

TRIAL OF ANWAR RASLAN and EYAD AL-GHARIB

Higher Regional Court – Koblenz, Germany
Trial Monitoring Report 40
Hearing Date: July 07, 2021

CAUTION: Some testimony includes descriptions of torture.

Summaries/Highlights:¹

Day 81 – July 07, 2021

P39, a plaintiff in the trial, testified about his detention at Al-Khatib. He was detained at a women’s demonstration demanding the end of the siege of Dara’a and had to endure torture in Al-Khatib, using electroshocks, amongst others. To this day, he suffers from the consequences of his detention but now is receiving psychosocial support. He also described one instance, when he met a young boy of about 15-years-old, who had been raped with a wooden broom stick by an interrogation officer.

Day 81 of Trial – July 07, 2021

The proceedings began at 9:30AM with seven spectators and three members of the press in the audience, including P12 and a court illustrator. The prosecution was represented by prosecutors Klinge and Polz. Defense counsel Ziorovski substituted for Böcker.

Judge Kerber announced that the trial session on July 22 would start at 10:00AM.

Testimony of P39

P39, a 62-years-old Syrian was accompanied by his plaintiff counsel Dr. Patrick Kroker. P39 was informed about his rights and duties as a witness. He denied being related to the defendant by blood or marriage.

Questioning by Judge Kerber

Judge Kerber explained that the court knows that P39 had also been detained in other branches but that the court was more interested in Al-Khatib Branch. Kerber asked P39 to tell the court about himself and how he came to be in conflict with the regime.

P39 repeated his name and age, then explained that he used to own a company for hair-cream and gel. He graduated from Damascus university –faculty of economics and commerce.

P39 described how he was detained for the first time on May 02, 2011. The reason for this detention was that his wife is from Dar’a درعا where the revolution first started. The regime had besieged Dar’a for three months.

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

The family of his wife was in Dar'a where the people of Dar'a [including his wife's family] had no milk nor bread and she [the wife] was upset. She heard an announcement for a demonstration in Arnous square ساحة عرنوس demanding the end of the siege on Dar'a. P39's wife and two daughters went to the demonstration carrying signs demanding that milk and bread must be brought to Dar'a. P39 joined them only to film/take photos² as a souvenir. P39 took 12 to 15 photos and within a few minutes security forces were in the square. "We" saw the security forces coming, therefore left the demonstration and went 100m away. One of the staff [security forces] pointed at the group that P39 was taking photos of.

At that time, 6 to 10 people from the staff came and detained P39 in front of his wife and children using severe beating on all of his body. P39 was taken to a car in which there were already detainees inside whom P39 did not know. They were taken to Division 40³ which is approximately 100m away from the square. They entered the branch and went upstairs, maybe to the second floor.

There was a big corridor with detainees who were already there before [P39 and the group of detainees] arrived and P39 did not know them either. There were 3 to 4 girls among them. P39 was blindfolded and his hands were tied behind his back with a plastic strap. P39 asked the court whether he should go into more details. Judge Kerber said that P39's narration was detailed enough.

P39 continued explaining that they waited around 1 or 1.5 hours. Guards were taking every person to an officer. P39 went inside a room to an officer who was bad and had a foul mouth.

Judge Kerber asked P39 to describe where he had been. P39 said in Division 40.

Judge Kerber asked P39 to describe the shape of the building etc. P39 replied that the building was made of stone, and it had 2 to 4 floors. The group of detainees was brought in from a side entrance, not through the main one, and they were taken to the second floor where they were blindfolded and P39 could not see [around] anymore. P39 explained that he knew the building because his uncle's house is [information redacted] away from Division 40.

Judge Kerber asked if P39 knows what street the division is in, or which landmarks there were. P39 explained that it was a side road from Al-Jisr Al-Abyad الجسر الأبيض street. As P39 had to walk down the stairs to Division 40, there was a wide set of stairs (about 50 steps), then a backdoor entrance to the branch. At the door, there was a big guard point. [information redacted] lies his uncle's house in [information redacted]. It was the only branch in that residential area [no other security buildings in that area]. The buildings were old-fashioned, build in the 1950s in a French style.

Judge Kerber wanted to know what happened next. P39 went on to describe how he arrived to the officer who accused P39 of being an agent for the US, Israel, and Saudi Arabia. P39 noted that he forgot to mention a small detail: when he was detained in the car [at the square], his mobile phone, ID card, and wallet were taken so P39 had nothing on him when he went to the officer. The interrogator/officer asked P39 why he had been filming/taking photos. P39 answered that it was just a women's demonstration. The interrogator asked P39 about his religion and P39 said that he was a Muslim. He further asked P39 whether he was a member of a [political] party, which P39 denied. A person from the staff was called in and took P39 outside the room. P39 waited outside for more than an hour.

² Note from the Trial Monitor: P39 used an Arabic word that could mean "to film" or "to take photos". Most probably he meant the second meaning, as he mentioned in the beginning that he took photos.

³ Note from the Trial Monitor: The witness sometimes referred to Division 40 as Branch 40. Throughout the report it will be referred to as Division 40 for consistency purposes.



“We” [P and other detainees] were then taken downstairs and outside through the side entrance, blindfolded and tied [handcuffed], to a small bus that fits 20 to 25 people and that had curtains all around (it was very dark [inside]). P39 tried to move the blindfold a bit, but [one of the staff] hit P39 and put it back on.

The bus moved for less than an hour (about 40 minutes). During the course of the bus ride, P39 knew where he was heading; it was his route that he walked in [often/everyday]. When the bus arrived at Al-Khatib [Branch], P39 knew that this is where he was. P39 knew it when the bus entered the square/yard of the branch. The house of P39’s family is in the same area, about [information redacted] away. P39 added that he lived there for 30 years and spent his childhood there. There is a park opposite Al-Khatib which he knows. P39 said he knows every stone [dent] there [it was unclear whether he meant in the park or the area].

When they got off the bus, the distance to the branch’s door was 50 to 60m and on the way there were staff of the branch holding sticks and electroshock[stun] batons. They started to beat the detainees until they arrived at the branch’s internal door; they [guards] call it a “Welcome Party”.

