



**TRIAL OF ANWAR RASLAN**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 42

Hearing Dates: July 21 & 22, 2021

*CAUTION: Some testimony includes descriptions of torture.*

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

**Trial Day 84 – July 21, 2021**

P42, a woman who worked for the EU delegation in Syria, testified as a plaintiff about her detention and interrogations in Al-Khatib Branch. P42 testified that she received special privileges due to her position and was permitted at times to return home at night. She would then have to return in the morning and was subjected to torture and beatings. She identified Raslan as being present during some of her interrogations, however, he never spoke directly to her. She stated that neither Raslan nor her interrogator ever beat her, however, the guards would often hit her or torture her as if it was a game. P42 testified that many of her friends shared stories of torture and sexual assault and she knew many people who disappeared and to this day remain missing.

**Trial Day 85 – July 22, 2021**

P43, Raslan's son-in-law, testified about his knowledge of Raslan's defection and when he decided to defect from the Intelligence Services. P43 stressed that Raslan was a peaceful individual who opposed violence on all sides. P43 testified that Raslan decided to defect in 2011 when he was under surveillance after he was suspected of helping detainees, but Raslan would not leave without his family. P43 shared that he, himself, was kidnapped by members of the Free Syrian Army for three days and questioned about Raslan, before being freed. The prosecution team noted that P43's information about Raslan's defection was different from Raslan's story, though P43 claimed that he did not know the details of Raslan's defection, only the plans that ultimately did not work out. Despite P43's verbal support of the opposition, it was also noted that he used terminology for the revolution that is often used by the Syrian government. P43 ended his testimony by sharing that a witness had said on social media Raslan's whole family should be killed. The witness' name was shared with the judges.

**Day 84 of Trial – July 21, 2021**

The proceedings began at 9:40AM with seven spectators and four members of the press in the audience, including a court illustrator. The prosecution was represented by prosecutors Klinge and Polz. Defense Counsel Böcker was not present. The plaintiff was represented by Dr. Patrick Kroker.

**Testimony of P42**

---

<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.

P42 noted that she would testify in German and that she did not need headphones for translation. Judge Kerber asked her to keep them just in case.

Instructions were read to P42 and she was informed of her rights and duties as a witness.

Judge Kerber asked P42 for her name, age, and profession. P42 answered that her name is [name redacted] and she is 34 years old and in charge of an NGO.

Judge Kerber asked P42 if she is related to the accused by blood or marriage. P42 responded that she was not related in any way.

Judge Kerber asked P42 how she was detained in Al-Khatib Branch. P42 said that she used to live in Damascus and was involved in the revolution from the beginning and was detained in Al-Khatib, but she was not arrested directly at Al-Khatib Branch. She was traveling [information redacted] kilometers away from Damascus and was detained at a checkpoint. She was taken to a security branch and her ID card, laptop, and other stuff were taken. That evening, she was sent home and was told that she had to appear at Al-Khatib the following day. The following day she did not go and hid for a couple of days because she did not want to go. She had heard that Al-Khatib was a very bad place, and she did not want to go there before she was prepared. She had to go eventually though, so, she asked where it was located and then went to Al-Khatib. The first day she only waited in a room where there was a small TV. It was more of an administrative branch. No one asked her any questions or talked to her. Someone gave her tea. In the afternoon someone came to her and said that the person who was responsible for her was not there and asked her to come again the next day. She went the following day and her [P42 asked the interpreter about the meaning of the word, and he responded "Ermittler" ("investigator" in English) [interrogator] was there. The investigator asked her about the city and the checkpoint where she was detained. She told him a fictitious story to avoid talking about the real story. The investigator was not convinced, but he continued the questioning. She did not tell the truth and did not mention names, so the investigator became unfriendly and took her to another room. She was tortured several times, but she did not tell the real story. She stayed in Al-Khatib for 50 days or two months. They did not return her belongings and told her that they did not have them. He told her that she always had to inform him when she wanted to travel abroad (She did that once when she traveled to Egypt but she did not have to do it again afterward, such as when she traveled to Germany).

