber asked if P58 was consequently released on March [REDACTED] 2012. P58 described that guards took him to Anwar Raslan's office in the morning. P58 directly addressed Raslan in Court saying "you might not remember me because I looked different back then." However, Anwar Raslan was friendly as P58 said he had to admit. P58 said Raslan spoke with him and told him there was nothing against P58 and the others, and that they would be allowed to go home. But when P58 left Raslan's office, there was a Warrant Officer 1<sup>st</sup> Class who was very annoyed. He came behind "us" and told "us" that he would have burned "us" if he was in the place of the Colonel.

P58 added that what he experienced inside the cell was surprising compared to his detention at the Air Force Intelligence and the Military Security. Detainees were indeed beaten, however, they were not treated like the detainees at the Air Force Intelligence. P58 said there [Branch 251] was a different kind of treatment by the guards. It was different from the Air Force Intelligence, even in terms of certain freedoms. P58 described that the detainees were allowed to use the toilet [at Branch 251], contrary to the Air Force Intelligence where they only were allowed to use the toilet after they received three meals in a row. P58 concluded that the treatment was not nice [at Branch 251] but it was not so brutal either.

After pausing for a second, Judge Kerber asked P58 whether he knew anything about P31's detention. P58 said "yes exactly," and explained that he grew up at P31's house and was responsible for the campaign demanding P31's release. P58 said this was one reason for him to leave [Syria]. He recalled that when P31 was detained at Branch 251, P31's father made a phone call to [REDACTED] [Doctor]. This person was close to the regime and had good contacts with P31's father. P58 told the Court that when one is detained with the intelligence services, one cannot be visited. P31's parents were "hysterical." The Doctor knew a Colonel. P58 said he later learned from P31's father that [the colonel was] Colonel Raslan. P31's father heard from the Doctor that Anwar Raslan is a nice person. P31's mother was then allowed to visit P31 at Al-Khatib Branch. P58 said P31's parents were allowed to visit him at the Branch. This was the first time something like that happened. It happened in the office of Colonel Anwar Raslan. P58 added that P31's favorite food was Kebab, so his parents brought him Kebab to the Branch. The Colonel calmed P31's parents down and they were relieved after the visit. When P31 was released, he returned to [REDACTED] where P58 welcomed him at the bus station. P58 said he could not see any signs of torture on P31, neither physical nor psychological.

Kerber wanted to know who told P58 about the visit to the Branch. P58 said, as he told the Court before, he grew up at P31's house. One could ask P31.

Kerber again asked who told P58 about the visit. P58 said he was always there, even when "they" spoke with the Doctor. One could ask P31 about it.

Kerber asked who told P58 about the visit; how he knew about the visit. She asked if it was correct that P58 was present during the talks with the Doctor. P58 said that when “they” went to Damascus, he was at P31’s house every day.

Kerber wanted to know when that happened. P58 said “to be precise” it must have been a month before April or May 2011.

Judge Kerber ordered a 15-minute break.

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[20-minute break]

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### **Questioning by Judge Wiedner**

Judge Wiedner said he had some questions about P58’s own detention at Branch 251. He asked P58 to tell the Court how he was arrested and what happened. P58 asked if Wiedner meant his detention at Branch 251. Wiedner affirmed. P58 said he was a colleague of Mazen Darwish from the journalist committee and he was responsible for the office in [REDACTED]. He also worked as a journalist.

Wiedner asked P58 to simply describe how he got to Branch 251. P58 explained that it looked like P31’s flat was under surveillance. P31 worked as a journalist.

Wiedner wanted to know when that happened. P58 said before Branch 251.

Wiedner said he was not referring to a place but a time. P58 asked Wiedner what time he was referring to.

Wiedner said he wanted to know at what time the incidents that P58 just described happened. P58 said he was at Branch 251 on March [REDACTED] 2012.

Wiedner asked what happened. P58 said that a big patrol stormed into the flat. They had two cars and took P58 with them. It happened at around 6PM. P58 had just left the court after he had been detained at Palestine Branch. The five friends did not have a criminal record, and no one was interrogated that night.

Wiedner asked P58 where they drove to, what happened, and how he was treated. P58 described that when he was arrested by the intelligence employees, the beatings were not “that massive.” These intelligence employees also took measures that others did not, for example P58 did not have to wear blindfolds and spent the night and the morning at a community cell.

Wiedner wanted to know where P58 was taken to by car. P58 explained that at 8AM, the Colonel requested to see P58 alone. P58 was served coffee and offered to smoke...

Wiedner interrupted P58, saying he did not answer the question. Wiedner asked P58 to describe where he was taken to by car after his arrest. Wiedner wanted to know whether it was correct that P58 was arrested. P58 said he was arrested in Damascus. He was taken from P31’s house in [REDACTED]. P58 said he was surprised that [REDACTED] interrogated him at the Military Intelligence Branch in Deir ez-Zor. P58 recalled that he was slapped on his ear and told that he would only be respected because of his cousin. However, P58 noticed that the Colonel [Anwar Raslan] was cultivated. They spoke about books.

Wiedner said he would now try to ask his questions differently and ask precise questions that P58 should answer. Wiedner wanted to know for how long P58 drove after he was arrested. P58 said he did not memorize the time, “why should [he]?” He was completely exhausted. P58 said when he was released...

Wiedner stopped P58 to talk about P58’s arrival at the Branch. He asked P58 to describe what the Branch looked like. P58 asked if Wiedner wanted a description of the building. He went on to describe that there was a big building, but he did not remember how many floors it had. There was also an adjoining building and a prison belonging to the Branch.

Wiedner recalled that P58 said it was Branch 251. He wanted to know how P58 knew that. P58 said he learned that when he left the Branch. “We” were told we could leave. According to P58, it would be commonly known that this Branch...Everyone in Syria knows about it.

Wiedner concluded that P58 knew about the Branch before his detention. P58 said before 2011 he had nothing to do with the police and intelligence services.

Wiedner asked P58 whether he knew the Branch. P58 said he knew where it was but had not been there before.

Wiedner wanted to know where the Branch was, since P58 said he was not blindfolded on the way to the Branch. P58 confirmed that he did not have to wear blindfolds.

Wiedner asked P58 to tell the Court where he was taken and what he could see. P58 said he was at the Military Intelligence Branch for a long time.

Wiedner said this was not what he meant. He was referring to Branch 251. P58 wanted to know what Wiedner’s question was.

Wiedner said he wanted to know where the Branch was and what it looked like when P58 arrived there. P58 said it would be some kind of....the streets were blocked with concrete blocks. Right after his arrival, he was taken to the Interrogation Division. This was the first time [he was interrogated]. P58 said that he saw a sign on the door saying ‘Head of Interrogations’. The head [of interrogations] was angry and asked the guards if they brought him the entire faculty of the fine arts.

Wiedner wanted to know where the Interrogation Division was located within the Branch. P58 said it was the floor next to the prison, but he did not remember which floor it was. There was no lift and they had to take the stairs to go upstairs. “They” asked “us” for personal information for 40 minutes. After 40 minutes, he was taken to a community cell, not a solitary cell. The cell was around 15-sqms with more than 50 detainees inside. P58 said he found that funny because it was different from other Branches. People asked him why he would laugh...40 minutes later, at around 8:30 PM he was taken to a community cell.

Wiedner asked if P58 was blindfolded. P58 denied, adding he already said that he was not blindfolded.

Wiedner recalled P58 saying “they asked us” and wanted to know to whom P58 was referring. P58 said “we” were first taken to a person whose rank he did not know. He then learned that it was Colonel Anwar Raslan.

Wiedner asked who P58 meant by “we”. P58 said he meant the five friends and himself. The friends did not have criminal records and were students at the faculty of fine arts in Damascus and also friends of P31. P58 said he could provide some of their names to the Court if needed. Some lived in the EU.



Wiedner asked if P58 was interrogated. P58 said he was questioned twice. The first time took around 40 minutes when he was asked for his personal information and “routine measures” were taken. At 8AM on the next morning, the friends were released and P58 had to stay at the Branch. One of the employees told P58 that they did know about his “evil doings.” P58 said this was when he was not afraid anymore because he knew that he had just been released from Palestine Branch. After the employees were done, P58 was taken to Colonel Anwar Raslan. The Colonel was cultivated and educated, unlike “normal” intelligence employees. P58 was served coffee and the Colonel sent his employees home.

Wiedner recalled that P58 was told that they knew about his activities. Wiedner added that it was unusual to be released after such a short time. He asked P58 how he could explain his timely release. P58 said it was the way in which Anwar Raslan treated people.

Plaintiff Counsel Dr. Oehmichen said P58 did talk for a long time, however, the interpreter only said one sentence. Presiding Judge Kerber explained to Dr. Oehmichen that, before Dr. Oehmichen joined, Kerber already asked P58 to only talk for short periods, however, he did not do that. Kerber asked Dr. Oehmichen to excuse the interpreter for being unable to capture everything that P58 says. Dr. Oehmichen said she just wanted to ensure that the Court was not miss anything. The interpreter explained that whenever he asked P58 for clarification, P58 started mentioning new things. Kerber again asked P58 to use short sentences that the interpreter could remember correctly.

P58 explained that his release happened for two reasons: he had previously been detained and released by a court. He was arrested because he went outside the house and had no time until the Branch..... The interpreter apologized, saying that this was exactly what P58 just said.

Wiedner recalled P58 saying that Anwar Raslan was cultivated and educated. He wanted to know how P58 came to this conclusion and what the two of them spoke about. P58 explained that Raslan told him that “this” would not happen to him again and that he could go home. Raslan then asked P58 what he desired, what his goals were, and what P58 and the others demanded. P58 replied to Raslan that if the regime continued like that, there would never be a state. P58 told the Court that this conversation did not last longer than 15 minutes before they spoke about other things. Raslan also asked P58 if someone had beaten him. P58 concluded that this was all they spoke about.

Wiedner asked who else was present during this conversation. P58 said there was an employee, the Colonel and P58 himself.

Wiedner concluded that there were three people. P58 explained that the guard only took him to the door [of Raslan’s office] and then left. There were only two people during the conversation. P58 later learned that “he” [Anwar Raslan] was nice and that [REDACTED] had the same experience. P58 also learned that the relationship between [REDACTED] and the Colonel was amicable. “He” [Anwar Raslan] is educated and this was how he spoke with people.

Wiedner said they would now jump in time. He asked P58 whether he could tell the Court what P31 had been up to since 2011, what P31 did for a living, whether he was engaged in the opposition and why he was arrested. P58 started talking when Wiedner reminded him to only use a few sentences in a row. P58 said P31 was in charge of the coordination committee in Damascus.

Wiedner asked what precisely P31 did. P58 said P31 established contacts with satellite television agencies and helped journalists to get inside the country. P31 had contacts with people who equipped him with communication technology. In short, P31 was responsible for the coordination committee in Damascus.

The committee was a new invention by the opposition to fight against the regime for the “first three, four, three months.” P58 then moved to an area close to the government palace where he had a second flat. He was an active journalist who reported on the situation in Syria.

### **Questioning by Judge Kerber**

Presiding Judge Kerber recalled that P58 was released from 251 and asked him where the Branch was located. P58 said it is east of Baghdad Street.

Kerber wanted to know if there were any significant buildings close by. P58 explained that he did not grow up in this neighborhood, so he was not familiar with the area. However, he knew the Branch because it was commonly known.

Kerber wanted to know if anyone spoke with P58 about his testimony in court. P58 denied, adding that no one was influencing him. In 2018/2019 he authored a report for the Syrian Orient Channel. In Syria, 1,200 officers are responsible for the repression in Syria. If one was able to take all 1,250 of them to trial, one should sentence Anwar Raslan.

Kerber concluded that before this present day, no one spoke with P58 about his testimony. P58 said he is a well-known journalist and studied law. He is not open to any influences.

Kerber asked if Anwar Raslan’s family was in contact with P58. P58 said no, not at all. He would not know the family and was contacted by Raslan’s lawyer.

Kerber asked who paid for P58’s ticket to Koblenz. P58 said that he paid for it himself.

Kerber asked who paid the hotel bill. P58 said he paid for it himself.

Kerber wanted to know for how long P58 had been in Koblenz. P58 explained that he arrived at 2:30PM on the previous day and did not see anybody, until he met one of the Defense Counsels and the court interpreter earlier that day.

Kerber concluded that P58 paid all travel-related bills on his own. P58 said “of course” he did. He said that one would have been able to end his life, but the Colonel was nice, treated him well, was cultivated and educated.

Kerber said she would just leave it as that. Defense Counsel Böcker asked what exactly Kerber wanted to leave. Kerber said she was referring to P58’s statement that he paid for everything on his own and the travel-related descriptions he provided. Böcker replied that the Defense Counsels would be able to provide more precise statements in this regard, if needed, without providing any subject matter-related information. Kerber said the Defense could talk with its client if needed. Defense Counsel Fratzky explained that the receptionist at the hotel where P58 was staying told Fratzky in the morning that P58 made an advance payment but 46€ would still have to be paid. Fratzky said he could not provide information on P58’s train/bus tickets and did not know who paid them.

P58 was dismissed as a witness at 11:37AM.

Plaintiff Counsel Scharmer said he wants to provide a “257 statement” [statement according to § 257 StPO] once the witness was dismissed. Scharmer said he could have asked P58 many more questions, but one should only ask questions if one assumes that the answers will provide clarity. There were so many contradictions within P58’s testimony, for example he did not mention the hospital opposite to Al-Khatib Branch at all. Which was the Branch where he was allegedly detained and not blindfolded upon his arrival. Scharmer said that P58 was not credible, and the Court heard about his motives to appear in Court. Scharmer concluded that this is all one has to say about this witness.

Defense Counsel Böcker replied with his own statement. He said in reply to his colleague's [Scharmer's] statement, he can only say that hearing this witness' testimony was as painful for him as the previous witness testimony [P57].

Presiding Judge Kerber wanted to know whether the Defense planned on submitting more evidence requests. Defense Counsel Böcker said he and his colleague will think about that for a moment and might be able to provide more information on the matter in the course of the day.

Judge Kerber said there is a German language translation of a witness interview with the police that needs to be read out in Court. She noted that the defense previously objected to this read-out. Defense Counsel Böcker said the Defense had no more evidence requests to submit on this very day.

[The following is a recreation of the Judges' decision based on what the Trial Monitor was able to hear in Court.]

**Judges' decision regarding the read-out of a translation of a witness' police interview.**

*The police interview of [FR19] led by the French Police was partially translated into German. The translation relating to FR19's detention in Syria and his arrest will be read out in Court.*

- I) *FR19 indicated to the French Police as well as to the BKA in July 2019 that he is unwilling to provide a testimony in a German trial. In reply to his summoning by the Court on [REDACTED], he told the court that he is unwilling to testify in this trial. He declined witness protection offered through § 68 StPO. One must therefore assume that FR19 will not testify in this trial. Pursuant to § 251 (1) no.3 StPO, the German translation of FR19's French police interview will be read out in court.*
- An audiovisual testimony of FR19 is impossible since FR19 is unwilling to testify at all. It is not necessary to summon the relevant police officer who led the interview since FR19's testimony is of no central importance to this trial and because the BKA officer who also interviewed FR19 already testified as well.*

Defense Counsel Böcker intervened, saying the defense needs five minutes to issue a statement replying to the Judges' decision. Judge Kerber explained that the defense's objection was already included in the minutes, but the Defense is allowed to again refer to its previous objection. Böcker said in this case, the defense refers to its previous objection.

[The following is a recreation of the transcript based on what the Trial Monitor was able to hear in Court.]

**German Translation of the transcript of the French Police's interview with FR19**

[details on date, location, and authority]

FR19 was asked whether he was arrested by Syrian authorities or arrested from the streets. FR19 explained that he was twice detained in Syria. The first time was from [REDACTED], 2011 until [REDACTED] 2011 and the second time was from [REDACTED] 2012 until [REDACTED] 2012. On October 7, 2011 he was presented to the State Protection Court. Amongst others, he was accused of having incited religious hatred. However, since he had not done anything against the police, he was released on bail.

FR19 was then asked by the French Police whether he participated in the protests that started in March 2011 and that were suppressed. FR19 said since January 2011 he had been involved in gatherings related to the Arab Revolution. The gatherings took place in front of the embassies. In March 2011, the first demonstrations started and FR19 was a member of the organizational committee. He participated in demonstrations. At one demonstration, his friends were arrested, and he had to hide for twenty days. When he returned to his store afterwards, he was arrested there. FR19 was beaten throughout the entire drive [to the Branch]. He only learned at the first interrogation where he was. He was told to provide the names of his friends. From the very beginning, FR19 was exposed to beatings and torture. FR19 said he was forced to undress. He was constantly handcuffed and blindfolded. He was tortured with “Doulab”. He was beaten on his feet, so they started bleeding.

FR19 further told the French Police that he was detained in a solitary cell in the basement for two months. He was interrogated and tortured for fifteen days, “practically without any breaks.” FR19 then confessed what he was told to confess, and he had to sign a blank paper. He was then put in a cell where the air was very bad, and his inflammation was not treated. The cell was 1.7x1.1 meters, without any ventilation. The toilet was very dirty. Inside the cell it was very hot in August and very cold in October. FR19 was only wearing a ripped shirt and received food twice a day. The meals consisted of two olives and a piece of bread.

FR19 said he was detained in cell [REDACTED] and could hear what was happening around him. People were screaming and they were taken back [to the cells] from the interrogations. People came and left. In the cell next to FR19, a man called [REDACTED], was detained. After two months, FR19 was transferred to the central prison. He had difficulties with his fellow inmates, but Adra Prison was not as bad as the prison he had been before. The prisoners there were detained for committing sexual abuse of minors and other crimes. FR19 said he had to pay for the food at this prison. On [REDACTED]2011, he was released after a deposit and returned home to his wife and newborn son.

FR19 explained to the French Police that even after this detention he stayed militant and formed a group together with other people. They wanted to overthrow Bashar Al-Assad and participated in strikes. They also supported residents who lost their homes due to bombardment. FR19 said a child was killed in his neighborhood on [REDACTED], 2012. On this day, three men and two women had a meeting at a lawyer’s office where they were overpowered by officers. The officers searched FR19’s and the others’ phones and computers for thirty minutes and spoke with each other over the detainees’ heads. They were then taken to Division 40. FR19 explained that he cannot remember how he and the other men had been tortured. He only received beatings, while others received electric shocks. FR19 said they spoke about their experiences when they were able to and he himself might have been beaten less because he did not carry any items with him.

FR19 further described that he had to deal with a colonel, however, he does not know his name. The colonel asked FR19 personal questions. FR19 said there were 300 people [at the premises of Division 40] and the place was overcrowded. There were disabled people as well as children, and each day people were taken for interrogation from the community cell. FR19 and his three friends were not tortured. They had to sign a statement. FR19 said this was the reason why, after one month, he was transferred to Kafar Souseh. FR19 said this would, in his opinion, be the headquarters of the intelligence services. He said he was punished by a soldier and unable to see for ten days. He was detained in a double cell, however, there were more than two detainees. They were always handcuffed and had to face the walls. This was also the position in which they had to sleep. FR19 told the French Police that the guards were constantly watching them and then ordering them to wake up.

Meals consisted of a pot of burnt bulgur and some bread. They were only given two liters of water for all detainees to share. Once a day they were allowed to use the toilet for four seconds. FR19 said he had to experience this for 15 days. The others had to stay longer, for one or two months but he was released.

The French Police wanted to know who decided about FR19's arrest and release. FR19 explained that there was twice a man with a water pipe who provided information to the police.

The French Police asked whether someone was informed about FR19's whereabouts. FR19 denied, adding people were only informed about his whereabouts when he was at Adra Prison. However, his family was not allowed to visit him. [...]

The French Police wanted to know if FR19 remembered names of officers. FR19 denied. He told the French Police that people were given satirical names, but no real names were mentioned. Nor did he know who interrogated him. He only saw one face, but [...]

The French Police further wanted to know whether other people apart from him were tortured. FR19 said [torture] was systematic. The system existed ever since Hafez Al-Assad.

FR19 was then asked by the French Police what he knew about deaths, murders, and executions during his detention. FR19 said he did not see dead people during his detention. However, he heard that someone died at Palestine Branch. He also heard about someone who died at Al-Khatib Branch. People often suffered from inflamed wounds on their feet due to beatings. He also saw people who fell unconscious and then simply disappeared [from the cell]. Once, someone was beaten on his head with a metal pole and FR19 did not see this person again. He concluded that probably many people died due to the violence and the lack of hygiene.

The French Police wanted to know how and by whom FR19 was arrested. FR19 explained that in August 2011, officials from Political Security Branch entered his store to take him with them. They were ten people with several cars. The road was blocked. FR19 said the people were dressed in civil clothes. They entered his store, saw his tattoos, and simply took him with them. FR19 further described that these people carried pistols and wore different civil clothes. However, FR19 immediately knew "with whom he had to deal." FR19 added that his sister was there as well. FR19's phone was not there because his sister had taken it home. The people searched for the phone until FR19's sister gave it to them. FR19 said he was interrogated in the basement. He was blindfolded and the officers addressed each other with code names. They called each other "Sidi" and were formal in addressing each other.

FR19 added that the second time, in February 2012, he was at Division 40. The building was in Damascus. He was arrested at a lawyer's office. According to FR19, Division 40 was known for its brutality. He did not know where the Division was. He had been blindfolded since his arrest.

The French Police wanted to know how FR19's arrest took place. FR19 explained to the Police that during his first arrest he was taken to a building with a business car. He had to take the stairs down to the basement. The driver went fast and FR19 was sitting on the back seat. He stayed at this detention facility for two months before he was transferred to Adra Prison.

During his second detention, FR19 had to stay at Division 40 for 24 hours and was beaten before he was then transferred to Al-Khatib Branch, to State Security. There he also experienced violence for a month-and-a-half. FR19 further explained that Division 40 was located in Damascus and led by Hafez Makhoul. Before the revolution the Division was in charge of drug matters.



FR19 recalled that when he was in [Hafez Makhoul's] office, men told him they were at the boss' office. [Makhoul] insulted FR19. FR19 was then taken outside and transferred to Al-Khatib Branch, then Kafar Souseh for fifteen more days. He was then released and told that this better be his last arrest, the next time he would be dead. FR19 told the French Police that he does not know why he was released. At the central court, he had the right to consult a lawyer who told him to write everything down on paper.

The French Police asked FR19 about the detention conditions. FR19 described to the police that he was at the second or third floor at Division 40's building. There was no prison in the building. He was asked about his arrest. He had to go upstairs by foot since there was no lift. There was a small room and he had to go upstairs again. There was a sign at the wall saying "Division 40". He was asked several things, for example whom he helped. There was neither a toilet nor a shower. He had to stay there for 24 hours before he was taken to Al-Khatib Branch. He arrived at a "rather small room" where people were standing in a semicircle and people were tortured in the middle. According to FR19, the building had several floors with offices. And rooms were restructured to gain more space. FR19 said he could hear torture. He had to sleep together with 200 people, all of whom had to sleep while sitting. Others had to stand up for days and suffered the so-called "elephant man syndrome". They were given one plate of food for all of them. There was one water tap for all of them to use. FR19 recalled that at Kafar Souseh, the cell was very big with four detainees in it. FR19 was detained in the west wing of the building. He assumed it was the headquarters of State Security. FR19 went on to describe that he was in a small room, his hands were tied with a thin rope, and he had to face the wall. He was, however, not blindfolded. There were around 20 other people and a high fluctuation [of detainees]. FR19 said he was also tortured every day. He was taken to a different building where he was photographed. There were five or six people, two or three of whom were violent. There was a superior person and an assistant. The superior asked questions that were all connected to each other. FR19 added that he thinks that it was in a state building and Hafez Makhoul was wearing civilian clothes.

The French Police recalled that FR19 mentioned that guards came into the cells. FR19 denied, explaining that there were, however, "false detainee" and the people who started talking [inside the cells] were taken away.

The French Police wanted to know more about the torture methods that FR19 had to experience. They asked him about names or other things one can use in order to identify the torturers. FR19 told the French Police that, as he already told them before, he was not able to talk about it with others. He had issues with his kidney and his arm. According to FR19, there were several people from Sweida at Division 40. At this Division, FR19 did not hear or see anyone being tortured. At Al-Khatib Branch was a head of interrogations, Hafez from Sweida who also had an assistant. The one in charge was from Marjeh. One of the detainees told FR19 that he knew the father of this person [superior]. FR19 saw this person once. He was the boss of the Secret Police and wore a Christian crucifix around his neck. He also had an assistant. FR19 concluded that this was everything he knows. He added that he knows fellow detainees who are also living in France at the moment.

Presiding Judge Kerber explained that there were two more documents with the Defendant's signature that needed to be read out in Court as German translation, in addition to two expert reports by the Max Planck Institute, as well as the Defendant's criminal record detailed in the German Federal Central Register.

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[15-minute break]

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**German Translation of two documents showing the Defendant's signature**

[REDACTED], 2021

strictly confidential

Syrian Arab Republic

General Intelligence Directorate

Branch 281

detainee no. [REDACTED], arrested on [REDACTED], 2012

Letter of information to the General Major, Head of the General Intelligence Directorate

The detainee was arrested because he participated in riots and will now be presented to [...]

Investigations led to the following information:

[REDACTED] from [REDACTED], farmer, arrested three times, once detained for two weeks, politically neutral, completed his mandatory military service

He confessed to have received 15,000 Lira for his services in working with Jihadists.

The following is ordered:

- 1) Present him to a court due to several charges and freeze his assets
- 2) for information for Branch 231
- 3) Record [...]
- 4) for information for Branch 251

Signed amongst others by "Colonel Raslan"

[date]

strictly confidential

Syrian Arab Republic

General Intelligence Directorate

Branch 285

detainee [REDACTED], arrested on [REDACTED] 2012

Letter of information to the General Major, Head of the General Intelligence Directorate

The detainee was presented due to his firearms license and his connection to the armed opposition in Aleppo and Damascus.

Investigation Results: [...]

The following is ordered:

- 1) Present him to a terrorism court, create an interrogation transcript, confiscate his car and take measures regarding [...]
- 2) Branch 275 is tasked to annul and return the firearms license for a Russian rifle issued by the General Intelligence Directorate
- 3) the firearms license is to be handed over to the Ministry of Interior
- 4) confiscate the money found with the detainee and disseminate among Branch 285 staff
- 5) hand a copy of this letter to Branch 331
- 6) Branch 255 to make a decision after taking note

Signed amongst others by “Colonel Raslan”

[The following is a recreation of the experts’ reports based on what the Trial Monitor was able to hear in Court and a brief scan of the applicable [Syrian Penal Code](#)]

**Expert Reports by the Max-Planck-Institute for the Study of Crime, Security and Law**

MPI Expert Report, May 4, 2021

Max-Planck-Institute for the Study of Crime, Security and Law  
Freiburg  
[REDACTED]

Report on Criminal Liability for Torture, Deprivation of Liberty, and Sexual Violence under Syrian Law in 2011 and 2012

The experts note that they only found limited information. All information is compiled below.

1) Deprivation of Liberty

Punishments for deprivation of liberty:

§ 555 Syrian Penal Code	deprivation of liberty	6 months to 2 years imprisonment
§ 556 Syrian Penal Code	deprivation of liberty exceeding one month; deprivation of liberty in combination with torture; [committed against an official while he is performing his duties]	3 to 15 years forced labor

§ 357 Syrian Penal Code	deprivation of liberty performed by officials and administration, justice, military, or civilian officers	Same margin as above
§ 358 Syrian Penal Code	deprivation of liberty or prolongment of detention committed by prison directors or staff, or any other official exercising their powers without an official arrest warrant or judicial order	1 to 3 years imprisonment
	Hostage taking and related conduct was not punishable in 2011/12	
§§ 559 – 562 Syrian Penal Code	threats to commit a felony e.g. threatening to kill someone, putting a gun against someone's head	low margin of punishment

## 2) Sexual Offences

Punishments for sexual offences:

	rape by penetration with the penis and under threat or force	
§ 391 (1) Syrian Penal Code	more severe punishment in cases of extracting confessions under torture or coercion if committed by perpetrators are officials	up to 16 years forced labor
§§ 493 ff. Syrian Penal Code	Men and women can be victims of immoral acts. Acts are considered immoral when they cause shame, loss of dignity, or violate a person's chastity	
§ 493 Syrian Penal Code	Using coercion or threats to commit an immoral act	At least 12 years forced labor
	Victim younger than fifteen years	At least 18 years forced labor
	Uncovering a woman's pubic bone and touching it with a limb, for example hands or destroying the hymen with something else than a	

	<p>penis is considered an immoral act/sexual violence under this paragraph.</p> <p>It cannot be ruled out that inserting a stick in someone's anus can be considered anal intercourse and subsumed under immoral acts as provided in this provision. However, there is no relevant jurisprudence on this matter</p> <p>An attempt to taking off someone else's trousers is considered immoral. However, it is unclear how pushing someone's head against one's lap is legally qualified.</p>	
§ 505 Syrian Penal Code	touching or fondling girls or women of any age or boys below the age of 15 in an immoral manner without their consent	up to 1.5 years imprisonment
	<p>Causing shame is always implied by e.g. touching one's pubic area, coming into close bodily contact, or touching a woman's breast</p> <p>Incidents under §§ 493 and 505 Syrian Penal Code are differentiated depending on the pressure with which the hand touches the victim's body, the part of the body, as well as time and place of the offence. Touching a woman's breast is therefore punishable under § 493 and § 505 Syrian Penal Code</p>	

### 3) Prohibition of Torture

Prohibition of torture is included in both Syrian Constitutions:

Art. 28 (3) Syrian Constitution of 1973

Art. 53 (2) Syrian Constitution of 2012

The wording of the condition of 1973 defines torture as physical and psychological violence, while the constitution of 2012 only generally prohibits torture.

The Syrian Penal Code punishes torture with up to 3 years imprisonment. In cases where victims are injured or suffer disease from torture, the lowest punishment is 1.5 years imprisonment [1 year imprisonment if torture is used to extract confessions according to § 391 (2) Syrian Penal Code.].



ANNEX: German translation of excerpts of the Syrian Criminal Code and relevant Constitution articles:

§ 44 Syrian Penal Code	3 to 15 years forced labor in cases where the law does not specify the time of forced labor and merely provides for “temporary forced labor”
§ 247 (1) Syrian Penal Code	Defines more severe punishment in cases of § 246 Syrian Penal Code (repetition of a criminal act): death penalty instead of life imprisonment; 1/3 and ½ increase of sentence
§§ 340 Syrian Penal Code	Definition of the term “official”
§ 357 Syrian Penal Code	An official depriving another person of his/her liberty without legal grounds shall be sentenced to temporary forced labor [3 to 15 years]
§ 358 Syrian Penal Code	In case directors and guards of prisons, disciplinary institutes, or other corrective institutes, and all officials exercising their duties, accept a prisoner or imprison a person without a judicial warrant or judicial decision, or keep them in detention beyond the term specified by law, shall be punished with imprisonment from one to three years.
§ 381 (1) Syrian Penal Code	A person forcing another person to confess by the use of torture shall be sentenced to two months up to 3 years imprisonment
§ 381 (2) Syrian Penal Code	In case the victim suffers physical harm from torture, the sentence shall not be lower than 1 year imprisonment.
§ 492 (2) Syrian Penal Code	(Referring to § 492 (1) criminalizing intercourse by legal guardians with minors between the age of fifteen and eighteen years, and providing for punishment of nine years forced labor) same punishment in cases where the perpetrator is a religious representative, official, manager or employee at an official authority abusing his power derived from his position to commit the above crime.
§ 493 (1) Syrian Penal Code	Using coercion or threats to commit an immoral act shall be punished with at least 12 years of forced labor.
§ 493 (2) Syrian Penal Code	If the victim was younger than fifteen years, punishment shall be at least 18 years of forced labor
§ 497 Syrian Penal Code	Punishment for conduct provided in §§ 489, 493, 495 Syrian Penal Code is increased if the perpetrators is one of the persons listed in § 492 Syrian Penal Code
§ 505 Syrian Penal Code	Touching or stroking a minor or woman in an immoral way
§ 555 (1) Syrian Penal Code	Deprivation of liberty shall be punished by up to 2 years imprisonment.

§ 556 Syrian Penal Code valid in 2011	Deprivation of liberty that a) lasted more than one month; b) included physical or psychological torture; c) was committed against an official shall be punished with temporary forced labor
§ 556 Syrian Penal Code valid in 2012	Deprivation of liberty that 1) a) lasted more than one month; b) included the infliction of the physical or mental torture to the victim; c) was committed against an official, that 2) involved violence, death threats or ransom demands, shall be punished with 10 to 12 years of forced labor and fines, if committed against a juvenile
§§ 560, 561 and 562 Syrian Penal Code	Threats to commit a felony e.g. threatening to kill someone, putting a gun against someone's head entail a lower margin of punishment
Art. 28 (3) Syrian Constitution of 1973	Prohibition of torture
Art. 53 (2) Syrian Constitution of 2012	Prohibition of torture

MPI Expert Report, May 4, 2021

Max-Planck-Institute for the Study of Crime, Security and Law  
Freiburg  
[REDACTED]

Just like the French law, Syrian law does not provide for an equivalent to the German provision on particularly severe cases of theft pursuant to § 243 StGB.

