

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

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 25

Hearing Dates: January 27 & 28, 2021

*CAUTION: Some testimony includes descriptions of torture.*

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

**Trial Day 57 – January 27, 2021**

**Mr. Hörl, a criminal inspector with the German Federal Criminal Police Office (BKA), testified about his questioning of an anonymous witness who was twice detained and tortured in Al-Khatib Branch. Prior to the hearing, the witness who was initially summoned for the day informed the court that he would not provide in-person testimony for private reasons.**

**Presiding Judge Kerber announced that the trial against Anwar Raslan and Eyad Al-Gharib would be severed on February 17, 2021. A judgment in Al-Gharib’s case would be rendered on February 24, 2021.**

**Trial Day 58 – January 28, 2021**

**Plaintiff and witness P27 [name redacted], a 32-year-old Syrian, testified about his detention at Al-Khatib Branch and the various interrogations he had to endure. His testimony confirmed what many other witnesses previously told the court: detainees at Al-Khatib were beaten upon their arrival until they reached their cell. The conditions were overcrowded, inhumane, and unhygienic. Detainees were given insufficient food. P27 further told the court that he was beaten during both his interrogations at Al-Khatib, however, he could not identify Raslan as his interrogator because he was blindfolded during interrogations.**

**Day 57 of Trial – January 27, 2021**

The hearing began twenty minutes late at 9:50AM. It was held in a new courtroom located in the actual building of the Higher Regional Court in Koblenz. Moving forward, all hearings for the trial of Anwar Raslan/Eyad Al-Gharib will take place in this room, which was specifically refurbished for this trial. Five media representatives and five spectators were present.<sup>2</sup> Dr. Peer Stolle appeared as replacement for Plaintiff Counsel Dr. Patrick Kroker and Charlotte Foerster-Baldenuis appeared instead of Plaintiff Counsel Khubaib Ali Mohammed. Defendant Eyad Al-Gharib, handcuffed and accompanied by two court officers, entered the room through a side door leading to the public gallery. He had to walk through the audience to take his seat. Defendant Raslan entered through a different door located between the plaintiff counsels and the court interpreters.

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

<sup>2</sup> No one requested access to Arabic interpretation. As announced last year, Presiding Judge Kerber did not explicitly ask the public about requesting access to interpretation.

Before officially opening the hearing and while the cameraman was still inside the courtroom, Judge Kerber thanked all the people involved with refurbishing the former court library and turning it into a courtroom. She specifically thanked the court's administration that "massively" pushed for the refurbishment, the court officers who helped build and erect the glass walls between every seat, the court officers who "had the back" of their colleagues while they were busy with the refurbishment, and the technicians.

Once the cameraman left the room and Judge Kerber officially started the hearing, she asked one of the court interpreters to update the parties on his correspondence with the witness who was summoned for the day but who previously told the court that he would not be able to attend the hearing. The interpreter explained that when he first contacted the witness on behalf of the court, the witness said that he would only be able to come to Koblenz once he dealt with some private matters. According to the interpreter, the witness got back to him after a while and said that he would not come to Koblenz for private reasons, but that he would inform the interpreter immediately if anything changes. The interpreter further said he told the witness that he would inform the court of his decision.

Presiding Judge Kerber thanked the interpreter and said that, as already announced, the court would instead hear the testimony of Mr. Hörl, a Criminal Inspector from the BKA, who was present during the witness's questioning.<sup>3</sup>

#### Testimony of Criminal Inspector Hörl

Instructions were read out to Hörl and he was informed of his rights as a witness. When he tried to affirm that he understood everything, there were technical issues with the sound.<sup>4</sup> Judge Kerber asked Hörl to speak up and told the audience to signal to her and the other judges whenever they had difficulties with the acoustics.

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<sup>3</sup> According to §48(1) of the German Code of Criminal Procedure (StPO), every witness must follow the court's summons. If a witness does not appear in court to testify, he/she may be ordered to pay the costs of his/her absence as well as a fine or to serve administrative detention. The witness may also be forced to appear in court (§51(1) StPO). However, this is not applicable if the witness excuses his/her absence in a timely and sufficient manner (§51(2) StPO). Family reasons or a threatening situation are considered to be sufficient excuses. In accordance with German procedural law (§250StPO) it is, however, not possible to simply read out the transcript of the witness's previous questioning, in case the witness does not appear in court. Instead, the authority who previously questioned the witness – in the present case the BKA – can provide a more direct testimony. The court therefore decided to hear the BKA official to include the witness's descriptions into the main hearing without the witness testifying in court himself.

<sup>4</sup> Note from the Trial Monitor: Technical issues relating to sound occurred during the entire hearing. Presiding Judge Kerber already told the audience at the beginning that they should raise their hand if they were unable to understand what was being said. The audience, including native German speaking spectators, had to raise their hands several times. The court's administration assured during a short break that the problem will be solved timely. Nonetheless, it posed additional difficulties on interested Arabic speaking public to follow the proceedings.



### **Judge Kerber's Questioning**<sup>5</sup>

Presiding Judge Kerber expressed that Hörl knew why he was summoned as a witness for that day. Hörl affirmed, adding that he was summoned to testify about the BKA's questioning of [name redacted].

Judge Kerber asked Hörl to describe why the witness was questioned, when the questioning happened and how it took place. Hörl explained that he was completing his training at the BKA at that time and his supervisor, Criminal Chief Inspector Deußing, told him and a colleague to travel to France to hear a witness who was previously questioned by the French Police. According to Hörl, the witness was able to communicate well with the interpreter. The witness confirmed this to Hörl and his colleague in English. The witness was then informed of his rights and duties under German law.

Judge Kerber thanked Hörl for this information and turned to Judge Wiedner to avoid duplicated questions.

### **Judge Wiedner's Questioning**

Judge Wiedner asked Hörl about the reasons for the BKA's decision to question the witness themselves, despite previous questionings conducted by the French Police. Hörl said that he received the translations of the relevant interviews from the French Police in preparation for the BKA's interview. However, since he himself did not make the decision to question the witness again, he could not elaborate on the reasons behind that.

Judge Kerber intervened to inform the parties where they could find the transcripts of the interviews in the case file.

Judge Wiedner continued by asking Hörl to describe how the questioning took place and recall what the witness said. Hörl explained that they first informed the witness about his rights and duties under German law. They told him to ask for a break whenever he needed one and to help himself to drinks and snacks that they provided. Hörl then cross-checked the personal information provided by the witness with the translations of the French transcripts. Hörl's colleague asked the witness about this information (studies and professional occupation in Syria) and if anything changed since he was last questioned. The witness told them that he was still [in 2019] doing his PhD, and his mother and sister now live in France as well. Hörl's colleague then asked the witness about his arrests. The witness explained that he was first arrested in May 2011 in a relatively unusual manner. He received a call telling him to come to Jisr Al-Abyad [where Division 40 is located] the following day. The next day, his girlfriend drove him. He had to turn over his personal items to the officers once he arrived. He was taken to another room and had to wait in a hallway. He was then taken to a "hectic room". The witness explained to Hörl and his colleague that people were entering and leaving this room while a TV was on in the background. He was questioned about his Facebook posts, which he found confusing since he was previously invited by the government's spokesperson, Ms. Shaaban, to attend a meeting in March 2011. The witness could not understand why he was being questioned. He was eventually told to return to the first room and then allowed to go home. The witness went home with his girlfriend but was told to come back the following day.