When P39 arrived near the branch, one of the staff hit him with an electroshock[stun] baton on his shoulder and it was painful. The group of detainees went down the stairs (10 to 12 steps) to the underground basement. The security personnel removed the blindfolds but kept the detainees handcuffed. They went to the right, passing through a long corridor (10 to 15m). P39 entered a big room (50 – 60m²)⁴. Inside there were detainees whom P39 did not know. At the entrance of the room, there were four people from the staff who asked the new detainees to take off their clothes, which they did while being beaten with a cable. The guards searched the clothes and gave them back to the detainees to put them back on, but the guards took away their metal belongings [belts and keys]. Their treatment was very bad.

The security personnel told the detainees to enter the room and sit in the back of it, if P39 recalled correctly. In the room there were two windows that looked into the interrogation room, which P39 noticed during his interrogation. From these two windows, P39 heard sounds of torture; disturbing sounds, which “we” heard over four hours of waiting in the room. After four hours, P39’s name was called. He again passed through the [same] corridor that they went through upon entrance, which lead to a hall with multiple doors. P39 entered a room where Anwar Raslan was along with another officer, Khedr Khaddour. *خضر خضور* P39 knew their names from the “ones which were put on the desk” [from the name plates on the desk]. P39 read the other name as Khedr Khaddour, however, read the first name of the second name plate as “Anwar” or “Muneer”, but he was positive that he read “Raslan”.

Judge Kerber asked P39 whether he was blindfolded which P39 denied. In the first “interview” [interrogation], he was not blindfolded.

Judge Kerber asked P39 to confirm that the names on the plates were the first- and surnames, which P39 did. However, P39 did not look for too long, because he [one of the two officers] was giving P39 looks, but P said he remembered the names.

Judge Kerber wanted to know how many desks and people were there in the office. P39 said three tables; two at the back and one to the right. Judge Kerber asked if there was a person behind each desk. P said yes, Khedr [Khaddour] and Anwar [Raslan].

⁴ P39 first said “meter”, the interpreter made sure P39 meant “square meter”.

Judge Kerber asked if the ranks were included on the name plates. According to P39, they were: Captain النقيب Khedr [Khaddour] and Colonel العقيد Anwar [Raslan].

Kerber asked what happened next. P39 described that [the interrogator, most probably Raslan] started to ask P39 about his name, age, work, and why P39 was brought there. P39 told him that he was filming/taking photos of a women's demonstration for Dar'a and his wife and daughters [who were participating]. [The interrogator] wanted to know if P39 knew Shukri Al-Quwatli, the former president of Syria during the time of the independence of Syria. P39 told him that Shukri Al-Quwatli would be "our" [P39's/his family's] great-grandfather, namely the grandfather of P39's father. The interrogator asked P39 if he knew someone from Homs حمص so P39 told him that his cousins are from "Raslan" family as well. P39 explained to the court that he does not know if they [P's cousins and Anwar Raslan] are related).

The officer asked P39 about [names redacted]. At that point, P39 felt that the interrogator was interacting with him kindly. P39 asked him why he [P39] was there and what his charges were, but the interrogator told him "Later".

P39 asked him what he [P39] was doing in Al-Khatib Branch. The interrogator got upset/annoyed and P39 could see the rage in his face, and his [the interrogator's] treatment with P39 changed 180 degrees; he [the interrogator] denied and said that it was not Al-Khatib. P39 replied "Yes, it is. I know the whole area". The interrogator denied again and P39 replied in the same way. The interrogator called a person from the staff and told him to get P39 off outside and keep him there.

Kerber asked if P39 remembered the clothes the interrogator was wearing. P39 said that Raslan was wearing a gray-colored track suit. It caught his eye that it was [from the brand] Adidas.

Kerber asked P39 whether he recognized that person among the people in the courtroom. P39 affirmed, it was the one to his right [i.e. Raslan], but he had more weight back then.

Kerber asked P39 to describe what happened next. P39 explained that he returned to the 60m²-room and waited there for around an hour. Then, one of the staff came with a list of names and called 10 to 15 names, including P39's name. The guards took [those whose names were called] to a room with 7 or 8 people already inside. That room was less than 3m² and had an exposed toilet that stank.

P39 entered the room and started getting to know the people ("Where are you from? What have you done?"). The people answered that some were there for 10 days, some for 20 days, or one month, one of them was there for a year. The room was dark and there was one light only. They did not know whether it was day or night. They stayed in the room for 3 to 4 days. The food was very bad and inedible. P39 decided not to eat it and did not eat for 2 or 3 days. The one who was there for a year prior to P39's arrival told P39 - P39 was the oldest among them - "Uncle, eat! You might stay for a year. You should strengthen yourself!". During the three days, P39 asked for medicine as he suffers from cardiac and blood pressure disease, but they did not respond and cursed him. After 3 to 4 days (P39 did not remember) his name was called and he was taken to the interrogation room. Guards took off all of P39's clothes, blindfolded him, tied his hands, and put him inside the interrogation room. Captain Khaddour was there along with Raslan. P39 identified Raslan from his Homs dialect, and Khaddour from his coastal dialect.

Kerber interrupted reminding that many people speak these dialects and wanted to know how P39 identified these two specific people. P39 replied that maybe at his age, he had interacted with many people and during the interview [interrogation] he could identify them.

Kerber asked if there was something in Raslan's dialect that distinguished it from the dialect of other people from Homs. P39 denied, saying almost all people in Homs talk like that. Kerber asked P39 how he then was able to identify Raslan. P39 said from his Homs dialect.

Kerber told P39 to go on explaining what happened to him next. P39 described how he entered the room and Khaddour asked him why he had been taking photos and for what. He [Khaddour] told P39 that [P39] was being charged with selling photos to Al-Jazeera in Qatar and Future [TV] in Lebanon. P39 denied the allegations and said that the photos were meant to be a souvenir for his wife and children which can be proven because they were included in all photos. The interrogator told P39 "Ok!".

