



## **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. Judges Zeitler-Hetger and Schlagmann are supplementary judges to ensure the continuation of proceedings in case any of the other judges must withdraw. Judge Kerber 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 Bodenstern 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 Jasper Klinge and prosecutor Löbner.

Six plaintiffs [victims] were represented by Dr. Patrick Kroker and Mr. Scharmer. Two plaintiffs were represented by Mr. Khubaib Ali Mohammed. One plaintiff was represented by Mr. Andreas Schulz. Two plaintiffs were represented by Mr. Manuel Reiger and Dr. Anna Oehmichen.

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

Eyad Al Gharib's attorney stated that his client was not informed that he was being questioned as a suspect. Therefore, he requested that statements he provided to the police not be used as evidence.\*



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 9:30 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 after the accused sought protection from the police in which he mentioned his past in the intelligence services. His statements were afterwards compared to statements made by refugees who were applying for asylum during their interviews, where the name “Anwar Raslan” was raised many times.\*

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 continue due to the graphic nature of the 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 فلفة, Doolab (tyre) دولاب, 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 Thurmann**

The 1st witness was Laura Thurmann, 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" residing in 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 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, حسن تركماني, Ali Mamlouk, علي مملوك, Sha'ban Ateyya, عطية شعبان, Makhlof مخلوف [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.



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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 P1 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 شوكت** 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



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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” حقوقي 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.

**\*An earlier version of this report stated that [Accused Eyad Al Gharib denied the charges against him.], it has now been corrected.**

**\*\*An earlier version of this report stated that [The investigation was initiated because the name "Anwar Raslan" was raised many times during interviews with refugees who were applying for asylum.], it has now been corrected.**



## Charges of the Koblenz Trial [official translation]

### **Charges against Anwar Raslan:**

VStGB - §§ 7 I Nr. 1, Nr. 5, Nr. 9 VStGB, 25 StGB

StGB - § 211; § 177 I Nr. 1, II Nr. 1, III Nr. 1

### **Section 7 – Crimes against humanity (Code of Crimes Against International Law – VStGB)**

(1) Whoever, a part of a widespread or systematic attack directed against any civilian population

1. Kills a person

[...]

5. Tortures a person in his or her custody or otherwise under his or her control by causing that person substantial physical or mental harm or suffering where such harm or suffering does not arise only from sanctions that are compatible with international law

[...]

9. Severely deprives, in contravention of a general rule of international law, a person of his or her physical liberty

### **Section 25 – Commission of offence (German Criminal Code – StGB)**

(1) Whoever commits an offence themselves or through another incurs a penalty as an offender.

(2) If several persons commit an offence jointly, each person incurs a penalty as an offender (joint offenders).

### **Section 211 - Murder under specific aggravating circumstances (German Criminal Code – StGB)**

(1) Whoever commits murder under the conditions of this provision incurs a penalty of imprisonment for life.

(2) A murderer under this provision is someone who kills a person out of a lust to kill, to obtain sexual gratification, out of greed or otherwise base motives, perfidiously or cruelly or by means constituting a public danger or to facilitate or cover up another offence.

### **Section 177 – Sexual assault by use of force or threats; rape (German Criminal Code – StGB) (Version until 11/8/2016)**

(1) Whoever coerces another person

1. By force;

2. [...]

3. [...]

to suffer sexual acts by the offender or a third person on their own person or to engage actively in sexual activity with the offender or a third person, shall be liable to imprisonment of not less than one year

(2) In especially serious cases the penalty shall be imprisonment of not less than two years. An especially serious case typically occurs if



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1. the offender performs sexual intercourse with the victim or performs similar sexual acts with the victim, or allows them to be performed on himself by the victim, especially if they degrade the victim or if they entail penetration of the body (rape); (...)
- (3) The penalty shall be imprisonment of not less than three years if the offender
  1. carries a weapon or another dangerous instrument

### **Charges against Eyad Al Gharib:**

VstGB - §§ 7 I Nr. 5, Nr. 9 VStGB, 27 StGB

#### **Section 7 – Crimes against humanity (Code of Crimes Against International Law – VStGB)**

- (1) Whoever, a part of a widespread or systematic attack directed against any civilian population  
[...]
  5. Tortures a person in his or her custody or otherwise under his or her control by causing that person substantial physical or mental harm or suffering where such harm or suffering does not arise only from sanctions that are compatible with international law  
[...]
  9. Severely deprives, in contravention of a general rule of international law, a person of his or her physical liberty

#### **Section 27 – Aiding (German Criminal Code – StGB)**

- (1) Whoever commits an offence themselves or through another incurs a penalty as an offender.
- (2) If several persons commit an offence jointly, each person incurs a penalty as an offender (joint offenders)