Judge Kerber asked P42 when she was detained at the checkpoint. P42 said the checkpoint incident was on March [information redacted] 2012. She went back home that day and was asked to go to Al-Khatib the following day.

Judge Kerber asked P42 if she spent the night in Al-Khatib and if yes then for how long. P42 said she did not spend the night there. She went home after the interrogation, but when she did stay there, it was approximately 7 – 10 days later.

Judge Kerber asked if it was in March or April. P42 said she thinks that it was April when she [first] stayed overnight, but she was not sure.

Judge Kerber recalled that P42 said that she was in charge of an NGO. Judge Kerber asked P42 what her work was. P42 said she was working on education for the EU delegation, of "Haya."

Judge Kerber asked if P42 told the interrogator about her work. P42 said yes, he knew about her work.

Judge Kerber recalled that P42 sometimes spent the night in Al-Khatib and sometimes did not. Judge Kerber asked P42 what happened when she did. P42 asked if Judge Kerber meant when she stayed overnight.

Judge Kerber confirmed. P42 said that she was taken to an office for the interrogation.

Judge Kerber asked where that office was. P42 said that she was not sure. It was on the ground floor or the first floor. There were other rooms as well. The first interrogation happened there [in that office]. She started with her fictitious story. The interrogator was not convinced, but he was kind and told her that he was not an interrogator but rather her helper. He offered her coffee and tried to earn her trust saying that he was not evil. P42 said that she was trying to refresh her memory [P42 asked the interpreter about the meaning of the word and the interpreter said “auffrischen” (“refresh” in English)]. P42 continued saying that they took her to another room and blindfolded her. She was taken down a set of stairs to the basement. The stairs were not far away [from the room]. There was a big room with a table, chairs, and a bucket of water inside. It had no windows. P42 sat on the chair and so did the interrogator. Two young people working for the Branch were there, but they did not torture her. Nor did the interrogator. P42 had to wait for a long time, which was a type of torture. Sometimes, she waited with her hands tied upwards. No one talked to her, and it was difficult. They always hit her on her head, and she did not know why – also on her face and neck. They attached electric cables to her knees and fingernails. It was strange because she did nothing. Whenever she asked/wondered what she had done, he hit her again. The electricity was like a “Toy / Playing around” [It was like a game]. Outside the room, he [the interrogator] was kind, but in that room, they were different. P42 could not differentiate day and night.

Judge Kerber reminded P42 that she could take a break and that she could use the interpretation headphones whenever she wanted. Judge Kerber continued, asking P42 if her torture with electricity had sexual connotations as well. Judge Kerber recalled that P42 mentioned that they used the electricity on her knees and fingernails. P42 said that it was not only on her fingernails and knees but also on her breast and shoulders.

Judge Kerber reiterated the other part of her question asking whether there were sexual connotations. P42 confirmed.

Judge Kerber asked what kind. P42 said that one of the young men pulled her head down to his “lower part”, and the other person told him to stop.

### **Judge Wiedner’s Questioning**

Judge Wiedner said he wanted to go back to her detention and asked if she was politically active and what she did. P42 asked if Judge Wiedner meant her political activity.

Judge Wiedner confirmed. P42 said she participated in the revolution, demonstrations, and different networks, but she did not have a certain activity/role.

Judge Wiedner asked whether the people in Al-Khatib knew that about her. P42 said she is not sure.

Judge Wiedner recalled that P42 said that her first detention on March 17, 2012 was in Az-Zabadani الزبداني by Al-Khatib branch. Judge Wiedner asked her how she knew that it was Al-Khatib branch. P42 said that she was told in the small security branch that she had to go to Al-Khatib branch. Additionally, it was known

in Damascus, and it was named after the neighborhood [the branch name is derived from the name of the neighborhood].

Judge Wiedner asked P42 if she was told to go to Al-Khatib ["So, they told you to go there"]. P42 said yes.

Judge Wiedner asked P42 what she had heard about Al-Khatib. P42 said that it was 2012, and since the beginning of the revolution in 2011, her friends had been detained there and talked about it and the whole intelligence services. It was dangerous.