P39 sat on a chair. The interrogator [Khaddour] lifted P39's blindfold and told him to cast his sight downwards. He [Khaddour] had printed out pictures. He showed P39 the photos and asked who the people on them were. P39 identified his wife, his older and younger daughters, but P39 did not know the rest except for his wife's [female] friend. Khaddour showed P39 a photo of him taking photos (P39 did not know where he [Khaddour] got that from) and told him that this photo convicts him of having taken photos. P39 asked if it was prohibited in Syria to take photos/film and that he saw foreigners doing the same, and told Khaddour that it was not prohibited by the Syrian law. He [Khaddour] accused P39 of selling photos to Al-Jazeera, pulled a gun, loaded it, put it to P39's head and started hitting P39⁵ and telling him that he would make P39 confess that the photos were for Al-Jazeera.

He [Khaddour] called in 3 to 4 people from the staff. P39 was sitting, and he [Khaddour] raised his foot and kicked P39 on the floor and told them "See your work" [word for word translation; the expression could mean colloquially: "mind your own business" or "do your work/business"]. P39 heard whispering between Raslan and Khaddour, but he did not understand anything.

They [the staff] began to beat P39 with electric cables for about 10 minutes or a bit more. P39 screamed as he had never done before in his life, because when P39 was in the room [the shared cell], one of the people told him that when they interrogate him, he should do either of two things: either bite his hand and do not emit any sound at all, or scream loudly to satisfy his torturer's drive, which was indeed what P39 was doing, screaming loudly. P39 was broken-down and tired.

Kerber asked P39 to reaffirm who showed him the photos. It was Captain Khaddour. Kerber asked P39 who kicked him. It was Captain Khaddour, too, but P39 believed that it was upon Raslan's orders. Judge Kerber asked where he was kicked. It happened in the same room as the interrogation. Judge Kerber asked whether P39 was blindfolded, which P39 affirmed. Kerber wondered how P39 could see the photos. P39 explained how when he looked at the photos, he had to keep his sight downwards but [Khaddour] briefly lifted the blindfold to show P39 the photos.

Questioning by Judge Wiedner

Judge Wiedner wanted to know if the interrogation room just described was the same room where P39 was interrogated the first time, which P39 affirmed.

Wiedner asked whether the interrogation room was on the same floor as was the cell. According to P39, both were on the same (ground) floor. P39 did not have to use stairs. He explained, that by "ground floor", he technically meant the basement, he went 10 steps downstairs.

⁵ Note from the Trial Monitor: P39 did not specify if it was light hitting or rather strong blows, but from the context it could be understood as slight taps with the gun against P39's head.

Wiedner asked if P39 saw the interrogator when the blindfold was lifted. P39 said he could only see his feet/legs and the floor tiles. P39 added that the colour of [the interrogator's] desk was wooden. Wiedner asked if the desk was the same as the first time P39 was in the room, which P39 affirmed. Asked, whether he saw the feet of one or two people, P39 replied he saw one person. Wiedner asked P39 if he remembered what that person was wearing but P39 did not.

Wiedner asked P39 if he could hear screams coming from the room where he was interrogated the first or the second time. P39 said that regarding screaming, they always came from this and from other rooms. P39 added that he did not know where these room were.

Wiedner reminded P39 to point out whenever he wants a break.

Wiedner asked P39 to continue to describe what happened, chronologically, after the interrogation. P39 explained that after the interrogation and when "they" finished the beating, [the interrogator] called the staff and told them to get P39 outside. They dragged P39 from his leg/foot to the "room" [his cell]. "He" [maybe one of the staff who dragged him] removed the blindfold and untied P's hands, told P39 to take his clothes, and "they" put him in the room where he had been taken from. When P39 entered the room, the detainees started to put cold water on the cable marks [injuries] on his back and arms.

Wiedner asked P39 if he got wounds and at which sites. P39 told the court that most of the beating was on his back and legs/feet. When they were beating P39, his abdomen and face were on the floor, and his hands and legs/feet were tied. Mostly, they [injuries] were on the back, shoulders, thighs, and legs/feet.

Wiedner asked P39 if he was beaten on the soles of the feet. P39 said he was hit underneath the legs/feet.⁶ Wiedner asked P39 if he meant the feet to which P39 replied yes.

Wiedner asked P39 to continue. P39 told how he entered the room and the detainees put cold water on him. P39 was not able to sleep the whole night due to the pain and aches in his body. After 3 to 4 days, his name was called and he was put in a solitary cell. There were 10 to 12 doors [in the corridor/space outside the solitary cells] and P39's cell number was 2 or 3, as far as he remembered. They put P39 inside [the cell], which measured 1 x 1.5 or 1.75m, most probably 1.5, because when P lied down, he could not stretch his legs.

The cell was very bad and stank. There were 2 or 3 blankets that were bad. According to P39, even animals would not live there. P39 explained he got upset and started to hit his head and feet/legs against the wall. It was the first time P39 entered such a place. P39's psyche got ill. He could not tell day from night. The only time P39 could tell was when there was Athan [call for prayer]; there was a mosque nearby where P39 used to pray. By the sound of the call for prayer, P39 was able to tell that it was noon, afternoon etc. 3 to 4 days later, the [cell] door was opened suddenly.

P39 added that they [detainees in solitary cells] were taken to WC at 07:00AM and PM. Wiedner asked if that was always the case during detention. According to P39 it was like that only in the solitary cell and it was usually around 7 –8 AM and PM.

P39 continued his narration saying that one day, the door was opened suddenly, and he saw three of the personnel coming with Raslan behind them who told them "Take off his clothes" which they did. P39 saw they had a device with them, 70x30cm, that had electric cables.

⁶The interpreter explained that the word P39 was using could mean legs and feet.