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<sup>5</sup> Note from the Trial Monitor: For the purpose of this report, the term "witness" will be used to describe the person who Hörl and his colleague interviewed in their capacities as criminal officers of the BKA. The actual witness of this court session, Criminal Inspector Hörl, will be called by his name.

Judge Wiedner asked Hörl whether the witness mentioned the name of the head of this Branch. Hörl recalled that the witness could not remember the name. Hörl and his colleagues showed the witness pictures of the defendants, however, the witness only heard about Anwar Raslan from friends and acquaintances at a later point.

Wiedner asked whether the witness could not recognize the defendants in the pictures. Hörl affirmed, adding that the witness knew the name of the defendants from friends.

Wiedner wanted to know the names of these friends. Hörl said the witness mentioned Anwar Al-Bunni who was already questioned as a witness by the BKA when they interviewed the witness. The second name he mentioned was Mazen Darwish.

Wiedner said he wanted to come back to the witness's first interrogation and asked Hörl whether the witness knew the name of the head of the Branch. Hörl explained that the witness knew that Hafez Makhlouf was the head, but Hörl was not sure whether the witness identified Makhlouf as the head of this Branch or head of the General Intelligence Service.

Wiedner cited from the minutes of the witness's interview with the BKA when the witness told Hörl and his colleague that Hafez Makhlouf was the head of the Branch. The witness assumed that he was arrested because he posted negative things about Bashar Al-Assad and Hafez Makhlouf's brother, Rami, on Facebook. Hörl affirmed that the witness said that.

Wiedner recalled that the witness was in contact with Bashar Al-Assad's spokesperson and asked Hörl about the witness's relation to the government. Hörl explained that the witness saw himself as a member of the opposition. The spokesperson invited young people to discuss how a revolution in Syria could be avoided.

Wiedner wanted to know about the witness's story after his first arrest. Hörl recalled that the witness was told to return to Jisr Al-Abyad [Division 40]. The proceedings were faster than on the first day. According to Hörl, the witness was taken to the first room again. He was not blindfolded, and his hands were untied. He was then taken to another building where he had to provide his personal details. After that, he was blindfolded and put inside a car with four guards. They transferred him to another building and humiliated and beat him during the entire ride.

Wiedner asked whether the witness mentioned the number of the first Branch. Hörl recalled that the witness mentioned the numbers 40 and 41, however, Hörl was not sure at what point of the interview the witness mentioned these numbers.

Wiedner wanted to know whether the witness endured violence at these [ 40 and 41] branches. Hörl said he cannot assign the numbers to certain statements. Hörl added that the witness did not describe the treatment as violence, but rather explained that the beatings were used to intimidate the detainees. They were also beaten when they had to wait in the hallway, however, the witness did not view this as actual violence.

Wiedner asked about the number of the Branch. Hörl said the witness said he was in Al-Khatib. The witness did not provide a number, and explained that he only found out where he had been, at a later point.

Wiedner wanted to know whether the witness identified his place of detention as Al-Khatib. Hörl affirmed, adding that the witness said that he first found out about Al-Khatib during his trial, then again after his release when friends told him about it.



Wiedner asked Hörl about the overall situation surrounding his interview with the witness. Hörl explained that he himself wrote the minutes of the interview and therefore cannot say much about how the witness behaved during the interview. However, he could tell the court that the witness had a hard time talking about torture at Al-Khatib. According to Hörl, the witness first spoke very freely during the interview and provided long answers. When he was asked about torture at Al-Khatib, however, he provided very short answers and had to correct himself several times.

Wiedner asked Hörl to explain to the court what the witness told him and his colleague about the situation and conditions in Al-Khatib. According to Hörl, the witness said that he was first taken to a room by two guards. An officer and one guard were already waiting in this room. The witness recognized that the guard spoke a dialect that is typical for the coastal region in Syria. The witness then had to take off his trousers and belt, and was frisked. Hörl further explained that the witness told them that he had to squat while being frisked. He showed Hörl and his colleague the move he had to make. After that, he had to stand up and face the wall. When he made a compliment to a bald guard, the guard hit him. When he was taken to the cell by this guard, the guard told him that he hit the witness because he gave him a compliment. The witness concluded that the guard had a lower rank than the other people in the room.

Wiedner wanted to know how the witness described the cell. Hörl explained that the witness told them that the cell measured 1x1.5m and the only item inside the cell was a dirty blanket. The toilet was outside the cell. The food was pushed inside the cell through a small gap underneath the door. According to Hörl, a rat once entered the cell through this gap, so the witness decided to cover it with the blanket.

Wiedner asked whether the witness was interrogated in Al-Khatib. Hörl affirmed, adding that the witness was taken from the cell during the first night and was questioned about his Facebook posts, his relationship to demonstrators, and his participation in demonstrations. He was taken back to the cell, then taken to interrogation again the next morning. The guards asked the witness for his Facebook password but did not write it down correctly. He was then tortured. Hörl said the witness explained that he was tortured during his second interrogation and he remembered that it was already daylight, so it had to be morning. Torture included beating, kicks to his head, beatings with whips, and *Falaqa*.

Wiedner asked for more details about the kicks. Hörl said the witness told them that he was kicked on his head.

Wiedner wanted to know whether the witness mentioned that he recognized anyone. Hörl explained that his colleague asked the witness the same question several times. He replied that he would recognize the bald guard, whom he also described as being as tall as him (around 1.75m).

Wiedner asked if the witness said anything about the interrogators. Hörl said the witness told them that he was interrogated by two different interrogation officers. One for the interrogation at night and one in the morning.

Wiedner wanted to know more about the second interrogation and the questions about the witness's Facebook password. Hörl explained that the witness told them that when he first arrived at Al-Khatib, he was questioned about his Facebook posts and then later about the passwords during the second interrogation. However, the witness could not find an explanation for why he had to endure two separate interrogations.

Wiedner went on to ask Hörl if the witness recognized whether other detainees were tortured as well. Hörl explained that when his colleague asked the witness about Al-Khatib, she also asked him to create a sketch of the place. That was when the witness identified the direction from where he heard screams and differentiated between rooms for interrogations and rooms for torture. The witness only heard male screams from that direction, but there were female screams coming from a different direction at night as well. According to Hörl, the witness further explained that he mostly heard male screams and that he could hear interrogations from his cell. He observed that if someone admitted to the interrogator's accusation, "the torture escalated."

Wiedner asked when the witness was detained. Hörl said he was detained twice. The first arrest was in 2011. The witness mentioned a precise date during his questionings with the French Police, but during the questioning with Hörl and his colleagues, he often could not remember exact dates. The second arrest was in April 2012 and the witness was detained for one month. He was detained from April 12, 2012 until May 12, 2012, according to what the witness told the French Police.

Wiedner wanted to know which detention Hörl's just described. Hörl said he was referring to the Witness's first detention.

Wiedner recalled that Hörl mentioned sketches that the witness created. Hörl affirmed, explaining that his colleague asked the witness to make a sketch of the cells and to identify where he was detained on a map. Hörl added that the witness often identified a general region on the map and identified the Branch's location based on the surrounding buildings.

Wiedner wanted to know whether Hörl and his colleague asked the witness about certain statements he previously made to the French Police. Hörl could not remember, but they definitely referred to the French questions when they asked the witness about his personal details. Hörl further explained that he did not remember if his colleague asked additional questions related to the French questions. Hörl also did not know which documents the BKA had already received from the French Police at the time of the questioning.