Judge Wiedner refreshed P42's recollection quoting from the police questioning transcript: "I did not want to go there, because I knew that there was mistreatment and friends of mine died there." P42 replied yes, not only in Al-Khatib but in different branches as well.

Judge Wiedner asked P42 if she could elaborate. P42 said that three of her friends were detained and were not released yet. Their families were told to take the personal belongings of their detained family members. P42 indicated that this was how she formed that negative image of the branch.

Referencing the police questioning report, Judge Wiedner asked P42 to talk about the keyword "Money – Bribe." P42 said she tried to sort out her situation and tried to make arrangements so she would not have to go back to the branch. "That woman" told P42 to tell "them" [Intelligence Services] the fictitious narrative.

Judge Wiedner asked if P42 knew what happened to the money. P42 said that it was supposed to be given to a person in the branch.

Judge Wiedner asked if P42 knew who the person was. P42 replied no.

Judge Wiedner asked if P42 could estimate how often she was allowed to go back home after the interrogation. P42 said it was five times a week in the first or the second month, but it was after her detention and before she got her personal belongings. It lasted from March to the end of June.

Judge Wiedner said that when P42 was asked in the police questioning about when she could first go back home, P42 replied that it was at the beginning of April and maybe on April 4. P42 said that she could not hear Judge Wiedner.

[Judge Wiedner repeated his question]. P42 said yes, she did not go back home immediately. It was either March or April.

Judge Wiedner asked if it was correct that P42 had to spend nights in Al-Khatib during her detention. P42 said yes, it was two to three consecutive days and like that [P42 meant that she was detained two to three days at a time, and then she was allowed to go back home. Then she was detained again and so on].

Judge Wiedner recalled that P42 said in the police questioning that it was ten days or two weeks. P42 said yes, but they were interrupted/intermittent.

Judge Wiedner asked P42 where she used to sleep when she was detained. P42 said in a small room alone. P42 did not know if it was on the ground floor or underground. There were no windows, and it was dirty.

Judge Wiedner asked P42 about its size. P42 said it was approximately 3x2 meters.

Judge Wiedner asked P42 if there was daylight or windows. P42 said no, there was no light.

Judge Wiedner asked if there were no windows as well. P42 replied no, there were no windows.

Judge Wiedner asked if it was dark/dim all the time. P42 said there was only a hatch in the door and some light in the corridor.

Judge Wiedner asked P42 if there was a toilet inside her cell or whether she had to go outside the cell. P42 said that she did not hear Judge Wiedner's question.

[Judge Wiedner repeated his question]. P42 talked to the interpreter who said that the toilet was outside [the cell] and there was a bucket for such matters [P42 did not clarify if the bucket was used as a toilet seat, or was filled with water for cleaning. Nor did she clarify whether it was in the cell or the WC].

[Kroker said that he would try to give P42 the headphones that transmit the German speech and see whether P42 would hear better. After putting on the headphones, P42 stated that she could hear better].

Judge Wiedner asked P42 if she saw other detainees. P42 replied no.

Judge Wiedner asked P42 if she saw other detainees or cells when she went to the toilet. P42 said that there were three other cells, but she did not see other detainees. However, she heard other female detainees.

Judge Wiedner asked P42 if she heard sounds of mistreatment/torture. P42 confirmed that she heard women being beaten at night, but P42 was not sure whether they were in the corridor. P42 added that when she used to go to sleep, she heard crying and sometimes screams.

Judge Wiedner asked P42 where she was mistreated. P42 asked if Judge Wiedner was referring to her.

Judge Wiedner replied yes, she and others. P42 said that the room was slightly big. There was no furniture. In one corner there were some chairs and, in another corner, there was a water-filled bucket, cables, and wooden sticks.

Judge Wiedner stated that in the police questioning P42 said that there were traces of blood on the wall. P42 said yes, in other rooms as well.

Judge Wiedner asked which rooms. P42 said in her room [cell] as well.

Judge Wiedner asked if P42 said in the police questioning that the chair was broken. P42 said yes, and her knees were tied to it once.