They blindfolded P39 and tied his hands with a handcuff (but not “a conventional one”, but rather a metal one) [meaning proper handcuffs instead of plastic stripes/cable ties]. His hands were behind his back and he was facing the wall. P39 felt that one of the staff connected the cable to the handcuff. After some time, a minute or two, P39 felt something striking in his hands and going up to his head as electricity. Its intensity was increasing and decreasing. After 4 – 6 shocks, P39 felt that they splashed him with a large amount of water and then electricity ran into him with high electric shock that made him feel that he would die. P39 started to beg them and told Anwar [Raslan] he would confess anything they wanted. One of the staff or Anwar [Raslan] (P39 did not know) told P39 that he had to forget that this was Al-Khatib Branch and that he [the talking person] would be bringing P39’s wife, daughters and son to the branch and make the staff rape them, until P39 admits that it [taking the photos] was for Al-Jazeera. P39 told him that he would admit/confess whatever he [the talking person] wanted. Within 10-20 minutes, P39 was shocked about 15 times, and water was poured over him twice. They removed the electricity [device/cables], the handcuff from his hands, and the blindfold. P39 looked at his hands and saw blood coming out as he saw it for the first time in his life [he saw his hands bleeding profusely].

Kerber asked P39 if he wanted a break. P39 said yes.

[10-minute-break]

Wiedner recalled that, before the break, P39 was telling how Raslan came along with other staff, P39 was tortured with electric shocks and was screaming. Wiedner asked P39 to summarize who was there. According to P39 when he was in the solitary cell, 3 to 4 guards came and Raslan was behind them. They tied P39 and the electric shocks occurred [started].

Wiedner reaffirmed if it was correct that P39 was initially not blindfolded in the cell. P39 repeated they blindfolded him when they opened the door and P39 saw the device. The one [guard] who handcuffed P39, also blindfolded him.

Wiedner asked P39 what the person did whom P39 identified as Raslan. P39 replied that he [Raslan] did nothing, he was behind the staff.

Wiedner told P39 to describe what he saw before he was blindfolded. P39 said he saw the door being opened suddenly. P39 was on the floor and stood up. He then saw 3 – 4 of the staff and Raslan behind them. When asked about it, P39 stated that Raslan did not say anything. Wiedner explained that he was asking that because P39 explained during the police questioning how “on the third day, a guard came, blindfolded, and handcuffed P39. P39 could not see much in the room, but felt that the device was connected to him”. Wiedner pointed out that P39 mentioned multiple guards now [in the trial session]. P39 said that one of the guards was the one who opened the door and entered inside, but they were 3 – 4 outside the cell door.

Wiedner asked about how many people were there after P39 was blindfolded, to which P39 replied 3 – 4, as he said. He could determine that, because he saw them. Wiedner asked whether he could see them after he was blindfolded. P39 said he saw nobody [after he was blindfolded], it was all black, however, he saw these people when the door was opened.

Wiedner asked P39 if he heard verbal instructions but P39 explained he could not hear anything when he was shouting and screaming.

Kerber recalled that P39 said that he could not see and there was no light inside the cell. P39 said that there was a small, dim light bulb and air-suction. Kerber asked if he could see the floor or the corridor. P39 said that the light was bright enough for one to see.

Wiedner refreshed P39's recollection quoting from the police questioning transcript "There were two people talking but it was not Khaddour". P39 said that two people were talking, but there were more than two. P39 could not understand them because he was screaming.

Wiedner asked P39 to continue his narration. P39 went on telling the court that they removed the handcuffs. He then looked at his hands and saw blood and his fingernails were hurting. The most pain was in his shoulders and the back of the head. At that moment, P39 collapsed on the floor.

P39 stayed in the solitary cell for the following day and in the morning (P39 thinks it was daytime). When he realized that he was shocked [tortured with electric shocks] and beaten, P39 thought to himself that they were not human beings and came to believe that they were monsters, although he never believed in monsters. In the solitary cell, there were insects and small cockroaches and P39 started talking to them; telling them that they pass by him and do nothing to harm him, whereas the monsters outside tortured him. P39 said he held a cockroach with his hands, and it did not harm him but he started talking to it. P39 told him, that he believed that they outside were the monsters and "you" were a pet. Addressed to the court, P39 explained that he has a cat that he always treats it with sympathy and kindness and does not torture her ["does not torture her" was not translated].

Wiedner asked P39 if he was interrogated after that. P39 said that after 1 or 2 days, they took him back in the group cell. At that time, he heard sounds of a person being tortured who sounded like his son; disturbing sounds that knock and buzz. P39 thought that they brought his family. His psyche collapsed and he did not comprehend what was happening outside. P39 stayed in the group cell for 5 to 6 days and was not summoned for an interrogation.

Wiedner recalled P39 stating during his police questioning that after the electric shocks, he was interrogated again but P39 replied no, he does not remember that.

Wiedner asked P39 if the keywords "Signing" and "Money" meant something. P39 asked if the question could be repeated.

Wiedner mentioned the keywords "Signing" and "Money", asking what P39 remembered having said about them in the police questioning. P39 explained that after 4 days staying in that room, one of the staff came holding a paper and called out 10 to 12 names [of detainees, amongst which was P39's]. They were taken outside to the corridor between the "rooms" [P39 sometimes used the term "rooms" when talking about the cells] where there were more people, that had been taken outside [of their cells]. The detainees were summoned one by one into the interrogation room. P39 did not recall who made him sign (whether it was Raslan or someone else), but it was the same [interrogation] room [as before]. [The interrogator] lifted the blindfold and told P39 to keep his head on the desk [keep his sight down] and told him that he had to sign his confessions. When P39 wanted to sign, he saw around 5 papers with nothing written on them. P39 told the interrogator that the papers were blank and asked what he should sign. At that instance, P39 signed blank papers and was taken outside. After that "we" went to a bus outside of the branch, blindfolded. They took "us" to the General Intelligence Services Branch in Kafar Souseh كفر سوسة.

Wiedner wanted to know more about P39's last interrogation in Al-Khatib, if P39 identified someone there. P39 denied, in the interrogation room, he did not. However, when "we" were gathered in the corridor, "they" removed the blindfolds and gave each one a small [plastic] bag with the watch etc. inside [they gave each detainee his personal belongings].