Wiedner said that this would have been his next question, relating to which documents the BKA received from the French Police. Hörl said that he received two translations of the transcripts of the French questioning and two attachments that the witness provided to the French Police: the minutes of an interrogation and some kind of indictment.

Wiedner asked Hörl to continue describing the witness's detention. Hörl said that after the witness was taken back to the solitary cell, he was interrogated again after three days. He was interrogated about certain people and his car. However, he did not have a car at the time of his detention and was confused about this question. He later found out that someone allegedly shot from his car at a demonstration. According to the witness, this interrogation indicated that the people at Al-Khatib did not know the reasons for his detention.

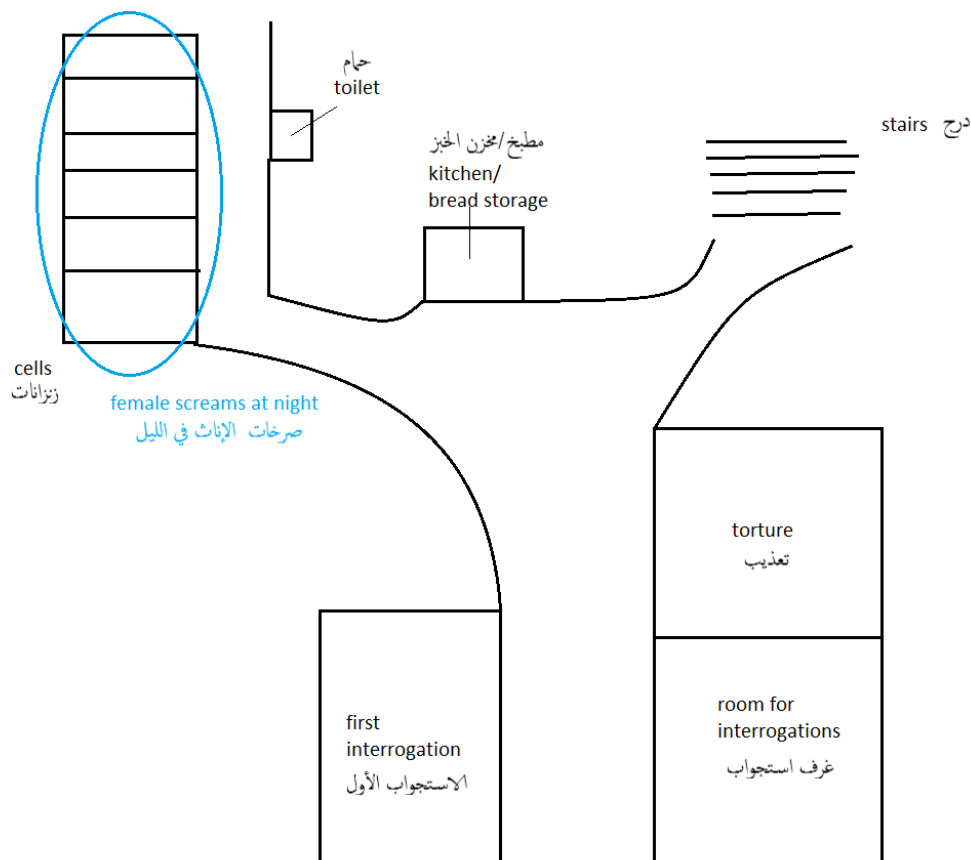
Wiedner wanted to know what happened to the witness after he was detained and interrogated at Al-Khatib. Hörl said the witness was transferred to Kafar Souseh on the day he was interrogated about his car. The witness was taken to a bigger cell in Kafar Souseh (some kind of big hall) where he was constantly kept awake. He was then taken to the Palace of Justice where he asked a person to inform his brother, who eventually arrived at the Palace of Justice with an attorney and the witness's girlfriend. The witness was then released. The second time the witness was detained, he was meeting with two friends at a café when security forces stormed the place.



He was taken to a detention facility of the Air Force Intelligence, close to the embassies of the United Arab Emirates and Qatar, as well as the Assad library. He was interrogated about his laptop and then transferred to the Air Force Branch in al-Mezzeh. Shortly before the witness was released (after one month in detention) he had to endure another interrogation. Before his own interrogation, however, he was forced to kneel and witness the interrogation of his girlfriend, [name redacted]. After his interrogation, he was taken to a collective cell for two weeks where he had to write down and sign a confession. After that, he was not interrogated again. He was transferred to another place for three nights and four days. The witness asked another detainee to contact his brother and inform him of the witness's whereabouts. By paying high bribes, his brother was able to visit the witness, who was then interrogated once more. The witness's brother paid additional bribes to arrange the witness's release. However, the witness was told to come to the Palace of Justice once more. The people there told him that they would not be in charge of his case and that he needed to come back to the palace again. The witness did not go to the Branches or palace again because he was afraid of being arrested once more.

Wiedner mentioned that the witness is not present in Koblenz. He asked Hörl whether he knows why the witness is not present and if the witness was somewhat hesitant during his questioning with the BKA. Hörl recalled that the witness told him and his colleague that he wanted to forget about everything and therefore cannot remember details. The witness did not elaborate further.

[The following is a recreation of the witness's sketch based on what the Trial Monitor was able to see in court.]



Wiedner wanted to know whether the witness mentioned if all of the rooms he included in the sketch were situated on the same floor. Hörl said he understood it that way.

Wiedner asked whether the rooms were located in the basement. Hörl said the witness described that he had to go down some steps.

Presiding Judge Kerber said she had two more questions. The first was to clarify whether the witness was blindfolded during his interrogation. Hörl wanted to know to which interrogation Judge Kerber was referring. Kerber said she was talking about the second interrogation at Al-Khatib. Hörl could not remember. He could remember the witness's descriptions regarding Jisr Al-Abyad [Division 40] very well, but not the descriptions of Al-Khatib which were quite unstructured. Hörl's colleague and the interpreter had to ask for clarification several times.

Judge Kerber wanted to know whether the minutes of the witness's interrogation [the document he provided the French Police] was discussed during the questioning by the BKA. Hörl said he could not remember. He looked at all the documents in preparation for his testimony in court, but did not remember which documents were available to the BKA at the time of the questioning in 2019.

### **Prosecutors' Questioning**

Prosecutor Polz wanted to know whether the witness mentioned which injuries he had from Al-Khatib. Hörl said the witness told the French Police that he had injuries all over his back, for which he needed medical treatment after his trial [first detention]. However, in the interview with the German Police, the witness only mentioned *Falqua* and beatings he had to endure. Hörl added that the witness said nothing about precise injuries.

Polz asked whether the witness saw dead people or people dying in Al-Khatib. Hörl explained that the witness mentioned to the French Police that generally, he would be sure that people died there, however, he never saw corpses. Hörl added that the witness further explained that sometimes other detainees from his cell never returned to the cell. However, he could not say for sure what exactly happened to them.

Polz wanted to know whether the witness described the nutritional situation in Al-Khatib. Hörl denied.

Polz asked the same question regarding medical treatment. Hörl recalled that the witness told the French Police about this, however, his colleague did not ask further questions about it.