Relevant provisions of Syrian criminal law are: §§ 559 ff Syrian Penal Code: §§ 559 – 564 Syrian Penal Code

#### **German Translation of Anwar Raslan's CV which he mentioned during his questioning**

*CV of Colonel Anwar Raslan*

*Colonel Anwar Raslan was born on February 3, 1963, in Al-Houla, Homs.*

*I visited the primary school and secondary schools one and two in Homs. After I had received this diploma, I studied law at the University in Damascus. I graduated from the faculty of law after 4 years of studies. I then took a course for sergeants with the Ministry of Interior at the Police Academy.*

*I then worked at the Immigration and Passport Division in Aleppo and Hasakah before I graduated from the university.*

*Starting on August 22, 1992*

*I was working as a district manager and took a course in investigations and legal structures from which I graduated as Lieutenant 1<sup>st</sup> Class, second of my class. I then worked as a training officer at this school and was awarded as top 3 of my class after 1.5 years. I also completed a six-month-course in state security administration.*

*I worked as an investigation officer, head of Branch 285, and held hundreds of lectures.*

*On October 23, 2003*

*I completed a one-year-course on research, economy, criminology, and investigations and was awarded a certificate.*

*On November 24, 2007*

*I worked in espionage for nine months, as the head of investigations and head of the Syrian security delegation*

*[...]*

*I accompanied the OPCW delegation in 2007.*

*From August 9, 2008 until September 7, 2012*

*I was the head of investigations at Branch 251 of Sate Security. In this position, I cooperated with some members of the revolution committee in Damascus and gave orders to release detainees.*

*I was transferred to Branch 285 due to a fight with Hafez Makhoul and the General Major because of my cooperation with the Syrian opposition and his attitude*

*On December 4, 2012*

*I had two failed attempts to escape and had released thousands of detainees*

*I then went to Jordan where I was working for [...]*

*The decree regarding defected Syrian officers also affected myself.*

*My wife and five children are living in Amman, Jordan. They were often threatened by Syrian regime affiliates who sent information to the Syrian General Intelligence Directorate and persecuted them. I therefore want to reside in your country to protect my family and in accordance with international laws.*

*[phone number]*

*Thank you very much.*

#### **Anwar Raslan's criminal record according to the German Federal Central Register**

*Federal Central Register*

*September 30, 2012*

*Information provided by the Federal Ministry of Justice (BMJV) to the Federal Criminal Police Office (BKA)*

*Information regarding Anwar Ruslan [Raslan]*

*Born in Al-Houla, Syria on February 3, 1963*

*[German postal address]*

*No entries found, even after using divergent personal information.*

Presiding Judge Kerber announced that since there were no requests to have the interpreters take an oath, the interpreters were dismissed as experts [regarding German, Arabic, and French translations].

The period to accept evidence in the trial of Anwar Raslan was closed at 1:22PM. Presiding Judge Kerber announced that there were no discussions of a plea bargain pursuant to § 257c StPO .

The proceedings were adjourned at 1:24PM

### **Trial Day 106 – December 2, 2021**

The proceedings began at 9:32AM with seven spectators and seven journalists in the audience. Two cameramen took videos and pictures before the start of the trial day. The prosecution was represented by Prosecutors Klinge and Polz. Plaintiff Counsel Reiger was not present, and Plaintiff Counsel Bahns joined ten minutes late. Defense Counsel Böcker was not present either.

#### **Closing Statement – Prosecution**

[Below is a summary of the Prosecutors' oral closing statement, based on what the Trial Monitor was able to hear in court. Direct quotes are marked with "" and additional observations are detailed in square brackets.]

#### **Introduction**

The Prosecutors started their oral closing statements with a quote from the Austrian-Jewish writer [Jean Améry](#), who said that 'those who suffered torture can never feel at home.' The Prosecutors stated that they thought of this quote during the entire trial. They saw that what happened at the Syrian Intelligence Services scarred the survivors eternally, while all of them tried to find a way back. Nonetheless, none of them was able to feel at home again. The Prosecutors said everyone inside the courtroom could feel this. They added that victims should know that they are not alone with their suffering.

The Prosecutors went on to note that the fight against impunity would be a challenge for international criminal law and a historic responsibility for the Federal Republic of Germany. Nonetheless, prosecutions would be reliant on the victims. According to the Prosecutors, participating in prosecutions of international crimes in trials and investigations is extremely burdensome for all victims, and can even lead to re-traumatization. One must counteract that by anonymizing witnesses when necessary, and providing them with witness protection and counsels. According to the Prosecutors, these measures were frequently applied in the Koblenz Trial. Nonetheless, such measure could also oppose other rights.

The Prosecutors added that demands to record such trials are fatal, since recording can have severely negative impact on the willingness to testify of witnesses who are already scared. Everything that had been recorded will fall in the hands of the Syrian regime sooner or later, according to the Prosecutors. This would have negative consequences for future trials. The Prosecutors further added that such trials would have satisfactory function for many people and would help them to re-gain their dignity.

As one of the last introductory aspects, the Prosecutors stated their thanks to the Defense for its work, saying that although the Defense Counsels were very engaged, they refrained from asking uncomfortable or hurtful questions. According to the Prosecutors, such fair behavior was unfortunately not always the case in criminal trials.

The Prosecutors said they hope that at least some victims could feel at home again. According to the Prosecutors, the peaceful existence of all people would require trials like the one in Koblenz. They referred to the preamble of the ICC's Rome Statute which states that 'such grave crimes threaten the peace, security and well-being of the world, [and] that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation.' The Prosecutors concluded that Germany and other states are called upon to prosecute such crimes where they would otherwise go unpunished. This would, however, only be the case for the most serious mass atrocities and not resemble a widening of individual legal assets. Only in cases where the international community as a whole would be affected, such [domestic] prosecutions [under universal jurisdiction] would be justified.

The Prosecutors stressed that in such [universal jurisdiction] prosecutions, the rule of law would be particularly relevant. It would be harmful if the judiciary would act as an "avenging angel." They quoted [Benjamin Ferencz](#), the last living prosecutor from the Nuremberg Trials who said in his [opening statement in Nuremberg](#) that 'vengeance is not our goal, nor do we seek merely a just retribution. [...] The case we present is a plea of humanity to law.' According to the Prosecutors, the same was true for this present trial, which was all about the rule of law. One single person can never be seen as representative of an entire unlawful regime. Prejudgments are prohibited. What is rather necessary is the assessment of the Defendant's individual contribution to criminal acts through a differentiated analysis. The Prosecutors concluded that this was the challenge of international criminal law.

Before detailing the subject matter, the Prosecutors noted that they would only detail the Defendant's, Anwar Raslan's, curriculum vitae when it was necessary to do so in order to paint a picture of the overall situation in Syria and for sentencing purposes. In addition, they would only provide limited elaborations on the existence of the systematic and widespread attack in Syria, since the Judges already established that in their written [judgment following the trial of Eyad Al-Gharib](#). Witnesses who were allowed to stay anonymous in Court will be referred to by the date on which they testified in Court, in case they were not anonymized at an earlier stage.

### **Subject Matter**

Starting in early 2011, demonstrations and protests as part of Arab Spring took place in Syria as well. According to the Prosecutors, first acts of sympathy with other Arab countries started in Syria in February 2011, and from March 2011 on, Syrians started protesting against their own government. The government, however, immediately reacted by brutally dissolving demonstrations. The situation escalated quickly with the first people being killed by the government in Dara'a in March 2011. The Prosecutors recalled that the Syrian government quickly launched measures affecting the general population, and not only those who participated in peaceful protests, by erecting checkpoints and controlling hospitals. Nonetheless, protests continued to spread all over Syria.

In March 2011, the CCMC was founded, comprised of amongst others the heads and members of the four intelligence services. Its task was to give orders regarding brutal, bloody, and rapid suppression of demonstrations. According to the Prosecutors, the first military operations started in April 2011 in Dara'a where more than 200 people were killed by the regime. The same happened in Duma. The military then started attacking civil population in 'insurgent neighborhoods.' According to the Prosecutors, the Syrian Intelligence Services and the Military played a central role in the suppression of civil society. Thousands of civilians were injured and killed through the use of batons and live ammunition.



Many people were arrested and put in prisons where they had to endure inhumane conditions, were tortured and humiliated. The prosecutors stated that the system of torture was well established for decades, but the nature and frequency of torture increased with the start of the revolution. The prisons were bursting at the seams. Arrests and detention were not so much used to obtain information, but to break the opposition. According to the Prosecutors, it was a means to finish the opposition.

The Prosecutors further described that there was physical as well as psychological torture in prisons. Detainees had to endure massive violence, malnutrition, and overcrowded cells. According to the prosecutors, prison cells were “death cells.” Military hospitals were also integrated within this system. Since the beginning of the protests, military hospitals were used to torture people and turned into death facilities, according to the Prosecutors. Hospitals were often “the final destination” for detainees, in particular al-Mazzei Hospital 601, Tishreen Hospital 507, and Harasta Hospital. The Prosecutors said that soon, corpses from prisons were sent to these hospitals where they were photographed and cataloged before they were taken to mass graves. This was done to prove that these detainees actually died, so that no one could take bribes to allegedly facilitate the release of these detainees, and to ensure that no detainees were unofficially released by claiming that they died.

According to the Prosecutors, it was not only the General Intelligence Directorate also called State Security, but the Military Intelligence, Air Force Intelligence, and Political Security who played an important role in Syria. All of them were divided into Branches. Branch 251 of the General Intelligence Directorate was located in Al-Khatib neighborhood in Damascus, from which it also got its name ‘Al-Khatib Branch.’ According to the Prosecutors, this Branch was in charge of Damascus and its surrounding area. Branch 251 conducted many arrests and roadblocks, together with Division 40, which had its own building in Jisr al-Abyad. Division 40 was led by Hafez Makhoul, a cousin of Bashar Al-Assad. Although this Division was subordinate to Branch 251, it almost acted autocratically. The Division was in charge of raids, shattering demonstrations, and conducting controls at checkpoints. Since Division 40 did not have its own prison, it transferred its prisoners to Branch 251 and left them with the employees there. The Prosecutors further detailed that those arrests were always conducted according to the same scheme: they happened quickly like raids and were very brutal. Civilians were mistreated and arrested, those who fled were hunted down. People were packed into buses and cars and eventually taken to torture Branches.

The Prosecutors added that people who were arrested were never told any reasons for their arrest, neither did the arrests happen in accordance with criminal procedure. Relatives were not informed about the whereabouts of detainees. According to the Prosecutors, most detainees at Branch 251 could already imagine what would happen to them within the following days, weeks, or even months of their detention, from the moment when they entered the Branch. It was brutal and their fate was uncertain. The employees at the Branch wanted to never let the detainees rest at all. Upon their arrival, detainees received the so-called “welcome party” during which the guards wildly unleashed beatings on new detainees. They also sometimes hit the heads of detainees against a wall. The beating only stopped at the facilities downstairs, although not everyone survived the welcome party.

The Prosecutors recalled that in June 2011, one detainee was beaten so harshly by an employee of Branch 251 upon his arrival, that he died in the yard. Only in very few cases, detainees were only beaten for the first time at a later stage of their detention, and not upon arrival. Following the welcome party, new detainees had to undress downstairs and were frisked. They had to squat several times while naked. This procedure was called ‘safety move.’ The detainees then got their clothes back. Their personal items and shoe laces were, however, confiscated. During their detention, detainees had to undergo violent interrogations.

Obtaining information through forced confession only played a minor role. There was so much torture that often, interrogations simply happened without any useful questions. Usually at least one guard who humiliated and insulted detainees was present at each interrogation. The Prosecutors said that the torture methods such as *Falaqa*, *Doulab*, *German Chair*, and *Shabeh* probably existed for decades if not centuries. Electro shocks were also applied on a daily basis.

The Prosecutors added that at Branch 251, Al-Khatib Branch, detainees were constantly exposed to inhumane conditions. Medical treatment was mostly denied, even when it was necessary. Women, children, and elderly men were put in overcrowded cells where they could often only sleep while standing. There was no air conditioning inside the cells, so people regularly collapsed due to lacking oxygen. Food was often insufficient and simply inedible. Hygienic conditions were “catastrophic” as well with flees and lice dropping from the ceiling together with the condensed sweat of the detainees. Detainees were not allowed to wash and denied basic personal hygiene, leading to scabies and skin rashes. Detainees often had to urinate and defecate inside the cell. This led to an unbearable smell of urine and feces. In addition, detainees were constantly exposed to the screams of torture from other detainees. The prosecutors concluded that many detainees found it worse to be exposed to the screams of others than to be tortured themselves. They were constantly afraid to be the next person tortured. It was not a surprise that many detainees lost their mind in detention, said the Prosecutors. Detainees were further exposed to sexual violence, humiliation, threats to rape them or conduct other sexual assaults, as well as relevant threats against their close relatives.

The Prosecutors concluded that between April 29, 2011, when the systematic and widespread attack by the Syrian regime started, until December 7, 2012 when Anwar Raslan defected, at least 4,000 detainees at Branch 251 were exposed to brutal violence and living in constant fear for their lives. There was a realistic threat that they would not leave the Branch alive. Many detainees found this fear and the screams of other detainees worse than physical torture. According to the Prosecutors, the Judges therefore correctly qualified the mere detention at Al-Khatib Branch as torture in their written judgment in the trial of Eyad Al-Gharib.

The Prosecutors said that these conditions were described by many witnesses, amongst others plaintiffs: P1, P11, P12, P19, P25, P27, P28, P30, P41, P39, P38, P34, P32, P22, P50, P48, P47, P46, P44, P42.

[The Prosecutors provided a brief summary of every plaintiff’s testimony, detailing: when, where and how they were arrested; for how long they were detained at Branch 251 and other places if applicable, what they had to endure during detention at Branch 251; how this still affects them today. For summaries of each plaintiff’s testimony, visit [SJAC’s trial monitoring website](#) which also provides links to each witness’s detailed in-court testimony]

The Prosecutors concluded that during the indictment period [4/29/2011 - 12/07/2012], at least thirty people died from mistreatment at Al-Khatib Branch.

### **The Defendant**

The Prosecutors went on to sketch the Defendant’s curriculum vitae:

- After his high school diploma, Anwar Raslan started studying law at the university in Damascus.
- In 1984, he applied to the Syrian police, where he started working in 1986. The Prosecutors added that in the 1980’s, the opposition in Syria was massively oppressed by Hafez Al-Assad. After the Massacre in Hama on February 2, 1982, the prisons were overcrowded and the conditions there were very similar to the conditions after 2011.

- In 1987, after his professional training, Anwar Raslan worked as a police officer in Aleppo, Al-Hasakah, and Tartous. He also completed his law studies.
- In 1992, Anwar Raslan completed his training as a police officer and graduated second best in his class. After that, he worked as an instructor at the police academy for a year and a half.
- In 1995, when he was 32 years old, Anwar Raslan was promoted to the General Intelligence Directorate due to his outstanding performances. For a year and a half, he worked at Branch 251, doing patrols.
- He then became an investigation officer and was transferred to Branch 285 in Kafar Souseh.
- On August 9, 2008, he held the rank of a lieutenant colonel and was transferred back to Branch 251 where he headed the Investigation Division.
- On January 1, 2011, Anwar Raslan was promoted to the rank of colonel.
- Anwar Raslan had an office on the first floor of the building of Branch 251 in Al-Khatib neighborhood in Damascus. The interrogation offices were located on the ground floor and the prison was located in the basement where Anwar Raslan had a second office. The Interrogation Division was comprised of 30 – 40 employees, amongst others 6 – 7 interrogation officers, minute-takers, guards and other prison officers.
- On September 9, 2012, Anwar Raslan was transferred back to Branch 285 where he kept working until December 2012.
- On December 7, 2012, Anwar Raslan had his last day of work before he left Syria.

During the indictment period [4/29/2011 - 12/07/2012], Anwar Raslan oversaw killings, torture, deprivation of liberty, and sexual assaults, according to the Prosecutors. They detailed that Raslan was responsible for the prison where people were tortured and detained. The Branch was organized by clear hierarchies and a military structure. Raslan therefore had direct command over the interrogation officers. He was also the direct supervisor of the guards. According to the Prosecutors, Raslan was in charge of making shift schedules and employees had to follow his orders. In terms of orders, the Prosecutors detailed that individual orders to torture someone were unnecessary since there was a “well-functioning system of torture” already in place. Everyone knew about the torture and explicit permission was unnecessary. Explicit orders [to torture] were only given in cases where people should not be brutally mistreated and tortured. Anwar Raslan himself attended some interrogations, according to the Prosecutors. However, as a colonel and head of the Interrogation Division, “he did not get his hands dirty himself.” That was what he had his employees for. Nonetheless, Raslan always knew about the extent of killing, torture, deprivation of liberty and sexual assaults. As head of the Interrogation Division, he was aware of it and recklessly accepted it. According to the Prosecutors, after March 2011 Raslan did not agree with torture in individual instances, however, only because it hindered his work as an investigator. It did not prevent him from continuing his work at the Branch.

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[25-minute break]

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## **Evaluation of Evidence**

### **Alleged Deprivation of Power**

During the trial, the Court heard from the expert [Laura Thurmman](#) and [Prof. Dr. Markus Rothschild](#) [who](#) inspected documents. It heard many witnesses’ testimonies, and heard a [defense plea by the Defendant](#). According to the Prosecutors, Raslan’s defense plea essentially argued that he started working as a police officer in the mid 1980s and was allocated to State Security in 1995.

After some transfers, he worked at Branch 285 and, starting in 2008, he worked at Branch 251 where he was the head of the Interrogation Division. The Prosecutors said that Raslan further argued that from March 15, 2011 on, chaos erupted in Syria and the 4<sup>th</sup> Division led by Maher Al-Assad and the Republican Guard worked together to suppress this chaos. The Prosecutors further argued that Raslan said that particularly the Republican Guard shared the area of responsibility with Branch 251. Many detainees who were arrested by the Republican Guard showed bone fractures and other injuries. According to Raslan's defense plea, the number of detainees at the Branch rose from 250 to more than 1,000 from March 15, 2011 on. Leading to overcrowded prison cells. The Prosecutors further recalled that Raslan argued that this [overcrowded prison] was, however, the responsibility of the Head of Branch 251, Tawfiq Younes, to whom Raslan complained about the conditions. Colonel Anwar Raslan instead wanted to verify arrests by checking arrest warrants and release all detainees whose names did not appear on relevant lists. Raslan complained twice with Tawfiq Younes, according to his defense plea. However, at the second complaint, Younes replied that Raslan should not raise the issue again. The Prosecutors recalled that Raslan also told the Court in his defense plea that at the beginning of April 2011, Tawfiq Younes mentioned to Raslan that people in Houla, Raslan's hometown, were demonstrating against the government. Raslan understood this notice as a direct threat and made the decision to defect.

Raslan also alleged that between March and June 2011, he helped as many detainees as he could. Amongst other orders, he allegedly ordered to release all unarmed detainees, which was partly done. This was one of the reasons why the Republican Guard filed a complaint against Raslan with Tawfiq Younes. According to Raslan's defense plea, this was the reason why competencies at the Branch were restructured and why Tawfiq Younes deprived Raslan of his competencies and made Major An-Na'saan and Division 40 his superiors. Raslan was then only in charge of reporting to the head of the Branch but not officially degraded. According to Raslan, he was even told to continue regularly visiting the prison to cover up for the actual aim which was to establish a state within a state. From June 2011 Raslan was no longer allowed to conduct interrogations until he was transferred to Branch 285, according to his defense plea which the Prosecutors continued summarizing. However, up until the time of his transfer, he heard that many detainees were taken to hospitals like the Red Crescent Hospital and the hospital in Harasta. He could also hear people screaming when he was in his office, and was told that violence was indeed used during interrogations. Contrary to what several witnesses described, Raslan alleged that there were no mechanism on the walls or ceilings to expose detainees to *Shabeh*.

The Prosecutors also recalled that Raslan told the Court in his defense plea that he had tried to organize his defection with the FSA since Mid-2011, however, he did not want to leave without his family. He also stated that at the end of November 2011, he refused to take new detainees during a night shift because their names did not appear on any wanted list. According to Raslan, this was the reason why investigations were conducted against him and why he was eventually imprisoned for twenty days on probation and then transferred to work at Branch 285. He further alleged that he was being intensively monitored until September 9, 2012. However, the controls at Branch 285 were rather relaxed and he was eventually able to organize his defection and escape in December 2012.

After recalling Raslan's defense plea, the Prosecutors stated that Raslan was the Head of the Interrogation Division at Branch 251 since 2008. Starting with the protests in 2011, massive arrests were conducted and during Raslan's work at the Branch, people were mistreated, and the prison was overcrowded five times. According to the Prosecutors, Raslan admitted that he regularly went to the prison facilities and did not deny that people died.

He rather said in a statement about deaths in March 2012 that according to his knowledge, there were no cases of death in this month. The Prosecutors concluded that by saying so, Raslan admitted that people indeed died at the Branch at other times.

[...] The Prosecutors further called Raslan's statement that he was deprived of all competencies in June 2011 a mere "evasive defense." According to the Prosecutors, this characterization was supported by the fact that until Raslan made the relevant [defense plea](#) in which he claimed to have been deprived of all his competencies, he never claimed anything like that before. Although Raslan had enough chances, for example when writing his CV, or during several police questions with the LKA and BKA, he never claimed to have been deprived of competencies due to his critical position towards the regime in June 2011. However, it would have been obvious for Raslan to address such an instance when writing his CV or during the police questionings, since all that focused on his role within the Syrian intelligence services. According to the prosecutors, Raslan himself stated that he was a well-acknowledged person, even after his transfer to Branch 285, given the request to summon [P56](#). The request, as well as P56's testimony in Court, states that Raslan was a member of a committee of the Ministry of Interior which was composed of one brigadier general from each intelligence directorate, and had Raslan as the representative of the General Intelligence Directorate. The Prosecutors said it would be "ridiculous" to make Raslan a member of such an important committee if he was deprived of his powers at that time.

The Prosecutors further argued that it would "make no sense" to deprive someone of his power and at the same time let him remain in his position for the public image. It would be "against all logic" to create the public image that a person remains in power although he mistrusts the "unjust regime". According to the prosecutors, such a person would rather be fired, detained, or forcibly transferred to another position. This procedure was also confirmed by [P10](#), a high-ranking officer at the General Intelligence Directorate who said that suspicious officers would have either been detained by Branch 285 themselves or transferred to remote positions. [P55](#) who worked at Branch 285 himself also confirmed this procedure. The Prosecutors said that another fact against Raslan's alleged deprivation of power would be his transfer as a colonel from a general Branch to a Branch that was specialized in interrogations. At the new Branch, Raslan continued to enjoy many privileges. His transfer was consequently no degradation. According to the Prosecutors it would also be "nonsensical" to deprive a mistrusted officer of his competencies just to leave him without observation at a new Branch. In addition, the Prosecutors argued that Raslan contradicted himself in his defense pleas by saying that he was deprived of all power by June 2011 and at the same time claiming that he helped countless detainees at a later time. The Prosecutors concluded that one would either be powerless and unable to release anyone or powerful and able to release detainees. Being both powerless and able to release detainees would "logically be impossible."

The Prosecutors went on to argue that a number of witnesses credibly confirmed that Anwar Raslan kept his powerful position after June 2011 and exercised his power. [P5](#) who worked as a guard outside Al-Khatib Branch's building testified on positions, functions, and power within the Branch. As part of his work, P5 regularly entered Branch 251 where everyone knew that Colonel Anwar Raslan was the Head of the Interrogation Division and in charge of the prison, according to P5. Anwar Raslan conducted important interrogations himself and in 2011 came to the yard during one of the welcome parties, as P5 told the Court. During the welcome party, Raslan told the guards to stop beating the new detainees because they could otherwise not be interrogated properly. According to P5, the guards stopped the beatings, a definite sign of Raslan's authority, as the Prosecutors concluded. In addition, Anwar Raslan was regularly seen at Al-Khatib Branch until August 2012, and it was witnessed how he gave orders during this time.



Even the former co-defendant Eyad Al-Gharib who was a member of Division 40 and had considerable insider knowledge, told the German police on August 16, 2018 that Anwar Raslan was the Head of the Interrogation Division at Branch 251 until January 2012 when Al-Gharib himself defected. According to Al-Gharib, Raslan had an office on the first floor [EN: second floor] above the prison which was located in the basement and belonged to the Interrogation Division. Al-Gharib further detailed that the Interrogation Division was comprised of 6 – 7 investigators and 30 – 40 other employees, such as minute-takers, archivists, and prison guards. Raslan was also superior to the prison director at Branch 251. Due to his professionalism, Raslan was also sometimes called to Branch 285 to step in as an interrogator, due to his experience. The Prosecutors recalled that this information was introduced in Court by Criminal Chief Investigator [Deußing on May 27, 2020](#). And although parts of Al-Gharib's testimony with the police could not be used in his trial, his entire testimony can be used against Anwar Raslan according to permanent jurisdiction by the German Federal Court of Justice [*Rechtskreistheorie*]. According to the Prosecutors, Al-Gharib's entire testimony with the police was credible and can therefore be used in its entirety in the trial of Anwar Raslan. The Prosecutors stated that Al-Gharib had no reason to unjustly incriminate Anwar Raslan at the time of his police questioning, because he neither knew about Raslan's presence in Germany, nor about the investigations against Raslan. Eyad Al-Gharib who was a warrant officer at Division 40 and therefore regularly visited Branch 251 did not talk about Raslan's alleged deprivation of power, simply because there was no such thing, according to the Prosecutors.

The Prosecutors further recalled the situation when [P18](#) recognized and identified Anwar Raslan in court on the day of his testimony. In June 2011, P18 was looking for his cousin, [REDACTED]. After the family paid bribes, they were allowed to meet Colonel Anwar Raslan at Al-Khatib Branch to ask him about the whereabouts of P18's cousin, because others previously told the family that P18's cousin would likely be detained at Branch 251 after he was arrested. According to the Prosecutors, Anwar Raslan made it clear who was in charge during P18's "audience" with him. P18 first had to wait in front of the office for fifteen minutes. During this time, he continuously heard loud screams and felt like this was an intentional form of intimidation. The guards then dragged him inside the office where Anwar Raslan was very abrasive and told P18 to "just take any corpse and leave." Raslan also told P18 to go to Tishreen or Harasta Hospital to simply pick any corpse and not make any inquiries ever again. However, when P18 wanted to leave Raslan's office, Raslan called him back and told him that there were certain conditions: another one of P18's cousins should return to Syria and hand himself in to the intelligence. Only then would P18's other cousin be released and the corpse of his missing cousin be handed over. The Prosecutors concluded that this incident showed that Raslan had decision-making power at the Branch, an arrogant attitude, and treated people aggressively. P18 was visibly traumatized by these events.

The Prosecutors argued that Raslan's leading position at the Branch was also confirmed by the German journalist [Christoph Reuter](#) who interviewed Raslan in 2013 after his defection. Reuter said that Raslan was a very good source of information and further told the Court about Raslan's "almost photographic memory." Raslan's credibility was also visible from the fact that Reuter cited him many times in his publications about the Syrian Intelligence Services. The Prosecutors recalled that Raslan told Reuter that he had a meeting with Ali Mamlouk, the head of the General Intelligence Directorate at that time, after the explosion in Kafar Souseh at the end of 2011, early 2012. Participants in this meeting were Ali Mamlouk and his entourage, as well as Anwar Raslan as the head of interrogations. However, Ali Mamlouk who was the most important person within the General Intelligence Services at that time, did not want Anwar Raslan to investigate the explosion and Raslan in turn was upset about lacking professionalism.

According to the prosecutors, this meeting would nonetheless show Raslan's superior position within the intelligence services as he was part of a meeting along with the highest-ranking officials of the intelligence services and security authorities. He could therefore not have been a "ditched" person who was allegedly deprived of all powers. The prosecutors concluded that no officer who was distrusted due to his origins or critical position would have been allowed to participate in such a meeting. On the contrary, Raslan was even allowed to make proposals during that meeting. The Prosecutors stressed that this meeting happened at the end of 2011 or early 2012 when Raslan claimed to have been deprived of all authority for at least six months.

The Prosecutors argued that [P53](#) also testified about Raslan's impressive decision-making power and influence. P53 told the Court that he was arrested in late July 2012, around one month before Raslan was transferred to another Branch. The arrest was due to a confusion of names and P53's family contacted Anwar Raslan since both families had been neighbors since 2003 and P53's mother and Raslan's wife were good friends until today. When P53 was released, his contact with Anwar Raslan was mentioned as well. The Prosecutors concluded that this was yet another indication of Raslan's "impressive decision-making powers which expanded far beyond Damascus. One call from Raslan was enough to get people released on the other end of the country, at a time when Raslan claimed to have been deprived of all powers. According to the Prosecutors, Raslan would, however, not have been able to make calls to arrange releases within two to three hours if he had been under surveillance and considered disloyal.

Raslan's decision-making power and influence at Al-Khatib Branch were also confirmed by several witnesses, as the prosecutors recalled. The Prosecutors explained that they would, however, only refer to witnesses who saw Raslan at the Branch beyond any reasonable doubt. [The Prosecutors recalled when and how each witness saw Raslan at the Branch and identified him as a high-ranking officer. They also briefly assessed the credibility of each testimony.]

[P11](#), the Prosecutors added that Raslan himself confirmed that he interrogated P11. Although P11 could not see his interrogator, it was certain that Raslan interrogated him since he admitted it.

[P41](#), the Prosecutors deemed P41's testimony to be consistent and coherent. They did not see any efforts by P41 to incriminate Raslan as he particularly pointed out when Raslan's deputy was involved in interrogations without Raslan being present.

[P49](#), the Prosecutors noted that P49 described Raslan's involvement in his release. According to the Prosecutors, this testimony showed that in December 2011, Raslan was not only able to protect certain detainees from beatings but also to release them. His employees followed his orders and his superiors accepted his decisions, although they were not very satisfied with it. Such procedures would be impossible if Raslan was deprived of his authority, according to the Prosecutors.

[P16](#), the Prosecutors recalled that upon request, P16 confirmed that she received relatively good treatment due to Kofi Annan visiting Syria at the time of her detention. Nonetheless, her testimony showed that Raslan was the powerful head of interrogations at Al-Khatib Branch in April 2012.

[\[REDACTED\]](#), [Syrian actress](#), the Prosecutors argued that although the witness did not personally testify in Court, her previous police testimony was introduced in Court by Criminal Chief Inspector Knappmann. In her interview with the police, the witness credibly described how she met Raslan at the Branch. She did not show efforts to incriminate him and even stated that she was treated well by him. Anwar Raslan himself confirmed that he met this witness at the Branch, in his defense plea.

[P33](#), the Prosecutors noted that Raslan himself confirmed that he met P33 in his office at Al-Khatib Branch where she identified him as high-ranking officer with decision-making powers who facilitated her release.

Regarding P58 [see above] the Prosecutors noted that he was “a prime example of a liar” who provided no information to verify his statements. According to the Prosecutors, “whoever paid P58 to testify made a bad investment.”

The Prosecutors added that all other witnesses confirmed that the alleged deprivation of power “belonged in the domain of fairytales. The Syrian regime surely had other problems than covering up a deprivation of power.” According to the Prosecutors, the Syrian government would have even preferred to make such a deprivation of power public to benefit from the deterrent effect.

#### Defense Pleas as Trivialization Attempts

The Prosecutors then stated that with his defense pleas, Anwar Raslan tried to trivialize the situation in Syria and his own role therein. Firstly, he claimed that there have been acceptable interrogations before March 2011. However, the contrary would be the case according to [P35](#), [P40](#), [P52](#), and a witness who’s testimony was introduced in Court by [CCI Deußing](#). After briefly recalling these witnesses’ descriptions of torture and detention conditions at Branch 251 prior to March 2011, the Prosecutors concluded that contrary to what Raslan claimed, the conditions at Branch 251 were catastrophic and inhumane even before March 2011 and Raslan himself was present while people were being tortured. Secondly, Raslan stated that “chaos” erupted in Syria on March 15, 2011. According to the Prosecutors, however, the situation in Syria at that time was far from chaotic. It was rather civilians demanding their basic rights in peaceful demonstrations. The reaction to these protests was massive violence and “state-led repression and oppression” which eventually led to a civil war which would indeed be chaotic, according to the Prosecutors. They concluded that Raslan’s statements in this regard would be a clear sign of his actual attitude.

The Prosecutors further recalled that Raslan stated that disciplinary measures were implemented against him in the summer of 2011 when he wanted to verify arrest warrants for new detainees after a wave of mass arrests. Raslan claimed that he had refused to accept detainees who were arrested by 4<sup>th</sup> Division without arrest warrants and without being listed on wanted lists. The Prosecutors said these claims “derid[ed] the actual situation in June 2011.” They recalled that many witnesses told the Court that there were no arrest warrants, that arrests were conducted arbitrarily, and that no proper investigations took place. According to the Prosecutors, Anwar Raslan attempted to suggest a certain degree of the rule of law, which is however not applicable. All witnesses spoke about the tyranny of the intelligence services, and no one mentioned a state governed by the rule of law.

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[70-minute break]

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[Three spectators did not return after the break.]

### Evaluation of Evidence

#### Alleged Overtaking of Branch 251 by Division 40

The Prosecutors argued that the taking of evidence in this trial also confirmed that Division 40 did not take control of Al-Khatib Branch and did not conduct its own interrogations at the Branch, as Raslan's Defense suggested. [P5](#), who was a guard outside the building of Branch 251 until August 2012 saw employees of Division 40 regularly leaving the Branch after they brought new detainees. He testified that Division 40 did have certain freedoms due to Hafez Makhoul's family relationship with the President. However, the Division did not conduct interrogations at Branch 251. It was only in charge of quelling demonstrations and arresting people. The former Co-Defendant Eyad Al-Gharib who worked for Division 40 neither spoke about the Division seizing power over Al-Khatib Branch, although he provided a lot of information, even highly incriminating information. The Prosecutors concluded it would simply make no sense for Division 40 to take power at Al-Khatib Branch. As a rapid intervention force, they had more than enough work and did not need to adopt new competencies. In addition, witnesses who were arrested by Division 40 all stated that they were interrogated at Branch 251 by local employees of the Branch.

#### Attempted Reduction of Liability

According to the Prosecutors the Defendant further tried to reduce his own liability by claiming in his defense plea that there were no applications to hang people at the walls or ceilings. However, many witnesses testified that they were either themselves exposed to *Shabb* or saw and heard about other detainees being hanged. [The Prosecutors mentioned several witnesses who testified in this regard, amongst others [P1](#), [P33](#), [P27](#), [P28](#), [P32](#), [P35](#), [P39](#), [P46](#), and a witness whose testimony was introduced in Court by [CCI Deußing](#)]

The prosecutors said one must, however, admit that Raslan partially disapproved of the brutality against the detainees. Nonetheless, he only did so in cases where it hindered his work as an investigator, for example when people died due to beatings or fell unconscious. The Prosecutors recalled that Raslan elaborated in this regard in his questioning with the [LKA Baden-Wuerttemberg on October 27, 2017](#), when he "cynically stated that" sometimes, dead detainees were taken to him, but he did not know what to do with them, since they were useless for him. The Prosecutors concluded that despite having power and decision-making capacity at the Branch during the indictment period, his function and position were more important to Raslan than his disapproval of the described situation. His defense plea on May 18, 2020 was therefore a failed attempt to deny responsibility for the inhumane conditions and acts at the Branch which happened with his knowledge, within his scope of activity, and under his order.