P39 added that on the way to the bus, he noticed Anwar [Raslan] at the side of the corridor. That was the third time P39 saw Raslan. According to P39, that indicates that Raslan was supervising everything in the branch.

Wiedner quoted from the police questioning transcript to refresh P39's memory: "We stayed for around an hour in the room. Khaddour told us that we had to confess and what we should say". P39 said that was not how he remembered, after the electric shocks, he told them that he would confess/admit anything. P39 does not remember that instance with Khaddour.

Wiedner quoted "Khaddour told me that I have to confess and spoke about money". P39 said that was correct, that was how he remembered, but that was in the first interrogation, not in the second one.

Wiedner quoted "Khaddour told me that I have to confess that I was getting money from prince Bandar بندر in Saudi Arabia and from Al-Hariri الحريري in Lebanon". P39 confirmed, and asked Wiedner if he should elaborate on that.

Wiedner affirmed, and asked P39 to put that in a timeframe. P39 said he does not remember if it was in the first or the third interrogation but he does recall the incident; after [Khaddour] claimed that P39 was sending [information/photos] to Al-Jazeera or the Future [TV], [Khaddour] said that they found a piece of paper in P39's pocket or wallet, and alleged that P39 received an amount of 1.2 - 1.5 million [Syrian Pound] as financing from Saudi Arabia – prince Bander, or Abdelhaleem Khaddam عبد الحليم خدام or from Future [TV] - Al-Hariri. P39 replied that he did not know them and only heard about them in the news. P39 recalls telling [Khaddour] that Khaddam was their beloved one and the vice president; Al-Hariri was in Syria 6 months ago and the president [Bashar] kissed him [friendly cheek kissing like some politicians do]; Bander was their brother-in-law – how would they finance P39? P39 explained [to Khaddour] that he had a warehouse; a factory which he sold to buy a new house. P39 was installing floor tiles and painting the house, and registered that he gave money to the painters, tilers and plumbers. [Khaddour] claimed that these were fictitious names to cover up himself. P39 asked [Khaddour] [ironically] if he saw these amounts of money and did not see the electricity bill that P39 did not pay for 6 months because he was not at home [P39 meant to say that Khaddour "picked and chose" and ignored that P39 had a bill to pay; pointing out to the fact that he had no money, and refuting the argument that P39 received money from these figures]. P39 repeated that he [Khaddour] saw these [payments] but not this [bill].

Wiedner asked P39 if he could tell during which of the interrogations that included beatings Raslan was present. P39 answered that during the second interrogation Raslan was there, because he was whispering with his Homs dialect.

Wiedner asked P39 if he saw Raslan after he was transferred to Kafar Souseh. P39 said he saw him in the corridor. Wiedner replied that when P39 was asked during the police questioning whether he saw Raslan again after the first interrogation he denied. P39 explained that after he was transferred from Al-Khatib, he never saw Raslan again.

Wiedner asked P39 who conducted the first interrogation when he saw Raslan and the tables in the room. P39 checked if Wiedner meant the first interrogation, then said it was Anwar [Raslan].

Wiedner asked if the first interrogation was "a real one"; if they wanted to know specific information and how long it lasted. P39 said it lasted 10 to 15 minutes, until he [the interrogator] got annoyed/mad when P39 mentioned "Al-Khatib" and he ended the talk at that instance.

Wiedner wanted to know about the interaction between Raslan and Khaddour but P39 said he did not remember, except that both were 4 – 5m apart from another.

Wiedner said that P39 was asked in the police questioning whether there were orders/instructions when the two men talked with each other. P39 denied, it was a normal talk not an order.

Wiedner recalled that according to P39 Khaddour said “Sidi [Master/Sir]” and spoke as if he was taking orders, but Raslan did not talk much. P39 said he could not remember. Wiedner asked what P39 answered when asked in the police questioning about orders or instructions from Raslan to Khaddour or if Raslan mentioned Khaddour’s rank when talking to Khaddour. P39 said that he said he told the police that the rank was not mentioned, as it would be uncommon to mention the name if two officers were talking to each other, it was uncommon.

Wiedner asked if there were other people with P39 when he was brought to the first interrogation. P39 explained that there was another detainee who entered the room with him, but was brought back outside immediately; he [the other detainee] was only asked about his name and his [home] town. P39 explained that this happened, however, at the door. But when P39 was inside the room, he was alone. Wiedner checked if only one person went outside when P39 came in. P39 said that when he entered, they were two of them who entered the room [P39 and that person]. Then [that person] was asked about his name and town and was brought outside again. Wiedner asked if P39 stayed there. P39 confirmed. Wiedner asked P39 if he remembers which person asked the questions [interrogated the other detainee]. P39 said that he did not remember.

Wiedner wanted P39 to talk about the condition of the other detainees. Wiedner recalled that P39 was detained in various cells; one measuring 50m²; another one 3x3m. Wiedner asked how many detainees were in the cells. P39 answered that it was between 25 – 30 in the one that measured 3x3m; the number was not fixed, [when] 5 – 6 [detainees] entered, 3 – 4 were taken out. In the big cell, which was 60m², the number of detainees was higher than 60 – 70. “We” [detainees] were not able to stand and the breathing was difficult.

Wiedner wanted to know about health condition and the injuries. P39 said that in the room where he was, detainees did not have injuries because they were newcomers [were just detained]. However, on a daily basis, 3 – 4 of them went to interrogations and came back in a bad condition. Most of them were in a bad condition due to beating with cables.

Wiedner asked P39 to describe the injuries. P39 said that their [the detainee’s] condition was similar to his, but they were younger. The signs of cables on their back were clear. P39 saw on their body what he saw on his own [they were treated similarly]. 2 - 3 people were bleeding from their feet/legs. These were the people in the room.

Wiedner asked if P39 talked with other detainees and asked them what happened to them during interrogations. P39 explained that all of them talked about cables [mentioned cables as the method of torture] and one of them said that he was hanged from the ceiling. Wiedner wanted to know if P39 remembered what that detainee said but P39 did not remember.