Polz wanted to know whether the witness mentioned sexual violence in Al-Khatib. Hörl explained that he and his colleague did not explicitly ask about it. Hörl added that the witness said he asked male detainees in Kafar Souseh about it [sexual violence], however, they did not mention anything.

### **Defense Counsels Questioning**

Raslan's Defense Counsel Böcker recalled that the witness knew Raslan's name from Anwar Al-Bunni and Mazen Darwish and asked Hörl whether the witness also got information [about the case] from the media. Hörl explained that the witness told them that he knew about Raslan from Arabic media and from friends.

Böcker cited from the minutes of the witness's interview with the BKA during which he said that he knew about a colonel who defected from the regime, named Anwar Raslan. Hörl replied that if it is written in the minutes like that, it must be what the witness told them.

Böcker summarized that the witness mentioned minutes of his interrogation, injuries on his back and dead people, however, he only told the French Police about it. Böcker wanted to know why the BKA did not ask any questions about these issues.



Hörl said that he does not know, as he only wrote the minutes of the questioning. If Böcker wants more information about the reasons behind certain questions, he should ask Hörl's colleague.

Böcker asked whether Hörl consequently only knows about certain things from the minutes of the French questioning. Hörl affirmed, adding that the BKA received the German translation.

Böcker concluded that the witness did not make concrete statements with the BKA. Hörl said the witness indeed made more general comments, adding that he was not certain whether the BKA knew all these details before they interviewed the witness.

### **Plaintiff Counsels' Questioning**

Plaintiff Counsel Scharmer wanted to know whether the BKA cited from the minutes of the French interview during the BKA's interview of the witness. Hörl affirmed, adding that they only referred to the French interview regarding personal details of the witness.

Scharmer concluded that Hörl's colleague consequently did not use the French minutes to ask the witness about actual subject matter. Hörl said he cannot remember everything that was said during the interview, but if his colleague referred to the French minutes, then there would be notes about it in the German minutes.

Scharmer cited from the German minutes which said that Hörl's colleague cited from the French minutes regarding the witness's personal details and that the witness was asked whether he wanted to add or change anything. Hörl explained that his colleague conducted her own interview about the subject matter, so she did not refer to the French minutes then.

Scharmer recalled that the witness told the BKA that he had to take off his belt and trousers and had to do squats. Scharmer wanted to know whether the witness was completely naked. Hörl said the witness told them that he had to take off his belt and trousers.

Scharmer wanted to know which parts of the witness's body were frisked. Hörl said the witness's legs were frisked.

Scharmer cited from the BKA's minutes of the interview during which the witness said that he had to take off his belt and trousers and do squats. He further explained that the guards frisked him to check whether he hid anything between his legs. According to the minutes, the witness stood up to demonstrate the frisking. Scharmer added that the witness also told the French Police that he was naked. Hörl said the witness told the BKA that he had to take off his belt and trousers.

Scharmer wanted to know whether Hörl's colleague asked more questions about the frisking. Hörl said he could not remember.

Presiding Judge Kerber asked whether the minutes of the BKA's interview were re-translated and read out to the witness. Hörl affirmed, adding that they went through every sentence and he himself corrected the German minutes according to the witness's comments.

Hörl was dismissed as a witness.

Judge Kerber explained that after a short break, a 2.5-page report from the Max Planck Institute about Syrian Criminal law will be read out and the Judges will make their statement on the submission of Al-Gharib's defense to hear a graphic expert to confirm the authenticity of Al-Gharib's handwritten statement.

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[10-minute break]

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Presiding Judge Kerber explained that Judge Wiedner will now read out a report from the [Max Planck Institute for the Study of Crime, Security and Law](#) from 2019.

[due to the above-mentioned technical difficulties, the Trial Monitor was unable to understand the details of the report]

*The report was based on a request from Attorney Böcker directed to the Max-Planck-Institute for a description of the legal situation in Syria, specifically regarding murder and bodily injury.*

*The report detailed the relevant penalties for murder and bodily harm under Syrian Criminal Law, ranging from compulsory labor to the death penalty. It also explained the legal situation regarding bodily harm with fatal consequences. According to the report, the relevant laws have been in place since January 2011.*

After the report was read out, Presiding Judge Kerber announced that the Judges will now read out the court order regarding the request submitted by Al-Gharib's defense counsels to hear an expert witness who can confirm the authenticity of Al-Gharib's written statement.

[the following is a recreation of the court order based on what the Trial Monitor was able to understand in court]

*Court order regarding the request from Al-Gharib's defense counsel dated December 9, 2020 to hear a graphological expert in order to confirm the authenticity of Al-Gharib's handwritten statement.*

*The request is denied because the fact that was supposed to be proven has already been proven for the following reasons:*

*1) The submission with which the statement was submitted as evidence on December 9, 2020 already detailed how Defense Counsel Schuster received the handwritten statement. Schuster's testimony describing the reasons for Al-Gharib to write the statement, as well as how Schuster received the statement and ordered its translation, was plausible and detailed. The signature on the handwritten statement is apparently the same as Al-Gharib's signature on the minutes of his questioning with the BKA. The content of the statement was further confirmed by the court interpreters. The court therefore has no doubt about the authenticity of the statement.*

*2) The defendant himself acknowledges that he is the author of the statement. The handwritten statement, in avoidance of an oral statement, details the emotions of the defendant, as well as aspects of the trial.*

*3) It is almost impossible that the statement is plagiarism. Further, there was no reason for plagiarizing the statement.*

*For these reasons, the court denied the request to hear another witness, while confirming the authenticity of the handwritten statement.*

Presiding Judge Kerber recalled that the Prosecutors requested a severance of the trial. She said that the court will grant this request and sever the trial on February 17, 2021. Regarding the proceedings for the severance day, the court will continue to hear both cases together and read out documents before formally severing the trial.



The dates for the trial against Anwar Raslan that were scheduled for February 18, 24 and 25, 2021 will be cancelled. The trial against Anwar Raslan will continue on March 10, 2021. The court will finish taking evidence in the trial of Eyad Al-Gharib on February 18, 2021. On the same day, the Prosecutors will provide their final speech. The court will hear the final speech of Al-Gharib's defense on February 18, 2021 and will give the defendant the opportunity to make his own final statement. The judgment in the case against Eyad Al-Gharib will be announced on February 24, 2021. Judge Kerber summarized that this plan could still change in light of the overall uncertain situation [pandemic]. [Judge Kerber told the interpreters to provide everything she says on this issue to the public audience.]

Kerber further announced that Al-Gharib's defense will receive a digital copy of certain parts of the casefile in preparation of their plea. All other parties can access the hard copy of the case file as usual.

Raslan's Defense Counsel Böcker wanted to clarify the schedule for February 17, 2021. Judge Kerber said that the court will read out reports regarding CCMC [Central Crisis Management Cell] on that day.

The proceedings adjourned at 11:30 am.

### **Day 58 of Trial – January 28, 2021**

The hearing began at 9:30AM with four spectators and four journalists present in the public gallery.<sup>6</sup> Before officially starting the hearing, Presiding Judge Kerber apologized for the technical issues and asked the audience whether they could hear her, and told them to raise their hand whenever they have difficulties following the proceedings.<sup>7</sup>

#### **Testimony of P27**

P27, who wore a beanie and Covid-mask, was accompanied by his counsel, Dr. Anna Oehmichen. Presiding Judge Kerber informed P27 about his rights and duties as a plaintiff and witness. She said it is fine that P27 does not want to be recognized and to therefore wear a beanie and a mask. She further said that he can leave them on, however, to identify himself, he must take them off for a second. After identifying P27, Judge Kerber asked P27 for his personal details. P27 said he already told his counsel that his family is still living in Syria, as to why he would prefer to write down his details instead of mentioning them in court. P27's counsel, Dr. Oehmichen, spoke to P27 before requesting a short break.

