



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

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 20

Hearing Dates: December 1 & 2, 2020

*CAUTION: Some testimony includes descriptions of torture.*

**Summaries/Highlights:<sup>1</sup>**

**Trial Day 48 – December 1, 2020**

**P21, [name redacted], 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 escalade 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, Makhlouf, 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, Makhlouf 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 Makhlouf.

Kerber asked about specific instances or changes regarding the hierarchy. P21 explained that Hafez Makhlouf is related to Bashar Al-Assad and was in practice the actual decision-maker.

Kerber wanted to know whether he [Makhlouf] 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 Makhlouf assessed individual detainees].

Kerber asked what he [Makhlouf] 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 Makhlouf, when he was there.

Kerber wanted to know whether Hafez Makhlouf 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 Makhlouf [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 [information 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 [information 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 [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 [name 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 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 [information 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 [information 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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[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]

General Intelligence Directorate Branch 251  On interrogation of XY: It was determined that the above-mentioned person XY/XYZ participated in demonstrations.  Sheets for the person’s file.  Proposal: Extension of detention/arrest.  _____ unreadable signature _____ Head of the Interrogation Division
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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.

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

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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”.

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 281 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, [name redacted]and [name redacted].

Wiedner asked P21 what makes him belief that [name 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 [name redacted] was transferred to the hospital in bad condition. That would be everything P21 knows.

Wiedner asked P21 about [name redacted] professional occupation. P21 said he was a resident at Al-Moujtahed hospital.

Wiedner wanted to know what P21 knows about [name 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 [name redacted]. P21 said it was certainly during Raslan's period.

Wiedner wanted to know whether P21 knows for sure who interrogated [name 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 [name redacted]. P21 said there was explicit information and that he was in constant contact with [name 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 [name redacted] as he was from the same village as P21. He saw from documents that Raslan himself interrogated [name 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 [name redacted] family. [name 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 [name 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 [name 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 [name 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 of 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 Makhlouf 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 Makhlouf. P21 said the same was true for the head of the administration; Makhlof was always the actual head. He added that Makhlouf 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 [name redacted].

Klinge wanted to know whether he knows about [name redacted] from his brother [name 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. unreadable signature	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

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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.

said in [name 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.

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.

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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.

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.

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 recalled 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 life. 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 [information 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 [حَقْر].

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.

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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.

## 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, 2008 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.

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 [name 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.