Wiedner asked if some detainees had life-threatening conditions. P39 denied, there were none, because it was at the beginning of the revolution and they [security forces] did not yet have that [amount of] violence. P39 stressed that this was what he saw, but he does not know about other rooms.

Wiedner recalled that P39 said that the food was bad, and asked if water was available. P39 explained that [they were given] a bag of bread; 10 pieces of pita bread for 30 people to eat. One time they brought mouldy or bad bread [stale]. In the morning, they used to bring hard cheese or not-bad olives. At noon [they brought] boiled potatoes covered with dirt. Over 8 days, once they brought a boiled chicken for 30 people. P39 could not eat and only dipped bread in the broth.

At night, they used to bring cheese and bad cucumber, full of dirt. Sometimes “we” [P39 and the detainees] wiped it using the blankets or washed it at the toilet. [Concerning] Water, P39 said, they never brought some. “We” used to drink from the toilet. Wiedner asked what he meant by that and if there were cups to drink with but P39 said no, there were none. They used to hold their hands under the tap.

Wiedner asked P39 if he lost weight. P39 said he weighed 95[kg] before detention and lost 12[kg]. [He weighed] approximately 83[kg] when he was transferred from Al-Khatib to Kafar Souseh.

Wiedner asked P39 if he heard screams of other detainees and if yes, then how often. P39 replied that screaming and torturing were constant, but they decreased at night.

Wiedner recalled that P39 said he was transferred to Kafar Souseh. Wiedner wanted to know how he was released and how he would compare the condition in Al-Khatib to Kafar Souseh Branch. P39 wanted to note what happened in Kafar Souseh: when they [detainees] were transferred there from Al-Khatib, there was a child, under 15-years-old, among them. He was put in the room where P39 and 30 other people were in. P39 asked him about his name which was [name redacted] from [information redacted], close to Damascus. The first two days, he could not and did not want to speak with anyone. P39 attempted to speak with him to know what he was accused of, and told him to consider P39 as his father, but the boy refused to speak. 4 or 5 days later, he came by himself to P39 who asked him what happened to him and about the blood that was on the front and the back of his pants; it was fully covered with blood. He [the child] hesitated to speak [at first], but then told P39 “Uncle, I beg you to not tell anyone. It is between us”. P39 asked him what he was accused of. He said that he broke Hafez’s [Al-Assad] statue in [information redacted] and they [security staff] showed him a photo of him breaking it. He explained that they tortured him in Al-Khatib and inserted a wooden broom stick in his “inferior [part]” [translated to “anus”]. P39 added that they raped the boy and this is something sad and unimaginable. P39 tried to solace him and to tell him something nice. P39 also told him to not tell anyone except for the close ones. P39 explained to the court that the customs in “our” [Syrian] society are that they [the society] look not well on the one who endures such situation [sexual abuse]. P39 pointed out that he found the cursing and the beating he endured trivial, when he heard the story of that child.

Wiedner asked where that child was detained. P39 said in Al-Khatib Branch and they took him with “us” [P and others] to Kafar Souseh, but he was in a different room.

Wiedner asked if P39 had the impression that sexual abuse could have happened with other detainees. P39 said that he does not know, but this [situation with the child] happened in front of him. P39 told the boy to wash his clothes, and asked if [he would let] P39 help him wash them, but he refused.

Wiedner asked, generally, whether there was communication between the guards. P39 explained that the detainees would not know. They did not see anything in the room, and if they heard [something], they would not know who was talking; an officer or a member of the staff.

Wiedner asked about medical care in Al-Khatib Branch. P39 replied, in Al-Khatib there was none, P39 asked for medicine for his blood pressure and they did not bring any. In Kafar Souseh, they gave P39 only six pills and he used to break them into two parts to take half instead of a whole pill.

Wiedner asked P39 how he was released and how he would compare Al-Khatib to Kafar Souseh Branch. P39 said Kafar Souseh was somehow good; they tortured him only once, asked him the same questions and showed him the same photos, which P39 denied again [the questions and accusations]. P39 stayed in Kafar Souseh for 12 to 13 days, then was transferred to Adra عدرا prison. When he got off there, he felt like he were in heaven, compared to what he was in before, because there [in Adra] one could deal with policemen with money or bring food from outside.

After 1 or 2 days in Adra, P39 was transferred to Douma. The detainees were presented to a judge one by one. P39 explained how he entered and the judge asked him about the accusations concerning Al-Jazeera and P39 denied them. The judge told him that he would issue an acquittal. P39 asked the judge who would serve him justice for his torture and his back [injuries]. The judge replied to P39 that he should thank God that he was released. P39 added that the judge was kind and said that P39 would be released out of consideration of his age. P39 went home and saw his older brother who was a networks and computer programmer and was doing general maintenance for the General Intelligence in Kafar Souseh. P39 said that when he was detained, his wife called his brother who went to the officer and told him that his brother, [name redacted], was detained from Arnous. The officer called several branches and then told P39's brother that P39 was detained in Al-Khatib Branch with Colonel Anwar Raslan (that was when P39 confirmed that the name he saw [read] was Anwar Raslan). The officer told P39's brother that there were instructions from "above" in the Intelligence Services administration or the presidency to forbid asking about any detainee, "Try not to ask. There is no hope".

Wiedner asked if his family was informed about his detention, which P39 denied, they were not.

Wiedner recalled that P39 said that he was detained from the demonstration supporting Dar'a and asked P39 when that was. P39 said that the siege of Dar'a occurred at the end of March or April [2011]. All the people [in Dar'a] were asking to send them bread and milk, and said that their supplies at their home were running out. People [in Syria] said that they should do something for Dar'a. A demonstration was organized and P39's wife participated in it.

Wiedner recalled that P39 mentioned Hafez Makhlof حافظ مخلوف in the police questioning and asked P39 to describe who that was. P39 said that due to the fact that his uncle's house was close to Division 40, he knew that "they say" Hafez Makhlof is the head of the branch.