Judge Wiedner asked P42 if she was hit with the chair. P42 said no, she was hit on her head. She added that she does not know how it happened, but she looked at her legs and saw blood, and she saw the chair broken.

Judge Wiedner asked if P42 saw tires. P42 said she did not in that room.

Judge Wiedner recalled that P42 said that there was a blue hose. P42 confirmed that she remembers.

Judge Wiedner asked what methods were used during her mistreatment and what was used for beating. P42 said hands and legs. She does not remember everything, but mostly hands and legs.

Judge Wiedner stated that in the police questioning P42 said that she was hit with a hand on her head and was kicked as well. P42 confirmed.

Judge Wiedner recalled that P42 said that she was sometimes whipped on her feet. P42 said yes, she remembers.

Judge Wiedner said that P42 stated that she was sometimes whipped on her feet when she was on the broken chair. P42 said yes, she does not know how [it happened], but she saw blood and saw the broken chair.

Judge Wiedner asked P42 if she remembers the whip. P42 said that she remembers the hose, but not much [about the whip].

Judge Wiedner asked P42 if water was poured on her. P42 said maybe she washed her face. She is not sure.

Judge Wiedner said that P42 mentioned that she was hanged. Judge Wiedner asked P42 to describe how and where it took place. P42 said that it was at the wall that was opposite the table and sometimes it was when there was no interrogation. Her hands were up [she was hanged from her hands] and her feet almost touched the floor. P42 added that it [the hanging] happened only in the room.

Judge Wiedner asked P42 how she was hanged. P42 said at the wall.

Judge Wiedner asked if there was a hook. P42 said that there was a chain on the wall, but she does not remember.

Judge Wiedner asked if P42 was hanged several times. P42 said yes, approximately three times.

Judge Wiedner asked P42 if she stayed conscious. P42 said yes, all the time in the branch.

Judge Wiedner asked P42 if she was interrogated during her mistreatment. P42 said yes, she was interrogated, and “they” wanted more information, such as whom she communicated with and where her abroad contacts were.

Judge Wiedner asked P42 whether that happened in the room. P42 confirmed.

Judge Wiedner asked how they [the interrogator/guards] reacted when she did not answer. P42 said that the interrogation started with threats. They asked her if she knew some people and who she had contacted. When there was no answer, one of the young people [staff members] slammed the table or would put his hand on her shoulder or neck when she did not answer. When she confronted them and asked them why they did that, they got angrier and hit more [It was unclear if she meant they would hit/slam the table or hit her more]. P42 added that “they” sometimes came alone with no interrogator and one day they used electric shocks.

Judge Kerber asked if the electric shocks were used in the absence of an interrogation. P42 said yes, she recalls that it was like “Playing around” and it was used only for their own amusement.

Judge Kerber asked how often the method was used. P42 replied, most of the time.

Judge Kerber asked if it was used in absence of an interrogator. P42 said that one day, the interrogator was absent.

\*\*\*

[20-minute-break]



\*\*\*

Judge Wiedner recalled that P42 talked about how she was tortured in the presence of the interrogator. P42 affirmed.

Judge Wiedner asked P42 if the interrogator tortured her or if it was only the guards. P42 said only the guards.

Judge Wiedner asked P42 whether the interrogator said something or gave orders. P42 said yes, like “stop” or “leave it for later” and sometimes he said that P42 should cooperate.

Judge Wiedner asked P42 if the interrogator who was upstairs was the same one during the interrogations underground. P42 said yes, in addition to other people.

Judge Wiedner asked P42 if she was blindfolded. P42 said in the room, she was not.

Judge Wiedner asked P42 where she was blindfolded. P42 said on her way to the room [on the way between the cell and the interrogation room].

Judge Wiedner asked P42 when the blindfold was removed. P42 said when she got back [to her cell].

Judge Wiedner asked P42 if there were insults/swearing. P42 replied yes, many.

Judge Wiedner asked what they were. P42 said “bitch/slut” and other words that she does not know in German. That and other sexual things.