Judge Kerber ordered a 5-minute break and told Dr. Oehmichen to again inform P27 about the relevant procedural regulations.

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[15-minute break]

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After counseling her client, Dr. Oehmichen approached the Prosecutors and had a short discussion with the Presiding Judge, Plaintiff Counsels and Defense Counsels.

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<sup>6</sup> No one requested access to Arabic interpretation. As announced last year, Presiding Judge Kerber did not explicitly ask the public about requesting access to interpretation.

<sup>7</sup> Note from the Trial Monitor: Technical issues surrounding sound in the public gallery were fixed the following session, see TR#26.



Presiding Judge Kerber said Dr. Oehmichen made a good proposal on how to deal with the situation.<sup>8</sup> Kerber recalled that the court already knows P27's name as she just mentioned when informing him about his rights and duties. Kerber asked P27 how old he was. P27 said he was 32-years-old. Kerber asked him whether he was related to the defendants by blood or marriage. P27 denied.

Kerber explained that she would ask rather broad questions and whenever P27 would feel uncomfortable answering, he should consult his Dr. Oehmichen. Kerber recalled that P27 conflicted with the "Syrian Regime" and asked him to provide a rough overview about how he came into conflict with the regime and where he was detained. P27 explained that in 2011 at the beginning of the revolution, he was involved in coordinating demonstrations [as the sound was low, Judge Kerber asked the audience if they were able to understand everything and asked P27 to pull the microphone closer towards him]. P27 went on to explain that he was involved in coordinating demonstrations at the beginning of the revolution in 2011. He added that in his province, there was no real coordination center. He was still a student at that time and was 23-years-old. He said he had an office with recording devices. P27 further explained that they announced demonstrations via "posts", small sheets of paper with information about the date, time, and location of the demonstrations. P27 said he was in charge of printing these sheets of paper, explaining that this took place in 2011. P27 further explained that the situation in 2012 was similar. The coordination of demonstrations at that time took place on social media. P27 said he supported different local organizations at that time and at the beginning, supported the organization in his hometown. [P27 had a short consultation with his counsel, Dr. Oehmichen]. P27 told the court that he continued his work in the following years. In 2013 [2014]<sup>9</sup> the activities slightly changed, according to P27. He said that the entire organizational work was done at a local level. He himself worked at different local organizations and with the interim government. P27 said he continued his work in Germany as well.

Kerber said she wanted to come back to the events in 2011 and asked P27 what happened to him back then. P27 said he was first arrested on May 1, 2011 and then a second time in late 2011. He explained that his first and second detention were both in the same city and he was not transferred to other Branches. According to P27, his first detention lasted a couple of days and was with the Military Intelligence Service, while his second detention lasted one month.

Kerber wanted to know where exactly and how P27 was arrested. P27 explained that both arrests took place in Raqqa. Compared to his third arrest, these two arrests however were not that bad. P27 further said that he was detained at the General Intelligence Service both times, however, there were differences in treatment. The first time, he did not have to endure *Shabh*, nor did the guards use "any hard tools."

Kerber asked at which Branch P27 was detained and how he learned where he was detained. P27 clarified that his last arrest took place in 2012, he was arrested in Raqqa and then transferred to Damascus via Deir ez-Zor and Homs. He said that this third detention was the worst and explained that he was transferred from Raqqa to Deir ez-Zor in May and had to stay in Deir ez-Zor for 4-5 days. P27 said he could not remember exactly, but he remembered that he was interrogated once or twice. He said "they" wanted to know a lot about his friends and their activities. According to P27, the questions were rather general, and "they" did not ask for specific information. P27 further explained that he was then transferred to Homs, where he was not interrogated at all. He was then transferred via a detainee transport by the police and had to stay with the military police in Homs for one night.

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<sup>8</sup> Note from the Trial Monitor: It did not become apparent what exactly Dr. Oehmichen proposed.

<sup>9</sup> Note from the Trial Monitor: The interpreter said 2013, while the audience heard P27 saying 2014.

P27 said he was then transferred to Al-Qaboun in Damascus. He explained that this Branch also belonged to the military police. He added that to his knowledge, it was an outpost. P27 concluded that all his descriptions were based on his personal experience and not of general nature.

Kerber reminded P27 to pull the microphone closer, so that everyone could hear him. P27 went on to explain that he was transferred from Al-Qaboun to the Air Force Intelligence Branch where he had to stay a couple days before he was transferred again, this time to the Palestine Branch [Branch 235]. P27 said that this was “the end of his journey.” He explained that he had to stay at the Palestine Branch for around three months before he was taken to a court in Damascus where he was released. P27 recalled that he mentioned general interrogations and said that the Palestine Branch was the only Branch where the interrogators asked specific questions and apparently knew many details about him and his friends and family. P27 said that his detention in Al-Khatib was relatively short, only 3-4 days. He said he only found out later that he was detained at Al-Khatib, however, he could not say whether he found out on his way there or on his arrival. P27 concluded that he had to stay at Al-Khatib for 3-4 days and was interrogated twice. The first interrogation took 2-3 hours and the second around one hour.

### **Judge Wiedner’s Questioning**

Judge Wiedner recalled that P27 only found out later that he was detained at Al-Khatib and wanted to know from where he knew that. P27 asked Wiedner to repeat the questions because he could not understand due to technical problems. Wiedner asked who told P27 that he was detained at Al-Khatib. P27 said he could not remember exactly. However, during their transport, their names and the number of the Branch was attached to the detainees. He could therefore not remember whether he found out about his place of detention from these sheets or upon his arrival. P27 added that it was a fact that he found out late that he was detained at Al-Khatib, Branch 251.

Wiedner cited from the minutes of P27’s interview with the German Federal Criminal Police Office (BKA) where he said that other detainees at Al-Khatib told him where he was. P27 affirmed.

Wiedner explained that he would ask his questions regarding the Syrian revolution in chronological order. He recalled that P27 told the BKA that he was one of the first people to engage in the revolution. Wiedner wanted to know when “this” started, what exactly P27 did and how the security forces reacted to the demonstrations in the beginning. P27 said he was in Raqqa where the first demonstration took place on April 25, 2011. He said he participated in all demonstrations, explaining that they coordinated the demonstrations through different internet forums. P27 said they coordinated that, for example, a demonstration would take place on Wednesday, [and his task was to print flyers]. These flyers were small sheets of paper detailing information about the demonstration.

Wiedner wanted to know whether P27 participated in the demonstrations. P27 confirmed, adding that he participated in almost every demonstration.

Wiedner asked about the reaction of the security forces, whether there was a development [in their response to the protesters] and how they used violence. P27 explained that at the beginning of the demonstrations, the security forces in his province were afraid of the reaction of the people on the streets. According to P27, the security forces were not that violent towards demonstrators for one year. He added that only some *Shabha* came to some villages from time to time.

Judge Kerber reminded P27 to pull the microphone closer, as some people in the audience could not understand what he was saying. P27 explained that the security forces were always supported by *Shabha*.