#### Systematic and Widespread Attack

Since the Higher Regional Court in Koblenz already detailed and "correctly qualified" the situation in Syria during the indictment period as a systematic and widespread attack against the Syrian population in its written judgment from [February 24, 2021](#), the Prosecutors only briefly elaborated on the witnesses who described the relevant situation at Al-Khatib Branch during this time [amongst others]:

[P1](#), [P4](#), [P8](#), [P11](#), [P12](#), [P16](#), [P19](#), [P24](#), [P26](#), [P27](#), [P28](#), [P30](#), [P31](#), [P33](#), [Fayez Sarah](#), [P34](#), [P35](#), [P38](#), [FR18](#), [P41](#), [P46](#), [P47](#), [P49](#), [P50](#), [P57](#).

The Prosecutors recalled that all these witnesses either described the horrors at the Branch themselves, or their descriptions were introduced in Court by the police investigators who had led their previous witness interviews. They described how detainees were beaten, insulted, humiliated, and closer to death than to life. Many of them are marked by these horrors until today. The Prosecutors described that their tears and sadness were a heavy, dark veil that coated the courtroom during the testimonies. Witnesses described that when they were not tortured themselves, they could hear the suffering of others. The Prosecutors recalled that all witnesses had to spend different amounts of time in the underground prisons of Branch 251. Nonetheless, all of them described the bad air and smell of blood, sweat and feces. Detainees were constantly hungry and not allowed to wash. They could only leave the cell when they were taken to interrogation. Representing all witnesses, the Prosecutors quoted [P28](#) who said in Court that he was taken to cell No. 5, the “Death Cell.” P28 said he felt like he was still living in it now. It was like a grave, a dark grave with 130-140 people crammed inside and no light or windows. The cell’s width was 3 – 3.5m and its length was 5 – 6m. P28 stood on one leg for six hours, then alternated. There was also a toilet. There was a hatch at the bottom of the cell door that was 30x50cm. Air and dim light from the corridor entered through it. Ventilation happened through an air-suction device. The detainees felt like they were suffocating. The guards often punished the detainees by shutting the hatch on the door. When that happened, the detainees could not breathe.

The doctors [P56](#) and [P51](#) described the conditions at the Branch from a different point of view. They worked as residents at the hospital next to Al-Khatib Branch and had to go to the Branch as well. They described the insufficient medical care provided at the Branch as well as dehydrated and malnourished detainees. They also said that the feces and urine on the detainees’ underwear was an indication of how long they had been in detention, so was the length of their beards. The Prosecutors further recalled that the doctors described that many detainees had abscesses and were in life-threatening shape. Nonetheless, the medical professionals were only allowed to provide very basic treatment and were not allowed to decide who had to receive what kind of treatment. The detainees’ clothes were ripped and the detainees themselves smelled very bad. Only a few of them dared to tell the doctors how they actually got injured. However, the guards intervened every time that happened and punished them. According to the doctors, the full scale of violence was also covered up by creating false death certificates which indicated the wrong causes of death, such as heart attacks or kidney failure. The witness who was supposed to testify on [November 18, 2021](#) was also a resident at the Red Crescent Hospital. However, she did not appear in Court herself and her previous statements she provided during the police interview were introduced in Court by CCI Frey. Her descriptions confirmed what her colleagues had previously told the court.

The Prosecutors concluded that there was not the slightest doubt about the credibility of any of the witnesses. None of them showed visible eagerness to incriminate the Defendant. According to the Prosecutors, all witnesses mentioned the same small details such as: welcome party; security move; kitchen as waiting area; yard, stairs, and prison facilities in the basement with interrogation rooms on the first floor; Abu Ghadab and Mimati as the two most violent guards; silent orders to torture people; pre-prepared confessions that one had to sign; limiting times and time to use the toilet; cells with windows to the outside; a green tube named after an UN official; insufficient food; “far away calls by the muezzin that were the only connection left to the outside world which seemed so far away.”

The Prosecutors concluded that there was no doubt that within the indictment period thousands of people were unlawfully deprived of their liberty, physically tortured, and detained in torture-like conditions. The latter was already confirmed by the Higher Regional Court in Koblenz in its written judgment from February 24, 2021.



### Number of Torture Cases and Deaths

The Prosecutors first stated that in favor of the Defendant, one had to consider a number of 4,000 cases of torture at Branch 251 during the indictment period. In elaborating how they counted this number, the Prosecutors first referred to Raslan's defense plea in which he stated that from March 15, 2011, there was not one single day on which the prison at Branch 251 was not overcrowded. He said there were never less than 1,000 detainees, most times there were even more. According to the Prosecutors there was no set detention duration and all witnesses provided different timeframes of detention at Al-Khatib Branch. Most of them had to spend a few days at the Branch, up to three weeks. [P4](#), [P50](#), [NW15](#) and [...] were detained for one month each. [P1](#) was detained for two months and [P22](#) was detained for around three months. The Prosecutors consequently assumed that every detainee had to spend around two months at the Branch before they were either released or transferred to another Branch. Given a 16-month indictment period, one must assume that there were at least 8,000 detainees within that period. Even if one set the average detention period at three months, there would have been 5,000 detainees. In favor of the Accused, one must therefore set the number of detainees at 4,000. This number was also confirmed by Eyad Al-Gharib who told the BKA that in July 2011, around 100 people were arrested and taken to Al-Khatib Branch. If one assumed that 75 of them were arrested at demonstrations and some were released, Al-Gharib's descriptions would even lead to 24,000 detainees during the indictment period. Al-Gharib himself said that between July 2011 and January 12, he was involved in the arrest of 1,000 people.

The Prosecutors further concluded that at least 30 detainees from Branch 251 died during the indictment period. Eyad Al-Gharib provided very detailed descriptions to the BKA of what detention at Branch 251 looked like and the severe consequences it had. According to him, people frequently died during investigations conducted at the Branch. He himself saw 10 dead people at the Branch between May and June 2011 and, sometime between July and September 2011, witnessed how a guard hit a detainee with an iron pole against his head so that the detainee died. The Prosecutors concluded that there are no doubts about the credibility of Al-Gharib's statements. They were also confirmed by CCI Deußing and after all, the judgement against Al-Gharib is largely based on his own statements. In light of this it is certain that:

- 10 deaths occurred between May and June 2011;
- 1 death occurred between July and September 2011.

The Prosecutors recalled that [FR18](#) whose testimony was introduced in Court by CCI Knappmann since FR18 did not want to testify in Koblenz, witnessed the death of one person during one of his interrogations shortly after he was arrested in early March 2012. CCI Knappmann ensured that FR18 was able to communicate well with the BKA interpreter. Knappmann also told the Court that he found FR18's testimony to be credible and that FR18 was very emotional during the interview. FR18 further told Knappmann as well as the judges about his opinion of the trial which he disapproved. The Prosecutors therefore found that there was no apparent reason why FR18 would have made up this instance. They said it was certain that:

- 1 death occurred in March 2012.

The Prosecutors went on to briefly recall [P4's](#) testimony. P4 said he saw fifteen people die at the Branch between mid-July and mid-August 2011. Among them was one child below the age of seven who collapsed in the middle of a community cell due to the bad air condition. In addition to the child, P4 described thirteen people who died from torture and whose corpses were simply left in the hallway. Another person was beaten so heavily on his throat that he died as well, according to P4.

The Prosecutors said that P4 described even more cases of death at the Branch, however, due to unprecise memories, these cases of death could not be considered. The number of deaths that P4 precisely described and that it was certain that:

- 15 deaths (including one child) occurred between mid-July and mid-August 2011.

[P36](#) who worked as a doctor at the Red Crescent Hospital and also visited Branch 251 in this capacity told the Court that he witnessed at least ten deaths during Ramadan 2012, which was from July 19 until August 18, 2012. The Prosecutors recalled that these people either died directly in the prison or at the hospital where they were transferred to from the branch and eventually died due to their injuries. The timeframe of Ramadan 2012, however, includes the timespan during which P4 witnessed fifteen deaths at Branch 251. One must therefore assume that the corpses that P4 saw at Al-Khatib Branch were identical to those that P36 saw at the Branch. P36 was further unable to precisely state how many people died at the Branch and how many died at the hospital. One must therefore conclude that one person died at the hospital. P36 further stated that he witnessed 50 cases of death at Al-Khatib Branch and 100 at the hospital between February 2012 and the end of 2013. However, his descriptions were not precise enough to consider them in the judgment, as they were mere guesses. It is further unclear if and how many people died within the indictment period. The Prosecutors concluded that it is certain that:

- 1 death occurred in between July and August 2012.

The Prosecutors briefly described how [P46](#) was arrested and how he witnessed one person die at the community cell in Al-Khatib Branch where P46 spent the first night of his detention before he was transferred to Harasta Hospital due to his bad health condition. The Prosecutors briefly recalled P46's descriptions of the conditions at the hospital and concluded that they underlined the "pointless torture which was far from aiming at gaining information." Torture rather happened merely because guards and caretakers had the chance to torture patients. P46 described that there were other patients from Branch 251 in his room at the hospital. According to P46, each Branch had their own space at the hospital. During P46's stay at the hospital, two people died. One of them was from Branch 251. P46 knew this person from before and described how he was so severely injured that he could not use the toilet without help and eventually got a high fever and died. Another person died in the same bed as P46, and the guards only dragged the corpse outside the room after it was already cold. After P46 was transferred back to Branch 251 in early July, he witnessed at least three deaths in his community cell. He described how other detainees prayed for these people after they ensured that they actually died. However, the timeframe during which P46 witnessed people die in the community cell partially overlapped with P4's timeframe. One must therefore assume that the three cases of death that P46 witnessed were included in the 14 cases of dead adults that P4 described. It is therefore certain that:

- 2 deaths of detainees from Branch 251 occurred at Harasta hospital.

[P51](#) who also worked as a doctor at the Red Crescent Hospital told the Court that he did not witness cases of death at the Branch. However, one day between spring and June 2011, a pick-up with two or three corpses from Branch 251 arrived at the hospital and P51 was told to confirm that these people were dead. P51 was not allowed to properly examine them and could only determine that they were in a very bad condition and only consisted of skin and bones. However, one could not determine whether these corpses were the same that Eyad Al-Gharib or others saw. It must therefore be assumed that the corpses which P51 saw were identical with those that other witnesses described.

The Prosecutors concluded that within the indictment period, at least 30 detainees from Branch 251 died. The exact cause of death could however not be determined. Due to the testimonies of victim witnesses, of doctors and due to the torture and the bad conditions to which detainees were exposed it is impossible that these people died a natural death. It was rather a bundle of causes that were all rooted in Al-Khatib Branch and Harasta Hospital, a torture outpost of the Branch. [Prof. Dr. Rothschild](#), the forensic expert who examined the Caesar Files confirmed to the Court that the corpses shown in the pictures from the Caesar Files did most likely not die a natural death. He also stressed that all corpses showed similar signs and that one can therefore conclude that the same tools, torture methods and conditions were systematically used. The Prosecutors said that other cases of death than the 30 case that they just described cannot be attributed to the Defendant.

[P5](#) told the police about an elderly man who he witnessed dying. However, in Court, P5 was no longer certain if the man died or was unconscious. The Prosecutors added that they already refrained from considering P17's brother/P18's cousin one of the death cases when they filed the indictment since it was not clear when and where he died. This remained unclear after the taking of evidence in the trial. [P57](#) told the Court about a person with a gunshot injury who died. It could not be determined whether the gun shot which he received prior to his detention was the cause of death or not.

The Prosecutors concluded that during the indictment period and under the supervision of Anwar Raslan, at least 30 Al-Khatib Branch detainees lost their lives. Anwar Raslan was able to recognize that this could and would happen and he at least recklessly accepted that.

#### **Sexual Violence as Crimes against Humanity**

The Prosecutors recalled that experts [Thurmann](#), [Al-Bunni](#), and [Darwish](#), as well as the witnesses [P4](#), [P12](#), [P16](#), [P27](#), [P28](#), [P29](#), [P46](#), [P50](#), [P57](#) testified about sexual violence and its central role at the intelligence services. They spoke about the significant stigmatization of victims of sexual violence and said that mere threats to make one or ones close relatives victims of sexual violence would make one do anything to prevent that from happening. Sexual violence cannot be discussed publicly. Reports by the UNHCR from November 2011 and February 2012 detail that sexual violence was frequently used in Syria before and after the revolution, and consequently, within the indictment period. The Judges already confirmed the existence of a widespread and systematic attack during the indictment period in their judgment from February 24, 2021.

The Prosecutors further recalled that [P1](#) described how a stick was inserted into his anus. [P19](#) told the Court that she and her siblings were threatened with sexual violence. [P42](#) described to the Court how one of the guards pressed her head in his lap. According to the Prosecutors, all three witnesses provided coherent and consistent descriptions and did not show any eagerness to incriminate the Defendant. These three instances are therefore proven.

The Prosecutors referred to [P32](#) who also told the Court that she is a victim of sexual violence and was exposed to looks and assaults by the guards. The Prosecutors noted that P32 was severely traumatized, and her descriptions of the sexual violence were not precise enough in terms of time and location. There were significant discrepancies between her police interview and in-court testimony and it was consequently impossible to determine which assaults happened when and where.

#### **Legal Evaluation**

According to the Prosecutors, an in-depth assessment of the Court's jurisdiction over the charged crimes was not necessary since it was apparent from the principle of universal jurisdiction as provided for in [§ 1 VStGB \[CCAIL\]](#).

In addition, the German Federal Court of Justice recently confirmed in its judgement on [January 28, 2021](#) that functional immunity is not applicable in cases under the VStGB that are tried in German courts. The existence of a systematic, and in this case “and”, widespread attack against the Syrian civilian population during the indictment period had already been confirmed by the Higher Regional Court in Koblenz in its judgment on February 24, 2021. Witnesses who testified after this judgment confirmed and corroborated the existence of the systematic and widespread attack. There are no doubts that even until the end of the relevant indictment period on December 7, 2021, the Syrian regime acted increasingly brutal against the oppositionist civil society. Thousands of civilian opposition members and civilians who were not directly affiliated with the opposition died at demonstrations and through mistreatment by the intelligence services until December 2012. At Al-Khatib Branch, where Anwar Raslan was the head of Interrogations and in charge of the prison, at least thirty people died between April 29, 2011 and September 2012. Their concrete cause of death could not be investigated. The prosecutors noted that because the charged crimes took place a long time ago and because investigations could not be carried out at the crime scene, one must rely on the testimonies of witnesses.

### **Bundle of Omission and Active Doing**

#### Killings

According to the Prosecutors, active actions frequently taken at Al-Khatib Branch included humiliation, insults, and violence. Omissions included deprivation of food, hygiene, and medical treatment. What led to the death of people was mostly active action, since without physical and psychological mistreatment, people would not have needed medical care in the first place. In addition, it would not have required much organization to prevent malnutrition. The Prosecutors concluded that 30 cases of active killings pursuant to § 7 (1) no. 1 VStGB were proven. The Prosecutors further found that the murders were carried out with base motives pursuant to § 211 (2) StGB. Jurisdiction defined base motives as motives that are despicable, which is certainly the case here, according to the Prosecutors. The only purpose of torture and killings was to suffocate the legitimate and peaceful desire for freedom of parts of the Syrian civilian population. It was only aimed toward people who actually or allegedly dared to protest against the regime.

#### Torture

The Prosecutors further found that because countless people were tortured during the indictment period, the requirements of § 7 (1) no.5 VStGB [torture as CAH] were fulfilled as well. Between April 29, 2011 and September 7, 2012, at least 4,000 people were tortured at Branch 251. The Higher Regional Court in Koblenz already found in its judgment from February 24, 2021, that the mere detention conditions at the Branch qualified as torture. The Prosecutors had nothing to add to this finding.

#### Dangerous Bodily Harm

Regarding the former detainees of Branch 251 who joined the trial as plaintiffs, one must also consider dangerous bodily harm pursuant to § 224 StGB. The Prosecutors recalled that from the moment the detainees were arrested, they were insulted, humiliated, degraded, and physically mistreated. During the welcome party until they reached the cells, detainees were constantly beaten. The prosecutors said it was out of question that people were in pain and were injured. In addition, they had to suffer from hunger and were detained under inhumane conditions as several experts, as well as [P36](#) and [P51](#), told the Court.

The psychological burden to become a victim of violence once more, the fear of raids in the community cells or the loneliness in the solitary cells, the hatred, or the fear to die undoubtedly damaged the detainees' health. In legal terms, the crime was committed to the disadvantage of the plaintiffs, however, not by multiple single actions but as one permanent crime. From the moment the detainees arrived at the Branch until they left it, all detainees were permanently physically and mentally mistreated. The bodily harm caused to the plaintiffs was not simple (§ 223 StGB) but dangerous (§ 224 StGB) since it was committed within a system. There were multiple people who were part of that system and contributed to its functioning. Many guards and interrogation officers were involved in the deprivation of food, beatings, and assaults. There were people like Anwar Raslan who gave orders and carried responsibility. They all acted jointly. The Prosecutors concluded that it was therefore irrelevant who directly performed certain acts. They added that detainees were also beaten with objects and concluded that § 224 (1) n. 4 StGB, jointly committed dangerous bodily harm, and § 224 (1) no. 2 StGB [use of objects] were therefore fulfilled. They recalled relevant descriptions from amongst other [P1](#), [P11](#), [P12](#), [P19](#), [P25](#), [P27](#), [P39](#), [P38](#), [P32](#), [P22](#), [P50](#), [P44](#), [P47](#).

The Prosecutors concluded that §§ 223 (1), 224 (1) nos 1 and 4 StGB were consequently applicable. They briefly recalled several plaintiffs' testimonies to illustrate instances when detainees were beaten, amongst others with objects, and how this amounts to cases of bodily harm: [P28](#) was arrested in May 2011 and was detained twice at Branch 251. Before he was transferred to Branch 285, he was beaten with an object and was later, when he was returned to Branch 251, beaten again. This amounts to two cases of bodily harm due to the interruption. [P41](#) was detained at Branch 251 in October 2011 before he was transferred to Kafar Souseh, and then returned to Branch 251 for one week. During his third stay at the Branch, he was also beaten. These instances amount to three cases of bodily harm. [P46](#) was severely mistreated at Division 40 in June 2012. After one night at Al-Khatib Branch, he was transferred to Harasta Hospital where he was put in a room with other detainees from the Branch. At the hospital, he was beaten by guards from the Branch and hospital employees before he was returned to Branch 251 where he was beaten with objects. Although he did not constantly stay at the Branch, he remained under the control of Branch 251. His case therefore amounts to one case of bodily harm. On March 17, 2011, [P42](#) was told to regularly appear at Branch 251. She first refused but eventually appeared at the Branch for the first time in early April. A couple days later, she was taken to the basement where she was abused, amongst others with a hose. She then had to stay overnight. This procedure was repeated several times. However, P42 did not have to stay at the Branch for longer periods. Nonetheless, she experienced the bad detention conditions, insults, and beatings during her short stays there. One can assume that there were three acts of bodily harm. One happened at her first interrogation in the basement, P42 was able to precisely describe this instance in court. However, it could not be determined how many times P42 left and returned to the Branch. One must therefore assume in favor for the defendant that one act of bodily harm happened before she had to stay at the Branch overnight, and another one when she had to return to the Branch. The Prosecutors also found that while P33 was not physically abused herself, she also had to endure the bad detention conditions at the Branch that amount to dangerous bodily harm themselves.

#### Severe Deprivation of Liberty of Detainees at Branch 251

The Prosecutors stated that the Judges at the Higher Regional Court in Koblenz already found in their judgment on February 24, 2021, that detainees at Branch 251 were severely deprived of their liberty, which amounted to crimes against humanity pursuant to § 7 (1) no.9 VStGB. The deprivation of liberty continued to take place even after January 2012 (the end of the indictment period in the case of Eyad Al-Gharib) until the end of the indictment period in the case of Anwar Raslan, on December 7, 2012. This was confirmed by multiple witnesses who testified before and after February 24, 2021.



The Prosecutors therefore referred to the previous judgment in this regard. They noted that the acts committed by the Syrian regime in this regard also fulfilled the criteria of § 239 (1) StGB [deprivation of liberty], this norm would, however, be secondary for congruence reasons. This would however not be the case for instances where plaintiffs were detained for more than one week (§ 239 (3) no.1 StGB). The Prosecutors concluded that this had been the case for fourteen plaintiffs. In P1's and P47's cases, the requirements of hostage-taking as laid out in § 239b StGB are met as well. The Prosecutors added that the minimum punishment in these cases would be five years imprisonment (§ 239b (1) StGB) since both of them were coerced in detention. After his unlawful arrest, P1 was detained at Al-Khatib Branch where he was interrogated multiple times and mistreated, including psychological mistreatment. He told the Court that at one point he was willing to do anything just to evade the situation. P47 was also interrogated multiple times. At his second interrogation, he was told that he could easily be killed by only one shot if he refused to cooperate. In both cases, the plaintiffs were appropriated by the Branch personnel and their situation was used to coerce them to provide information or threaten them with death.

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[20-minute break]

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### Sexual Offences

The Prosecutors found that for P1 § 7 (1) no.6 VStGB, sexual violence as crimes against humanity was fulfilled. They first elaborated that the official reasoning behind the law regarding sexual violence as crimes against humanity was to establish domestic German law representing [Art. 7 \(1\) g ICC Statute](#). The [Elements of the Crimes](#) of the ICC Statute state that invasion by an offender in the victim's body is considered rape that can amount to crimes against humanity if committed as part of a widespread or systematic attack. The Prosecutors said P1 credibly described how, during one of the interrogations, a guard inserted a stick into his anus. This is undoubtably rape as crimes against humanity pursuant to § 7 (1) no. 6 VStGB. It also fulfils the requirement of rape under §§ 177 (1) no. 1, 177 (2) no. 1 StGB (old version), however, this norm is congruent to § 7 VStGB. According to the Prosecutors, P1's descriptions also amount to sexual abuse of a prisoner pursuant to § 174a (1) StGB (old version) which clearly describes the subordinate position of the victim toward the offender and the restricted situation of the victim who is surrendered to the offender. The Prosecutors found that inserting the stick into P1's anus while he was hanging by his wrists did amount to sexual abuse of a prisoner.

[P19](#) was detained several times, amongst others at Al-Khatib Branch in February 2012, where she was physically assaulted by one of the guards who also touched her breast while she was blindfolded. [P42](#) was detained for two months, although she was allowed to leave the Branch several times in between. Nonetheless, she had to experience the same violence as other detainees. One time, a guard took her head and pressed it in his lap. She was also tortured while Anwar Raslan was present.

The Prosecutors concluded that § 7 (1) no. 6 VStGB was applicable in the above cases since § 177 (1) no. 3 StGB (old version), sexual coercion, was fulfilled, given the defenseless situation of the plaintiffs in which they were exposed to the uninhibited guards. In addition, § 177 (1) no. 1 StGB (old version) was applicable. Both norms would, however, be congruent to § 7 (1) no. 6 VStGB. The Prosecutors concluded that sexual coercion as a crime against humanity was committed by the guards who worked at the prison of Branch 251. Consequently, sexual coercion against prisoners pursuant to § 174a StGB (old version) was applicable as well. According to the Prosecutors, [P32](#)'s description could not be considered here since they were too vague in terms of time and location of concrete offences.

The Prosecutors further found that forced nudity and the so-called security move that detainees had to perform upon arrival at Branch 251 could not be subsumed under § 7 (1) no. 6 VStGB. They explained that since its implementation in 2001, the German Code of Crimes Against International Law (VStGB) was in constant tension between international and domestic law. It is generally domestic German law and therefore to be interpreted according to domestic interpretation rules. Nonetheless, Art. 59 of the German Constitution (GG) requires an international law friendly interpretation of domestic law, as does the application of universal jurisdiction provided for in § 1 VStGB. In interpreting the VStGB, one must therefore apply international treaties, international customary law, and general principles of law, according to [Art 38 \(1\) ICJ Statute](#). As the Prosecutors already mentioned, § 7 VStGB was drafted based on the relevant article in the ICC's Rome Statute. By directly comparing the two norms, one, however, notes that the German domestic law does not include 'sexual slavery' and 'sexual violence of comparable gravity' as underlying crimes of crimes against humanity. Instead, it refers to 'sexual coercion'. Based on the drafting history of the German domestic norm, one must therefore assess whether forced nudity and the security move amount to sexual coercion, which includes sexual slavery and sexual violence of comparable gravity. Sexual slavery is not applicable in this case, so one must determine whether the above-mentioned conduct qualifies as sexual violence of comparable gravity.

The Prosecutors said that it is uncontested that the detainees did not undress themselves voluntarily. To completely undress is extremely humiliating and degrading. Nonetheless, in determining comparable gravity with other conduct listed in § 7 (1) no. 6 VStGB, one must particularly take into account the intensity of consequences of forced nudity and the security move. In doing so, the Prosecutors concluded that § 7 (1) no. 6 VStGB would not be the applicable norm to address the emotional and legal needs of the detainees who had to undress and perform the security move upon arrival at Branch 251. The Prosecutors found that the forced nudity neither harmed the detainees' bodily integrity nor harmed their sexual autonomy to a high degree, as far as the detainees were not exposed to other acts performed with their bodies. Nonetheless, the undressing did burden their sense of shame. However, all female witnesses told the Court that they only had to undress in front of women in a separate room and that female employees from the hospital were called to the Branch to search the female detainees while naked. According to the Prosecutors, this reduced the burden on the detainees' sense of shame, although it was undoubtedly burdensome for them to undress in front of many other people. The Prosecutors further stated that other forms of sexual violence on the other hand, lead to physical consequences such as sickness, pregnancy, infections as well as social consequences. In addition, the time component would be relevant in determining whether forced nudity can be considered sexual violence of comparable gravity. According to the Prosecutors, severity of sexual violence increases with time when the consequences last for a long time, for example in cases of forced pregnancy. The frisking at Branch 251 and the consequent nudity, however, did not last long and detainees were allowed to dress again right after the frisking. In addition, one must take into account the purpose of the sexual violence. In cases of forced prostitution, rape, and forced pregnancy, there is always a sexual component to it. This was, however, not, or only rarely the case for nudity at Branch 251. The main purpose there was to frisk people. This was confirmed in Court by [P10](#), [P11](#), and [P25](#) who said that detainees were either not touched while naked or were frisked to ensure they don't carry any items with them. According to the Prosecutors, frisking new prisoners was a common practice in law-enforcement around the world. All sixteen Federal States in Germany have laws that allow for new prisoners to be undressed in order to frisk them and ensure that they are not carrying any dangerous items with them. Nudity while frisking detainees is therefore not sexual violence with comparable gravity, according to the Prosecutors. It is neither sexual coercion which could be subsumed under § 7 (1) no. 6 VStGB.

The Prosecutors stated that this finding is also in line with international law. The Prosecutors referred to a decision by the ICC's PTC in *Bemba*, which did not consider forced undressing as sexual crimes of comparable gravity. At the *ad-hoc* tribunals, forced nudity was only considered sexual violence when additional acts, such as posing in front of men, were involved. This was, however, not the case at Al-Khatib Branch, according to the Prosecutors. They concluded that an international law friendly interpretation of § 7 (1) no.6 VStGB would not provide for forced nudity as performed at Al-Khatib Branch to qualify as sexual violence of comparable gravity.

#### Enforced Disappearances

The Prosecutors added that enforced disappearance as crimes against humanity (§ 7 (1) no. 7 VStGB) was neither applicable. They referred to their [own statements on the issue](#), as well as the Judges statement dated [October 13, 2021](#).

#### Criminal Contribution of the Defendant

##### Co-Perpetration

The Prosecutors stated that Raslan committed the alleged crimes as a co-perpetrator pursuant to § 25 (2) StGB. They argued that the Syrian Intelligence Branches and their prisons were a well-functioning construct with a large number of people providing for the functioning of this construct. There were for example people like Eyad Al-Gharib who conducted arrests, guards, interrogation officers, and a large number of other people involved, such as post officers, archivists, and managing staff. Of course, not all of them acted as co-perpetrators (§ 25 (2) StGB) as the [German Federal Court of Justice found on June 6, 2019](#). One is only considered a co-perpetrator if he makes his own contributions and if the result of the actions of other people are known to him. It is irrelevant whether a co-perpetrator was physically present at the crime scene or directly participated in the core offences or not. It is relevant if he has his own interest in the crimes, the scope of his contributions, his power over the offence, or his willingness regarding the offence.

The Prosecutors argued that Anwar Raslan was the head of interrogations at Branch 251 and had a special personal interest in the successful completion of the charged crimes. He wanted the repression of the demonstrations to be successful, since he would have otherwise not only lost his position and job, but been exposed to the same repression himself. His own interest in the completion of the crimes was therefore to keep his position, power, and lifestyle. According to the prosecutors, Anwar Raslan tried to paint the picture of sympathizing with the opposition, being concerned about his family, and seeing no way out of the situation, other than to stay in his position. [...] However, Anwar Raslan was loyal to the regime, although he might have disagreed with the brutal beatings of detainees in some instances. According to the prosecutors, his participation in the crimes went far beyond mere aiding and abetting. He was the head of the interrogation division at Al-Khatib Branch, a Branch of the Syrian general Intelligence Directorate. As such, he was responsible for the detainees in the underground prisons of the Branch and was commanding thirty employees. He was the focal point in giving and fulfilling orders. Three insider witnesses told the Court about the military structures at the Branch. Anwar Raslan fulfilled orders and reported back on their successful completion. P55 who worked at Branch 25 together with Raslan and the signature of the Defendant on several documents also illustrated his position. Documents provided to the Court by Chris Engels from CIJA also proved Anwar Raslan's position at the Branch. The Prosecutors recalled that Raslan had argued that he only received orders and had a very limited scope of action. Indeed, the scope of action is more limited the lower a person's rank is. However, the higher-ranking a person is, the wider his scope of action and the higher his contribution. The Prosecutors found that, after Tawfiq Younes, Anwar Raslan was the second man at Branch 251. His help to get certain detainees released is an example of his wide scope of action.

The Prosecutors concluded that Raslan consequently facilitated the overall crimes. The Syrian regime based its decisions also on the information gained from detainees at Al-Khatib Branch. The Branch where Raslan worked was spreading fear amongst the civil population. Everyone in Damascus knew about Al-Khatib Branch and what was going on there. People were so scared of the Branch that they had to act in the underground. In the end, Anwar Raslan was still an exchangeable number like everyone else within a totalitarian regime. According to the Prosecutors, however, Raslan did not let himself be exchanged. After the start of the revolution and the following repression, he stayed in his position for 16 months, did his job, and enjoyed the privileges of his position.

#### Objective Liability

The Prosecutors said that to hold the defendant liable for the crimes committed at the Branch, it is not necessary that Raslan gave individual orders or knew about each individual case of hostage taking, sexual violence, or one of the multiple other cases at the Branch. As the Appeals Chamber of the ICTY found, liability arises when one can foresee that certain crimes could be committed for fulfilling a certain goal. According to the Prosecutors, one can assume that this was the case for Anwar Raslan. He was aware of the systematic and widespread attack against the civil population in which the intelligence services participated, and which was characterized by torture and sexual violence, although the latter might not have been that systematically applied at Al-Khatib Branch.

#### Intent

Anwar Raslan personally stated that he was aware of the overall circumstances and the conditions at the Branch. He told the LKA Berlin that he not only worked in the interrogation rooms but also regularly visited the prison area where he could see and hear people being tortured. He also knew that detainees died due to the life-threatening conditions at the Branch. Permanent jurisprudence from the German Federal Court of Justice does not provide any justification applicable to Anwar Raslan's case.

#### Guilt

According to the Prosecutors, there was no doubt about the Defendant's guilt. He cannot use necessity as a defense pursuant to § 35 StGB. Anwar Raslan could have defected right after the start of the revolution. He also had opportunities to defect later in 2011 and in early 2012. Through the abduction of his son-in-law, he was in contact with the FSA which he could have asked for help to arrange his defection and escape. However, he did not do so while the situation in Syria became more complicated and confusing. Thousands of officers and regime employees fled during this time. The Argument that Raslan did not want to leave his family behind might be understandable from a human point of view, however, jurisprudence from the German Federal Court of Justice provides that it was acceptable for Raslan to leave without his family given his involvement in crimes against humanity.

The Prosecutors mentioned that based on objective facts and Raslan's own statements the clear picture was that he wanted to defect at the end of 2011 when his son-in-law was abducted by the FSA and his son was shot. However, the massacre in Houla took place on May 25, 2012. After this event, the pressure on Raslan grew significantly to the point where he could no longer stay in his position. Eyad Al-Gharib and another witness confirmed that this was the actual reason for Anwar Raslan's defection. Raslan himself told the LKA Baden-Wuerttemberg on October 16, 2017 that the only reason for his defection was of a social nature. He was originally from the region around Homs where people, including relatives and neighbors of his, were killed and he was suspected of having killed regime officers, despite his position at the intelligence services. The Prosecutors said these statements from Raslan were introduced in Court by [the police officer who led the relevant questioning](#).

According to [Christoph Reuter](#), the massacre in Houla took place at a time when the Syrian regime was about to collapse. This was also when many high-ranking military officers, including officers from the Tlass family, fled from Syria to Jordan. [P56](#) admitted that he and Raslan defected too late when the FSA was already at the gates of Damascus. Raslan wanted to be on the right side of history. He only left Jordan after the situation in Syria and the regime were stable again. The Prosecutors concluded that Raslan's narrative that he was unable to defect earlier was therefore baseless.

#### Competencies in Terms of Killings, Deprivation of Liberty, and Sexual Violence

The Prosecutors argued that jurisprudence from the Federal Court of Justice regularly finds that people are committing one crime against humanity, which is however, comprised by multiple individual acts. Given a factual, temporal, and local, connection, these acts are considered one unity when evaluating them. Regarding the connection in this case, it is found that the Syrian regime ordered a systematic and widespread attack by state-led violence on April 29, 2011, latest. This attack lasted for the entire indictment period and far beyond. All charged crimes were committed at Branch 251 and the hospital over which the Branch had control. A consistent machinery of torture and killing was running at Branch 251. Not only were crimes against humanity committed, but also bodily harm caused to the plaintiffs in this case. The bodily harm resulted from the permanently lasting overall conditions at the Branch. The Prosecutors further argued that it was irrelevant whether Raslan was immediately involved in causing bodily harm. It was relevant, however, that he was responsible for the system that caused the bodily harm. According to the Prosecutors, detainees had to live in a climate of permanent mistreatment which undermined their free actions. The Prosecutors concluded that the dangerous bodily harm which was committed against every plaintiff in one case, by using tools or objects, and jointly performed by multiple perpetrators, was considered one offence and was subsumed under § 7 VStGB.