Wiedner asked P39 to confirm that he was talking about Division 40. P39 said yes, Branch 40⁷, whereas Al-Khatib Branch's head was Tawfiq Younes توفيق يونس, because after P39 was released from detention, he visited his friend [information redacted]. P39 mentioned to him [his friend] that he was detained there, and his friend told him "Come, hear the sounds of torture [information redacted]". P39 said he wondered whether his friend might have heard him screaming from torture.

Wiedner recalled that P39 said in the police questioning that the head of Al-Khatib Branch was Hafez Makhlof. P39 explained that he did the military service in the political administration and has an idea of the military hierarchy. P39 added that he was a university graduate who served as a First Lieutenant: Al-Khatib Branch belongs to Division 40 whose head is Hafez Makhlof, but Al-Khatib is responsible for the security of its area. [Speaking to the judges, P39 asserted], "Am I not living in the area?". It [Al-Khatib] is called the Inner Branch, but is located in Al-Khatib area [neighbourhood] and the majority of people call it after that [after the area; Al-Khatib]. However, P39 is a resident of the area and knows that it is the Inner Branch.

Wiedner asked which buildings Al-Khatib Branch consists of. P39 explained that Al-Khatib consists of two buildings; a big and a small one. The big one did not belong to Al-Khatib 20 years ago, it was called "the military commissary/provision branch". When that branch was moved to another place, Al-Khatib took that building. P39 clarified that he knew that information, because he was a resident of that area for 30 years.

⁷See footnote 3



P39 wanted to make a note regarding his psychological condition and asked if could speak about it. [The judges signalled P39 to go on]. P39 said that he has been going to a psychotherapist for psychological treatment and P39 mentioned the reasons to his attorney. P39 indicated that he is having nightmares every week about security forces chasing him. Moreover, every sound P39 hears in the streets makes him turns around. It made him very upset and thus he stayed at home and it made him introverted/antisocial. When P39 gave his statements 2 years ago, it was the beginning of his bad condition. Currently, P39 did 12 therapy sessions and the therapist asked for 30 sessions over 2 years. During the recent sessions, P39 improved a bit and he visited a neurologist 10 days ago and told him about his story, and the neurologist told him that the electric shocks affected his brain. 7 – 10 days ago, P39 did an MRI of his brain and had an appointment the following Friday for the results. P39 handed the Job Centre a report that he is going through therapy and they told him that he could not work until he finishes therapy, and that was what happened lately.

[Lunch break]

Questioning by the Prosecutors

Polz recalled that P39 was detained relatively early; in May 2011. Polz asked whether there were other female demonstrators besides his wife and daughters. P39 answered that it was a women's demonstration demanding bread and milk. There were about 25 – 30 women.

Polz asked P39 how he perceived the security forces' treatment of the women when they arrived at the demonstration. P39 said that in the beginning of the demonstration, there were no security forces, but rather 1 – 2 general security staff members at the square. Within 4 – 5 minutes, the security forces started to flow in with cars. They got off [the vehicles] with their sticks and electroshock[stun] batons. When "we" saw the security forces, P39 took his wife and his daughter and backed off, but there were girls who were beaten with sticks. They took the banners/signs that the demonstrators wrote. P39 further saw a girl being detained (she came [to the court as a witness]); [P16] (P39 did not see her until they were transferred from Kafar Souseh to Adra). That was the girl in the demonstration whom P39 saw.

Polz asked if more women were detained. P39 said that there were many female detainees, maybe three or four, but he did not know them.

Polz asked if P39's wife and/or daughters experienced violence themselves. P39 said that there was violence; his daughter was hit with a stick on her shoulder. When she took the blow, they [P39 and his family] fell back. Asked about it, P39 said that neither his wife nor daughters were detained.

Polz asked if P39 saw more women later in Division 40, who were detained from the demonstration. P39 said he saw absolutely no women, he thinks that they were separated. He did, however, hear women ['s screams] once or twice [in Al-Khatib]. P39 also heard a child begging the interrogator [to release him], because he had senior high school exams in two weeks. P39 explained to the court that a senior high school student is around 17-years-old). Polz asked P39 if he heard other children. P said only that [student] and the child of Kafar Souseh.

Polz asked if the child from Kafar Souseh said who did that to him. P39 said that he [the child] told him that they were the staff members who tortured detainees, but he [the child] did not know who [exactly]. Polz asked if the child maybe described their appearance, dialects, clothes etc. P39 said that [the child] could not [see them], because he was on a chair blindfolded.



To refresh P39's recollections, Polz quoted from the police questioning transcript "A 16-year-old detainee who was detained along with us in Al-Khatib told me that the one who tortured him was wearing a track suit; he inserted a wooden broom stick in his anus and the one who did it was wearing a track suit". Polz asked P39 if he recalls having said that but P39 said, he did not remember, but also, when P39 saw staff members, most of them were wearing track suits. P39 said by that he was differentiating the staff member, wearing a normal track suit, from the officers, wearing a branded track suit; e.g., Adidas; a neat track suit.

Polz asked P39 whether the child said that Raslan did that. P39 said no, he does not remember that. He [the child] mentioned that it was a staff member, but maybe he did not know because he was blindfolded.

Questioning by the Defense Counsels

Fratzky recalled that P39 said that in the first interrogation in Al-Khatib Branch, there were tables in the room and asked how many tables there were. P39 said that in the first interrogation, there were 2 tables; one to the right and one to the left and they were about 1 – 1.5m apart. There was another empty table [P39 said "to the right", then corrected himself] to the left of the room. To make sure, Fratzky asked again if they were 2 or 3 tables in the interrogation office and P39 said they were 3; 2 in the back of the room and one to the left.

Fratzky asked if the interrogator whom P39 identified as Raslan was kind. P39 said that was correct, the interrogation was about P39's name, age etc. He [the interrogator] was normal and acted kindly.

Fratzky recalled that P39 was blindfolded all the time during the second interrogation and identified Raslan through his Homs dialect. During the police questioning, P39 said "someone blindfolded me and tied my hands behind my back. I identified Khaddour through his dialect". Fratzky asked P39 if he remembered having said that. P39 said he recalls that they were two people in the room; Khaddour with his coastal dialect and Raslan was giving him orders and his dialect was from Homs. P39 stated that he knows the Homs dialect, because his cousins are from Homs and he used to visit them all the time.