Judge Wiedner wanted to know what exactly the security forces and *Shabha* did, whether they intervened. P27 said that young and old people participated in the demonstrations and no one could dissolve them. However, the [security forces and *Shabha*] tried to dissolve the demonstrations, and often succeeded as they were informed about the details beforehand.

Wiedner asked what P27 meant by “dissolving”, whether the security forces used weapons or simply spoke to the demonstrators. P27 explained that the security forces always carried arms, but did not use them until Ali Al-Babensi [علي البابنسي] was killed. According to P27, Ali Al-Babensi [علي البابنسي] was the first person in Raqqa who died from the use of arms.

Wiedner wanted to know when that happened. P27 said it happened in March 2012, explaining that the security forces knew that demonstrations were coordinated to take place at mosques. P27 said they usually took place after Friday prayers or on religious holidays. P27 further explained that once the date of the demonstration was announced, he and his colleagues took their flyers. Usually, in cases where the date, time, and place of demonstrations were publicly known, security forces and *Shabha* were already waiting, trying to prevent the demonstrations from happening. According to P27 the security forces and *Shabha* tried to dissolve the demonstrations right after they started by arresting people and even using batons.

Before Judge Wiedner asked his next questions, Presiding Judge Kerber reminded P27 to pull the microphone closer and speak up, so that everyone in the back could hear him.

Judge Wiedner asked P27 whether he saw injured or dead people at demonstrations, caused by the security forces. P27 said he saw several injured people in front of him. Regarding deaths, he explained that the first person who died at a demonstration in 2012 was the one he just mentioned.

Wiedner went on to ask P27 about the time he arrived at Al-Khatib, how he was brought there and how he was received. P27 said, as he just mentioned, the detainees were tied to a long chain and transported in a cooling truck. He explained that they had to wear blindfolds all the time. P27 further said that he could not remember the number of his cell, however, other detainees told him the number.

Wiedner recalled that P27 mentioned a bus earlier and wanted to clarify whether he was transferred by bus or on a truck. P27 explained that he was not talking about a bus like one finds here [Germany] but rather a white car. All detainees in Syria would know what he was talking about. The vehicle looked like a cooling truck used to transport meat.

Wiedner mentioned the term “welcoming party”. P27 said that he can only describe his own experiences. He explained that all detainees were tied to one chain through their handcuffs. They left the truck/bus tied to this chain and once they were untied, they had to stand in a row facing a wall. According to P27, they had to stand like this for several minutes until the registration process was completed. However, they had to endure “assaults” from the guards during the time when they had to wait in line. P27 said the detainees were then taken to the gate of the Branche’s yard where they were beaten. The beating was not “hard.” Rather, it was used as a means of intimidation. Once they were inside the building, they were frisked and had to take off their clothes until they were naked. P27 said they had to make a certain move and squat during this procedure. They were intimidated all the time until they reached their cell.

Wiedner asked how exactly they were intimidated. P27 explained that every guard had some kind of tool, like a baton, piece of leather, etc. P27 said he does not think that the distribution of tools was structured or organized.

He described that there was a guard every five meters, beating the detainees with his tool. P27 concluded that from the moment they left the bus/truck until they reached the cell, they were constantly beaten, arbitrarily all over their body.

Wiedner wanted to know whether P27 was inside or outside when he was naked. P27 said he was inside.

Wiedner asked whether they got their clothes back. P27 affirmed.

Wiedner wanted to know where P27's cell was, what kind of cell it was and how many people were inside. P27 said he could not remember exactly; he could not even say whether it [the cell] was on the ground floor or basement. He explained that once they went inside and had to leave their personal items, they went down a relatively long hallway. He assumed that there were stairs at the end of the hallway. According to P27, the cell was around 4x3m (just like the space in front of him in the court room).

Wiedner recalled that P27 told the BKA that the cell measures 3x5m and asked P27 how many people were inside the cell. P27 said there were around 100 people inside.

Wiedner wanted to know whether there were further cells and who was detained in these cells. P27 said he could only describe what he felt. Based on screams, he guessed that there were more cells, including a female cell right next to his cell.

Wiedner asked whether he heard if someone was mistreated. P27 said he heard screams and voices around the clock. The screams were particularly loud in the morning hours and around noon. P27 explained that he cannot provide a precise time, however, he guessed it was around 10am, 2pm and 6pm.

Wiedner wanted to know whether the screams came from inside the building or outside. P27 said they came from the inside.

Wiedner asked P27 whether anyone in his cell told him what had happened to them. P27 said it was difficult to talk. Everyone was so afraid that none of them said anything. P27 added that no one spoke about whether they were beaten or the duration of their interrogation. However, P27 saw the injuries all over the bodies of his fellow detainees.

Wiedner wanted to know whether it was the rule that everyone was tortured, recalling that P27 said that everyone in his cell was tortured. P27 confirmed.

Wiedner wanted to know how P27 knew about this. P27 said he could of course not provide a statistic; it was rather an estimate. He added that almost everyone in the cell showed signs of torture. He knew one of them, [name redacted].

Wiedner asked what signs of torture P27 saw. P27 explained that one could see signs from the clothes, which were ripped in many cases, and two people had bone fractures. P27 said that many people showed signs of *Shabh* at their wrists.

Wiedner wanted to know whether P27 saw people bleeding, or signs of beatings or bruises. P27 said that of course many people had bruises, most times caused by the harsh beatings. He himself was bleeding from an ear injury, however, others were not covered in blood. P27 said that he himself did not witness any grave or deadly injuries.

Wiedner asked P27 what happened to him during his interrogation. P27 said that his first interrogation lasted around 3-4 hours. He was blindfolded, facing a wall. According to P27, there were one or two people who interrogated him. One of them had a dialect typical for people from the Northeast.



Wiedner wanted to know whether the interrogation happened on the same floor or whether P27 was taken somewhere else. P27 said he guesses that he had to go down or up some stairs. However, there were only five steps, so it must have been on the same floor.

Wiedner asked whether P27 was mistreated during his interrogation. P27 explained that actually, the interrogators only wanted to know general things. P27 assumed that they had no idea why he was detained. The questions were rather general, regarding what he did, who he was friends with and why he went to certain places. P27 added that he told the German police that he was not tortured. He told them that he was beaten during his second interrogation where he also had to endure electroshocks. P27 recalled that he also told the German police that he was beaten with a piece of leather.

Wiedner wanted to know what P27 remembered about his interrogation in this particular moment. He asked P27 whether he was mistreated and if so, how. P27's counsel, Dr. Oehmichen, intervened and said that according to P27 torture and mistreatment have to different meanings.

Wiedner asked P27 to simply describe what happened. P27 said that Dr. Oehmichen explained what he wanted to say, adding that he already explained what happened during the interrogations in Al-Khatib. At the Palestine Branch, however, he was interrogated on more occasions.

Wiedner said he wanted to focus on Al-Khatib, asking P27 whether he was beaten during his interrogations there and what he can remember from the interrogations. P27 said he already mentioned that he was beaten with different tools. He just wanted to explain to the police that he was also beaten with a tool made of hard plastic, maybe a v-belt. P27 further said that he was also beaten in the car/bus/truck and beaten all over his body. He said one could tell that the beatings were not supposed to kill anyone but to cause severe injuries.