#### Sentencing

The prosecutors found that the sentence must be determined according to § 7 (1) VStGB and § 211 StGB which both provide for a life sentence. The lower sentence provided in both paragraphs is to be neglected in this case, according to the Prosecutors. § 211 StGB does not provide for a less grave case and other reasons for lowering the sentence are not applicable either. The Prosecutors therefore demanded a life sentence for the Defendant Anwar Raslan. In addition, they requested the Court to determine the particular severity of guilt pursuant to § 57a (1) s. 1 no. 2 StGB [meaning that the sentence can usually not be suspended for probation after fifteen years].

#### Mitigating Factors

In weighing the overall context, according to § 46 (1) StGB, the Prosecutors found that in favor of the defendant, one must acknowledge that he did not commit any crimes in Germany and that he provided at least a partial confession. The Prosecutors recalled that the Court also heard that Raslan at least helped certain individual people to evade grave torture and provided privileged treatment for those detainees. However, one must consider that Raslan did not help these people simply because of altruist motives. In the case of detained actors and actresses, it was rather his personal preference for artists which was the reason for helping these detainees. The Prosecutors also found that the evidence provided in Court showed that Raslan was a professional investigator who only disagreed with the regime's actions starting in March 2011, because the extensive violence hindered him in his investigative work, for example when torture made it impossible to interrogate the detainees. The fact that he acted within a hierarchy is not a mitigating factor. Employees of the intelligence services indeed had a limited scope of action. However, he voluntarily joined the intelligence services although it was long known how the intelligence services in Syria worked.



### Aggravating Factors

The Prosecutors found that not only one human being, but thirty persons, died in terrible conditions at Branch 251. The way in which these people had to die is particularly severe. Since both § 211 StGB and § 7 (1) VStGB are fulfilled, two life sentences are applicable, although they cannot be added up. At least 4,00 people were tortured and deprived of their liberty. They all had to endure massive torture, which further severs the offence. Anwar Raslan was involved in the killings and torture and continued to work at the Branch where these crimes were happening for sixteen months. He continued to be part of the “cowardly criminal regime.”

One must therefore determine the particular severity of guilt. The Prosecutors requested the Judges to find Anwar Raslan guilty of co-perpetrating crimes against humanity in the form of killings, torture, rape, and deprivation of liberty, in addition to murder in 30 cases, dangerous bodily harm in 26 cases, severe deprivation of liberty in two cases, hostage taking in two cases, and sexual abuse in three cases. The Prosecutors requested life imprisonment with particular severity of guilt. They also requested the Judges to uphold the current arrest warrant against Anwar Raslan, given the risk that he could flee

Before ending the trial day, Presiding Judge Kerber thanked the court interpreters for their hard work simultaneously interpreting the Prosecutors’ closing statement.

The proceedings were adjourned at 4:00PM.

The trial will resume on December 8, 2021 at 9:30AM.

## 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:<sup>1</sup>

#### 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 21<sup>st</sup> century standards, P12 said that he and other Syrians knew that the price they would pay for their demand would be enormous.

<sup>1</sup> 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

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[7-minute break]

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### **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.

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[10-minute break]

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[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.

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[10-minute break]

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### **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 10<sup>th</sup> 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 10<sup>th</sup> 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 [82<sup>nd</sup> 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 75<sup>th</sup> 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.

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[75-minute break]

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#### **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.

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[10-minute break]

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### **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 75<sup>th</sup> 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.

## **TRIAL OF ANWAR RASLAN**

Higher Regional Court – Koblenz, Germany  
Trial Monitoring Report 56  
Hearing Date: December 15, 2021

*CAUTION: Some testimony includes descriptions of torture.*

### **Summaries/Highlights:<sup>1</sup>**

#### **Day 108 – December 15, 2021**

This was the last day for closing statements from Plaintiffs and Plaintiffs Counsel. Like others before them, three Plaintiffs emphasized the importance of victim participation in universal jurisdiction trials. Each of their Counsel then joined the Prosecutors' demand for a life sentence with particular severity of guilt for Anwar Raslan [meaning that Raslan is not eligible for parole after fifteen years imprisonment]. All speakers directly addressed Anwar Raslan, requesting him to break his silence at the next trial day in January and to provide information about the fate of missing.

#### **Trial Day 108 – December 15, 2021**

The proceedings began at 9:32AM with seven spectators and two 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. Plaintiffs P1 and P50 sat next to their respective Counsel. Plaintiffs Counsel Kroker and Bahns were not present.

Presiding Judge Kerber left the floor to the plaintiffs to deliver their closing statements.

#### **Closing Statement by P1**

P1 started his closing statement by quoting Dante's *Divine Comedy*, saying "[a]bandon hope all ye who enter here." P1 also quoted George Orwell, saying "[n]ever, for any reason on Earth, could you wish for an increase of pain. Of pain you could only wish for one thing: that it should stop. Nothing in the world was so bad as physical pain. In the face of pain and its consequences there are no heroes."

P1 went on to explain that "[t]he one who enters this place is lost, and the one who gets released is newborn" is a saying created by the Syrian Intelligence Services and repeated by Syrian society in private and public. It turned into a long, never-ending nightmare. According to P1, this was exactly what one was supposed to [experience upon] entering the detention facilities. It was also a way to feel your body in places that are designed to destroy one's body.

After greeting the Judges and parties to the trial, P1 said that his psychotherapist, [REDACTED], who has extensive experience working with Holocaust survivors, told P1 about the impact and meaning of 'traumatic memories'. The psychotherapist told P1 the following story which, according to P1, helped him to recognize how important conversations are [in coping with these memories].

<sup>1</sup> 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.

His psychotherapist told P1 that when the allied forces were close to Berlin, the SS guards forced the survivors in the concentration camp to march "with their emaciated bodies" to then take them somewhere else. Many of them died or were executed because they were unable to continue walking. They eventually reached a forest between Berlin and Brandenburg where they were left alone in the cold, [in a state of] weakness. After a while, the survivors were forced to eat tree trunks to survive, but they did not forget to engrave their memories in these trunks. The trees continued to grow steadfast and preserved the memory of the survivors engraved on their trunks. P1 said these trees are still standing today and the victims will be remembered as long as the trees are standing.

P1 continued by saying that he is standing in front of the Court today, facing an existential dilemma because he survived, but he keeps asking himself "why exactly did I survive? What happened and is happening to our colleagues who we left behind? What can we do to save them?" P1 said he knows that "we" are powerless to do anything more than continue to tell what "we have experienced and not remain silent at all costs." P1 described that at Branches "of the evil," that have countless ways to harm someone, there are still more than 142,062 people waiting for their loved ones who have been abducted or captured. Amongst others, they are held at Al-Khatib Branch and other Intelligence Branches simply due to their participation in the democratic movement, or because they exercised their right to freedom of expression and voiced their opinion. According to P1, one's existence is denied as soon as one enters such a place [Intelligence Branch]. First, the existence of one person, then the existence of an entire group, and eventually the existence of an entire society is denied. This is how society loses its identity, said P1. An entire society is living, searching for its identity that was lost with the loss of the knowledge about the fate of its loved ones and the loss of being able to achieve justice.

What is terrifying, said P1, is that the crime of enforced disappearance and torture was an essential tool to demonstrate the absolute and imbalanced power of the regime. It was commonly used by all Intelligence Branches. According to P1, it is the core of the regime's existence. The regime who is proud in front of the entire world because of how it spreads horror and terror to take control of the lives of Syrian people every day, even after they have survived [these horrors].

P1 said he was one of those who were forcibly disappeared by the regime during his two detentions. During his first arrest, P1 was suddenly abducted from an internet cafe without saying goodbye to his beloved and friends. P1 said he was on Facebook talking with friends about their basic rights and democracy, freedom, and the start of the Syrian revolution. During his second arrest, P1 was abducted from Damascus Airport because he decided to take his camera and went to the streets, determined to document what was going on. When he was exposed, P1 decided to flee, thinking that he could smuggle and save what he had documented. Unfortunately, the documents did not survive, but his body survived and so did the story along with it, said P1.

P1 addressed the Court, asking people to "imagine saying goodbye to one of your family members, and the other part of the family is waiting for you on the other side of the airport, and suddenly you disappear just like that." P1 said one's family would not know if the person actually started his travels, stayed, or decided to leave this world. According to P1, in such a case, one's family would keep asking themselves questions like "what happened when and where?" and continue waiting and searching for their loved one. This is how the regime uses time and waiting to torture people and prevent progress even when people are outside [the regime's] prisons, even when they are in places of refuge.

P1 quoted Samuel Beckett's 'Waiting for Godot', saying "let's go!" followed by "we can't." He asked "why not?" and replied "we're waiting". P1 said this is what his family had to live through for months, and what the families of many of the forcibly disappeared are still living through.

The dilemma is that abduction, enforced disappearance, and torture is still ongoing in Syria. P1 said he is certain that in every moment he spends in this Court, there is more than one Syrian family who has to endure what P1 and his family had to before. P1 added that the torture methods increased and were further developed over the past nine years. P1 said there are people being tortured at this very moment, hanging between life and death, whereas perpetrators are still in their position. This feeling “hits us in the core of our stomachs everyday” said P1. He described [the feeling] as ripping peoples’ hearts out.

According to P1, the impact of enforced disappearance is deeply traumatizing to Syrians as a society and individually, even when people survive. P1 addressed the Court, saying he was standing there on this cold day that reminded him of the weather in Damascus. P1 felt as if he was in Damascus. Especially undergrounds it gets cold, said P1. Undergrounds, where the cold in the detention facilities was very hard on the detainees. P1 described the situation in the detention facilities where he and others were half-naked, psychologically broken, and closer to death than life, deprived of food and water, shivering from the cold, and barely breathing or perceiving the world around them. P1 said he and hundreds of other detainees were forcibly deprived of the freedom to know the time in solitary cells and in community cells that were full of people who deserve to have a dignified life. P1 also described detainees being thrown in the corridors, covered with pieces of clothes torn due to brutal torture. Their families did not know anything about them. P1 said he and others were lost as if they were inside a black hole or a parallel world. P1 recalled that, back then in Damascus when he could hear the screams of torture day and night and when the terror had no end, he and the other detainees knew they were unable to do anything about it. The squeaking from opening and closing the cells’ doors which preludes torture or killing under torture, and the screams of torture and the sounds of the cables hitting the body, were a daily threat to detainees. P1 said this was the reason he thought about committing suicide when he heard the sound of the prison guards approaching the cell and before opening the cell door to take him to interrogation or a torture session.

P1 quoted German philosopher Schopenhauer who found that “if we are suffering from severe physical pain, or if the pain lasts for a long time, all we are thinking about is just finding a way to stop this feeling in any way or form, and that makes suicide easy.” P1 remembered that on a day similar to [the cold December days in Germany] he was asked during an interrogation whether he likes President Bashar Al-Asaad, knowing that he would be tortured regardless of his answer. The guards arbitrarily beat P1 with cables, their hands and feet, and he was hung from his wrists until he felt like his body was torn in the middle. P1 added that he still has this feeling nowadays, especially when falling asleep. P1 said he could not help himself and could barely breathe while he was tortured. While he was beaten, P1 also felt a hard object inside his anus. He felt he was at the end of his tether and felt severe abdominal pain. P1 said it was as if his head was split into two parts. He recalled that he did not know whether he was able to scream or not. A terrifying shudder and numbness ran through his body which he was unable feel, and he started sweating. Even nowadays when he sees a stick in someone’s hand, P1 feels anxiety, stomach pain, suffocation, and his body starts to sweat.

P1 further described that after he was released from prison, he suffered from severe infections. But he was afraid to talk about the issue due to shame and potential dishonor. He felt that something inside him had been destroyed. A feeling of insecurity and mistrust led him to hate his own body. After he was released, P1 often thought about suicide. Even during the hot summer, it was cold inside him, and he felt taken back to this dark terrifying place where he was deprived of his freedom. P1 explained that he is unable to accept that he is living safely in Germany or America where he often travels for work. P1 said there are times when his sense of security and location disappears. That is when he cannot believe that he is living in safety now.

P1 said he then does not know if security is real or a temporary illusion that is going to disappear. He then also struggles to believe that he is where he is.

P1 said he sometimes hears a noise in his ear and loses his sense of time and space. He then finds himself in the middle of the street when the traffic light is red. It also happens that he is standing [in the same spot] for some time without noticing and the traffic light has changed several times. According to P1, these feelings were worse when he came to Germany, but once he started psychotherapy, his condition gradually improved. P1 said this, nonetheless, took away a lot of his abilities that he could have used to make art, films, or [used toward] his social life. P1's therapist told him [the trauma] would stay with him for the rest of his life but that at least there was a way to deal with it safely.

P1 said "the world does not believe what we have been through, what we had to experience because it is too horrific for people to imagine." According to P1, people learned to match society's perceptions and consider men as the guardians of the state. If "something like this happens," they have to stay silent because merely speaking about this is considered weakness, reducing one's value and respect and disqualifies one from being a normal human being. P1's therapist says society cannot accept these experiences because it does not want to hear since it cannot do anything about them. According to P1's therapist, society prefers such things not to happen, and for the image of a strong society to prevail, unbroken by its victims.

P1 described that on a cold day like this very day, he was told during an interrogation that no one would ever hear about him again and that the guard had all the authority to do whatever he wanted. P1 recalled that he was surrounded by the sounds of beatings, giggles, insults, torture, humiliation, people being proud to torture, and death threats. The goal was to force him to confess that he was making films on behalf of America and France. The mere thought of this prelude [threat that no one would ever hear about him again] was enough for him to be scared that the guards would soon execute and hang him at Al-Marjeh Square as a disciplinary measure and to set an example for society.

P1 recalled that Anwar Raslan himself said in his first plea that the reason for P1's detention was that he had relations to foreign countries. Anwar Raslan imbued the regime's beliefs and was convinced that what P1 did was a crime that deserved punishment. Being financed by the West for making films and making them in the first place was considered a crime, said P1. He said he was punished because he was making documentaries and because he was brave enough to document this story, including scenes that criticize the Syrian regime. P1 explained that there is one scene showing Syrian regime forces firing live ammunition at peaceful demonstrators, and another one showing the fall of the picture of the "dictator Bashar al-Assad" then people stepping on [the picture]. P1 remembered that a fellow detainee who was detained in the cell next to him, told P1 that P1 carried great guilt and was to be executed and should pray. However, P1 grew up as an atheist rejecting the existence of a god and only believing in truth, freedom and democracy. P1 did not find a way to believe in and pray to a god who watches torture, is silent about it, or even participates and enjoys it as the guards enjoy it. God does not exist [at the Intelligence Branches] said P1 and referred to Nietzsche's infamous "God is dead! God remains dead!" P1 concluded that the truth is that one only has one life and the Intelligence Services as "elements of torture" took it away from "us". P1 said "we have regained our strength to speak out and search for justice by all means."

P1 went on to describe that after he shared his experience in Court, he was the victim of a defamation campaign and hatred. P1 said there were public calls from supporters of Anwar Raslan and Eyad Al-Gharib. P1 claimed that a representative of theirs is sitting in Court right behind him.



P1 said the organization published false testimony of him on their website, and the person who published it claimed it was a verbatim record of P1's testimony. According to P1, it was published alongside his name and personal information. According to P1, the testimony was used to incite people to hate him. He was allegedly pressured to withdraw his testimony. P1 said there were also calls to kill him and prevent him from demanding his rights. P1 said people contacted him, his lawyer Anwar Al-Bunni, his co-workers, and his family to create recordings of calls and to preserve messages, or social media posts to instigate hatred against P1. "They" have also used Qatari and Turkish-backed platforms to spread false and misleading information about P1. As a result, his family received death threats, and people were sent to collect information about him to be used to defame and abuse him and his family. P1 said he was forced to relocate his family despite the cost and difficulties of finding a new home for them in northern Syria. P1 further told the Court that there is a Facebook page run by relatives of Anwar Raslan called "The Trial of Colonel Anwar Raslan in Germany" and "a page dedicated to the justice of Colonel Anwar Raslan, the respected son of Taldou". P1 said these are the platforms where the calls [against P1] started. According to P1, the page was still live until that very day. P1 said these platforms tried to use him as an example to intimidate witnesses and victims and discourage them from talking about their experiences and cause distrust in this trial and the usefulness of testifying and trying to turn victims into perpetrators and perpetrators into victims. P1 concluded it had a huge impact on him and his family and has caused him psychological and professional damage.

P1 went on to say that despite all this, he was again in Court for the second time. P1 said he very much likes to keep talking about his experience "because silence has more of an effect on us than talking." P1's therapist told him that acknowledging the damage caused to him does not give the perpetrators a moral victory. According to P1's therapist, it is silence that gives [the perpetrators] a sense of victory. P1 recalled that the same campaign he described above also asked for forgiveness for Anwar Raslan and Eyad Al-Gharib and turned them into victims, criticized prosecuting them because they were defectors, or because they were Sunnis, or because they belonged to tribal areas and regions that were targeted by the regime of Bashar Al-Assad. However, one must also acknowledge that Anwar Raslan was an integral part of the torture system of the Assad regime, said P1.

P1 said these calls, especially those directed against himself and other victims, did not have an impact on him. On the contrary, they motivated him to continue, and to believe that Anwar Raslan did not represent himself alone but is rather a defender of the beliefs of the torture regime that has existed for decades. According to P1, this represents the body and mind of the regime. For decades, the regime has been trying to deny and criminalize people in order to terrorize them and their families and prevent them from speaking. P1 recalled that throughout the trial sessions, Anwar Raslan took notes, tried to justify himself, and tried to undermine individual experiences, and by that, undermining the experiences of society as a whole. According to P1, the regime is not only a body that tortures and lets people disappear, but the regime is also an evil thinker and an experienced manipulator. P1 said the regime keeps taking advantage of peoples' experiences because the regime has a talent of unfolding the evil. These are the very experiences and talent that mutilated peoples' bodies, said P1. It is the education that Anwar Raslan talked about in his defense plea that is the reason people are "here" seeking refuge and trying to restore life in their bodies. P1 said Branch 251 is a place to violently indoctrinate people to love the regime of Bashar Al-Assad and to test the vilest methods on their bodies and the many possibilities for bringing death. If one gets out alive, the traces of these experiences remain on their bodies. This is just to see for how long people stay alive and keep fighting against it [regime and/or experiences].

P1 said he was not saved and is unable to fully recover from his experiences, but he keeps trying. P1 explained that back then, he did not care about the regime's revenge tactics nor the methods of its supporters trying to bring shame on him. Back then, P1 was an innocent student and a filmmaker at the beginning of his career. P1 had a dream. At that time, P1 was looking for a future and to escape conscription in the army of the regime because he did not want be part of it even for one day. P1 said he is certain that there are many advocates for and sympathizers of the perpetrators who are trying hard to find a way to disgrace the victims, palliating the perpetrators, and raising their profiles by demonizing the victims. P1 said he wants to quote Primo Levi, a chemist, writer and Holocaust survivor who said that “to confuse the executioners with their victims is a moral disease or an aesthetic affectation for the executioners or a sinister sign of complicity; above all, it is a precious service rendered (intentionally or not) to negate the truth of the experiences and their eligibility”. P1 concluded that this service is indeed no less despicable than the crimes of the criminal himself.

P1 recalled that he started as a filmmaker before the beginning of the democratic revolution in Syria and continued throughout it. Making documentaries criticizing the regime has long been considered an unforgivable crime, and filmmakers like P1 have been criminalized for doing their job. The regime told people to hinder P1 and other filmmakers from doing their job and portrayed them as dangerous people who must be eliminated or humiliated. P1 recalled that this was also the reason for why the Syrian regime recently forced the father of one of the characters in the film “The Cave” to appear in the media, denying the content of the film. Buthayna Sha’ban, Bashar Al-Assad’s political and media advisor, wrote an editorial entitled “The Most Dangerous War” in the most powerful Syrian newspaper of the Syrian regime and in another one affiliated with Hezbollah, accusing P1 of running an office in the West to fabricate news about events in Syria. P1 called this article a character assassination. Over the course of his work as a documentary filmmaker during the Syrian revolution, P1 created almost 2,500 hours of recordings that documented unspeakable horror, made films about it, and made films documenting the ongoing crimes committed against Syrians, including the use of sarin and other internationally prohibited gasses, the killing of civilians, the use of siege and starvation, and airstrikes targeting White Helmets volunteers, their work centers, and attacks on hospitals and marketplaces carried out by the regime and Russia. This has long been met with misguided campaigns by the regime and its allies, said P1. The discourses of denial and hate were part of the torture regime and a reason for its existence, and a reason to kill and isolate filmmakers, even though their films are documenting a struggle for democracy and human rights violations. P1 said he and other filmmakers are just individuals committed to speaking about things the authorities do not want to hear.

P1 said “above the ground and below it,” he had to witness the evil that is still happening in Syria because the regime behind it is still in power. But P1 has also seen the good things survivors did, which gives people confidence that they will find justice somewhere on this earth.

P1 said he is also thinking of his lawyer [REDACTED], of his Kurdish friend [REDACTED], of his fellow documentary filmmakers who have been forcibly disappeared. He is thinking of the sounds of their screams, and of their smell that P1 will not forget until his death. He is thinking of their ghosts who visit him in his sleep and while he is awake. P1 said this gives his life a purpose and the strength to be in Court on this very day and talk about the experiences of those who continue to be in his memories. P1 said that nothing can restore the dignity of peoples’ destroyed bodies, or of families seeking justice, except to reveal the fate of their loved ones and to consider the institutions that tortured and disappeared persons as criminal organizations terrorizing people around the world. P1 said these institutions continue to exist despite any moral rules. These places exist to break peoples’ will as free individuals and undermine their individual rights. According to P1, these institutions seek to create copies of the regime. People are not even allowed to be the shadow of a society.

One is not supposed to exist at all in the first place, said P1. P1 added that people like Anwar Raslan and others in his position accepted to be a part of these institutions. They are executing the will of evil and punish people for their mere existence. A first step to prevent these people from doing their job is to trust in justice and trust that those who died under torture will not be forgotten, said P1. He added that the world has changed and is no longer a place where perpetrators wander with impunity. According to P1, the absence of deterrence will no longer make society implicitly accept torture and all evil disappear. He said that punishing these people will make for a just society.

P1 apologized for providing such a long closing statement, adding this was his last paragraph. He explained that he came to the Court with confidence and gratitude in the counsel representing him in this case, with gratitude to his lawyer in Syria, Anwar Al-Bunni, and with great belief in the usefulness of this trial. P1 said he endured the psychological, professional, and social consequences of sharing his experience. P1 said he was accompanied by the thought that he would testify on behalf of his friends who shared the same experience as P1 regarding “these extermination Branches” but did not have the opportunity to share their experience. P1 said he also came to the Court to find answers to his family's and daughter's constant questions about what happened before and during this trial and what will happen in the future. P1 concluded by saying he trusts in the Court's wisdom and thanked the Court.

Presiding Judge Kerber announced a 15-minute break before Plaintiff Counsel Mohammed delivered his closing statement.

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[20-minute break]

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#### **Closing Statement by Plaintiff Counsel Mohammed**

Plaintiff Counsel Mohammed started his closing statement by saying that, in legal terms, the case would be explained relatively quickly in terms of facts and required life sentence also finding the particular severity of guilt. Mohammed said he would join these demands as well. Nonetheless, he also thought about the consequences of this trial beyond the legal aspects.

He turned to Anwar Raslan, saying that he was a lawyer himself and that he sometimes wondered what Raslan was thinking. Mohammed asked Raslan if he actually thought that anyone was convinced of his innocence. He mentioned that Raslan knew the parties for 18 months now and his lawyers for almost three years. Mohammed addressed Raslan, saying that he must be aware that he will have to face a life sentence. Mohammed explained that Raslan is almost 60-years-old and with a life sentence with particular severity of guilt ahead of him, given an average age of 78 years, he will literally have to spend the rest of his life in prison. The rest of his life will be limited to a 10-sqm cell. Mohammed said he wondered how Raslan feels about that. Mohammed even spoke about it with his girlfriend, and they found that this would be the completely opposite situation of their own lives at the moment. They were in a situation where they were making plans, where to go for vacation, whether to buy a house. Mohammed asked Raslan how he was dealing with his own situation right now, given that he has to spend his sunset years in prison.

Mohammed went on to say that during the last 18 months, the Court often discussed Raslan's role as a Sunni within the government system, and the options available to him. However, it was never asked what an Alawite is and what Alawites believe.

Mohammed said to Raslan that the two of them were both Sunnis and probably the only people in the courtroom who understand all these questions. Mohammed said Sunnis believe in afterlife and the idea that people who are doing good in this life will be awarded in the afterlife. The question was therefore what one has to do in case he did something bad. Mohammed said the answer is to regret and ask God for forgiveness. However, Mohammed was wondering whether Raslan actually had any regrets. Mohammed quoted verse 2:222 from the Quran saying that ‘Allah loves those who are doing penance and those who purify themselves.’ According to Mohammed, Raslan was, however, merely claiming that he did not do anything and only found himself in a bad situation.

Mohammed explained to Raslan that according to § 258 (2) StPO, Raslan has the right to provide his last words in this trial. He told Raslan to use that opportunity to answer the questions of victims. Many of them were unable to see what happened around them while in detention. Mohammed referred to P1 and asked what it depended on for someone to be subjected to sexual violence or not. Raslan has the chance to use his voice and help the victims. Mohammed added that using his own words also provides Raslan with the opportunity to actually demonstrate his opposition to the government. However, Raslan must also defect from his first plea claiming his deprivation of power.

Mohammed again referred to a quote from the Quran (verse 40:40) saying that “the person who does good things in this life will be forgiven all sins in the afterlife.” Mohammed said Raslan now has the chance to do good in this life and benefit from it in the afterlife. In the end, he only has to stand before God and ask for forgiveness. Mohammed said if Raslan uses his chance, he will ask his clients to forgive him as well.

Referring to P1, Mohammed said his client was attacked in the media and accused of being a liar. Mohammed recalled that he personally spoke with more than 100 people none of whom believed in this trial. He therefore thanked the Court for making this trial happen. He added that one might at times have wondered if there would ever be an end to this trial. According to Mohammed, the upcoming verdict will be a relief for many. It shows that a fair court legally confirmed that things actually did happen as people described them. He added that people in Damascus were robbed of their trust in God. On January 13, 2021, their trust will be restored. Mohammed concluded by saying that for many others, however, trust will still remain a dream.

#### **Closing Statement by Plaintiff Counsel Reiger**

Plaintiff Counsel Reiger started his closings statement by saying that he would like to come back to the very basis of this trial: § 7 VStGB. He said there is no common legal definition of crimes against humanity. § 7 (1) VStGB provides its own definition. If someone, however, seeks a linguistic definition of humanity [Menschlichkeit], one talks about tolerance, respect, and empathy. German dictionary ‘Duden’ defines humanity [Menschlichkeit] as mercy and humanitarianism. Reiger said this was a stark contrast to what happened to the people in Syria. Humanity died in Syria, it died in the basement of Branch 251/Al-Khatib Branch. Reiger said Anwar Raslan is also responsible for humanity dying in Syria. It is therefore rightful and important that he is held accountable for that.

Reiger recalled that the Court heard witnesses like P1 and Anwar Al-Bunni. Reiger said he has a lot of respect for these people who always continue to fight for humanity. He constantly wondered how these people were able to continue their fight despite being detained and tortured. Reiger said justice can be achieved in many different ways. In the end, humanity would always be stronger than the torture henchman. Reiger concluded that the correct linguistic definition would however be only of limited relevance and mostly be of political relevance.

He went on to say that in one's mind, the torture basements in Syria are far away from Koblenz. The subject matter, however, was not far away. Germany is a country governed by the rule of law, with jurisdiction to hold all perpetrators accountable under the principle of universal jurisdiction. Reiger said the trial is therefore a signal to the entire world.

Reiger recalled that he had many discussions with his client, P28, because P28 could not believe how such atrocities remained unpunished so far. Reiger had to tell him that it was impossible to hold all perpetrators accountable at the moment. According to Reiger, that answer is a big disappointment for many Syrians. But the Koblenz Trial gave people a space and opportunity to tell their stories. There was even an attempt to silence P1. Reiger added that everyone sitting at a table together with Bashar Al-Assad must know what he is like.

Reiger said his client, P28, told him that he feels his dignity is restored [through the trial of] Anwar Raslan, who is responsible for all his suffering [and now] sitting on the defendant's bench. P28 wants to thank the BKA, the German Federal Prosecutor General's Office and the Higher Regional Court in Koblenz. Reiger recalled that P28 told the Court how he was arrested, despite not being an activist. He does not know the reasons for his arrest until this very day. P28 assumes that he was arrested simply due to a confusion of names. Nonetheless, Anwar Raslan remains silent and hides behind his first plea. Reiger said this showed the inhumane acts committed by the Syrian regime and Anwar Raslan. Reiger further read out a note by P28 saying that detainees were psychologically intimidated in detention and that he still suffers from this mental pressure today. P28 said he still lived in the death cell in which he was detained. His son is unable to fall asleep alone in the dark. P28 further said in his statement that he cannot forget his pain for a single day, and he still has the pictures in his head. He cannot fall asleep without his ears ringing. P28 concluded that he is not himself anymore.

Reiger said P28 is forever marked by his horrible experiences and hopes that Raslan will be held accountable. Nonetheless, one would still only scratch the surface of the unimaginable suffering of victims, according to Reiger. He added that for legal reasons his other client was unable to participate in this trial. The Federal Prosecutor General's Office should therefore continue to pursue more of these cases.

Reiger said, as a lawyer, Anwar Raslan knew about the prohibition of torture. He was aware of what he was participating in. He heard the screams of torture every day and saw injured detainees. Reiger said Raslan was certainly "not the good man of Al-Khatib." He was a long-serving officer and agent who committed the crimes of the regime that have been perpetrated since 2011 until this very day. Reiger said Raslan allegedly defected when the regime turned against his hometown, however, his defection was not due to his humanity but mere self-interest because he was personally affected.

Reiger concluded by saying that he, on behalf of his client, joins the Prosecutors in demanding a life sentence and establishing the particular severity of guilt for Anwar Raslan who must bear the costs of this trial.

#### **Closing Statement by Plaintiff Counsel Schulz**

Plaintiff Counsel Schulz first said that he would try to avoid any repetition. On behalf of his client, P25, he joins the Prosecutors' demand for life imprisonment and establishing the particular severity of guilt for Anwar Raslan. Schulz said "P25 was one of the few lucky ones who made it out of hell after ten days." To stick to the quote of Jean Améry, Schulz hopes that P25 will feel home again in Germany where he lives with his family and is now helplessly exposed to the cold bureaucracy. Schulz told the Court the story of how P25's newborn child was named: the German registrar did not accept for P25's son to have the same name as his father, although this is Syrian tradition.



However, Schulz added, the bureaucracy of the BAMF [German Migration and Asylum Office] was even worse. The newborn baby was sent a letter telling him to immediately detail his asylum status in writing. The newborn baby therefore had to hire a lawyer to help him deal with the German authorities. Schulz said, although the German bureaucracy was overwhelming, the family was eventually able to deal with it.

Schulz went on to recall that one of the torture tools frequently mentioned in this trial was the so called “German Chair”, *Al-Kursi Al-Almani* in Arabic. Allegedly it was the Nazis who brought this tool to Syria. There are also rumors that the GDR [German Democratic Republic] taught the Syrian Intelligence Services how to use this torture item.

In 1954, Schulz said, a man called George Fischer started selling sauerkraut. At the same time, Alois Brunner, the right hand of Adolf Eichmann, the highest Nazi technocrat who was tasked with solving the Jewish question, was twice sentenced to death in absentia by a French Court. Brunner was hunted by the Mossad and eventually sought refuge in Syria where he became a consultant to the Intelligence Services on all issues related to torture. In 1966, Brunner met then Syrian president Hafez Al-Assad. Schulz went on to say that by 1971, Brunner and Hafez Al-Assad established a network of intelligence services under control of the Alawites. Brunner was a consultant to the President and a helping hand to the police state. Brunner sought protection in Syria from the Mossad who was hunting him. In Syria, Brunner was given a house and protection. But rumor has it, said Schulz, that Brunner once, called Hafez Al-Assad a ‘dog’. In 2001 he was reported to have committed suicide in a Syrian torture prison, allegedly Branch 251. Schulz turned to the GDR side of the story by saying that in the mid-1960s, the GDR supported the Ba’th party by building upon Brunner’s previous work. Erich Mielke [Head of the GDR Ministry of State Security] even met with his Syrian colleague Abdennaser at the East-German State Security premises in Berlin. Schulz said the cooperation of the two countries’ intelligence services was consequently strengthened. Schulz said the GDR was the “obstetrician of the Syrian torture apparatus.” The Syrian government then wanted to get rid of Brunner but his deportation failed in April 1989.

Schulz turned to Anwar Raslan’s curriculum vitae, saying it was known that Raslan worked in different cities in Syria as part of his training and was involved in torture by the Intelligence Services. He learned intelligence work and the required practical skills from scratch. Schulz recalled that the State Security in the GDR had a Division called “Main Department IX, Investigative Body”, the German equivalent to the Syrian Investigations Division at Branch 251. Both used torture as a state policy.

Schulz said the story of the German Chair would now come to an end: the German Chair was used by the Secret State Police and State Security in the GDR and by the Syrian Intelligence Services, until the implementation of international criminal law through the VStGB [German Code of Crimes against International Law]. Schulz concluded that at the Higher Regional Court in Koblenz, Anwar Raslan was now sitting on a German Chair himself, however, a far more comfortable one.

Schulz then quoted Friedrich Nietzsche who said in “Jenseits von Gut und Böse” that if one only stares into the abyss for long enough, the abyss stares right back. According to Schulz, Raslan’s defense was too obvious and limited. He was now right in the middle of the abyss. Schulz said that one who is fighting beasts must be cautious to not become one himself.

Schulz finished his closing statement by saying that Raslan’s last words were still forthcoming. Nonetheless, the German Chair at the Higher Regional Court in Koblenz would probably accompany him for a long time.