Judge Wiedner asked what the “sexual things” were. P42 asked Judge Wiedner if he wanted to know what other sexual things were [P42 did not understand or hear the question properly].

Judge Wiedner said yes and asked P42 to tell the interpreter the words to translate. P42 said “shit/crap”, “donkey/ass”, “bitch/slut”, “fucked one,” and things like that.

Judge Wiedner asked P42 whether she saw the accused there in the branch. P42 confirmed.

Judge Wiedner asked P42 to look around in the courtroom and say if she could recognize him again. P42 [looked at Raslan to her right] said yes, he was an interrogator in the interrogation room and she saw him on another occasion. There was another important person who wanted to see her. P42 was taken to a big office and there was furniture, windows, sofas, and the accused was sitting in the corner. P42 had looked at him [Raslan] in the interrogation room and he looked at her.

Judge Wiedner asked P42 if she was blindfolded. P42 said no, not in that room. P42 added that she saw other people in the room. “He” [the important person, as explained in the next question] asked her how long she stayed there. The accused was sitting with other people drinking [tea, coffee...etc.].

Judge Wiedner recalled that P42 mentioned that there was an important person. Judge Wiedner asked P42 whether she was questioned by the accused or that person. P42 said the other person [the important person].

Judge Wiedner asked P42 what she was asked. P42 said she was asked how long she stayed there and her name.

Judge Wiedner asked P42 whether she said anything else. P42 replied, no.

Judge Wiedner asked P42 what the accused was wearing. P42 said that he was wearing black.

Judge Wiedner asked P42 if he was wearing a uniform or civilian clothes. P42 said civilian clothes.

Judge Wiedner asked which floor the office was on. P42 said it was above ground, but she was not sure. However, she looked at the window and it seemed that it could be the second floor.

Judge Wiedner refreshed P42's recollection quoting from the police transcript "the person identified himself as a colonel or a brigadier general." P42 confirmed.

Judge Wiedner recalled that P42 mentioned that there were other people. Judge Wiedner asked if there were other detainees. P42 said she saw another person whom she thought was a detainee because he looked sick and did not look fresh. One could see that he was sick and was there for a long time. It seemed he was mistreated and had [P42 turned to the interpreter and asked him about the German equivalent for "bruises"]].

Judge Wiedner asked [the interpreter] what the person [the detainee] had. The interpreter answered "bruises."

Judge Wiedner asked if he said something else. P42 asked if Judge Wiedner meant the young man [the detainee] or the important person.

Judge Wiedner said either one. P42 said that he [the important person] told her to go outside. P42 saw other people, but they did not talk with her much.

Judge Wiedner refreshed P42's recollection quoting from the police transcript, "They took me to the room with the important person. They removed the blindfold. I saw Raslan with other people. I was the only detainee. There was a man who wanted his son. There was also an old woman who was crying. I was wondering why I was mistreated. They took me back to the cell." P42 said that there were many people in the branch that day. A lot was going on.

Judge Wiedner asked P42 about the first situation when she saw Raslan. P42 said that he [Raslan] was in the interrogation room and had files with him. He sat there, did not speak directly to P42, and he did not do anything – he just sat there and talked with her interrogator. The interrogator [P42's] told her that he was on her side and mentioned that she was a Sunni and that she was lucky.

Judge Wiedner asked P42 if Raslan introduced himself. P42 said no, he [P42's interrogator] just said that he [Raslan] was his colleague.

Judge Wiedner asked P42 if she talked with Raslan. P42 said no, he did not talk directly with her.

Judge Wiedner asked if her interrogator was the one who mentioned that she was a Sunni and lucky. P42 said yes, that was her interrogator.

Judge Wiedner asked whether P42 was mistreated upstairs or underground during Raslan's presence. P42 said underground. She did not see him upstairs [during an interrogation].

Judge Wiedner asked P42 whether she was mistreated in his [Raslan's] presence. P42 confirmed.