Wiedner wanted to know whether the beating occurred as a reaction to P27's answers or just happened arbitrarily. P27 said sometimes they were a reaction and sometimes he was beaten just like that.

Wiedner cited from the minutes of P27's interview with the BKA where he said that before his interrogation, he had to wait for 2 or 3 hours. He had to stand during this time and was beaten and kicked harshly. He further told the BKA that he did not know whether the beatings were a reaction to certain things, however, he was under the impression that whenever the person got tired, the guard used a v-belt to continue his beating. According to P27, he did not suffer bone fractures, but other detainees did. P27 confirmed the statement.

P27's counsel, Dr. Oehmichen, asked for a 10-minute break.

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[25-minute break]<sup>10</sup>

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<sup>10</sup> Note from the Trial Monitor: during the break, the judges approached the audience to ask them for feedback regarding sound. After a short discussion, the only Arabic-speaking spectator, a non-accredited journalist, received a device to hear the witness's original testimony. However, she could still not understand the German statements, as she did not get access to the interpretation. Presiding Judge Kerber added that handing out the device would not be a precedent for future requests, as it was only due to the situation and the fact that the number of people in the audience was very small. Access to devices for the German channel, as the parties use them, was denied for the audience.



Presiding Judge Kerber reminded all parties to always pull the microphone close when speaking, so that everyone in the audience could understand them.

Judge Wiedner said he has some more questions about P27's first interrogation in Al-Khatib. He wanted to know whether the interrogation room was close or away from P27's cell. P27 said they walked there for about one or two minutes.

Wiedner cited from the minutes of P27's interview with the BKA where he said that the place of interrogation was far away from the cell. The area where the cells were had a strong smell, however, the place of interrogation did not smell. P27 confirmed.

Wiedner recalled that the BKA further asked P27 about the floor on which the interrogation took place. According to the BKA's minutes, P27 explained that he assumed that the cells were in the basement, as there was no daylight. Even though he was blindfolded, he felt that it was brighter at the place of the interrogation. P27 again confirmed.

Wiedner wanted to know the number of people present at P27's first interrogation. P27 said there were one or two people.

Wiedner asked whether they spoke with one another. P27 affirmed.

Wiedner asked whether there were orders to beat him. P27 said there were orders, however, he could not remember exactly. He added that he was interrogated by only one person.

Wiedner asked about the hierarchy between the two people. P27 said he assumes that one of the people at his second interrogation had a certain rank, as the others called him "Sir" [sidi/sayyidi].

Wiedner wanted to know whether P27 had to squat at his first interrogation. P27 said the BKA asked the same question, however, he could not remember whether he had to stand or kneel.

Wiedner recalled that when the BKA asked P27 which of his body parts were beaten, he replied that he was beaten everywhere, adding that at every break, he had to squat three to five times. He was then beaten and kicked so the guards could instill fear and terror. He further told the BKA that he was also beaten in reaction to his answers. P27 confirmed.

Wiedner asked P27 what the interrogators wanted to know from him. P27 said that he was under the impression that the people at the interrogation did not know what he allegedly did and had no information about him or the people in his group. P27 added that this, however, was only his personal impression.

Wiedner recalled that P27 was interrogated a second time. P27 confirmed.

Wiedner asked about the procedure. P27 explained that it was similar to the first interrogation, but shorter.

Wiedner wanted to know whether P27 was beaten/mistreated during the second interrogation. P27 affirmed.

Wiedner asked whether there were again two people who interrogated him. P27 said there were two people, maybe more.

Wiedner concluded that there were three people. P27 confirmed.

Wiedner wanted to know whether there was anything special about the third person. Raslan's Defense Counsel Böker intervened, saying that P27 did not confirm that there was a third person. Wiedner said he understood that P27 clarified that there was a third person.

P27 explained that during his first interrogation, there was definitely one or two people. The two of them were not both present all the time. At his second interrogation, there were two people and a third person. P27 explained that he did not know whether the third person was present the entire time. He could not see them and only differentiate between them by their dialect and voice. He said one of them had a dialect typical for the coastal region. Two other people did not have such a dialect.

Wiedner confirmed that P27 told the BKA the same information, as he explained to them that he could not say with certainty that all three people were always present. Wiedner further cited from the BKA's minutes saying that P27 mentioned that the third person came from time to time and was called "Sir" [sidi/sayyidi]. According to P27, this person also asked him questions and was the boss of the two other people. P27 confirmed this statement.

Wiedner went on to ask P27 about the general detention conditions at Al-Khatib, especially related to air, food and hygiene. P27 said that the hygienic situation was very bad. The air was very humid due to the high number of people. P27 further said that many people had to wear their shirts inside-out because they were so dirty and covered with flies. According to P27, many detainees developed bad allergies. He said that he could not tell whether there was medical treatment in Al-Khatib, however, he never saw any medical treatment. Regarding the food, P27 mentioned that they only got two meals a day. Most times they got rice or potatoes or Syrian lentil soup. P27 added that there was no air conditioning in the cell. That was how he could tell whether he was inside the cell or somewhere else. He said that it was very hot and stuffy inside the cell, which had a strong smell. P27 explained that even though the cell was only separated by a door, there was a big difference regarding quality of air inside the cell and in the hallway. P27 said there was only one toilet inside the cell, which was only separated with a piece of textile. All detainees had to drink from the same plastic bottle.

Wiedner asked about the general condition of other detainees and wanted to know whether some of the detainees were sick. P27 said that many people had certain signs on their body, however, he could not tell whether there were people with chronic diseases.

Wiedner cited from the minutes of P27's interview with the BKA, during which he said that detainees were detained for different durations of time lasting from days to months. Many were very thin and one had diabetes but did not receive medicine in Al-Khatib. P27 confirmed the statement.

Wiedner recalled that P27 mentioned signs of *Shabh* on the wrists of fellow detainees. Wiedner asked P27 how he knew that these signs were caused by *Shabh*, whether he heard about it from others or whether he witnessed it himself. P27 said he did not see it himself.

Wiedner asked whether P27 saw any gadgets like rings or hooks. P27 denied, explaining that with his blindfolds he could only see batons and the pieces of hard leather that he already described. He added that in the collective cell, there were gadgets on the ceiling, but no one hung there.

Wiedner wanted to know how P27 knew about this method [*Shabh* - hanging people by their arms with their feet above the floor]. P27 explained that he himself had to endure *Shabh* at the Palestine Branch, adding that this was where he saw all the torture methods and was then able to differentiate between them.

Wiedner asked whether anyone in Al-Khatib mention anything about torture. P27 affirmed, explaining that most of them were tortured during interrogation. P27 said he did not ask anyone directly; they spoke about it in general. He said that every time people returned from interrogation, he could see signs of torture on their bodies. P27 further explained that detainees also gave each other advice.



Wiedner wanted to know whether anyone explicitly told P27 about *Shabh*. P27's counsel, Dr. Oehmichen, said her client already answered the question. Presiding Judge Kerber intervened, saying that P27 did not answer the question yet. P27 said "yes".

Wiedner wanted to clarify whether P27 meant that someone indeed told him about *Shabh*. P27 said that they were talking about things that happened nine years ago, however, if he remembers correctly, someone explicitly told him about *Shabh*.

Wiedner asked whether anyone explicitly mentioned other methods [of torture] such as electroshocks. P27 affirmed.