Presiding Judge Kerber announced a 70-minute-break.

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[70-minute break]

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### **Closing Statement by P50**

P50 started his closing statement by saying “in the name of God, the Entirely Merciful, the Especially Merciful.” After greeting the Judges and everyone else present in the courtroom, P50 said they just listened to the statement of P1 who does not believe in God. Now, people will listen to a person who believes in God’s existence. P50 recalled that what brought the two of them together is that they are both victims of the regime. P1 and P50 also share their belief in the principles of freedom, justice, and the Syrian revolution. P50 said his closing statement would not be long, since he only prepared three pages.

P50 explained that this Court is of great importance to the Syrian context, as it is the first court to consider the issue of detention by the Syrian regime. Therefore, P50 and others want it to be a success story. They want it to be a foundation on which they can build upon to hold the leaders of the regime, and the most important individuals and entities that founded and maintained it, accountable. P50 recalled that according to documentation, so far more than 130,000 people have been detained and disappeared in Syria. P50 said this number includes his father, his cousins, his relatives, his friends and other innocent people. P50’s father, who disappeared eight years ago when he was seventy-three years old, still visits P50 in his sleep. P50 said he does not know when he will be able to accept that his father died, or have hope to see him again. P50 described that no one can imagine for how long a woman who lost her husband or her child keeps waiting to know their fate.

According to P50, the Syrian people who are yearning for freedom are looking at this Court full of hope. They hope that this trial will pave the path toward uncovering the regime’s atrocity crimes. The mindset of the oppressive regime was clear from the beginning, said P50. The regime does not hold back from doing anything against innocent citizens in order to maintain its power. As Syrians, P50 and others dreamed of having political pluralism in which a former president would hand over power to a new president in a smooth and peaceful manner. P50 said people dreamed of seeing a scene similar to what people witnessed a few days ago when Ms. Merkel left office and handed over everything to her successor. However, the regime's Shabiha and its henchman insisted that Al-Assad remain in power and said: "Al-Assad or we burn the country!"

P50 said they eventually not only burned the country by displacing its people and ruining the economy and society, but they literally burned the country: by bombing schools, hospitals, defenseless houses, and even displacement camps were not spared from their rockets. The detention carried out by the Syrian regime is not, as it claims, a “legitimate measure to protect the country’s security” but rather one of its dirty tools to silence the voices of freedom because they exposed [the regime] and revealed its truth to the world. P50 said that the regime targeted intellectuals and peaceful people who called for freedom, tortured, and killed them. This for example happened to “our colleagues and companions in the peaceful revolution, including the icons of the Syrian revolution: martyr Yahya Ash-Sherbaji, martyr Ghiyath Matar” At the same time, P50 said, the regime was releasing “terrorists, extremists and takfiris” P50 explained that these releases happened so that, with the help of these people, militant groups like ISIS and others could be founded, later allowing the Syrian regime to present itself to the world as a counterterrorism fighter.

P50 said that his detention, and the detention of his fellow doctors, who were fulfilling their professional and national duty, and the detention of many others believing in their country, is sufficient proof against the allegations of the regime. Even if the regime's relationship with ISIS was not subject of this trial, P50 was sure that it will be discussed in subsequent trials, "hopefully soon." P50 added that there was a big difference in mentality: the mentality of those who demanded freedom and a state that protects its citizens and their well-being on the one side, and the mentality of the regime that reminds its citizens of its generosity that they grew up unharmed, a regime prepared to "burn the green and the dry" [to destroy everything], and to kill the elderly, women, and children in order to remain in power. P50 concluded that "in order to liberate our country and people of this regime, we carried out the revolution, and we will not back off until we achieve our goals, God willing."

P50 recalled how he was transferred to the Main Branch of State Security on Eid Al-Adha, the most important day of the year. This day was supposed to be one of the happiest days of one's life, and celebrated with friends and family, said P50. It was on this day that he and fellow doctors were arrested and forced to stand in painful positions all day long. P50 told the Court that as he stood in pain and listened to the sound of Eid celebrations and chanting outside, he found the courage to pray to God to give him the ability to forgive. P50 said he believes that God has responded to him. P50 said he and many others demanding freedom are "willing to forgive the aggressors if they stop their crimes, confess their sins, and accept to engage in the mechanisms of transitional justice."

P50 explained that he has no personal grudge toward Anwar Raslan or others who were affiliated with the security services of the regime. In fact, he feels sorry for them. "Revenge is not in our vocabulary," added P50. What he and others want is to succeed in rebuilding their homeland on the foundations of freedom and human dignity and to restore the rights of the people. P50 said he and others have paid a lot in terms of health and time and they lost many relatives and friends. Hundreds of thousands of people have suffered the physical and psychological effects of detention. The suffering of women in detention does not end with psychological and physical torture, said P50. He explained that these women also suffer stigmatization and rejection by society. Some even thought of committing suicide or actually committed it. P50 concluded that for these reasons, revenge will not give back what people lost. However, it is important that their suffering has a meaning that justifies and consoles them. P50 recalled that he had already told the Court about so-called "Meaning Therapy", a form of psychotherapy. It was invented by a German [speaking] psychiatrist named Frankl who suffered from detention and torture in the Nazi concentration camps for three years. P50 explained that in detention, Frankl found that having purpose in people's lives and suffering is what keeps them alive. P50 said that his participation in this trial, despite the difficulties and psychological intensity, was a way for him to find meaning. P50 said he wants to feel that he is contributing to efforts to expose the torture machinery of the Syrian regime. He and others want to feel that they are contributing to prevent such things from happening again by sending a clear message to all those tempted to affiliate with a criminal intelligence system. The message is: 'Your defection from the system after committing what you have committed does not relieve you of your responsibilities. In other words, a profession cannot be vanished by defection.' P50 said he therefore hopes again that this Court can help the Syrian people yearning for freedom and justice, to find such meaning, and that their suffering as Syrians will be the last of this kind. P50 concluded that "enough is enough" [He said it in English and Arabic].

P50 concluded his closing statement by addressing and thanking Presiding Judge Kerber and the other Judges, the Prosecutors, the Plaintiffs' Counsel, his fellow Plaintiffs, the witnesses, the interpreters, and everyone who contributed to this trial.

P50 said he does not want to forget to especially thank the Defense Counsel whose presence and efforts in defending the defendant is important for a fair trial in which the defendant can enjoy all his rights until he is convicted. The fact that Syrians yearn for a country with fair trials was one of the main reasons they started the revolution, said P50. P50 recalled that when he was detained, the interrogator, who P50 did not know, but who was certainly one of the interrogators at Al-Khatib Branch which Anwar Raslan headed the Interrogation Division, reminded P50 of a verse from the Qur'an [74:30] in which the nineteen angels of torment in hell were mentioned. The interrogator compared them to the nineteen security branches of the regime. P50 recalled that he, on the other hand, reminded the interrogator of a great verse from the Noble Quran [16:118] in which God almighty says: "we did not wrong them, it is they who wronged themselves". God Almighty has spoken the truth, concluded P50.

P50 thanked the Court in Arabic and German.

### **Closing Statement by Plaintiff Counsel Dr. Oehmichen**

After greeting the Judges and the parties to the trial, Oehmichen explained that one question that was repeatedly asked by trial monitors and journalist throughout the trial was "why are defectors being punished?" She said that one must answer that the Defendant is tried for the things he had done before his defection and that defection is not an excuse for what he did before. The suffering of the Plaintiffs of this trial and of Syrian society was not restituted by the Defendant's defection. According to Oehmichen, the Plaintiffs in this trial are only the tip of the iceberg because there were no statistics about the number of victims. She added that systematic crimes are not committed alone by those in power. It always needs followers and small cogs to keep the wheels turning. However, shared responsibilities do not release anyone in charge of their responsibility.

Oehmichen went on to explain that this trial is the first torture trial worldwide against the Syrian regime. It should not be the last one. It has an effect on Germany and the international community. Oehmichen explained that her task on this day was to represent persons who were immediately affected by the crimes at the heart of this trial. She said she represents these people also in the name of the Open Society Justice Initiative and Steve Costas. She explained that her closing statement will first focus on two aspects that highlight the trial's importance as a legal precedent. She will then detail the consequences of the crimes for her clients and the importance of this trial for her clients. Then she will draw a conclusion and thank her clients and all witnesses.

### **Stir that this trial will create**

Dr. Oehmichen said she first wants to join the commendation of the speakers before her and thank the Court for its sovereign and pragmatic handling of the trial. The Court conducted the trial without any eagerness to raise its profile and did not engage in media interviews. Oehmichen added that the Court did not treat Anwar Raslan any differently than other defendants, and most importantly, it was always fair. She also thanked the Judges for their thoughtful treatment of the most vulnerable persons and for becoming increasingly aware of the witnesses' concerns, taking their concerns seriously and providing protection whenever possible.

According to Oehmichen, this trial also showed the shortcomings of German procedural law (StPO) regarding witness protection. She said that witnesses remain the most important source of information and that trials like this are dependent upon bereaved people describing their experiences without fear. Witness protection is therefore a crucial element for conducting a criminal trial: witness protection leads to witnesses who provide important evidence which is crucial for indictments and verdicts.

Oehmichen recalled that it is often difficult to summon witnesses who are afraid of the Syrian regime. There is no possibility under German law nor experience in providing protection to these witnesses. Oehmichen said the Court experienced how witnesses spoke about their relatives being threatened by the Syrian regime or intimidated by the relatives of Defendant Eyad Al-Gharib. In the end, many witnesses did not appear in Court because they were too afraid. The Judges and other parties to the trial learned how serious and real the danger is for witnesses. The Judges therefore allowed some of them to stay anonymous. However, others were not granted such measures because they had no legal counsel, felt obligated to make a testimony, or were not aware of the dangers. Oehmichen said this trial therefore has a significant impact on future trials. Witnesses will not dare to participate in any trials because they saw the limited the protection measures [in Koblenz]. One will therefore not learn how the witnesses were influenced or what the Court could have known if the witnesses were not exposed to threats. Oehmichen concluded that many witnesses in this trial simply did not appear in Court. This is not acceptable because it hinders the Prosecution.

According to Oehmichen, this trial has shown that witnesses must be informed about their rights and the relevant procedure before their questioning. Those witnesses who were supported by NGOs were assisted by legal counsel. Those who were forwarded to the BKA by the German Office for Migration and Asylum (BAMF) did not receive such support. One must think about ways to protect all witnesses. For example, a public audience can be excluded from certain sessions, although a public audience was not excluded in this trial because it constitutes a ground for appeal in specific circumstances. Oehmichen added that international courts and tribunals, however, apply a well-established practice of having the most vulnerable witnesses testify anonymously via video link, and offering them support beyond the main proceedings. Oehmichen concluded that increased witness protection can encourage people to participate in legal proceedings in Germany.

### Outreach

Oehmichen went on to explain that it was important to inform the public and affected societies about the proceedings in Court. The VStGB [German Code of Crimes against International Law] acknowledges that certain crimes affect the international community as a whole and have to be taken to trial in Germany. However, those who are directly affected by the crimes cannot follow or understand the proceedings. According to Oehmichen, the Court did important work with this trial but the trial resonates very little when people do not know that the trial took place or how it worked. Oehmichen added that it must be explained to people why German courts have jurisdiction over these crimes at all, as well as how fair trials and equality of arms work. According to Oehmichen, the closing statements by the Plaintiffs showed that these principles were not known in all countries around the world. Oehmichen concluded that if such information is not made available, those actually affected by the crimes at the heart of the trial do not know that there is no impunity for the crimes. Lacking information also creates ideal conditions for misunderstandings, rumors, and misinformation. This is eventually only beneficial for those opposing trials like this.

Oehmichen said that of course, no court is obliged to provide extensive information on ongoing trials. However, it would be insufficient if only accredited journalists could follow the proceedings in the Arabic language. Instead, information must be made available to NGOs and journalists in different languages so that it can be made available to the media. Oehmichen explained that most information about this trial spread on Facebook and through word of mouth. This left a lot of room for misunderstandings. She added that in order to keep control over information, it is useful to better inform the public with multilingual information and background communicated in multiple languages through the press office.



Only then can non-German non-lawyers understand the proceedings. Oehmichen provided three recommendations: (1) regarding international crimes, public relations work must become an integral part of judicial administration, (2) accredited journalists must be given access to interpretation from the very beginning of a trial, and (3) do not leave the coverage of the beginning of a trial and other important moments to the media and instead provide information to the public.

Oehmichen said this trial was a foundation stone. Other judges in Germany and beyond should learn from the experiences of this trial. Oehmichen said that “unfortunately, the Judges rejected a request to audio record the trial.” Concerns about witness protection could have easily been solved. According to Oehmichen it was common practice in many countries to record criminal trials. Many witnesses therefore expected that the trial was recorded anyway. According to what is written in the [new government’s coalition contract](#), this practice is about to be implemented.

#### Fate of Oehmichen’s Clients

Oehmichen went on to describe what happened to her clients while in detention at Branch 251.

Oehmichen recalled that [P22](#), a medical professional, who testified in Court on December 9, 2020, was tricked into Al-Khatib Branch by officials who told him that his interrogation would only last fifteen minutes. He was then detained at the Branch for ten days before he was transferred to Kafar Souseh where he had to stay for fifteen days after which he was transferred to Adra Prison from where he was eventually released. During all ten interrogations, he was blindfolded and tortured. He was also forced to hear a friend being violently interrogated. Oehmichen recalled that the interrogation officer told P22 to be grateful for the free professional training he enjoyed. He was very scared and was tortured with *Falaqa*. He was detained in a solitary cell which was around 0.80 meters wide and between 1.60 and 1.80 meters long. P22 stated that the interrogation officer who interrogated him was from Homs and that he still remembered his voice. However, Anwar Raslan was unwilling to provide a voice sample, said Oehmichen. P22 further told the Court about arbitrary, absurd torture at the Branch, including collective punishment. After a short circuit, guards entered the cell and started beating all detainees. Oehmichen further recalled that the hygienic situation during P22’s detention was horrible and that his family was not officially informed about his whereabouts. P22 also spoke about psychological torture and an alleged amnesty that raised hopes among detainees. He described the constant state of limbo between hope and fear and that he was also threatened.

Oehmichen recalled that [P27](#) who testified in Court on January 28, 2021, participated in demonstrations and was detained twice with the Military Intelligence and Criminal Security Branches, once at Al-Khatib Branch, then several other Branches thereafter. Oehmichen remembered that during the first conversation she had with P27, he did not even mention the welcome party he had to endure because he thought that beating did not qualify as torture. He was chained during the transfers between Branches. P27 said that Al-Khatib Branch was the worst because there was no fresh air circulating. It was hot and smelled very bad. He described how there was a significant difference regarding the quality of air between the cell and the hallway in front of the cell. P27 further described the detention conditions and the interrogations he had to endure. Oehmichen recalled that P27 was arbitrarily beaten and saw signs of torture on the bodies of his fellow detainees. He was tortured with *Shabeh* and was always blindfolded during interrogations.

Oehmichen went on to recall what [P44](#), who testified in Court on August 8, 2021, had to endure during his detention at Branch 251. P44 was stopped at a gas station where he was insulted, beaten, and later taken to Al-Khatib Branch. He had to undergo the welcome party and was taken to a 3x3 meter cell which was so small and overcrowded that only a few detainees were able to lie down.

The air was so bad that many detainees got scabies. Oehmichen said that P44 was lucky because he only had to endure the bad detention conditions which, however, constitute torture themselves. P44 was not interrogated and was allowed to leave the Branch after a few days.

Oehmichen recalled that [P50](#) already described what this trial means to him personally. Oehmichen therefore only briefly recalled that P50 was detained at Al-Khatib Branch for forty days during which he was interrogated and tortured. [...] he described how attacks on the detainees were the rule. For there to not be attacks was exceptional. Oehmichen recalled P50 telling the Court that it was strange for him to not be able to see himself in the mirror and that he was scared when he first saw himself in the mirror after his detention at Al-Khatib Branch. After Al-Khatib Branch, P50 was detained at other Branches of the General Intelligence Directorate, the Military Intelligence Service, and eventually Adra Prison.

#### Impact of the Crimes on Oehmichen's Clients

Oehmichen explained that her client P27 received psychosocial treatment for one year and a half. He is living in fear every day and the mere word "investigations" scares him. As a medical professional, P50 treated people who experienced similar things. He spoke about this aspect during his testimony in Court, for example that women especially suffer from their detention experiences. They are abandoned by their families or even killed. Oehmichen recalled P50 telling the Court about a woman who was detained for only two hours but became depressed afterwards. Oehmichen concluded that most people focused on the physical consequences, but the psychological consequences are often even worse. She recalled P50 saying that 'people are suffering post-traumatic stress disorder after detention and some even change their personality.'

#### Importance of the Trial for the Plaintiffs

Oehmichen explained that many Plaintiffs and witnesses said they do not feel any personal anger toward Anwar Raslan himself. P50 affirmed this at the very beginning of his testimony, as did P22 at the end of his testimony. Oehmichen said P22 was not in Court today, but he asked her to read out a statement on his behalf:

P22 said he wants for Raslan to be held accountable. According to P22, Raslan does not show any sign of remorse. He keeps claiming that he defected, but at the same time he refuses to cooperate. P22 said it should be the regime of Bashar Al-Assad facing trial. P22 said he hopes that this present trial will prove the crimes against humanity committed by the regime.

Oehmichen went on to say that she hopes that the consequences of [Raslan's] actions and the anticipated life sentence should open Raslan's eyes to see that others are still suffering today. [...] According to Oehmichen, those who are released from detention are no longer the same people they were before. She recalled one witness saying that 'those who are detained are lost, those who are released are newborn.' Witnesses are still scared of police officers today, suffering from sleeping disorders, and are scared by certain noises. According to Oehmichen, these consequences were the very goal of the regime and its employees terrorizing the civilian population.

Oehmichen directly addressed Raslan saying, "it is not too late. The last word has not been spoken. Please help us uncover the crimes."

Oehmichen then went on to say that this trial unveiled many abysses. The Caesar Files and information about mass graves do not require further details in this closing statement, she said. Oehmichen said people inside the courtroom were often speechless and wondered how human beings could commit such crimes against other human beings.

Oehmichen then turned to Presiding Judge Kerber, saying that when Kerber said on February 24, 2021 that she would never forget the Caesar Files, it was more than a personal comment. No one would ever forget what one saw in the Caesar Files. Nor would one forget witnesses telling the Court that they made friend with cockroaches because the guards were monsters. [...] Oehmichen recalled “so many brave Syrians testified in this trial and showed humanity.” She further acknowledged that the political and historical context must be acknowledged in such trials, as discussed in international criminal law. Oehmichen added that the testimonies of many witnesses also showed that people have a choice and that the Syrian people achieved something historical.

Oehmichen concluded by quoting Berthold Brecht who wrote in “Das Leben des Galilei” that “unfortunate is the country that needs heroes.” Brecht also wrote in the 1940s that poor people have no choice but to be heroes, saying that ‘to get a bag of flour one now needs the same energy which before was sufficient to make an entire field arable.’ According to Oehmichen, the many heroic acts in Syria are proof of the injustice there. Syria needs many heroes. The Plaintiffs and many witnesses in this trial are heroes. She said that her clients are impressive examples of such heroes: P27 was only 21-years-old when he participated in demonstrations. P44 developed a strategy on how to inform his relatives about his and his family members’ detention. P50 supported people who had the same experiences as him, and one must not forget the teenagers in Dara’a who started the revolution. Oehmichen recalled that P44 not only saw activists and bloggers demanding freedom at demonstrations, but also a 70-year-old man. Those who filmed the demonstrations, thereby risking their own lives, the doctors who treated injured people, witnesses who did not turn in their friends despite massive pressure, detainees who informed the families of fellow detainees about their [missing loved ones’] whereabouts, detainees who secretly smuggled bread and gave it to other detainees, the 85-year-old man who stood in the way when his son was about to be arrested, supporters of NGOs such as CIJA, lawyers like Mazen Darwish and Anwar Al-Bunni, Caesar and his friends and supporters; all these people are heroes said Oehmichen. She concluded that their sad and important role shows how bad the situation in Syria is because ‘unfortunate are the countries who need heroes.’

The proceedings were adjourned at 2:31PM

The next session will be on January 6, 2022 at 9:30AM when the Defense Counsel will provide their closing statements and the Defendant will be given the opportunity to provide his last words in this trial.

## **TRIAL OF ANWAR RASLAN**

Higher Regional Court – Koblenz, Germany  
Trial Monitoring Report 57  
Hearing Date: January 6, 2022

*CAUTION: Some testimony includes descriptions of torture.*

### **Summaries/Highlights:<sup>1</sup>**

#### **Day 109 – January 6, 2022**

On this day, the Defense team provided their closing statements, then Defendant Anwar Raslan had his personal interpreter read out a written statement on his behalf. Both Defense Counsels requested that their client be acquitted. According to the Defense, Raslan was not one of those most responsible for crimes against humanity committed by the Syrian government. The charged crimes cannot be attributed to Raslan, said his Defense Counsels, adding that he cannot be held liable for what happened at Branch 251. They further stated that Raslan had no authority at the Branch and tried to help detainees whenever possible. The Defense also claimed that it was impossible for Raslan to defect and safely flee the country with his family at an earlier time.

In his written statement that was read out by his interpreter, Raslan again claimed that he had no power at Branch 251, that Hafez Makhlouf and Division 40 were the ones in control of the Branch, that as a Sunni, he had to follow orders by his Alawite superiors, and that he tried to help detainees whenever possible since he was supportive of the opposition. Lastly, Raslan addressed the “entire Syrian people and victims” apologizing for being unable to help more people and saying that he sees himself as a victim who is now separated from his home and his family.

#### **Trial Day 109 – January 6, 2022**

The proceedings began at 9:34AM with six spectators and nine journalists in the audience. Three cameramen took videos and photos before the start of the session. The prosecution was represented by Prosecutors Klinge and Polz. Two Plaintiffs attended the session alongside their Counsel.

Presiding Judge Kerber left the floor to the Defense Counsel to deliver their closing statements.

#### **Closing Statement by Defense Counsel Fratzky**

Defense Counsel Fratzky started his closing statement by saying that the Court has reached this point after 103 days of taking evidence. 103 days that showed unimaginable suffering. 103 days of a trial conducted during a pandemic. Fratzky said the latter point demanded a lot from everyone, especially the Judges. Fratzky thanked all parties in the case for their professional and collegial interactions.

<sup>1</sup> 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.

He went on to explain that this trial also happened outside the courtroom. It was an international trial, because it was conducted pursuant to § 1 VStGB which provides for universal jurisdiction. Fratzky said that it is important to have such trials due to the U.S. and Russia, as the [Tiergarten Trial in Berlin](#) recently showed.

Fratzky added that his and his colleague's closing statements are not intended to diminish the suffering of the victims or deny that torture occurred. Nor do they oppose the concept of universal jurisdiction and other indispensable values. The crimes in Syria that are also committed by others, including the U.S., are cruel and must be prosecuted. No one can allow the Syrian government to have dust set on it and continue normalization efforts. Injustice continues and Bashar Al-Assad is still in power. Fratzky explained that injustice and innocence are, however, two different things. The latter focuses on an individual perpetrator. Fratzky stressed that systematic torture did indeed happen at Al-Khatib Branch. But in terms of an individual perpetrator, individual contribution to the execution of the crimes must be given. Fratzky said it seems easy to simply consider this in light of the generally existing injustice.

Fratzky recalled Plaintiff Counsel Dr. Oehmichen reading out a statement from her client P22 who said that Bashar Al-Assad should be the one on the defendant's bench. Fratzky said it is questionable whether Anwar Raslan can be tried as a substitute for Bashar Al-Assad, and concluded that this is not in line with existing laws.

Fratzky explained that, according to the law, individual liability must be given. Nonetheless, things are a bit different in this trial. § 25 (2) StGB on co-perpetration and § 27 StGB on aiding and abetting cannot be applied with existing thresholds. In this case, additional factors must be considered as well. Fratzky said that such factors are: the accused's 'point of view,' the accused's ethnicity; considerations on the scope of action of employees of totalitarian regimes; and dangers for [the employees] and their families. Regarding the latter aspect, Fratzky recalled that the Prosecutors argued that it would have been bearable for Raslan to defect and leave Syria without his family. According to Fratzky, this conclusion cannot be drawn from the testimonies that the Court heard. In addition, one must only look at the issue of witness protection in this trial to find that the same standards and concerns are applicable to Anwar Raslan as well. If Raslan left Syria without his family, his family would have faced a high risk of being subjected to repression and other threats.

Fratzky concluded that one must evaluate Raslan's individual, personal actions. Liability is not a normative concept, according to Fratzky. He referred to jurisprudence from the [German Federal Court of Justice that found in 1952](#) [rn.17] on the issue of culpability and duress that a person is not culpable when the circumstances in which he finds himself prevent him from recognizing the illegality of his actions. Fratzky added that it is questionable how much freedom Anwar Raslan had in determining the legality of his actions. His superiors and colleagues were all acting based on experiences that cannot be compared to what people are used to in states governed by the rule of law.

#### Liability in international criminal law

On the issue of modes of liability in international criminal law, Fratzky referred to a [publication](#) [p.414, incl. fn. 40] by Professor Dr. Stefanie Bock on liability in international criminal law, by saying that international criminal law was designed to hold those most responsible for crimes accountable and that one must always consider the actual margin of influence of the individual accused. Fratzky argued that Anwar Raslan, however, was only the head of a sub-division at Branch 251 for some time. Neither Bashar Al-Assad nor Hafez Makhoul, who Fratzky identified as those most responsible, were on trial in Koblenz said Fratzky.



He further referred to jurisprudence from the German Federal Court of Justice relating to [liability of administration officers](#) when shooting people at the inner-German border. According to Fratzky, Raslan did not act himself. The trial did not find anything to support such a finding, said Fratzky. He added that according to international criminal law standards, certain points of connection [between the perpetrator and the crime] are required. However, Raslan did not belong to any relevant group. He had no organizational power, said Fratzky. This power was with Tawfiq Younes and Hafez Makhoul. Fratzky concluded that many aspects contradict a finding of criminal liability in Raslan's case. To the contrary, Raslan helped people, was punished for this help by the actual perpetrators, defected, and changed sides.

Fratzky said Raslan never denied that he knew about torture. The question was rather about what he was able to do on his own. One must answer this objectively. Fratzky recalled the Prosecutors and Plaintiffs Counsel saying that in terms of orders, explicit orders to torture detainees were not necessary at Branch 251, and that Raslan only disagreed with torture when it hindered his investigative work. Fratzky said that especially the phrase 'explicit orders were not necessary' was problematic since silence only constitutes a limited declaration of intent.

Fratzky added that in Syria, torture is generally considered a crime and punished. [He also made a reference to an [article](#) on Syrian Intelligence Services by the German Federal Center for Political Education (BPB)]

#### Anwar Raslan's Role at Branch 251

Fratzky went on to elaborate on Anwar Raslan's role at Branch 251. He said that starting in 2008, Anwar Raslan was the head of the Investigation Division at Branch 251. The Branch was headed by Tawfiq Younes. Fratzky recalled Raslan telling the Court that officers from the Republican Guard and the 4<sup>th</sup> Division were tasked with suppressing demonstrations, according to an order by the CCMC. However, Raslan was not a member of the CCMC. According to Fratzky, Raslan also told the Court that in April 2011, Tawfiq Younes called him to his office because of the demonstrations in Houla. Raslan said that when Younes told him that he considered the demonstrator to be traitor, Raslan understood that as a direct threat toward himself. This was the moment when Raslan was convinced that he had to defect. According to Raslan, the Republican Guard then increasingly intervened. He twice complained to Younes about arbitrary detentions but was told to remain silent. Fratzky further recalled that Raslan told the court that some officers filed a complaint against him in July 2011 because of his origin and because he released prisoners. Younes then told Raslan that he wanted to reform the Branch and Raslan was deprived of his powers already in June 2011. Fratzky concluded that Raslan was not in a leading position and was under surveillance.

#### Eyad Al-Gharib's statements regarding Anwar Raslan

Fratzky referred to CCI Deußing's statements about his questioning of Eyad Al-Gharib on August 16, 2018. Fratzky said that Al-Gharib worked at Division 40 for a short period and was considered an insider according to the police questioning from 2018. During this questioning, Al-Gharib said that Raslan was the head of the Interrogation Division at Branch 251 until August 2012, had an office on the first floor, was superior to the Prison Director, and was also called to Branch 285 sometimes due to his expertise in investigations. Fratzky added that the Prosecutors already extensively elaborated on this point.

Fratzky said he wants to make a few comments on Al-Gharib's statements: Al-Gharib said that he worked at Al-Khatib Branch starting in February of 2010, then worked in Az-Zabadani starting in June of 2011, and starting in July of 2011 worked at Division 40 in Al-Jisr al-Abyad before he defected in January of 2012 and went to hide in Deir ez-Zor.

Fratzky said Al-Gharib's statement on Al-Khatib Branch during the time from March until May 2011 and up to August 2012 is therefore not credible. After his defection in January 2012, Al-Gharib was more than 500 kilometers away from the Branch in an area where the regime was in conflict with the FSA. Fratzky therefore concluded that Al-Gharib's statements do not contradict Raslan's own statements. Fratzky added that even if Anwar Raslan was formally the superior of employees at the Branch, this does not contradict the finding that he had no more power after the re-structuring.

Fratzky said that there was nothing more to say on Thurmann's expertise other than what the Defense had already stated in their requests for evidence.

He went on to explain to the Court that, contrary to certain expert statements, the trial showed that soldiers were frequently punished. According to Fratzky, it is common practice that people who are no longer trusted are put in key positions where they cannot cause harm. Just like Raslan was a member in a committee deciding on pension matters.

Fratzky went on to depict Al-Gharib's police statement. He referenced page ten of the transcript according to which Al-Gharib said that he had been at the prison of Al-Khatib Branch only once in October 2011 when he visited a friend who worked at the Branch at that time. Al-Gharib further told the police that there was mistrust among all intelligence Branches. Fratzky concluded that Raslan therefore was not the superior of the Prison Director at the Branch, and even if he was, he had had no influence as Al-Gharib also told the BKA that the prison guards were free to do whatever they wanted. Fratzky added that at the end of 2011, Tawfiq Younes prevented an inspection of the prison facilities at Branch 251 by the Arab League. According to Fratzky, this circumstance further proved that Raslan had now power over the prison or the prison staff. Rather, this was the task of Tawfiq Younes. Fratzky added that Al-Gharib also told the police that Tawfiq Younes and Habib Fadel are the ones responsible for torture at the Branch. In terms of hierarchy, Fratzky said that Al-Gharib merely told the police that Abdul Ghani [the Prison Director at Branch 251] 'was of course subordinate to Anwar Raslan, since the latter was the boss.'

Fratzky concluded that beyond that, Al-Gharib made only general comments about Raslan, saying that Raslan was consulted on investigation matters and that he was very professional. Fratzky questioned how Al-Gharib knew that, since before, he only said that these matters are widely known. Fratzky concluded that one cannot draw any conclusions from Al-Gharib's statement with the German Police, since he only made general comments. For example, Al-Gharib was never at Raslan's office, but located the office in a sketch of Branch 251 that he provided to the police. According to Fratzky, Al-Gharib's statement regarding Raslan also contradicted Al-Gharib's own background as he was working at a different area in Damascus at that time. Fratzky said the Prosecutors' referred to Al-Gharib's police statement despite all that and despite the fact that Al-Gharib had not been to Al-Khatib Branch since June or July 2011. Al-Gharib can therefore not know what happened at the Branch after that. Fratzky said the BKA did not question Al-Gharib's statements, especially relating to the fact that he defected in January 2012 yet said that Raslan was the Head of Interrogations at Branch 251 in August 2012.

Fratzky said that, nonetheless, Al-Gharib also told the BKA that he never saw Raslan participate in the arrest of demonstrators. Al-Gharib further said his colleagues told him that 'Raslan punished soldiers for beating demonstrators without questioning them.' Fratzky added that according to Al-Gharib, Raslan was unable to do anything because he is a Sunni. This was also confirmed by Raslan himself in his plea.

Fratzky went on to say that in terms of intent, the Prosecutors' argued that it is irrelevant whether Raslan wanted people to be mistreated or whether he was opposed to it because it hindered the collection of information. Fratzky found the contrary, arguing that according to the principle *in dubio pro reo*, one must assume that Raslan only used this argumentation to protect himself and to not disclose the actual reasons for his opposition to torture people.

Fratzky went on to address the issue of reforms and restructuring at the Branch, about which Al-Gharib also spoke to the BKA on page 22 of the transcript. Fratzky recalled that he explained to the Court on several occasions that Hafez Makhoulf was the actual head of Branch 251. According to Fratzky, Al-Gharib confirmed this view in his police questioning when he said that Hafez Makhoulf was subordinate to Ali Mamlouk [head of the General Intelligence Directorate at the time], but only on paper. Al-Gharib recalled an instance when Hafez Makhoulf did not even dare to pull down the window of his car when he was driving past Ali Mamlouk. Fratzky added that when Al-Gharib was asked by the BKA whether the power structure at Branch 251 was that Tawfiq Younes was the head of Branch 251 and that all staff are subordinate to him and must adhere to his orders, other than Division 40 and Hafez Makhoulf who reports to Ali Mamlouk. Al-Gharib denied this and said Hafez Makhoulf reported directly to Bashar Al-Assad. Fratzky concluded that it was Hafez Makhoulf who had the power over torture at the Branch because he was not subordinate to Tawfiq Younes. It was Division 40 that used the prison at Al-Khatib Branch without being subordinate to the Branch.

Fratzky added that, within this frame, Raslan not only served as a Sunni and punished soldiers, but also released detainees. Consequently, the defense of duress pursuant to § 35 StGB is applicable in his case. The Prosecutors are therefore wrong when arguing that Raslan could have defected without his family. Fratzky recalled that multiple witnesses in this trial were anonymized to protect their families. The same was applicable for Raslan, said Fratzky. It was impossible for him to leave Syria without his family. It would have meant their certain death.

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[10-minute break]

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Presiding Judge Kerber reminded Defense Counsel Fratzky to be aware of the difficult work that the interpreters have been performing for two years and asked him to speak slower.