Fratzky recalled that according to P39 Khaddour and Raslan were whispering and P39 did not understand them. P39 affirmed. Fratzky wondered how P39 could differentiate the dialect if he did not understand them. P39 said he could not hear whole sentences, however, he heard words and understood them.

Fratzky asked P39 what differentiated the Homs dialect. P39 said that people from Homs use a different pronunciation for specific endings of certain words. P39 described a typical characteristic of the Homs dialect for explanation: كبة pronounced Kobbi instead of Kebbeh [another example was P39 pronouncing a phrase in Homs dialect without further explanation] P39 pointed out that the Homs dialect is likeable in Syria and the people from Homs are likeable because they have a sense of humour.

Fratzky recalled that in the second interrogation, the blindfold was removed and Khaddour showed P39 photos. Fratzky asked P39 if he was blindfolded again. P39 explained that they asked him to sit on his knees. Khaddour made P39 to look down at the floor. He [Khaddour] was opposite to P39, lifted the blindfold with his hand and had a few pages of pictures; the first one showed P39's wife. Khaddour then asked P39 who she was and P39 said that she was his wife. The second page showed P39's daughter and the third one his other daughter. The following page showed a general scene of the demonstration. According to P39, Khaddour then started to insult P39 saying things like: "How do you allow your bitch wife to participate in a demonstration". P39 said that it would be impossible for him to forget that. Khaddour then kicked P39 on his shoulders and P39 gurled through the air for about 1.5 meters. After that, Khaddour called other employees who started beating P39.

Fratzky asked if P39 was blindfolded again. P39 said yes, because after [showing] the photos, he [Khaddour] blindfolded him again. Fratzky asked when P39 was blindfolded again. Scharmer interjected and pointed out that P39 already answered that Fratzky might have not understood it. Kerber demonstrated to Fratzky how P39 explained that the blindfold was never completely removed; it was lifted [she pointed to her forehead] and then was lowered again [pointed to her eyes] after P39 was shown the photos.

Fratzky asked P39 when the interrogator lowered the blindfold again. P39 said that after he [Khaddour] finished [showing] the photos, he put it back; it was like this and became like this [P39 mimicked as Kerber did; pointing to the forehead then the eyes].

Fratzky asked if it was correct that P39's eyes were covered. P39 affirmed.

Fratzky asked if the blindfold was removed after the beating or after he was taken outside the room. P39 said that after they finished beating him, he [Khaddour] told them to take P39 outside. P39 was lying on his abdomen and they dragged him by his feet/legs to the corridor. At that instance, they untied the plastic strap from his hands and feet, removed the blindfold, told him to take his clothes and to go to the room [cell]. Fratzky asked if they removed the blindfold while he [Khaddour] was still in the room. P39 said no, he [Khaddour] told them to get P39 outside the room and they dragged him from his legs/feet outside.

Ziorovski asked P39 how long his therapy session lasts. P39 said around an hour, maybe 50 minutes.

Ziorovski asked what the subjects were that they talked about in the therapy sessions. P39 said that the therapist asked him about his childhood, youth and the like for two sessions. After that they went into the details of the detention, the cable, and the electric shocks [torture] sessions. They talked about what problems P39 had after he was released from detention. P39 indicated that he became a nervous, easily and quickly agitated person. P39 pointed out that he and his wife got divorced because of a dispute between them. He added that the regime destroyed his house with airstrikes and his factory as well. P39 said that he was psychologically broken to point zero.

Ziorovski asked P39 if he could estimate how long they talked about his detention experience. Scharmer interjected saying that he wanted to discuss with P39 whether he would like to speak about his therapy sessions.

[10-minute-break]

Scharmer indicated that Ziorovski could ask questions specific to the case.

Ziorovski asked P39 if he could estimate how long they talked about his detention experience. P39 said that they talked about his detention for approximately two sessions, and in each session, when the detention topic was raised, he talked about it for around 10 minutes.

Ziorovski asked if P39 told his therapist about his appointment "today". P39 answered that he [the therapist] knew a week ago that P39 would come [to court]. However, after Ziorovski asked about it, the therapist does not know the subject of the trial session. The rest of the [therapy] sessions were about P39's nightmares and he [the therapist] gave P39 temporarily anti-depressive medicine.

Fratzky asked P39 about his response to the police asking him for the reason for seeking asylum in Germany. P39 said that in the police questioning at the time of [applying for] asylum, they asked him who tortured him and he said "Khedr Khaddour", since he was asked "Who tortured you?".

Fratzky asked if he said that Khaddour was the one who tortured and interrogated him. P39 said indeed he [Khaddour] tortured him, but “in the presence of whom? Raslan”.

Fratzky asked the interpreter to repeat the last part of the answer because he could not hear it. The interpreter repeated the answer.

Fratzky asked P39 if he heard orders from Raslan to torture him. P39 said he heard whispering. P39 added that he does not imagine [think] that a Colonel officer, like [Raslan], would torture by his own hands [by himself], and without orders, P39 does not think that any staff member would act [on his own].

Fratzky wanted to clarify whether that was P39’s assumption, but P39 said no, it is not an assumption; it is generally known.

Questioning by Plaintiff Counsels

Scharmer asked P39 if other members of his family were detained in Al-Khatib Branch. P39 denied, adding that one member of his family was, however, detained at Palestine branch.

Scharmer said that Homs dialect is spoken by a number of people. Scharmer asked P39 to clarify whether he was able to identify Raslan by his voice as well and not only through the dialect. P39 said certainly. P39 explained that [if] he speaks with someone on the phone for 15 minutes and if that person calls the following day, he would be able to identify him even without seeing him.

[P39 was dismissed as a witness.]

P39 said that he wanted to thank the court and the German government and would like to affirm that he lives in Germany relieved.

Kerber announced that the following day was cancelled.

The proceedings were adjourned at 02:10PM.

The next trial session will be on July 14, 2021 at 09:30AM.