Wiedner asked P27 to turn to his right and wanted to know whether P27 recognized one of the defendants from "back then." P27 denied, explaining that he does not recognize anyone from back then, however, as he already told the BKA, he recognizes one of them from the media.

Raslan's Defense Counsel Böcker intervened, asking what exactly P27 saw on 'social media.' P27 said he saw Raslan's picture in the media.

Wiedner went on to ask P27 whether his relatives were informed about his detention and knew about his whereabouts. P27 denied, adding that his family only knew that he was in Al-Qaboun once he was released from Palestine Branch. According to P27, they knew from third parties.

Wiedner recalled that P27 was detained at different detention facilities and asked P27 - admitting that this would be a strange and difficult question - to compare Al-Khatib to Palestine Branch and say whether Al-Khatib was better or worse regarding overall condition and mistreatment. P27 said that his arrival at both Branches, from the time he left the bus to when he entered the cell, was the same. However, one difference related to the number and duration of interrogations, which was greater and longer at Palestine Branch. P27 added that beatings at Palestine Branch were also more intense and involved deadly beatings.

Wiedner wanted to know whether P27 heard anything about sexual assault at Al-Khatib. P27 said he did not hear anything about that matter when he was there, but he did once he was released.

Wiedner recalled that P27 told the BKA that he heard from fellow detainees at Palestine Branch about sexual assault in Al-Khatib and instances where detainees were raped at Al-Khatib. P27 explained to the BKA that he only heard about such instances. P27 confirmed the statement.

Wiedner said he had one more question for P27, if he felt comfortable answering. Wiedner asked P27 whether he suffered any physical or psychological consequences from his time in Al-Khatib. P27 said he had no physical damage from Al-Khatib and that his psychological damages related to his entire time in detention. Wiedner said he was aware of that. P27 added that, if the court allowed, he wants to add that while he might get confused from time to time regarding certain details such as whether he went upstairs or downstairs or the number of people, he is sure that Al-Khatib is a horrible place and that calling it horrible would still be a nice description. After a short consultation with his counsel, P27 added that Dr. Oehmichen reminded him that he received psychological treatment for 1.5 years after his detention.

### **Prosecutors' Questioning**

Prosecutor Polz recalled that P27 saw Raslan's picture on social media and asked him whether he had any knowledge about what Raslan did after he left Syria or about what he did at all. P27 asked whether Polz wanted to know whether he knew what Raslan did. Polz confirmed. P27 said he was the head of interrogation at Al-Khatib.



Polz wanted to know how P27 knew that. P27 said that in 2013 or 2014 he spoke to a friend in Turkey. This friend told him that Raslan joined the opposition and previously worked at Al-Khatib.

Polz asked whether P27 believed his friend when he told him that Raslan joined the opposition. P27 explained that he did not realize the information, because the word “interrogator” was already scary itself.

Polz wanted to know whether Raslan, during his time with the opposition, “supplied anything or was of worth for the opposition”? P27 said he cannot provide an answer.

### **Defense Counsels’ Questioning**

Raslan’s Defense Counsel Böcker wanted to know whether P27 can imagine that Raslan participated in an opposition conference in Egypt. P27 said he heard about it through the media.

Böcker asked when P27 heard about it. [Judge Wiedner had to remind Böcker to speak up so everyone could hear him.] Böcker recalled that P27 previously mentioned that he heard about Raslan around 2013/14 and asked P27 to confirm this. P27 did not know to what Böcker was referring. Böcker clarified that he was talking about Raslan’s participation in a conference in Egypt. P27 explained that he heard about a defected person who had the rank of an investigator. However, he was not sure whether this was in 2013 or 2014.

Böcker recalled that P27 told the police that he learned about Raslan joining the opposition at the time “of the liberation of Raqqa”. Böcker asked P27 whether he remembered the statement and if he could explain when he heard about it. P27 asked whether Böcker wanted to know if he heard about the statement in 2013 or 2016. Böcker explained that he wanted to know when in 2013 or 2014 did P27 hear about [Raslan joining the opposition]. P27’s counsel, Dr. Oehmichen, asked Böcker to provide more context. Böcker recalled P27 saying that he heard about Raslan, so his question was when exactly he heard about it. Böcker repeated the citation from the BKA’s minutes. P27 said he cannot remember the exact date; however, it was between the end of 2013 and mid-2014.

Böcker wanted to know whether it is correct that P27 got information about the conference around the “time of the liberation of Raqqa”. P27 did not know whether he previously phrased it like that. Böcker asked Dr. Oehmichen to take over. Dr. Oehmichen read out the relevant section from P27’s interview with the BKA. P27 said that [as reflected in the BKA interview citation read by Dr. Oehmichen] he did indeed learn about the conference at the time of “the liberation of Raqqa”.

Raslan’s second defense counsel, Fratzky, wanted to know why P27 felt that Anwar Raslan joining the opposition was unusual. P27 said that he did not personally know Raslan, but he wondered why Raslan joined the opposition when he heard other names [of people who joined]. He added that the defection of the head of interrogations at an intelligence branch would not be strange per se, however the rank/title sounded scary to P27 and his friends.

Fratzky wanted to know whether P27 knows of former “employees of the regime” who joined the opposition. P27 affirmed.

Fratzky asked why it sounded strange to P27 that Raslan joined the opposition if P27 heard of similar cases. P27 said it often happened that people defected and joined the opposition. However, he did not want to believe that an interrogator who might have interrogated him did such a thing. P27 concluded that he could not say whether Raslan actually was the person who interrogated him or not.

Al-Gharib’s defense counsel, Schuster, recalled that the BKA asked P27 about demonstrations and he told them about tribes that ruled the area. Schuster asked P27 to explain what he meant by that. P27 did not understand the question.

Schuster pointed to P27's statement that the security forces tried to be careful at the beginning of the demonstrations because they knew that the region was ruled by tribes. P27 explained that "ruled" would probably not be the best term, however, the region was dominated by tribes. P27 added that this was not his own opinion; one could google it.

Schuster said he tries to understand all the aspects of the Syrian conflict but does not always get them. That is why he asked P27 this question. He asked P27 for more details on the relationship between the tribes and the government's careful reaction. P27 said that after a while, the government became more confident in its reactions. He added that in 2011 the government was rather careful due to the tribes in the region. P27 explained that if, for example, someone from one of the tribes was killed, the government feared the reaction of the tribe and that the tribe might oppose the government.

Schuster wanted to know which tribes P27 was talking about and asked him about their names and ethnicities. P27 said there are people who know more about this topic than him.

Schuster asked whether it was correct that the majority in Raqqa were Sunnis. P27 said that if Schuster wants statistics, he must ask someone else because he could not really answer the question.

Presiding Judge Kerber asked Schuster whether he was fine with the answers. Schuster affirmed.

#### **Plaintiff Counsels' Questioning**

P27's counsel, Dr. Oehmichen, asked P27 whether he thinks that Anwar Raslan actually joined the opposition. P27 said it would be difficult to answer this question.

Raslan's Defense Counsel Böcker intervened, saying that the question was already answered and that all questions should relate to facts, not speculations. Dr. Oehmichen said she is fine with the answer anyway.

Böcker further stated that the schedule for the coming weeks was confusing. He asked the judges to clarify it. Presiding Judge Kerber and Judge Wiedner repeated the schedule for the coming weeks.

The proceedings adjourned at 12:15PM.

The next hearing will take place on February 3, 2021.