Fratzky went on to explain that Anwar Raslan is from Houla where many of the opposition were killed in a massacre, and which had been an opposition stronghold even before the massacre. Doubts about Raslan's loyalty [to the government] are consequently relatable, said Fratzky. In addition, Raslan helped some people in Houla, planned his escape at the same time, left the country together with his family, and immediately afterwards started to work for the opposition. According to Fratzky, Tawfiq Younes and Hafez Makhoulf were the ones in power. They were happy about people being detained and interrogated. Hafez Makhoulf belonged to Bashar Al-Assad's inner circle and was therefore sanctioned by the U.S. as early as 2007 and again in May 2011. He was also sanctioned by the EU in September 2011. Fratzky concluded that there are rumors that Makhoulf found refuge in Belarus. Fratzky said he would not be surprised if these rumors were true.

#### Witnesses in this Trial

Fratzky went on to elaborate on the witnesses who testified in this trial. He said there were three categories of witnesses:

- 1) Witnesses who only heard about Raslan or were shown his picture by Anwar Al-Bunni at a later point. For these witnesses, one cannot rule out that Al-Bunni played a role with regard to their testimonies.
- 2) Witnesses who actually experienced Raslan back in Syria and told the Court that Raslan was kind and helped them.
- 3) Witnesses who claimed to have met Raslan back in Syria because they recognized his voice or saw him when their blindfolds moved.

Fratzky said that almost all of these witnesses had one thing in common: for them, it was all about Syria. They used the trial as a political trial and a stage to oppose the regime. Fratzky said this is not a criticism that witnesses found closure through their testimonies. Nonetheless, one must also filter testimonies like P22 who told the Court that he does not personally know Raslan. Fratzky said detainees in Syria and at Al-Khatib Branch suffered unimaginable horrors. However, this trial is about legal responsibility and not moral responsibility. In this vein, one must consider the following testimonies:

Not one sentence from Eyad Al-Gharib's statement to the BKA can be used to convict Raslan. To the contrary, Al-Gharib's descriptions are in favor of Raslan.

Nothing in [P18's](#) testimony can support a conviction of Raslan. According to Fratzky, it is questionable why P18's intermediary did not personally facilitate the release of his cousin and instead forwarded him to Raslan. P18's perceptions of his meeting with Raslan in Raslan's office cannot be used against Raslan. Having to wait a long time before an appointment at a public entity is nothing unusual, said Fratzky, and added that every person living in Berlin can relate to that. He concluded that the message that P18 perceived from this waiting time was subjective. Further, P18 was unable to allocate the name Anwar Raslan with certainty. He said the scene happened on the first floor, then he spoke about the ground floor. He first said he did not hear noises, then he described noises. "Suddenly" P18 also described interrogation rooms next to the waiting area, said Fratzky. Fratzky recalled that during P18's testimony in Court, Presiding Judge Kerber at one point advised P18 to listen to his counsel who tried to save the situation. [Kerber said she could not remember saying that.] Fratzky continued, saying P18 also used the "often-heard excuse" that the police interpreter made mistakes. Fratzky noted that the BKA considered their interpreter to be so good that he accompanied the investigators to interviews abroad. Fratzky concluded that, regarding P18's descriptions, it was rather the case that Anwar Raslan was told that a person died in detention and that he had to take care of that. P18's in-court testimony was not stringent and when he was confronted with his previous statements to the police, he provided contradictions. Anwar Raslan said he does not know P18.

Fratzky recalled that according to [Reuter](#), Raslan was not deprived of his power as he was able to influence proceedings in Deir ez-Zor in June 2012 when he facilitated the release of a detainee. However, there are several other reasons why Raslan was able to facilitate the release. The reason for the arrest is unknown; it is unclear whether the officers in Deir ez-Zor knew that Raslan was deprived of his power. Fratzky said he knows from another 60-day-long trial that in June 2012, the Syrian regime was under pressure by the FSA in Deir ez-Zor, one could read the relevant [Wikipedia entry](#) on the 'Deir ez-Zor clashes'. According to Fratzky, it is more likely that when Raslan called to facilitate the release of the prisoner, no one of the officers in Deir ez-Zor made enquiries about who exactly was calling from the Intelligence Service in Damascus.

Fratzky went on to recall that [P11](#) was unable to remember and therefore had to be confronted with his police statements in Court. According to Fratzky, P11 said the transcript of his police interview had not been re-translated to him, but it was re-translated at least in parts.

P11 did not recognize Raslan's picture and claimed to be able to recognize his voice. He was further unable to locate the Branch on a map. Fratzky said Raslan admitted he knew P11 and made enquiries about him to put his name on a list of detainees who were supposed to be released and forwarded this list. P11 was detained several times. Fratzky said it was remarkable how detailed P11's descriptions of this particular detention were with the police, while in Court, his memory had to be triggered by recalling almost his entire police statement. Fratzky concluded that P11 claimed that the voice that he said was Raslan's, had no accent, while Raslan is from Homs and has the relevant accent.

Fratzky said that the Prosecutors found that [P41](#) showed no eagerness to incriminate the Defendant. However, his second sentence in Court was that "then the torture, led by Anwar Raslan, began." Fratzky went on to compare P41's in-court testimony and his previous statements with the police. In Court, P41 said that An-Na'saan mentioned the name Anwar Raslan. When asked about how P41 knew the name, he added that An-Na'saan introduced Raslan and that there was also a sign with Raslan's name on it. P41 then pointed at Anwar Raslan in Court when asked whether he was able to identify someone in Court as the person he was told was Anwar Raslan. Fratzky added that during his police interview, however, when P41 was asked about whether he knew someone in the photo array, P41 pointed at picture no.2 after he hesitated for a while and said that he knew this person and that he saw him in Syria [Raslan is in picture no.2 of the BKA's photo array]. P41 then told the police that it was difficult for him to remember exactly. He saw this person in detention at the General Intelligence Service's Al-Khatib Branch during interrogations. When the BKA asked P41 when he saw this person, P41 said he assumed it was in October during his detention. He added that he thought this was the person responsible for the Branch, but he was slimmer back then. P41 also said that he only saw this person briefly two or three times. When the BKA then asked P41 whether he was able to look around during interrogations, P41 said he had to look on the floor but 'the responsible person stood behind a desk.' Fratzky concluded that P41 only identified a person after he hesitated for some time, and that the BKA had to ask several times about how he identified this person. According to Fratzky, it is interesting that P41 said he only had a brief look but was still able to locate the person behind a desk. He neither mentioned in Court that he had to look down on the floor, nor that he had read a sign with Raslan's name on it. Fratzky concluded that P41 did not mention the name Anwar Raslan but merely spoke about the "responsible person;" even during his police interview. During the trial in Court, however, P41 immediately pointed at Anwar Raslan sitting on the defendant's bench when asked to identify the person. Fratzky said it was obvious that Raslan was the one sitting on the defendant's bench. "Who else should have been sitting there?" asked Fratzky. However, it could also be the case that before his in-Court testimony, P41 was already shown a picture of Anwar Raslan, said Fratzky. In any case, he never mentioned the name Anwar Raslan.

Fratzky further recalled that [P49](#) told the Court two things. First, interrogations conducted by Anwar Raslan were "completely free of violence." Second, detainees could only be released with the permission of Tawfiq Younes. Fratzky concluded that the actual power [over the Branch and releases] therefore laid with Tawfiq Younes. He further recalled that Raslan confirmed in Court that lists with names of detainees who were supposed to be released had to be approved by Tawfiq Younes. Fratzky added that according to P49, Raslan allegedly apologized to him via Facebook and told him that someone else had denounced P49 at the head of the Branch. Referring to P49's description of Raslan's office and a picture of Hafez Al-Assad hanging there, Fratzky said it was mere speculation that Raslan allegedly said 'such things would have not happened under Hafez Al-Assad.' Fratzky concluded that Raslan did apologize to P49 and had to follow orders coming from his superiors.



Fratzky said that due to [P16's](#) testimony, the Prosecutors found that Raslan had decision-making power at the Branch. However, P16's description of Raslan complaining to the guards because he had told them multiple times to take off detainees' blindfolds, indicates that Raslan had no decision-making power at the Branch. It also indicates that Raslan conducted his interrogations without detainees being blindfolded. One therefore has to doubt every testimony of witnesses who said they were blindfolded during an interrogation with Raslan, said Fratzky. He added that the phrase "sidi" with which guards addressed Raslan was only an empty phrase. Fratzky recalled that P16 was not tortured during the interrogation with Raslan, was not insulted, was offered coffee and cigarettes, and eventually released one day after that. P16 further met with Raslan in Jordan, and he had already asked her about a way to Ghouta [to leave the country] at their first meeting [at the Branch]. P16 also told the Court that it was not easy for government officials to defect, said Fratzky. In her interviews with the German police, P16 said she and Raslan spoke about general things when they met in Jordan and that Raslan was relieved. In terms of position towards the regime, Fratzky concluded that P16 also said she assumes that Raslan stopped supporting the regime from the moment when it started bombing civilian population.

Fratzky went on to explain that another witness, who declined to testify in Court and whose testimony was therefore introduced by inspector [Knappmann](#), also allegedly met Raslan at the Branch but did not experience torture. The witness told Knappmann from the BKA that Raslan did not voice any allegations against her in their conversation. Referring to the witness' descriptions of how a guard who had pulled up his sleeves entered the room and told Raslan that he executed the order, Fratzky found that one cannot conclude that this scene referred to an incident of torture. Fratzky said that the witness' statements with the BKA confirmed what Raslan said in his first plea. The fact that the witness was not tortured at Division 40 was apparently due to phone calls by Anwar Raslan. However, the witness was not asked about Hafez Makhoul, unless this was part of the structural investigation to which the defense had no access, said Fratzky. He added that unfortunately, the witness did not testify in Court. Her in-court testimony would have been interesting, and many aspects required further clarification, particularly in light of P33 describing Division 40 as a "reception Division."

Regarding [P33](#), Fratzky recalled that the Prosecutors found her release to be an indicator for Raslan's decision-making power at the Branch. Fratzky recalled that P33 described three people being present at a meeting in Al-Khatib Branch: one man, Anwar Raslan, and the head of the Air Force Intelligence [Jamil Hassan]. P33 told the court that in this meeting, she and her husband apologized for their daughters and one of her daughters was consequently released. However, as P33 told the Court, her other daughter's release was denied by the President Bashar Al-Assad himself. Fratzky found that this instance showed that the Air Force Intelligence had influence over proceedings at Branch 251 and even the president himself was involved in the release of one of P33's daughters. Fratzky added that this meeting happened shortly after the beginning of the revolution and that only ten days later, P33 was able to arrange another meeting without involving an intermediary or paying bribes.

Referring to P33's daughter, [P32](#), Fratzky said she told the court that Raslan was not harsh and did not beat her. She was released after her meeting with him, according to Fratzky. He added that P32 did show eagerness to incriminate Raslan by, amongst other reasons, saying that money was paid and that he 'wanted to get rid of the problem.' Fratzky said that while P33 identified the head of the Air Force Intelligence Service, P32 did not and instead only identified Anwar Raslan.

Fratzky then turned to [Anwar Al-Bunni](#), recalling that he had testified in Court as an expert on June 4, 2020. However, his name was mentioned throughout the trial despite the fact that he had not been detained at Branch 251 after 2011. Fratzky said Al-Bunni believes he heard Raslan's voice in 2006. According to Fratzky, Al-Bunni's description that Division 40 received orders from Branch 251 was incorrect since it was "rather the other way around." Fratzky further recalled that according to what Al-Bunni said in Court, higher-ranking officers were afraid of Hafez Makhoul. Al-Bunni told the police that he was beaten in 2006. In Court he said he was not beaten. On his second day of testimony, he said he "endured physical violence" recalled Fratzky. He added that Al-Bunni's role in this trial was, however, interesting for several other reasons as well.

Fratzky explained that he was now at page 90 of 119 of his closing statement and suggested a short break.

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[12-minute break]

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Fratzky went on to lay out the reasons for why Al-Bunni's involvement in this trial was noteworthy:

- a) On August 25, 2021, [P46](#) testified in Court. His colleague made a film about Al-Bunni and put him in contact with the latter.
- b) Another witness with connections to Al-Bunni declined to testify in Court and his testimony was introduced in Court by CCI Deußing in [February 2021](#).
- c) [P30](#) told the Court that Al-Bunni made a public call to all people who were detained at Al-Khatib Branch in 2011 and 2012 to contact Al-Bunni.
- d) In Court, [P47](#) stated that he was not sure whether he had seen Anwar Raslan. When confronted with his police statement, saying that he saw Raslan's picture on the internet and that he was in contact with Al-Bunni for work reasons, he told the Court that it was known that many witnesses in this trial came through Al-Bunni and that he spoke with Al-Bunni about the picture of Anwar Raslan.
- e) [P48](#) told the Court that he did not see Anwar Raslan in detention but refused to look right to identify the Defendant. When P48 was asked about his connection to Anwar Al-Bunni, he immediately said he knew that this issue would come up.
- f) [CCI Schmidt](#) from the LKA Berlin was summoned to testify in Court about his questioning of P46. Schmidt told the Court that P46 told him that Al-Bunni collects witness statements and showed pictures of Anwar Raslan to P46. Fratzky concluded that P46 lied in Court.
- g) [P57](#) [Fratzky mentioned the name of this witness, despite anonymization] said Al-Bunni documented his testimony during a call. However, the information in the document that Al-Bunni created and sent to the court was contradictory to P57's in-court testimony.

Fratzky concluded that Al-Bunni is "obviously working behind the investigations" and creating false documents. He further showed pictures of Raslan to potential witnesses and told them Raslan's name. He also made public calls for potential witnesses while the trial was already running. Fratzky said Al-Bunni should make the same intense efforts to search for the actual perpetrators. Fratzky concluded that Al-Bunni and other witnesses' testimonies were completely unusable because they had all been influenced.

Fratzky went on to recall that [Al-Labwani](#) told the Court that because Raslan is Sunni he "was treated as such." Regarding Branch 251, Al-Labwani told the court that the Director of the "State Security Branch" was "only pro forma."

It would always be an Alawite with direct connection to the President. According to Al-Labwani, Hafez Al-Assad turned State Security into “a criminal institution.” Fratzky added that according to Al-Labwani, Raslan managed to get detainees released by Tawfiq Younes, in the beginning [of the revolution], whenever he noticed that unarmed people were arrested. However, he could not continue doing this from June 2011 onward because he was then deprived of his competencies.

[P22](#) told the Court that he had “nothing personal against Raslan” and that it was good that Raslan defected “relatively early in 2012” recalled Fratzky.

Fratzky further recalled that [P56](#), a former employee at the Syrian Ministry of Interior told the Court about a committee in which Raslan participated. P56 also said that Hafez Makhoul was the actual head of Al-Khatib Branch because he is Bashar Al-Assad’s cousin. Fratzky said that according to P56, Tawfiq Younes might have been the head of the State Security Branch, but at the Ministry of Interior it was clear that Hafez Makhoul was the Head of Al-Khatib Branch. Regarding Raslan’s work, P56 testified that Raslan tried to talk to the head of the Branch to help detainees but was not always able to help. Raslan therefore had an argument with Tawfiq Younes about releasing detainees.

### Conclusion

Fratzky said that in conclusion, one must acknowledge that most of the witnesses who had actually seen Raslan, said that he helped them, that they did not have to suffer or that at least Raslan did not harm them. And then there were witnesses who claimed to have met Raslan because someone told them so, said Fratzky. He added that from these testimonies, one cannot find any liability for Raslan. Fratzky said there were also witnesses who encountered Raslan who did not harm them but blamed Raslan for everything [that happened at Branch 251].

To the contrary, Raslan did not approve of torture and one must acknowledge that he acted under duress pursuant to § 35 StGB as his family was in danger. Fratzky concluded that even if one found that Raslan is liable for what happened at the Branch, he acted without any guilt pursuant to § 35 StGB.

Fratzky added that he can relate to some witnesses and plaintiffs. They are of the opinion that a defendant who worked for a criminal system must not be free. However, Raslan defected, supported the opposition in Geneva, and risked his own life to do all that.

Fratzky stressed that this trial must not be a political trial. Even if some people might not consider this to be just, Raslan must not be convicted instead of the entire regime. According to Fratzky, Anwar Raslan’s conviction cannot be a mere consequence of Eyad Al-Gharib’s conviction because Al-Gharib confessed what he did. Raslan, however, neither approved nor carried out torture. Fratzky said one must instead clearly name the actual perpetrators and responsible persons, just like the Berlin *Kammergericht* did in its verdict in the [Tiergarten Trial](#). One must send a clear signal against torture and war crimes. However, this signal must be sent to those who are actually responsible. Fratzky said Raslan is not one of them. Fratzky demanded the Judges acquit Raslan.

### Closing Statement by Defense Counsel Böcker

Defense Counsel Böcker started his closing statement by saying that he has a few sidenotes and conclusionary notes to add. He said he does not work for the Syrian regime, but instead for Anwar Raslan as an individual, who was born and raised in Syria and lost his home country, like all other Syrians who engaged in this trial. Böcker said they all shared the same general fate: the Syrian state of injustice [*Unrechtsstaat*].

According to Böcker, he and all other parties in the trial, including the defendant, are dismayed in the face of this situation [state of injustice, state-led violence]. He added that the line of defense was never intended to negate the Syrian system [of violence] but to defend Anwar Raslan personally.

#### Personal Remarks

Böcker said that the situation in Syria and German history taught him to be grateful to be living in a state governed by the rule of law, including all its rough edges. If people want to demonstrate against Covid-19 restrictions, they are allowed to do so [in Germany] although not everybody shares their opinion. If one is accused in a criminal case, s/he can choose a counsel. Böcker said it is a great fortune to be able to live [in Germany]. The prosecution [of crimes committed in Syria] is therefore of immense importance for Syrian society.

#### Question of Criminal Liability

Böcker added that, nevertheless, the political circumstances are irrelevant for this trial. This trial is only conducted against one person. Böcker recalled that the Court already elaborated on the situation in Syria during the indictment period. The Defense has no contrary opinion in this regard. His findings therefore, first and foremost, relate to the individual liability of his client, said Böcker. He concluded that this trial is therefore not entirely suited to address the full situation in Syria, although Syrian human rights activist wish for something different.

Böcker said the question is whether the defendant, between the start of the widespread and systematic attack against the Syrian civilian population on April 29, 2011 until his transfer to another branch on September 7, 2012, was working as a state servant in a position in which he ordered torture and had power. The question is if he was a murderer until his defection or if he stopped [having relevant intent] the moment he decided to defect.

#### Shortcomings

Böcker described that the presentation of evidence in Court took place ten years after the alleged offence and 3,901 kilometers away from the crime scene without the possibility of accessing the crime scene or having comparable intense connection to it. Böcker said he asked himself the question of how much time has been spent since April 23, 2020 dealing with the Defendant individually. For him the answer is: almost none. He added that witness testimonies related to the defendant individually can also be counted on two hands.

Böcker explained that Raslan was, however, not one of the defendants who used their right to remain silent. CCI Deußing told the Court that Raslan provided information on the subject matter of the case at an early point in investigations. According to Böcker, Raslan's testimonies with the LKA Baden-Wuerttemberg in 2017 and with the LKA Berlin in 2015, which were confirmed by the relevant investigators, support this view. Böcker concluded that Raslan always openly provided information. His statements were all voluntary. Böcker said that due to the time pressure of the trial, one might have come to a different conclusion which he wants to correct.

According to Böcker, Raslan's statements that he provided during the trial were confirmed and remained unrefuted. He denied the accusations and provided information about his personal and professional life. Böcker explained that this information is crucial to understand the [Syrian] system and the background [of the charges]. Böcker recalled that Anwar Raslan was born in 1963 in Houla, Homs Governate, Syria. He is a Sunni Muslim and studied law at the University of Damascus. In his fourth year at law school, he was allowed to participate in a police training which he conducted while he studied until 1986.

Raslan started working at the Directorate for Emigration and Passport Matters as a sergeant in Aleppo, Harasta, and Tartous. After the successful completion of his studies, Raslan conducted another training until 1992 when he was promoted to the rank of First Lieutenant and completed the course as second best in his class. In 1995, Raslan was the third best in his class and was called to work at State Security for whom he did patrols, including near the embassy quarter in Damascus. In 1996 he was promoted to the rank of Major. From 2006 until August 8, 2008, he worked at Branch 300 until he started working as the head of investigations at Branch 251.

Böcker said the situation in Syria before March 2011 was not sufficiently clarified in this trial. He recalled that [Reuter](#) said the situation significantly changed in early 2011. According to Böcker, Reuter said that there was no real opposition in Syria before 2011 and torture and killing only started after March 2011. Böcker added that, in an [article in Der Spiegel](#) on October 2019, the authors describe the fear of returning foreign ISIS fighters in light of potential terror attacks in Germany. A fear that proved to be valid, said Böcker, referring to the attack on [Breitscheidplatz in Berlin in 2016](#). Böcker said that Raslan had similar fears when things were changing in Syria in 2011. Böcker said that one can only guess what really happened at that time. Nonetheless, one must acknowledge that Raslan, as a police officer with a legal background, must have found himself in a situation that was dominated by the desire for revenge. After the massacre in Houla and after a conversation with Tawfiq Younes who declined Raslan's request to be transferred to another place of work, in April 2011 Raslan decided to defect.

Böcker said Raslan's first plea remains unrefuted. In this plea, Raslan also said that he tried to help wherever possible [by releasing at least unarmed detainees]. However, from June 2011 onward this was no longer possible because Raslan was deprived of all his [power]. Böcker recalled that Raslan then wanted to be transferred to work with the police, but Tawfiq Younes declined his request and threw the document in the bin. Nonetheless, Raslan tried to help detainees until he was eventually transferred to another Branch. Böcker further recalled that in April 2011 Raslan decided to defect and was able to carry out his plan in December 2012. According to Böcker, Raslan "did not have the slightest chance to defect safely with his family any sooner." His family would have otherwise been left in Syria without protection.

Böcker recalled that throughout this trial, there was speculation about the reasons for Raslan's defection. Some said he only defected when he was afraid that the regime would collapse, others said he was still working for the Syrian government as a spy. Böcker found that all these assumptions were "speculations into the blue, cheap propaganda, and voiced by political-trial-professionals." Böcker said allegations that Raslan only helped artist detainees are mere speculation as well. He suggested that these detainees might have simply been those who Raslan was able and willing to help. According to Böcker, this was a more likely explanation [for Raslan's help for detainees focusing on artists]. Böcker concluded that this [explanation] was not constructed and no contrary evidence was introduced during the trial.

### Opposition Work

Regarding Raslan's work for the opposition, Böcker said he and his colleague are aware that [the fact that Raslan worked for the opposition does not undo the crimes he committed]. Nonetheless, evidence introduced throughout the trial shows that Raslan's plea was correct in this regard as well. Böcker said the plaintiffs and the prosecutors often neglected this aspect. "His post-offence-behavior is of course irrelevant regarding his motivation," said Böcker, nonetheless it indicates that Raslan's statements are true and that he recognized the pointlessness of his work at the Branch from 2011 onward, but simply had no way out. Böcker went on to say that overall, there were many speculations but no concrete findings regarding his client.



“What did the evidence then reveal?” asked Böcker who then answered that evidence led to the certain conclusion that Raslan’s plea remains unrefuted.

#### Evidence against Raslan

Böcker then turned to the Caesar Files, calling them “a manifestation of evil.” He said the “precise motivation of Caesar and his friends remains unclear.” Despite the great importance of the Caesar Files to the overall proceeding and the great media attention that they received, they are entirely irrelevant regarding Raslan because they do not show a single detainee from Al-Khatib Branch who died at the Branch during the indictment period, said Böcker.

He referred to [P4](#) who told the Court that at least 45 people died at Al-Khatib Branch. Böcker said P4 is a bragger and a disgrace to all other witnesses who testified after him. His testimony “was obviously false testimony. The 45 deaths obviously never occurred” said Böcker. Regarding Eyad Al-Gharib, Böcker said that he had no knowledge of the subject matter [Al-Khatib Branch] and his statements with the BKA are exculpatory for Raslan. Böcker concluded that other testimonies were irrelevant in terms of the question of guilt and merely related to the context of a systematic or widespread attack.

However, Böcker preferred to have learned more about the situation in Syria than what expert [Thurmann](#) told the Court. While this might not be particularly relevant for Raslan’s case, Böcker had still hoped for more, he said. He had also hoped to know more from witness [Becker](#) regarding Raslan’s escape to Germany. Böcker said her testimony was surprisingly a “zero-enlightenment-act” because he heard from the German Foreign Office, off the record, that Becker was involved in all every-day aspects of Raslan’s move to Germany. Böcker added that the witness from the German Office for Migration and Refugees apparently did not have any clue about how Raslan ended up in Germany. Böcker concluded that witnesses Drechsler and others only left question marks regarding international efforts in Raslan’s asylum-seeking procedure. He said this was unfortunate due to the overall political component, and he had hoped for more [information and effort] from the German authorities.

Böcker asked which testimonies are actually supposed to incriminate Raslan regarding the charged murders and are supposed to prove that his plea was a mere protection assertion. He concluded that there was not much [incriminating information] left from all the testimonies in this trial.

Böcker said [P1](#) behaved completely different inside the courtroom than outside where he was constantly being followed by cameras. Böcker said he personally did not like the media involvement but regardless of what one thinks about that, one must acknowledge that “P1’s contribution to this trial was almost zero.” Böcker added that the Defense already elaborated on Anwar Al-Bunni who claimed to have identified Raslan in 2006. Nonetheless, he did not make any statements on the charged crimes at heart of the trial, concluded Böcker. He added that Al-Bunni’s role in this trial was different from the role of a witness and he significantly complicated reaching a verdict. Böcker said the Prosecutors “will soon again come across Al-Bunni’s striking stationary in another trial in Berlin.” According to Böcker, the elderly male witnesses in this trial (Böcker added he assumes he can call them [elderly] since he himself is an elderly man) did talk a lot, however, most of it was unrelated to the events in the indictment period. Regarding “so-called lawyer,” Anwar Al-Bunni, Böcker recalled that Al-Bunni showed a picture of Raslan to [P46](#) and “significantly hindered the general evaluation of evidence in this trial.” Böcker added that the extent of Al-Bunni’s actions relating to this trial is still unclear. Böcker mentioned “keyword: structural investigation” in this regard.

Böcker went on to address the death of [P17's](#) brother and how P17 said that Raslan is the one responsible for the death of his brother. Böcker said that apart from that, P17 did not provide further information. The evidence presented in Court thereafter rather indicated that P17's brother was beaten to death by fellow detainees [at Branch 251]. According to Böcker, P18 [Böcker mentioned P18's name despite anonymization] did not deliver any information in this regard. The relevant Facebook chat that was read out in Court confirmed that P17's brother was beaten to death by a fellow detainee.

Böcker further said that [P31](#) allegedly recognized Anwar Raslan at a demonstration but also said that "[he] imagined stories that will help him during his interrogation." Böcker said such statements are a red flag for him. Someone who makes up stories cannot be trusted. Böcker added that P31 only identified Raslan at a later point.

Turning to [P20](#) [whose name Böcker mentioned despite anonymization], Böcker recalled that P20 was 90% certain that he saw Raslan on the internet and that he was the interrogation officer who beat him. Böcker said the only transparent thing about this testimony is that P20 was uncertain, and that he only got a glimpse of the interrogation officer when his eye was injured and while he was blindfolded. Böcker concluded that P20's descriptions were inconsistent, and one can therefore not come to any conclusions.

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[10-minute break]

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#### Raslan's Character

Böcker concluded that there was much more one could say about witnesses incriminating Raslan. However, [Böcker mentioned a few witnesses] were unable to contribute anything to this trial.

Böcker then turned to [P49](#) [Böcker mentioned P49's name despite anonymization] saying that he told the Court that the interrogation with Raslan was friendly. [P58](#) also said that Raslan facilitated his release, said Böcker. He added that P56 also credibly confirmed the picture that Raslan had painted of himself in his first plea.

Böcker recalled that [P32](#) also told the Court that she was taken to meet with Raslan while in detention who granted her request to be transferred to another cell for psychological reasons to which anyone can relate, added Böcker. P32 also told the Court that it was Raslan who hit one of her sisters in the face so that her headscarf was covered in blood when the family met Raslan at his office. However, there are significant doubts about P32's descriptions, and it remained unclear what she meant by saying that it took 11 days for her sister to be released. Böcker said it was rather the case that P32's sister was released after Raslan facilitated the release, as [P33](#) told the Court.

Böcker went on to say that CCI [Knappmann](#) from the BKA also introduced the testimony of a witness who preferred not to testify in Court. Böcker said that while her reasons not to come to Koblenz were relatable, it was still unfortunate that she did not testify in Court. Böcker recalled that the witness had told the police that Anwar Raslan was friendly, offered her coffee, and was not violent toward her, and was loyal toward the 'old regime.' Böcker said it would have been interesting to ask this witness more questions in Court.

He then turned to [P21](#), an insider witness, who was under enormous distress during his in-court testimony. Böcker said this distress made it impossible to assess whether P21 was telling the truth. Nonetheless, he said one credible thing: Anwar Raslan was in permanent fear of Taleb Hassan [an Alawite employee at Branch 251].

Böcker further recalled [P16's](#) testimony in which she told the Court that Raslan was friendly and offered her coffee and allowed her to have a cigarette. In addition, [P5](#) who worked at Branch 251 as a security guard, told the Court that Raslan did not mistreat detainees and ordered other staff to refrain from violence toward detainees. [P9](#) also said that Raslan was a friendly interrogator. [P10](#) told the Court that anyone at the Branch was free to do whatever they wanted to, and that Anwar Raslan had no control over the people at Branch 251 who were given a free hand [to treat the detainees], and that many people who died at Division 40 were taken to Al-Khatib Branch. Böcker added that [P52](#) also said that Raslan facilitated his release, which was similar to what [P53](#) experienced.

Böcker went on to say that, by describing his own situation and defection, [P54](#) confirmed Raslan's statement regarding his difficulty to safely defect and leave Syria. P55 then described Raslan as a kind and good person, said Böcker. He said that although P55 belonged to the inner circle at the Intelligence Services, he was unable to provide details about Raslan's transfer [from Branch 251 to 285] because he was not given any information on the matter. In light of an intelligence officer who had been working for the Intelligence Services since 1983 and still being unable to elaborate on inner workings at the Intelligence Services, Böcker asked how anyone else without a relevant position at the Intelligence Services could be able to make any assumptions about Raslan's position and competencies. Böcker concluded that all assumptions regarding this topic are therefore mere speculation. He said that all that happened in "a closed and far away state."

Böcker concluded that the trial lacked reliable incriminating evidence against Raslan and lacked exculpatory evidence. One can therefore not find institutional [superior] responsibility in Raslan's case. Böcker said this might also be the reason for the Prosecutors to simply find that explicit orders to torture were redundant at Branch 251.

Defense Counsel Böcker demanded that the Judges acquit Anwar Raslan and order monetary compensation for the time he already spent in prison.

Böcker concluded his closing statement by citing [P56](#) who told the Court that he trusted Anwar Raslan and if he trusted the wrong person, 'it could have cost me and my children's lives.'

Defense Counsel Böcker explained that Anwar Raslan wrote down his closing statement in Arabic. The Arabic text was then translated into German by the Defense's interpreter who will also read the German version. According to Böcker, the court interpreters should re-translate the German statement into Arabic for Raslan to follow and confirm its originality. Presiding Judge Kerber agreed to the proposed proceeding and handed over to Raslan's interpreter.

### **Closing Statement by Anwar Raslan**

[The following statement was read out in German by Raslan's interpreter.]

Raslan started his closing statement in the name of Allah, saying that in this closing statement he will not only defend himself but also tell the truth. According to Raslan, it was already clear on the very first demonstration in Damascus that the government would [allocate] resource to violence. He said that counterdemonstrations were supposed to be staged. After violent disputes involving the use of thrust weapons, the behavior of security officers changed, according to Raslan.

He said that tsunami-like arrests happened, and chaos and fear spread amongst the officers. Raslan explained that he tried to keep the number of detainees [at Branch 251] as low as possible by trying to transfer them [to other detention facilities] or release them. Nonetheless, it always depended on Tawfiq Younes.

Raslan went on to explain that Hafez Makhoul was the head of Division 40 that was in control of Damascus and the surrounding areas. According to Raslan, Makhoul had “great power and influence.” Raslan said that this [Division 40 led by Makhoul] was the reason that a high number of detainees in “miserable condition” were brought to Al-Khatib Branch and were received with the welcome party. Raslan added that Basel Hakim was the head of the Student [Affairs] Division and responsible for the arrest of many students who were alleged opposition members. Raslan said that when he once condemned the violence against detainees, he was told that all of them were terrorists.

Raslan recalled that, in early April of 2011, Tawfiq Younes called Raslan to tell him that people demonstrated in Al-Houla, Raslan’s hometown. This conversation took place at Kamal Al-Ahmad’s office and Raslan was told that he was now considered a traitor. Raslan said that this was the moment when he decided to defect. He added that the Republican Guard and the 4<sup>th</sup> Division formed a commission, which also included Tawfiq Younes, Mohammad Al-Abdallah, Mohammad Khaddour, Ali Nayyuf, and Mohammad Ali, the entire 4<sup>th</sup> Division, and 4<sup>th</sup> Division Colonel an-Na’saan and its members.

Raslan said that arbitrary arrests were conducted for months, and he was given interrogation transcripts every day. In order to reduce the number of detainees, he twice mentioned that there was not enough space [at the prison]. When he rose the issue a third time, he was told to be silent and not talk about it again. Raslan said that the commission that he just mentioned started to meet every day, in the evenings. The following mornings, signed orders [from this commission] were handed out. Raslan said he made two unsuccessful attempts to defect.

Raslan further told the Court in his closing statement that he received a phone call from Ahmad Noah and Khedr Kaddour on May 11, 2011 during which an employee told him to get P39 for interrogation, that the employee had permission to interrogate this person, and that members of Division 40 were also allowed to be present during the interrogation. Raslan therefore went to get P39. When Raslan started to talk with P39 about his family, Ahmad Noah and Mohammad Abdallah started insulting P39. Raslan told this employee that he should not do that, but the employee replied that someone else ordered him to do so. Raslan said that when he later asked for written orders to conduct this interrogation, he was simply told that there were orders.

According to Raslan, the “prison and the investigation division were open to anyone from this point onward and the head of the division had no more [power].” He further recalled that in the summer of 2011, two people came to his office to invite him to the office of the head of the Branch because members of the Republican Guard complained about him. Raslan said that Omar Shannan and Abdelmon'em An-Na'saan were present as well. According to Raslan, this was when the restructuring of the Branch started. There was no longer a real head of investigations. Every officer behaved like his own superior. Raslan said that from this moment on, he merely checked some of the investigation results. The [above-mentioned] commission met at the office of the head of the Branch every evening. They discussed how to handle demonstrations, hospitals, and coordination points. Raslan said that [the Head of the Branch] signed [orders] which were then decided.

Raslan said his task was to forward [investigation] results. One time, Tawfiq Younes and Omar Shannan went on a mission to Az-Zabadani. Due to the results of the investigation [at Branch 251], similar missions were conducted west, east, and in parts of the area north of Damascus, and in Damascus city. During these missions, the Head of the Branch told Abdelmon'em An-Na'saan and Raslan that the two of them were the officers in charge of Al-Khatib Branch for the time. Raslan explained to the Court that when he was in charge of two categories of detainees, while Abdelmon'em An-Na'saan and three close employees were in charge of hospital staff, armed demonstrators, and terrorists. According to Raslan, Abdelmon'em An-Na'saan and the three others "tortured [detainees] day and night" and forwarded the information from these sessions directly to the Head of the Branch [without involving Raslan]. Raslan, on the other hand, forwarded transcripts of the interrogations for which he was in charge to the head of the office of the Head of the Branch.

Raslan further recalled that, once when he came [to Al-Khatib for] work, he heard screams from the prison. He went to his office and called the prison because he was the officer in charge of the Branch at this time. Raslan said that the person on the other side of the line told him that Division 40, Makhoul's division, as well as Mohammad Abdallah and Ahmad Mon'em, were torturing people at the prison.

Raslan said this was when the Syrian Army advanced to Al-Houla. He assumed it was in August 2011. He recalled that when he heard about the artillery bombing and executions, he was unable to find rest for three days. Raslan said that one of his relatives died during the massacre at twenty years old, as well as one of his sister's grandsons. However, his family told him not to come and look after them due to the dangerous situation. Raslan described another situation that happened around New Year's Day of 2012. At this time, several people were arrested by the Syrian Army and Division 40 and [...] in a [manner] similar to what he described earlier. Raslan said he was tasked with conducting preliminary investigations into these cases. Around 170 people, mostly fieldworkers who had nothing to do with the opposition were arrested, according to Raslan. He told the Court that around 30 of them, or even less, had previously violated the narcotics law, participated in demonstrations, or were accused of illegally owning weapons. Raslan said he demanded that the relevant transcripts were forwarded to the head of the office of the Head of the Branch. He ordered all 170 people that he was in charge of to be released. According to Raslan, he was then called to Tawfiq Younes' office one or two days after this incident because Hafez Makhoul had told Tawfiq Younes that Raslan had released terrorists. Raslan therefore showed Younes the relevant files. Younes then told Raslan to stop [going through the files] and called Hafez Makhoul. Raslan was told to wait for ten minutes while the call lasted. When the call ended, Younes informed Raslan that he was "in the middle of the storm" and that Hafez Makhoul wanted to start investigations against Raslan and hold him accountable. Raslan told the Court that this was when he requested to be transferred to the police. He said that a copy of this request is attached to his written closing statement.

[Below is a recreation of Raslan's transfer request based on what the Trial Monitor was able to hear in Court.]



From: Brigadier General  
To: General Intelligence Directorate

Request for Termination of Contract and Secondment to the Police Service

Anwar Raslan, currently working at Branch 251 requests to be transferred to the Ministry of Interior.

To be signed by:

Brigadier General at Branch 251

Decision of the Head of the General Intelligence Directorate

Raslan went on to explain to the Court that when [Younes] read this request, he told Raslan to go back to his office and that everything would happen at its time. Raslan said he then sent his son-in-law to Az-Zabadani to make arrangements with the Free Syrian Army [FSA]. Then the massacre happened, and people were “executed, stabbed to death, and slaughtered” by Alawites and Shiite militias. Raslan said he was called to Tawfiq Younes’ office two days later. Two representatives of a Russian TV channel, an interpreter and [REDACTED] were there as well, and Raslan was told to give them an interview and state that Islamic terrorists conducted the attack. When Raslan refused, Younes replied that Raslan “put all [his] cards on the table and they are all losing cards.” Raslan said he then contacted [PW2\\_97/PW2\\_100](#) but he was followed by the security offices like anyone else [who defected]. Raslan told the Court that PW2\_97/PW2\_100 now lives in [REDACTED], knowing his opinion [against the arbitrary detentions and torture] and can confirm that Raslan helped him.

Raslan went on to explain that the number of demonstrations decreased since 2012 and the situation “rather turned into an armed civil war.” He added that he never gave orders to torture or mistreat anyone. These orders came from Division 40, An-Na’saan, and Ahmad Noah, as well as from the Prison Director and three of his employees. Raslan said their motives [for ordering torture] was that they were subordinate to and identified themselves with two people: Tawfiq Younes and Hafez Makhoulf. Raslan added that one must understand that he never participated in any actions, such as arrests at demonstrations, raids, or any other actions outside of Branch 251

### Dead People

In terms of deaths at Branch 251, Raslan let his interpreter read out that:

- 1) One person was taken to Al-Khatib Branch where Doctor [REDACTED] examined him in the yard. As a result, the detainee was sent to the Red Crescent Hospital where he died from internal bleedings. The person was previously beaten on his head by a member of the Republican Guard. Everything happened on orders from the Republican Guard.
- 2) Following an incident in Idlib, the Republican Guard brought around 45 people to Al-Khatib Branch. One of them, a man from the [REDACTED] family in Harasta, was carried on a stretcher. Raslan noticed a fracture on the man’s left leg. When Raslan asked who caused the fracture, he was told that the head of the checkpoint in Harasta injured the man in revenge. From Al-Khatib Branch, the man was taken to the hospital. Thirty minutes later, he died from a lung embolism because he had lost a lot of blood. Tawfiq Younes, the head of the Branch and Hafez Makhoulf are the ones responsible for this, as they are the ones responsible for the mass crimes.

- 3) Once, Mohammad Al-Abdallah brought a detainee with a bullet wound to Al-Khatib Branch. He got the wound in Damascus and was taken to the hospital upon his arrival at the Branch.
- 4) Yousef Ibrahim from Division 40 once brought a detainee to the yard of Al-Khatib Branch. The detainee bled from his nose and mouth. He was taken to the hospital where he died thirty minutes later. Raslan later learned from [PW1 95](#) that this person was beaten and robbed of 2,000 Syrian Pounds [by authorities at Division 40]. When Raslan informed the head of the Branch, he was told to remain silent.
- 5) When Raslan was ordered to merely check investigation results, An-Na'saan and members of Division 40 were interrogating detainees who had to be taken to the hospital. However, the results of these interrogations were not forwarded to Raslan.
  - a. The grievances at the Branch are mainly a result of the tenfold occupancy [of the prison]. People were malnourished. The Branch's doctor tortured detainees, as did the officers and Prison Director. This amounted to the overall conditions at the Branch. Raslan did not approve of that, but was unable to do anything about it, as witnesses testified.
  - b. Tawfiq Younes and Hafez Makhoulf are the ones responsible for injuring and arresting opposition members who they considered "enemies of the regime."
  - c. People were enforcedly disappeared. Despite the law prohibiting such interactions between families of the missing and Intelligence Services, Raslan provided the families with information via telephone. Once the anti-terrorism law was passed, a central list with the names of all detainees was created. The list was available at the Office of the Prosecutor in Damascus. Family members of missing persons were able to go to the Office of the Prosecutor and check the list of detainees, including those detained by the police and security forces.

Raslan further explained to the Court that Syrian law lists three elements to a crime:

- 1) will and intent, the mental element
- 2) the material element
- 3) success [completion of the criminal act]

Raslan said that there must be a causality link between all three elements.

Raslan told the Court that he never gave orders. On the contrary, he tried to help people the best he could. He said that he had no authority over officers who decided torture should be performed. In terms of Division 40, he had to be silent. According to Raslan, the head of Division 40 [Hafez Makhoulf] was a danger for Branch 251 and other Intelligence Services because he received a lot of information.

Raslan described how usually, people from outside had no access to Branch 251 and its prison. Only when Hafez Makhoulf started his work did the head of the Branch give in and allow the Division to enter the Branch.

Raslan said his reasons for defecting were confirmed by several witnesses: P5, P10, Christoph Reuter, P15, P49, P53, P54, and P55. All of them confirmed that Raslan had to give up many privileges when he defected. Raslan added that he lost seven relatives. Two of them died under torture and one of his grandsons was also killed.

Raslan recalled that, at the end of Ramadan in 2012, people from Az-Zabadani were taken to Al-Khatib Branch. All of them were mistreated. Raslan found out that none of them were officially wanted people, so he tried to help them. This was when he was punished and transferred to another post.

He was transferred to Branch 285 where he stayed for less than three months. Raslan said that this was not an official secondment. The leading employees did not know his name and he was merely a member in a committee. After that, he defected.

Raslan said that due to the situation in Syria, many people like [REDACTED], [REDACTED], and [PW4 100](#) were unable to appear in Court. PW2\_97/PW2\_100 and other renowned people would have been able to talk about Raslan's great help [to detainees] for which he often took many risks. Raslan said he reached a point where he had no more influence because he was against Tawfiq Younes and Hafez Makhoul who considered him to be a terrorist because he was from Houla. Raslan said he already explained that before.

Raslan then turned to the entire "Syrian people and the victims" and said he feels sorry for having been unable to help more people and having been unable to stop "the death machinery". He wrote, as his interpreter read out, that he bemoans "the extinction of this great [Syrian] people." Raslan added that he and his family are also victims. He recalled that seven of his relatives died through government acts as well. Two of them died "the martyrs' death" and his ten-year-old grandson died through "a bullet that hit his head and basically blew up his head." Raslan said it was very painful for him to hear about what happened in his hometown. Nonetheless, he did whatever possible to help others until he defected. He said he opposed that innocent people were injured and killed. According to Raslan, one still heard bad news from northern Syria until today.

Raslan further described how, now that he is almost 60-years old, chronic diseases and the separation from his family and homeland tear him apart in detention, where he has had to spend the last three years. He addressed the Court by saying that he wishes for a just judgment and fairness, which would stand above all things. Raslan quoted a paragraph from the Quran (5:32) saying that "if one kills one human being, it is as if he had killed the entire human race. If one helps one human being, it is as if he had helped the entire human race."

He concluded that there were many detainees who he could not help back then and who could now be among the pictures in the Caesar Files. Raslan said he believes in German law and the judiciary and will accept the Court's judgment.

Presiding Judge Kerber announced that the trial day scheduled for January 12, 2022, is cancelled and that "if the sky does not fall down on us" the verdict in the trial of Anwar Raslan will be announced on Thursday, January 13, 2022. Kerber explained that on [January 13<sup>th</sup>], there will be an additional 15 seats for journalists in a separate room where they can listen to the German and Arabic language audio transmitted from the courtroom. The final trial day will start at 10AM with the courthouse opening at 7AM if nothing contrary is announced in a relevant press release.

The proceedings were adjourned at 1:53PM

The next session will be on January 13, 2022 at 10AM when the verdict against Anwar Raslan will be announced.

**TRIAL OF ANWAR RASLAN**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 58

Hearing Date: January 13, 2022

*CAUTION: Some testimony includes descriptions of torture.***Summaries/Highlights:<sup>1</sup>****Day 110 – January 13, 2022**

This was the last day of the Trial of Anwar Raslan at the Higher Regional Court in Koblenz. The Judges held that Anwar Raslan was guilty of being an accomplice to 27 murders, 4,000 cases of torture and severe deprivation of liberty, and three cases of sexual violence as crimes against humanity. The Judges found that, as head of the Investigations Division at Branch 251 of the General Intelligence Directorate in Damascus, Anwar Raslan was responsible for interrogations and prison facilities. The Judges stated that the Syrian Government conducted a widespread and systematic attack against civilians since at least April 29, 2011. They also said that detention conditions at Branch 251 qualified as torture. Anwar Raslan was sentenced to life imprisonment. The Judges weighed the mitigating and aggravating factors, and concluded that they could not find a particular severity of guilt. According to German law, Raslan can apply for parole after serving 15 years of his sentence.

After the announcement of the verdict, the Prosecutors said they were happy with the verdict. The Defense on the contrary, announced that it will appeal the judgment.

**Trial Day 110<sup>2</sup> – January, 2022**

The proceedings began at 10:17AM with seventeen spectators and nineteen journalists in the audience. More journalist followed the proceedings from a separate room where they listened to the audio broadcast. A crowd of journalist and cameramen also waited in front of the courthouse. Six cameramen took videos and photos inside the courtroom before the start of the session.

The prosecution was represented by Prosecutors Klinge and Polz. Plaintiffs' Counsel Scharmer and Mohammed were not present. Several Plaintiffs sat next to their Counsel.

**The Court issued the following verdict:**

**[THIS IS NOT A TRANSCRIPT OF THE OFFICIAL VERDICT. It is a detailed summary of the oral hearing at which the verdict was announced.]**

*In the name of the people, the following judgment is delivered: The Defendant, Anwar Raslan, is found guilty of 4,000 cases of torture and severe deprivation of liberty, 27 murders, and three cases of sexual violence as crimes against humanity in accordance with [§7\(1\) Nos 1, 5, 6 and 9 VStGB](#). He is also found*

<sup>1</sup> 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.

<sup>2</sup> 110 trial days include 2 trial days in the Trial of Eyad Al-Gharib after the two trials were severed in February 2021.

*guilty of 27 murders, 25 cases of dangerous bodily harm, two sexual assaults and 14 cases of severe deprivation of liberty, two cases of hostage taking, and three cases of sexual abuse, one of which constitutes a particularly dangerous rape. The Defendant is sentenced to life imprisonment.*

*The cost of the trial, including the expenses of the Plaintiffs P48, P39, P34, P1, P22, P50, P11, P41, P12, P25, P19, P38, P42, P30, P27, P32, P33, P28, P16, P47, P44 must be borne by the convict.*

After reading out the verdict, Presiding Judge Kerber announced that there will be consecutive Arabic translation for the entire session transmitted through the loudspeakers in the courtroom. She asked all parties to the case to wear their FFP2 COVID masks wherever possible, although there was no official order making that mandatory for the parties. [All parties followed Kerber's request.]

Presiding Judge Kerber went on to read out the reasoning:

[Note: the following is not an exact duplicate of the Judges' reasoning which was read out in Court. It is based on what our Trial Monitors were able to hear in Court.]

### **Introduction:**

Before reading out the reasoning for the verdict, Presiding Judge Kerber said that this trial was conducted on 108 trial days. This number already shows that proceedings under the VStGB/CCAIL [German Code of Crimes against International Law] are particularly complex and require thorough preparation by the prosecutors. Kerber said she therefore wants to thank the BKA [German Federal Criminal Police Office], which the Court heard on several occasions, for collecting information and conducting investigations into the Syrian conflict together with its European partners for years now. She added that this trial would not have been possible without the tireless work of the BKA officers involved in the structural investigation into the Syrian conflict. Kerber recalled that these officers accompanied this trial for years and testified as witnesses and experts on several occasions. Kerber also thanked all parties to the case for their always professional and collegial behavior.

Presiding Judge Kerber further said she was compelled to comment on some of the Plaintiff Counsels closing statements. She explained that trials like this are impossible without witnesses. It was not without reason that the Court heard around 80 witnesses over the course of two years. Kerber said some of these witnesses testified in Court despite fear of their own and their families' safety being threatened by the regime. Presiding Judge Kerber said she owes all her respect to these witnesses. However, she recalled, the Court also had to watch as lists of witness' names were leaked to the press. She added that the Court then had to watch the panic of a witness who was approached by people who were not parties to this trial, prior to his testimony. In the end, the situation was harmless, and the witness testified despite his fear. Kerber said that several testimonies were affected by the deep insecurities of witnesses. She concluded that the decision-making in this trial would not have been easier if the trial was recorded because even the slightest suspicion that their testimonies were preserved in recordings would have caused insecurities among the witnesses.

### **Introduction:**

Presiding Judge Kerber recalled that the Judges already found in [February 2021](#), that the Syrian government conducted a systematic and widespread attack against its civilian population at least since April 29, 2011. The evidence presented after this first verdict did not lead to any other conclusion. Kerber said, since the Defendant did not deny the situation in Syria in 2011 and 2012, she will only



briefly summarize the previous findings regarding the existence of a systematic or widespread attack during the indictment period. Nonetheless, it was necessary to also provide a short overview of the situation in Syria before Bashar Al-Assad's took power since that was the foundation for the systematic attack.

Kerber said that there are multiple ethnic and religious groups in Syria. She said that prior to the conflict, around 60-70% of the people in Syria were Sunni, around 11% of the people were Alawites. Nonetheless, the latter group has the most influence in politics and society. They represent the majority of officers in the military and dominate the Ba'th party, the only state party.

Kerber further mentioned that Hafez Al-Assad gained power in Syria through a coup in 1970. When he died in 2000, his son Bashar Al-Assad took over. However, the repressive and autocratic regime in Syria already existed under Hafez Al-Assad. The state of emergency, which had been in place since 1963, broadened the competencies of the security forces. Arbitrary arrests of unfavorable people increased and they were detained in the prisons of the Intelligence Services. Despite the fact that torture was prohibited by the Constitution since 1971, it was frequently applied to extort information and intimidate people. Kerber added that people also died in detention as a consequence of the detention conditions and through direct killings. Kerber said the massacre in Hama, a city largely supporting the opposition, in 1982 was well known because Hafez Al-Assad used the military to bomb and kill thousands of civilians.

Kerber recalled that following his inauguration and a short period of opening, Bashar Al-Assad quickly returned to his father's policy in 2001. Political freedoms were restricted again, and members of the opposition were arrested. In doing so, Kerber said, Bashar Al-Assad built upon the intelligence apparatus of his father. The official task of the Intelligence Services was to defend against activities hostile to the government and fight terrorism and extremism. The actual task was, however, to surveil the population and suppress the opposition.

### **Course of the Conflict:**

Kerber recalled that at the end of 2010, the so-called Arab Spring evolved, especially in Tunisia and Egypt. It eventually made its way to Syria. Hoping for more freedom, it increased the willingness of people to openly take to the streets against the government. The already established opposition, consisting of younger people, and those who were unable to economically benefit from the current system formed the biggest group of people on the streets. However, those who were upset by the government's violent actions and relatives of the people who were arrested and injured during the early phase joined the protests. According to Kerber, Sunni mosques were a symbol and point of gathering for the demonstrations which mostly happened on Fridays after prayers. Kerber said since the counter actions of the Alawite dominated regime focused on these locations, more and more Sunnis became upset. In February 2011, smaller demonstrations against corruption and poverty, and in favor of more participation rights, happened in different parts of Syria. They were peaceful and mostly remained undisturbed.

Judge Kerber further recalled that in March 2011, teenagers in Dar'a spray-painted slogans on walls. They were arrested, then showed clear signs of torture on their bodies once they were released. This led to more protests in other parts of the country. On March 15, 2011, one of the first major protests took place in Damascus. Three days later, on March 18, more protests followed in Dar'a, Deir ez-Zor, and Homs. Kerber said that violent actions against these protests led to multiple people injured and at least two people died. More demonstrations with thousands of people followed, particularly on Fridays. Security forces intervened by using tear gas and live ammunition. Kerber recalled that on

March 23, 2011, security forces shot at a demonstration in Dar'a and many people died. She said the same happened on April 1, 2011, in Damascus, rural Damascus, and Douma. According to Kerber, the demonstrations were, however, mostly peaceful, and only some individual protestors threw stones.

Judge Kerber went on to explain that the Syrian regime reacted to the demonstrations by using several strategies at the same time. The regime claimed that the protests were initiated by foreign countries with the aim to destabilize Syria. The regime denied killings and injuring people. It claimed that the protests were led by terrorists. At press conferences, the regime presented allegedly injured people to demonstrate the protestors' readiness to use violence. Kerber said, at the same time, Bashar Al-Assad apparently appealed to the protestors and announced that reforms will come, ended the decade-long state of emergency, and released prisoners. However, starting at the end of March 2011, the preconditions for a more violent approach by the security forces were established. Kerber said the Central Crisis Management Cell (CCMC) was already established in March 2011. The cell consisted of the highest-ranking officers, and its task was to directly support Bashar Al-Assad. The members of the cell were mostly heads of Intelligence Services. The cell set the strategy and gave orders on how to deal with the protests. At least since mid-April 2011, it was their aim to violently smash demonstrations in order to prevent the regime from being overthrown.

Kerber said that, in a meeting on April 18, 2011, the CCMC found that 'the phase of tolerance and cooperation [was] over'. It provided detailed orders, declared not to release any detainees, and if necessary, use the military to deal with demonstrations. Kerber said the CCMC met again on April 20, 2011, and found that 'it [was] necessary to start another phase. We have to win this battle by the use of armed violence.' The aim was to smash the protests at all costs: persecute, arrest, kill, and torture every protestor or any one close to a demonstration. Kerber called this "a de facto carte de blanche for the security forces, for their violent actions against protestors." She said that as a consequence, the numbers of civilian casualties significantly increased from March 30, 2011 onward. 200 people were killed by live ammunition on April 23, 2011. A couple days later the regime stormed Dar'a and cut the water and medical supplies. Many people died as a consequence. People also died at demonstrations in solidarity with the people of Dar'a, and some who tried to bring water and food to the citizens of Dar'a were also killed. In total, at least 200 people died. Kerber said that people also died in other parts of Syria by the end of April 2011. There were many raids and arrests in Douma. In the following months, demonstrations involving a six-digit-number of people happened, and state-led repression increased. Kerber concluded that until July 2011, a four-digit-number of Syrians had died due to state-led violence.

[The court interpreters swapped duty.]

Presiding Judge Kerber further recalled that Hama was stormed [by the military] at the end of July 2011 and hundreds of people died. In September 2011, Douma was besieged by the army and many people were arrested, in addition to critical infrastructure being cut. From September 2011 onward, demonstrations became increasingly fortified. The Free Syrian Army (FSA) was also founded, consisting of former military staff who defected from the regime army, and as a consequence, there were attacks on government held areas. The armed conflict between government forces and armed opposition started at the beginning of 2012, said Kerber. At the same time, peaceful, non-violent demonstration continued despite the use of live ammunition and increased violence used by, amongst others, *Shabiha* militias that increasingly engaged in crushing protests. Kerber said people were arrested and killed. If soldiers disobeyed orders to shoot at protestors, they risked being shot themselves.

Judge Kerber added that despite efforts by the Arab League to mediate, 2012 was characterized by increasing violence. There were still peaceful protests, but the armed conflict grew. Kerber recalled that in February 2012, the regime dissolved a peaceful demonstration in Damascus with the use of tear gas and sound grenades. One person died and dozens were injured. Also in February 2012, Homs was stormed and attacked with missiles multiple times. There was one massacre in this region which the regime claimed was committed by terrorists. The opposition accused the regime and militias. In March and April 2012, 95 civilians died in Idlib because of regime-led violence. Many others were arrested. Kerber recalled that in Houla, the hometown of the Defendant [Raslan], more than a hundred people died by the end of May 2012. 55 more people died close to Hama. At the end of July 2012, the Syrian military used live ammunition against civilians at the Syrian-Jordanian border, at least one person died. Kerber added that in August 2012, more than a hundred dead civilians were discovered in Damascus. They were killed during raids by the Syrian army. Kerber went on to explain that over the course of the conflict, militarization increased. The regime fired cluster and incendiary bombs at opposition held areas, FSA areas, and Damascus and its surrounding areas [Rif Dimashq, as Judge Kerber always said].

Kerber explained that these elaborations and the recreation of events were significantly based on the expert testimonies of [Ms. Thurmman](#), [Christopher Engels from CIJA](#), who also submitted the above-mentioned CCMC documents to the Court, [Christoph Reuter](#) and other witnesses.

According to the Judges, the intelligence services played an integral part in quelling the uprising. They were already a central mechanism under Hafez Al-Assad. Kerber explained that there are five Intelligence Services, amongst others, the General Intelligence Directorate [GID]. The Intelligence Services were divided into several Branches. Depending on their mandate, the Branches had their own detention facilities, where people were already tortured and sometimes killed when Hafez Al-Assad was in power. Kerber added that at least Branches 251 and 285 of the General Intelligence Directorate have detention facilities. Judge Kerber explained that Bashar Al-Assad adopted these structures. Since the uprising in 2011, the task, especially of the intelligence services, was to intimidate and exterminate the opposition. Starting in March 2011, people were arbitrarily detained, tortured, and killed. Kerber recalled one witness telling the Court that the government ‘continued torturing people like an old habit.’ Kerber said torture methods consequently included beatings with all kinds of tools and methods, such as with cables, *Falaqa* (people were beaten on their feet), hanging people by their wrists so that their toes barely touch the ground, a method called *Shabeh*, *German Chair* (people were attached to a wooden construction with their spines bent, *Doulab* (people being pressed into a tire and the beaten), electric shocks, burns, and sexual violence as a means of intimidation, including rape.

Kerber added that the detention conditions at all detention facilities of the General Intelligence Directorate were “catastrophic” and included malnutrition and lacked medical care. Arbitrary violence was a daily routine. Kerber explained that in the course of the uprising, the number of detainees in intelligence services’ detention and dead people increased steadily. While the goal of arrests was previously to gain information, starting in 2012 at the latest, the main goal was to intimidate and liquidate the opposition. The Judges found that the conditions in the detention facilities continued to worsen. People not only died of torture, but starved to death and suffocated.

Presiding Judge Kerber went on to explain that the corpses of those who died in detention were collected at military hospitals. Shortly after the start of the uprising, military photographers were tasked with documenting the corpses. They had to take pictures of the corpses which were often naked or only dressed in under garments and were labeled with numbers. According to the Judges, this practice was to ensure that there was proof that these people were not actually released. From the collection point in Damascus and the surrounding area, the corpses were carried to Najha

[Cemetery] and Al-Qutayfa [Cemetery] by trucks, and “dumped” in mass graves. Kerber added that relatives of the detainees were almost never informed about the whereabouts and fate of their loved ones and did not dare to ask for information. This uncertainty was used to ensure people’s submissiveness.

Kerber explained that the above findings are largely based on the testimony of [Garance Le Caisne](#) who also told the Court about the experience of Caesar and his friend Sami. The Court also inspected the Caesar Files. The 26,938 pictures of at least 6,821 people were analyzed by [Professor Dr. Rothschild](#) who presented his forensic analysis in Court.

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[10-minute break]

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[One of Raslan’s Defense Counsels, Michael Böcker, left during the break and did not return afterwards.]

#### **Branch 251, Investigation Division, and Division 40**

Presiding Judge Kerber explained that the task of the General Intelligence Directorate, of which Branch 251 was also part, was to surveil Syrian citizens abroad and in Syria. Branch 251 was in charge of inner security in Damascus and the surrounding areas. With the beginning of the conflict, the Branch was used to fight the opposition in these areas. The Branch has its premises in the city center of Damascus, in Al-Khatib neighborhood, from which it also got the name Al-Khatib Branch. It is located near Baghdad Street in direct proximity to the Red Crescent Hospital. The premises consist of two buildings with at least three floors each and a yard in-between. There were offices and interrogation room located in these buildings.

Kerber described that in 2011 and 2012 at least one building had prison facilities in the basement, including different community cells and solitary cells measuring 1x2 meters. There was also a common room for the guards in the basement as well as interrogation rooms. According to Kerber, the prison area was extended in early 2012 with more facilities underneath the garden area, to provide more space for the increasing number of detainees. The offices of interrogation officers and other officers were located on the upper floors.

Kerber said Branch 251 was led by Brigadier General Tawfiq Younes in 2011 and 2012. Anwar Raslan was the head of the Investigation Division at the Branch until September 7, 2012. Division 40 was formally subordinate to Branch 251. The Division was in charge of street-operations. It was a rapid intervention force and in charge of raids, running checkpoints, searching houses, and quelling demonstrations. Kerber quoted a witness who told the Court that Division 40 was an ‘enforcement and fight gang.’ Kerber explained that despite a formal subordinate relation to Branch 251, Division 40 enjoyed some independence because it was led by Hafez Makhoulf, a cousin of Bashar Al-Assad. The Division has its premises in Al-Jisr Al-Abyad in Damascus, including its own detention facility. When Division 40 was in service, [its staff was] violently quelling demonstrations, dissolving them by shooting at protesters, hunting down the people who fled the scene, arresting them, blindfolding them, pulling their shirts over their heads, and taking them to the facilities of Division 40 or transferring them to Branch 251. Detainees were insulted, beaten, and humiliated on the way to these facilities.

When detainees arrived at Branch 251, they departed the vehicle at the inner yard of the Branch, said Kerber. They then had to endure the so-called welcome party. Kerber explained that this procedure was only skipped in cases where new detainees arrived alone or in a small group. She said detainees

were usually severely beaten by guards with fists and different objects. According to Kerber, some detainees were killed during this procedure. After the 'reception', detainees were taken downstairs to the prison's basement where they had to hand in their personal belongings. They had to completely undress until naked and perform the so-called safety move while naked. Detainees had to squat several times for the guards to frisk their body openings. Most of the time, detainee got their clothes back and only belts and laces were confiscated.

Kerber further described that after that, detainees were usually taken to community cells. However, since April 2011 these cells were so overcrowded that detainees had to take turns sitting down and sleeping, and were only able to stand up. They were only able to sleep when they laid down their head on each other's feet. According to Kerber, this practice was so common that it had its own name: the swords' way [à la swords]. Fresh air only came through a small gap underneath the cell door. The air inside the cell was extremely stuffy and so bad that there was not enough oxygen. Some of the cells had small windows showing to the yard outside. Other cells only had artificial light, which was switched on the whole time, so that detainees were unable to tell day from night.

Kerber added that some of the cells were equipped with toilets, which were inside the cell, without any separation from the rest of the room. Other detainees [who had no toilet inside their cell] were allowed to use the toilet twice or three times a day. Kerber concluded the hygienic conditions at the Branch were "catastrophic." Detainees were not allowed to wash, there were bugs everywhere. Many detainees suffered from skin infections, scabies, and infected open wounds. Injuries were mostly not treated. Food was insufficient and inedible which led to loss of weight and further exhaustion. In addition, detainees were exposed to the constant screams from torture which caused enormous stress together with the uncertainty. Some of the detainees lost their minds and even thought about committing suicide. The Judges considered these inhumane detention conditions to qualify as torture.

Presiding Judge Kerber went on to describe that usually one interrogation officer and one guard were present during interrogations at Branch 251. It was usually the guard who mistreated the detainees during interrogations. They thereby applied the various torture methods described above: detainees' feet were beaten until swollen, they were hung at their wrists, they were exposed to the German Chair, or they were burnt with boiling water. Kerber said that torture was applied whenever a detainee did not answer, or the interrogation officer did not like the answer. According to Kerber, explicit orders to torture were not necessary. Kerber added that at times, male and female detainees suffered sexual violence, including rape, touching and beatings of their genitals, or threats to be exposed to sexual violence and threats of sexual violence against family members. Detainee also had to witness others suffering sexual violence, for example in the hallways, where detainees were sexually insulted, threatened, and harassed. Kerber concluded that in a very few individual cases, detainees were not exposed to physical violence. This was mostly the case when they were famous or prominent figures.

#### **Position of the Defendant within the Intelligence Services and Branch 251, and his Contribution**

Presiding Judge Kerber explained that it was not the Syrian regime who was on trial, but the Defendant's individual actions for which he is individually liable. Kerber said she will therefore provide a brief overview of the Defendant's life and career.

Anwar Raslan was born in 1963 in Houla, Syria. After his high school diploma, he studied law at the University of Damascus. In his fourth year at the university, he started a training with the police on December 2, 1986, and continued his studies while doing the training. He became a sergeant with the police and at the immigration office in Aleppo, Hasaka, and Tartous for five years, and he successfully completed his law degree. Starting on August 22, 1992, Raslan attended a training for managers. He was awarded the rank of first lieutenant. As he completed his training as second best in his class, he



continued working at the police academy as an instructor. In early 1995, at the age of 32, Raslan was transferred to the General Intelligence Directorate due to his very good performance. He worked at Branch 251 for one year and a half, patrolling the embassy quarter. In mid-1996 he was transferred to Kafar Souseh Branch where he worked as an investigation officer. On August 9, 2008, Raslan was transferred to Branch 251 where he led the Investigation Division. His office was located on the first floor [EN: second floor] of the building of Branch 251. Investigation offices were located on the ground floor [EN: first floor] and the prison was located in the basement where Raslan had another small office. The Investigation Division had thirty to forty employees, including six or seven interrogation officers, transcribers, archivists, guards, and the Prison Director Abu Ali. Kerber said Anwar Raslan was superior to these people. He was in charge of the duty roster, supervising them, and deciding on workflows. His orders were followed by his staff.

Kerber added that the use of torture did not have to be ordered explicitly, since it was part of the five-decade long practice at the Intelligence Services. Raslan was also tasked to coordinate interrogations, especially regarding matters of who is interrogating whom and at what location. He conducted interrogations himself where he had a special interest, for example when the person had an artistic or intellectual background. The results of all interrogations passed his desk. He summarized them and forwarded these summaries to others. He also made recommendations to his superiors, including recommendations to release detainees. According to the Judges, Raslan proved to be a reliable, intelligent, eager technocrat. Due to his performance, he was sometimes called to Branch 285, a Branch specialized in interrogations. On January 1, 2011 he was promoted to colonel, the second highest rank at the Branch, one rank below the head of the Branch. Raslan was also called when important people visited the prison at the Branch. Over the course of the uprising, Raslan was given more competencies since the rising number of final decisions could not be made by a higher position alone. Kerber recalled [P56](#) telling the Court that when Raslan was asked to release a doctor, the person was indeed released after two days. [P53](#) also told the Court that Raslan's power was so great, he was able to release him two hours after he was arrested at a checkpoint once his uncle called Raslan.

Kerber added that Raslan, just like any Syrian, knew that the General Intelligence Directorate tortured and killed people. Nonetheless, Raslan was not dissatisfied with the General Intelligence Directorate, which offered him a social promotion after his transfer. Raslan decided to support the regime. The Judges found that this attitude did not change after numbers of detainees increased and in awareness of the devastating situation at Branch 251. Raslan was informed of deaths happening at the Branch and he knew that guards were torturing detainees outside of interrogations, beat them, and sexually harassed them. According to the Judges, Raslan at least recklessly accepted these circumstances.

Kerber recalled [P41](#) telling the Court that Raslan told a guard to 'cook him until ready.' Raslan considered the demonstrators to be scum and only bothered about their treatment when detainees were arbitrarily beaten and tortured, and it was no longer about the intellectually challenging task of acquiring information. This did not suffice his standards as an investigator. The Judges concluded that Raslan had his last day of work at Branch 251 on September 7, 2012 before he started at Branch 285 on September 9, 2012, where he kept working until his defection in December 2012.

Presiding Judge Kerber explained that it was necessary for her to address Raslan's first plea at this point. One must consider the plea as a partial confession with regard to Raslan confirming that he was the head of the Investigation Division at Branch 251 from 2008 onward. He also detailed that since the beginning of demonstrations, the regular number of detainees at Branch 251 rose from around 200 to more than 1,000. Kerber said Raslan admitted that he himself heard screams from torture, visited the prison, and knew that more and more detainees were transferred to hospitals.

[The court interpreters swapped duty.]

Kerber recalled that in his first plea, Raslan also claimed that he was not responsible for the detention conditions and the torture at the Branch. He claimed and essentially defended himself by saying that he did not agree with the approach of the regime to conduct arbitrary arrests. On the contrary, Raslan said he tried to help detainees wherever he was able to and facilitated their release. He claimed that as a Sunni, he had to listen to what Alawites told him. He further claimed to have been deprived of all his power in June 2011 when his deputy Abdelmon'em An-Na'saan took over his position. Kerber further recalled Raslan claiming that Branch 251 was actually led by Division 40, in particular its head Hafez Makhoul. Raslan stated that the Division independently tortured people at the Branch. Raslan said he tried to be transferred back to the police, however, did not succeed with this demand. He also claimed that he was unable to safely escape together with his family before December 2012. Kerber explained that in his plea, Raslan also addressed individual witness testimonies. The Judges concluded that they do not follow Raslan's plea since there are no sufficient indicators that his allegations are correct.

Kerber recalled that [P5](#), a former security guard at Branch 251 told the Court that Anwar Raslan was the head of the Investigation Division at Branch 251 and that Division 40 was working on the streets and did not conduct interrogations at the Branch. P5 also said it was widely known that An-Na'saan was only Raslan's deputy. Kerber added that there are indicators leading to the conclusion that Raslan kept his position of power at Al-Khatib Branch in 2012, and that his power went beyond the Branch. Kerber recalled [P41](#) telling the Court that he was interrogated, amongst others by An-Na'saan and only when An-Na'saan thought he got all the information from P41 did he call Anwar Raslan. Raslan then gave the order to 'cook [P41] until ready.' Kerber concluded that this confirms that An-Na'saan was not only formally but factually subordinate to Anwar Raslan. Raslan's interest in intellectuals, VIPs, artists, and writers was also confirmed by many witnesses. [P49](#) testified that Raslan interrogated prominent people even after he had allegedly been deprived of his powers. Kerber said according to Raslan's own plea, he interrogated Syrian actress [see [TR#31](#)] in March 2012. This actress also explained to the German police that while she was interrogated by Raslan, a guard entered the room and informed Raslan using a code that someone died. The Judges concluded that even at this point [March 2012] Raslan was still in charge of the prison and was informed about what was going on at the Branch.

Kerber also recalled that [P16](#) told the Court that Raslan interrogated her in 2012, not in 2011. Another indicator contrary to the deprivation of power as claimed by Raslan, was the situation in Ramadan 2012, around August 2012, when Raslan was able to get P53 released at a checkpoint by a mere phone call.

Judge Kerber added that Raslan continued to enjoy certain privileges, such as a car, even after his transfer to Branch 285. At the end of 2012, he was a member of the committee deciding on matters of pension and travel for retired officers. Other members of this committee were three high-ranking brigadier generals. According to the Judges, one would not leave such topics to a person who was considered to be disloyal and who was not trusted.

Kerber added that other parts of Raslan's plea were also disproved by credible witness testimonies. She recalled that one witness [P18] credibly described how he tried to get information about P17's brother, something that Raslan continues to deny. Raslan's assertion that [P32's](#) sister was beaten by her father so that her headscarf got blood on it, was disproved by [P33](#). Kerber recalled that Raslan met P16 in 2012 and not in 2011, as he claims. The Judges found Raslan's plea to also be inconsistent. For example, Raslan claimed that from summer 2011 onward, he was only tasked with summarizing interrogations. But at the same time, he confirmed that he interrogated P11 in September 2011. He also interrogated [witness from TR#31] in April 2012.

The Judges also found it to “simply [be] incomprehensible that the regime would let a high-ranking officer whose loyalty was doubted remain in a high-ranking position within the intelligence services.” In addition, the Judges found it “incomprehensible that it was impossible for Raslan, unlike for other officers who defected before December 2012, to safely escape with his family.” Kerber said the plea is incorrect in this regard and adjusted to the defendant’s line of defense.”

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[15-minute break]

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## Liability

### Killings

Presiding Judge Kerber explained that after hearing all the evidence, the Judges found that 27 people lost their lives at Branch 251 during the indictment period, due to mistreatment. This number was determined as follows:

Eyad Al-Gharib told the BKA on August 16, 2018, that:

- between May and June 2011, he saw at least ten corpses being transferred from Branch 251
- between July and September 2011, he saw at least one detainee being beaten upon his arrival at the Branch with an iron pole so severely that he immediately died

[P51](#) told the Court how two or three witnesses were taken to the Red Crescent Hospital one night, and how he had to confirm that they were dead. However, P51 was only able to narrow the time frame of this instance to sometime between April 2011 and June 2012. In favor of the Defendant, the Judges therefore assume that this transport of corpses from the Branch was also witnessed by Eyad Al-Gharib.

[P4](#) arrived at Branch 251 on June [REDACTED], 2012, where he was detained in a cell where

- one child died within the first nine days of his detention,
- and 13 other people died over the course of his detention.

P4 counted 13 cases of deaths because he had to leave his fingerprints on documents confirming the death of these detainees. P4 also witnessed one person being beaten on his throat so severely, that he died. The Judges concluded that all 15 deaths can be attributed to the Defendant, despite the Defense Counsel’s concerns relating to this testimony.

[P36](#) was at Al-Khatib Branch for the first time around July 19, 2012, where he saw

- ten people who died at the Branch due to mistreatment and torture.

P36 later saw a detainee from the Branch dying at the hospital from kidney failure.

The Judges found that because the timeframe during which P4 and P36 saw dead people overlapped, one can only count the additional case of death of the detainee dying at the hospital. Kerber added that since one can assume that the patients at this hospital received the required medical care, the Judges found that he did not die from the treatment there but due to the treatment suffered at Branch 251. The treatment at Branch 251 is therefore the cause of death of this person. Kerber concluded that so far, 27 cases of death relating to Branch 251 were determined.

Judge Kerber added that the Judges could not find more cases of death. She recalled that [FR17](#) who did not personally testify in court, told the French Police about two dead people he saw at the Branch.

However, during his interview with the BKA, he could not provide more detailed information due to emotional stress. The BKA interview eventually had to be terminated. The Judges were therefore unable to follow FR17's initial descriptions. Kerber added that FR17 also provided the Judges with several reasons for not testifying in Court. BKA officer Knappmann instead told the Court about his interview with FR17. However, the Judges were unable to examine the witness, especially with regard to his motivations to testify.

Kerber recalled [P46](#) telling the Court about one dead person he saw on his first day of detention at Branch 251 and three or four more dead people he saw during his second time at the Branch. He further testified that he saw two detainees from Branch 251 at Harasta Hospital where they died. Judge Kerber explained that P46's testimony "unfortunately showed a number of content-related contradictions and discrepancies compared to his police interview." The Judges were therefore unable to build a conviction on these statements. Kerber further explained that the Court was told about additional cases of death where the victims showed gunshot wounds. However, the Judges had to assume that these injuries causing death were caused outside Branch 251 and could therefore not be taken into account in this trial.

### Torture

Presiding Judge Kerber said the number of people detained at Branch 251 during the indictment period and being tortured at the Branch pursuant to § 7 (1) no 5 VStGB due to the detention conditions, was at least 4,000 as the Prosecutors had determined.

Kerber explained that Raslan himself admitted that the prison at the Branch was always overcrowded. He said instead of 200 people which was the maximum capacity, there were never less than 1,000 detainees. There was no set detention period. Some detainees were held for a couple of days, other were held for several years. Most of the witnesses in this trial were detained for around three weeks. In favor of the Defendant, the Judges therefore assumed an average detention duration of two months. Given the 16-month indictment period, this led to a total of 8,000 detainees held at the Branch during the indictment period. The Judges conducted another conservative assessment and reduced the number of detainees by one half to a total of 4,000 detainees that were tortured at Branch 251 during the indictment period.

### Crimes relating to the Plaintiffs

Regarding the time between April 29, 2011, and September 7, 2012, during which the defendant worked at Branch 251, the Judges made the following findings in relation to the Plaintiffs:

[The court interpreters swapped duty.]

[P48](#) was arrested in April or May 2011, at his place of work. The building was surrounded and stormed by security forces. 100 to 150 activists were arrested. P48 was taken inside a bus, his hands were tied behind his back. He was transported to Al-Khatib Branch and insulted and beaten on the way. Beatings continued until he reached the community cell where he could hear screams of torture. He was detained in this cell for around five days and was interrogated twice. During the interrogations, he was forced to lay on his stomach, put his feet up, and was beaten on his feet and back with a four-wired-cable.

[P39](#) was arrested on May [REDACTED], 2011, at a demonstration in Damascus and taken to Division 40. On the same day, he was transferred to Al-Khatib Branch where he had to endure the so-called welcome party. He was beaten and received electric shocks that caused him severe pain. After he was frisked, he was taken to a community cell that had two small windows facing the yard. For four hours, he was exposed to the screams of torture before he was interrogated. The interrogation was

conducted by two people, one of them was Anwar Raslan. At first, Raslan was kind because he assumed that P39 was related to a former Syrian President. But when P39 asked Raslan for the reason of his detention, Raslan called a guard and told him to 'get P39 out of here.' P39 was again taken to the community cell. During further interrogations, he was beaten on his back and feet with a cable. P39 was unable to sleep after this incident. He was then taken to a solitary cell. Once, a guard attached electricity to P39's body, poured water over him and tortured him with electric shocks. P39 was detained at Branch 251 for at least ten days. P39 is still receiving psychosocial treatment. He is unable to work, and still suffers from the consequences of the electric shocks.

[P34](#) was arrested at home at the end of July 2011 with his two brothers. They were taken to Branch 251 where they had to undress and were frisked. P34 was taken to a community cell where people had to sleep while standing. It was very hot inside the cell, and one could barely breath. The detainees inside the cell could hear how others were tortured with electric shocks outside the cell. During his interrogation, P34 had to kneel and was beaten on his back with a stick by a guard. After a few days, P34 was transferred to another dirty cell where there were 36 detainees, including P34 and his brother. P34 was held at Al-Khatib Branch for 11 days, and detained for a total of 26 days.

[P1](#) was arbitrarily arrested by the Syrian regime at Damascus Airport in August 2011. After two stops, he was taken to Al-Khatib Branch where he had to endure the welcome party. He had to hand in his personal belongings in the basement, undress, and was frisked. He could already hear screams of torture at this time. He was then taken to a community cell where he was only able to sit down because some other detainees made room for him. P1 was interrogated several times and beaten and kicked during these interrogations. One time, a stick was inserted in his anus and he was threatened that he would not experience life outside ["the Branch"] if he did not cooperate. He was also mistreated outside of interrogations. He was once hanged by his wrists until he fell unconscious. After two interrogations, he was taken to another community cell [solitary cell] that smelled from blood and mold. He was unable to stretch his legs when he wanted to sleep. P1 was detained at the Branch for around two months. He still suffers from nightmares and psychosocial issues and had to undergo surgery on his anus.

[P22](#) was taken from the hospital on August [REDACTED], 2011, allegedly only to be briefly interrogated. He was taken to Al-Khatib Branch where he was put inside a solitary cell with a small, barred window in the door. He had to stay at the Branch until November 2011. P22 was interrogated at least six times, beaten on his feet with cables, and slapped on his ear. P22 explained his relatively mild treatment with the fact that he was not accused of owning weapons. After 25 days, he was taken to a community cell where the number of detainees varied from 20 to 50 people. Detainees were only able to sleep when lying on their side and were given blankets that were covered in lice. Sometimes, he was able to hear screams of torture. P22 was scared but apparently not treated as badly as other detainees.

[P50](#) was arrested at his place of work close to Damascus on September [REDACTED], 2011 and detained at Al-Khatib Branch for around forty days. During this time, he was interrogated for around ten times. At the interrogations, he was forced to lay on his stomach, put his feet up, and was beaten on his feet. One time, P50 was told that he would be beaten 20 times and if the guards heard his voice even once during this procedure, he would be beaten even worse. The solitary cell was so horrible for P50 that he seriously considered committing suicide in detention.

[P11](#) was arrested at a demonstration on September [REDACTED], 2011. He was taken to Al-Khatib Branch where he had to stay for five days before he was taken to Kafar Souseh. On the way to Al-Khatib Branch, he was beaten and kicked. The only light in his cell came from a small window in the door. He was interrogated three times and beaten with several objects.



[P41](#) was arrested in October 2011 in Harasta and taken to Al-Khatib Branch where he had to stay for four days before he was taken to Kafar Souseh and back to Al-Khatib Branch where he then had to stay for at least two months before he was once more transferred to Kafar Souseh and eventually released. At Al-Khatib Branch, P41 was first detained in a community cell where he could not sit down. He was then taken to a solitary cell. He constantly heard screams of torture, especially in the solitary cell. He was interrogated several times. He was always beaten during interrogations and his hands were tied with some kind of belt. P41 still has issues with the nerves in his wrists. One time, An-Na'saan forced P41 to write down his CV. He was given paper and sent back to his cell. When he was taken back to the interrogation room, Anwar Raslan was waiting there alongside An-Na'saan. However, P41 used only one sheet of paper which An-Na'saan read before he gave it to Anwar Raslan. Raslan said 'he does not understand words, show him in a manner he understands and bring him back when he is ready cooked'. P41 was then taken back to his solitary cell where he was forced to stand up for three days. Every time he broke down, a guard came inside the cell, beat P41 up and told him to stand up again. More interrogations followed and he was transferred to another solitary cell. After a short detention at Kafar Souseh, P41 was eventually released in January 2012 before he was arrested once more in February 2012 and again taken to Al-Khatib Branch where he had to stay for two or three weeks and was again interrogated by An-Na'saan.

[P12](#) was arrested on October [REDACTED], 2011 by Division 40 and taken to Branch 251 after a couple of hours. He was detained at the Branch for ten to fifteen days. He was not beaten upon his arrival but had to undress and perform the safety move. He was taken to a community cell where 12 to 20 people were detained when he arrived. Later, 25 people were detained in this cell. Detainees were unable to sit down with only 15 detainees in the cell. The food they were given was sufficient for five people. P12 was interrogated around five times. He had to kneel during the interrogations and every time the interrogator did not like his answer, P12 was subjected to *Falaqa*, where he was beaten on his feet so heavily that he was unable to walk afterwards. One time, P12 was taken to a room with torture tools. The guard took tongs, opened them in a threatening manner, but eventually nothing happened.

[P25](#) was arrested on February [REDACTED], 2012, and taken to Al-Khatib by bus. He was so severely beaten with an iron pole that he fell unconscious for a moment. After the welcome party, he was taken to an overcrowded community cell where people had to lay on top of each other and where he could hear screams of torture. P25 also witnessed Abu Ghadab beating a detainee with a whip. P25 was interrogated at the Branch and beaten on his feet with a stick from which he still suffers today. He was detained at Branch 251 for ten days.

[P19](#) was arrested in February 2012 with her siblings. She was taken to a solitary cell where there were two sisters alongside P19. She could constantly hear screams of torture and was interrogated on three days. She was not beaten during the interrogations but beaten by the guard on the way to the interrogations. One time, the guard also touched her breast.

[P38](#) was arrested in February 2012 on his way to work. He was taken to Al-Khatib Branch where he had to endure the welcome party for more than one hour. After he was frisked, he was taken to one of the bigger community cells. However, there were around one hundred detainees in the cell, so people could only sit in a squatting position. Temperature and humidity in the cell were high. There were many injured and sick detainees. P38 had to bandage the toes of a detainee who suffered from diabetes. P38 was detained for around 18 days during which he was interrogated ten times at Al-Khatib Branch and was always beaten during these interrogations. At one interrogation, the interrogator told the guard to 'take this animal and teach him in a way he understands.' One time,

P38's wrists were attached to the bars of his cell door in the *Shabeh* manner, meaning his toes barely touched the ground. P38 was once kicked in his genitals. He still feels the consequences of that today.

[The court interpreters swapped duty.]

[P42](#) was working with the European Union when she was stopped at a checkpoint on March [REDACTED], 2012. Her personal belongings including her ID were taken from her and she was told to come to Al-Khatib Branch the next day. However, P42 was scared and only went to the Branch in late March or early April 2012. She was then interrogated everyday over the course of fifty days, but she was allowed to leave the Branch in between. She also had to stay at the Branch for at least ten days when she was detained in a solitary cell where she heard screams of torture. Her first interrogation at the Branch was friendly. However, she was then taken to the basement where she was mistreated. She was kicked and beaten and had to stand up for hours during interrogations. Her hands were tied, and she hung from the ceiling while she was tortured with electric shocks on her fingers, knees, and breast, and had to endure sexual insults. On one occasion, a guard pressed her face to his lap, but another guard told him to stop.

[P30](#) was working for a Syrian [REDACTED] when he was arrested on March [REDACTED], 2012. He first had to stay at Division 40 for one day before he was taken to Al-Khatib Branch. On the way, he was accompanied by two officers but was not beaten. However, as soon as he arrived at Branch 251, he had to undress, was beaten, and was insulted. He was taken to an overcrowded community cell with around 100 detainees inside. P30 described that he 'was pushed inside the cell and practically stepped on other people.' Detainees had to stand up. The cell was humid. There were lice, and the sick people were unable to breathe so other detainees fanned them with air. The only fresh air came to the cell through a small gap, which was only opened if the guards wanted the gap opened. Detainees smelled newly arrived detainees because they smelled fresh. P30 was detained at Branch 251 for 18 days during which he was interrogated eight times. At his first interrogation, he had to wait kneeling in front of the interrogation room for one hour. During his interrogations, he was beaten and tortured. He was also beaten on the way back from interrogations.

[P27](#) was arrested in May 2012 and taken to Al-Khatib Branch after several stops. He had to endure the welcome party and was frisked. He was taken to a community cell where he had to endure the usual conditions: overcrowded space, humidity, bugs, skin diseases, and other detainees' constant screams of torture.

Presiding Judge Kerber announced a short break to open the windows.

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[10-minute break]

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[P32](#) was arrested at a demonstration on May [REDACTED], 2012, on the same day as P33 was arrested. Together with other detainees, she was taken to Division 40 by bus. P32 was interrogated at Division 40 where she had to stay for ten hours before she was taken to Al-Khatib Branch along with her mother and seven other women. At Al-Khatib Branch, P32 could already smell urine and blood when she entered the building. P32 had to undress until naked and was frisked by a female nurse. At first, she was detained in a small community cell together with 17 other women. The blankets they were given were covered with lice. P32 was interrogated several times at the Branch. She had to endure various insults and threats. After one of the interrogations, she was hung in the basement and a hot liquid was poured over her body. One can still see the scar today. P32 was also tied to a plank and beaten. After a few days, she was taken to a solitary cell where the light always shined, and the blankets were

also covered with lice. She counted the days by putting olive seeds aside. She suffered from the loneliness so much that she demanded to talk to Anwar Raslan whom she knew from her sisters' detention. She was eventually allowed to meet Raslan, and he told her she would be taken to a community cell again. P32 was indeed at least taken to a solitary cell where her mother was detained. P32 was detained at Al-Khatib Branch for 23 days. Presiding Judge Kerber added that during her testimony in Court, P32's pain was clearly visible and she described sexual assaults by guards. However, the Judges cannot follow these descriptions because they were too different from what P32 told the German Police in her previous interview.

[P33](#), P32's mother, was arrested on the same day as her daughter and taken to Al-Khatib Branch. She was first taken to a community cell, then to a solitary cell after her first interrogation. P33 was insulted and threatened, but not physically mistreated. She was released after 23 days.

[P32 left the courtroom.]

[P28](#) was arrested at a checkpoint in May 2012. Upon his arrival at Al-Khatib Branch, he was forced to line up with other detainees. Facing a wall, they could hear sounds of loading rifles. However, they were not executed. After he was frisked, he was taken to a community cell which he described as a grave. The cell was overcrowded, and one had to take turns standing on one foot for several hours. The air inside the cell was bad and when the guards wanted to punish the detainees, they closed the hatch through which the only bit of fresh air came into the cell. The guards also arbitrarily started beating detainees. Most of the detainees suffered from skin conditions, abscesses, and fevers. The cell was dirty, and dirt and lice dripped from the ceiling with condensed water. After around one week, P28 was interrogated and arbitrarily beaten during this interrogation. A month later, P28 was transferred to Najha Prison where he had to stay for one week before being re-transferred to Branch 251. There he was taken to a bigger cell, but it was still an overcrowded community cell. It was one of the cells at the outside border, so one could see the sky. P28 found this cell to be better although he could still hear constant screams of torture. He was interrogated once more before he was transferred to Kafar Souseh from where he was eventually released in July 2012. He is still suffering from tinnitus and psychosocial problems today.

[The audience noticed that the court interpreter's voice was too low. They suggested that he use the built-in microphone and pulled it closer. Sound was better after that.]

[P47](#) was arrested at a park in May or June 2012. He was taken to Division 40 before he was transferred to Branch 251. Only dressed in boxershorts, he was taken to an overcrowded community cell. It was very hot and people had to 'sleep like swords.' After three days, he was taken upstairs but not interrogated. On this occasion, P47 wanted to go to the same cell as his friend. The guard first allowed him to but eventually ran after P47 and beat him until he was back to his initial cell. At a later point, P47 was indeed interrogated. He was beaten and threatened to be killed in case he would not provide information. P47 thought he would die. After seven days, P47 was transferred to Najha Prison.

[P44](#) was arrested by a patrol belonging to Branch 251 in early 2012, together with his uncle [note for the translator: his mother's brother] and cousin [note for the translator: son of another one of his mother's brothers] on their way home. They were taken to Al-Khatib Branch and P44 was beaten on his shoulder and suffered hematomas. After they were frisked, they were taken to a community cell measuring 3x3 meters. The cell was empty when they arrived, but later twenty to twenty-four people were detained in the cell. New detainees arrived every day. The cell was very humid, there was no daylight. After a few days, P44 was released thanks to his family's connections to a high-ranking officer and bribes being paid.

[Plaintiff Counsel Dr. Kroger left the courtroom.]

[P17's](#) brother was arrested mid or end of July 2012 and taken to Al-Khatib Branch. At the end of 2012, P17 was contacted via Facebook and told that his brother died at Al-Khatib Branch. Another witness, P18, said he met Anwar Raslan at Al-Khatib Branch and asked him for information about P17's brother's whereabouts. P18 was told that P17's brother died from kidney failure. When P18 requested to see the corpse, Anwar Raslan told him to just take any corpse. Presiding Judge Kerber added the Judges could not make secure findings on whether and how P17's brother died.

[P46](#) alleged that he was arrested on June [REDACTED], 2012 in Jaramana where he was hiding at a friend's house after he was tortured before. He further stated that, after he was taken to Branch 40, he was allegedly transferred to Al-Khatib Branch two or three days later. According to P46, he was then taken to Harasta Hospital due to his poor physical condition. At the Hospital, he claimed to have witnessed and suffered mistreatment by medical staff for nine or ten days. According to P46, he did not receive medical treatment at the hospital. He further stated that he was then taken back to Al-Khatib Branch where he had hot plastic poured on him. Presiding Judge Kerber explained that the judges were, however, not able to base a conviction on P46's statements. She said that P46 certainly suffered severe mistreatment, but the Judges could not make affirmative findings. There were too many contradictions in P46's testimony, particularly in relation to his previous police interview.

### **Legal Evaluation**

[The court interpreters swapped duty.]

Presiding Judge Kerber explained that, as detailed above, Anwar Raslan was an accomplice and not a mere aider and abettor. Kerber explained that Raslan had a "significant personal interest in the completion of the crimes. He was a careerist who identified himself with the totalitarian regime and was able to work his way up." The Judges found that Raslan supported the regime as a loyal employee and that "if the regime would have been overthrown, Raslan would have lost his certainly well-paid and privileged position and probably faced repression in the form of persecution and liquidation." Kerber explained that this was not contrary to the fact that, in individual cases, he might have disapproved of the "exuberant brutality and rising number of arrests that complicated his work as an investigator."

Kerber added that Raslan conducted his work in collaboration with others. But he was "not so subordinate that one could consider him a mere small cog or a sole supporter of the regime." According to Kerber, Raslan was a Colonel at an important Division at one of the General Intelligence Directorate's distinguished Branches, Branch 251. "His contribution to the crimes was of significant importance." The Judges found that Raslan oversaw the interrogators who had to follow his orders. This is visible, for example, through the recommendations he made regarding the handling of detainees, including potential releases, that he was able to make. Kerber concluded that, ultimately, Raslan's actions had a significant impact on the overall crime. The Judges found that it was at least partly due to Raslan that the regime was able to suppress the opposition and prevent an overthrow. Raslan was aware of the situation and even after the massacre in Houla where, according to Raslan, some of his family members and friends were killed, he continued his work without visible external pressure. The Judges found that Raslan had knowledge of the overall crimes.

Kerber added that the Judges found that Raslan had the required intent. He knew about the conditions during interrogations and at the prison where he regularly went. He particularly knew about cases of death and that the guards had a free hand to torture the detainees, including through sexual assaults. He recklessly accepted all that.

Kerber said that "the Judges [had] no doubt about Raslan's guilt." He knew that the regime had resorted to increased torture and detention since the beginning of the conflict in 2011. It is not

apparent that Raslan was unable to flee at the beginning [of the conflict]. The Judges did not believe Raslan's elaborations on this matter. The defection of countless other intelligence employees indicates that it was indeed possible to safely escape at an earlier time. The Judges found that it was not unreasonable for Raslan to take this personal risk in order to defect. Kerber said the Judges are convinced that Raslan tried to hold on to his position until the last moment, and that the situation in Syria in December 2012, which 'was not easy' as P56 said, when the war was close to Damascus and one could hear shootings everywhere, was the actual reason why Raslan defected.

### **Criminal Acts**

Presiding Judge Kerber summarized that the Defendant, Anwar Raslan, committed the following crimes:

He is an accomplice in committing underlying crimes as part of a systematic and widespread attack against Syrian civilians (§ 7 (1) VStGB). The underlying crimes constitute 27 cases of murder pursuant to § 7 (1) no.1 VStGB. These murders also fulfil the elements of the crime of § 211 StGB [murder] due to the Defendant's base motives. Kerber explained that this was because Raslan was interested in preventing the fall of the totalitarian regime with which he identified himself due to his years-long work. He wanted to fight the regime critics who he called 'scum' and accepted acts of murder to preserve the totalitarian regime and consequently remain in his position as a Colonel at the Intelligence Services, and to keep his wealth of power and privileges.

4,000 people were tortured in his custody, amounting to torture as a crime against humanity pursuant to § 7 (1) no. 5 VStGB. Kerber added that all 4,000 people were severely deprived of their liberty in violation of general rules of international law, amounting to severe deprivation of liberty as a crime against humanity pursuant to § 7 (1) no. 9 VStGB.

Further, one person, [P1](#), suffered particularly severe rape and two people, [P42](#) and [P19](#), suffered sexual assault. All three instances amount to sexual violence as a crime against humanity pursuant to § 7 (1) no. 6 VStGB. Judge Kerber explained that the frisking and undressing of detainees could amount to sexual violence pursuant to § 7 (1) no. 6 VStGB. However, the Judges did not come to this conclusion. The Judges found that frisking, including the frisking of body openings, although it might be humiliating, is a usual procedure in detention. The Judges did not find there to be a sexual connotation. This is in line with the fact that women were frisked by women and were not exposed to male guards.

[Plaintiff Counsel Dr. Kroker returned the courtroom.]

Kerber went on to explain that, along with the above-mentioned crimes, the following crimes were committed in relation to the Plaintiffs:

Rape and particularly severe rape in P1's case pursuant to § 177 (1) no. 1, (2) no.1 and (4) no. 1 StGB (old version).

Sexual assault in cases of P42 and P19 pursuant to § 177 (1) no. 1 StGB (old version).

Kerber added that the actions in violation of the Plaintiffs' rights also amounted to sexual assault of detainees pursuant to § 174a StGB in three cases.

Dangerous bodily harm through the use of a weapon or other object pursuant to § 224 (1) no. 2 StGB (1) and dangerous bodily harm were committed in coordination with another person pursuant to § 224 (1) no. 4 StGB. (2). Kerber explained this was applicable in relation to:



- (1) P48; P39; P34; P1; P22; P50; P11; P41 in three cases; P12; P25 in two cases; P19; P38; and P42 in multiple cases because she was allowed to leave the Branch several times. However, in favor of the Defendant, three cases are considered.
- (2) P30; P27; P32; P33; P28 in two cases due to his transfer to another branch and back to Branch 251; P47; P44.

In cases where detainees were detained for more than a week, severe deprivation of liberty pursuant to § 239 (3) no. 1 StGB was applicable. This was the case for P39; P34; P1; P22; P50; P41 in two cases due to his transfer to another Branch and back to Branch 251; P12, P25; P38; P30; P32; P33; P28. In total it adds up to 14 cases of deprivation of liberty lasting for more than one week.

There were two cases of hostage taking pursuant to § 239b StGB, relating to P1 and P47.

Presiding judge Kerber explained that enforced disappearance as crime against humanity was not applicable in this trial since German law stemming from of § 7 (1) no. 7 VStGB requires, contrary to the Rome statute, an inquiry. This only leaves the cases that Plaintiff Counsel Bahns mentioned in his closing statement: P32 and her two sisters, as well as P17's brother. However, both of P32's sisters were detained prior to the indictment period, one of them on March [REDACTED], 2011, and the other one in late March or early April 2011. Their cases can therefore not be considered. Kerber explained that, for P17's brother, it could not be determined that he died, nor that Anwar Raslan knowingly provided false information to the relatives who made inquiries about P17's brother.

### Sentencing

Kerber explained that the German legislator stipulates life imprisonment for murder (§ 211 StGB) and murder as crime against humanity (§ 7 (1) VStGB). The Judges therefore impose this sentence.

The Judges refrained from finding a particular severity of guilt. Judge Kerber explained that one can indeed hold against the Defendant that he is an accomplice in 27 cases of murder and 4,000 cases of torture constituting crimes against humanity. One can also hold the inhumane detention conditions and the length of the indictment period spanning over sixteen months against him. Kerber said it can also be held against the Defendant that he fulfilled the element of the crimes of two murder provisions by committing murder as a crime against humanity pursuant to § 7 (1) no. 1 VStGB and murder as ordinary domestic crime pursuant to § 211 StGB.

However, according to the Judges, one must also hold in favor of the Defendant that the crimes were committed a long time ago and that, as far as the Judges were able to determine, he did not commit any crimes after that. In addition, one must hold in favor of the Defendant that he did not commit the crimes with his own hands and one can only find limited intent with regard to the killings. The Defendant also helped some detainees getting released and treated some of them well. The Judges also found that Raslan was not a keen supporter of the regime. While he did believe in the justification of the regime as an instance of order, he wanted the privileges that came with his position. The Judges consider him to be an opportunist, which they also associated as the reason for his defection. Nonetheless, there is nothing that indicates that he only defected in pretense. Raslan delivered a partial confession and showed some remorse. Weighing in on all these factors, the Judges did not find an exceptional case that required a ruling of particular severity of guilt.

The trial of Anwar Raslan at the Higher Regional Court in Koblenz ended at 3:35 PM.

Presiding Judge Kerber announced the following Judges' Decision:

The arrest warrant of the Investigative Judge at the Federal Court of Justice dated November 18, 2019 and amended on March 20, 2020 is to be upheld.

Kerber asked Raslan and his Defense Counsel Fratzky whether they would renounce to be informed about their applicable legal means. Defense Counsel Fratzky said he renounces. Raslan said he follows his Counsel. Kerber asked Raslan whether that means that he renounces to be informed about his applicable legal means. Raslan nodded.

Presiding Judge Kerber wanted to get a rough overview of which Plaintiff Counsels and Plaintiffs wanted to be informed about their legal means. Since no one affirmed the question, Kerber went on to ask each of them individually whether they renounced to be informed about their legal means. Plaintiff Counsel Dr. Oehmichen renounced and Dr. Kroker renounced on behalf of two of his clients.

The court interpreter intervened, saying that most of the Plaintiffs were confused because he only had time to translate the legal terminology [Verzicht auf Rechtsmittelbelehrung]. He asked Judge Kerber to give him a moment in order to explain to the Plaintiffs what that actually means. Judge Kerber explained that the parties to the case had certain means to legally proceed against this judgment. If Kerber read these means out to them, she would inform them of these legal means. She added that the question she asked only referred to the renouncement of being informed about these means, not the renouncement of using the means. [The interpreter translated everything that Judge Kerber explained.] Judge Kerber went through the list of names of present Plaintiffs and their Counsel. All of them renounced to be informed about their applicable legal means. The Prosecutors also renounced.

Judge Kerber concluded by thanking “the always loyal interpreter for completing today’s mammoth task.”

The Trial of Anwar Raslan at the Higher Regional Court in Koblenz ended at 3:43PM on Thursday, January 13, 2022. The Judgment is not yet final.<sup>3</sup>

<sup>3</sup> Note from the Trial Monitor: In the press conference following the announcement of the verdict, Anwar Raslan’s Defense Counsel Fratzky said he, his colleague Böcker, and Raslan agreed to appeal the judgment to the Federal Court of Justice.