Judge Wiedner asked P42 to describe how and when Raslan came into the interrogation room, and what he did. P42 said that he [Raslan] came with her interrogator and sometimes he came by himself after her



interrogator was already there [in the interrogation room]. The situation proceeded as always; he was just sitting there. He did not do any specific task, nor did he participate in the interrogation. Her interrogator was the one who conducted the interrogation.

Judge Wiedner asked P42 if she was mistreated when Raslan was there. P42 confirmed.

Judge Wiedner asked what type of mistreatment. P42 said she was hit on the head, and when she was not answering questions it was the same [she was hit on the head].

Judge Wiedner asked if that occurred often or just once. P42 said no, it was several times. P42 does not remember the situation well.

Judge Wiedner asked P42 to confirm that she was not interrogated by Raslan. P42 confirmed.

Judge Wiedner asked P42 if she identified a certain dialect of the interrogators. P42 said she did not notice any. She is Palestinian-Syrian and cannot differentiate between dialects.

Judge Wiedner asked P42 when she connected the name “Raslan” with the person. P42 said that she did not understand.

Judge Wiedner asked P42 when she related/attributed the name “Raslan” to the accused. P42 said later, after the interrogation and his face was revealed.

Judge Wiedner asked if P42 meant after he revealed his face during her detention. P42 said no, after his pictures were published in the media.

Judge Kerber wanted to know if P42 meant that happened when she was in Germany. P42 said yes, in Germany.

Judge Wiedner stated that P42 was detained afterward, and asked P42 to describe when that was and what happened. P42 said she was still being summoned to Al-Khatib at that time. P42 had to see a person in a demonstration, but “we” [P42 did not explain if she meant herself and her friends, or detainees from the demonstration] were detained and were taken to Kafar Souseh. She had only her driving license with her, but not her ID card [as it was still confiscated in Al-Khatib]. P42 did not tell them that she was being detained in Al-Khatib. “We” were taken to interrogation rooms. There were other women and elderly men. She signed papers with claims that she worked for the opposition [P42 asked the interpreter to translate the following sentences. The interpreter translated the end of her answer]: That she was dealing with the opposition; undermining the psyche of the nation; participating in an illegal demonstration; and spreading fake news about Syria. She signed a pledge stating that she will not do such things again and was released the same day.

Judge Wiedner asked P42 if she was mistreated there. P42 said only verbally.

Judge Wiedner asked if she saw violence against other women. P42 said yes, the women told torture stories. One of them was pregnant and another one was old. The old woman was with her grandson and they were from south Damascus. The grandmother and the grandson were detained together for 8 months. One of the guards said “stop talking” and hit a woman.

Judge Wiedner asked P42 if she got in contact with Branch 285 after that occasion. P42 said no, only that one.



Judge Wiedner asked P42 what happened at Al-Khatib branch after that incident in Kafar Souseh. P42 said she proceeded with Al-Khatib and told them that she was sick.

Judge Wiedner asked if Al-Khatib Branch knew about the detention in Kafar Souseh. P42 denied.

Judge Wiedner said that P42 mentioned in the police questioning that her interrogator called her at home. P42 said yes, he called her at home.

Judge Wiedner asked P42 what he [the interrogator] said. P42 said that he asked if she was alright and whether she needed help and told her when to come.

Judge Wiedner asked P42 if they wanted her to cooperate with the regime. P42 said yes, he told her to cooperate with the regime and give him contact information and names of people, and he told her to call him whenever there was a threat to the country.

### **Prosecutor's Questioning**

Prosecutor Polz asked P42 to describe the conditions during her detention: food, water, hygiene, medical care, injuries, etc. P42 said that she was allowed to go to the toilet, but taking a shower was prohibited. Food was a boiled egg or potatoes and olives. Generally, it was old. There was no medical care. According to what other friends had told her, P42's situation was better than others.

Polz said that she did not understand the last part of the answer. P42 clarified that her friends told her that her situation was better than other detainees'.

Polz asked P42 if that means that the detention situation of other detainees was worse than hers. P42 confirmed.

### **Defense Counsels' Questioning**

Defense Counsel Fratzky recalled that P42 mentioned that she had to see an important person. P42 confirmed.

Fratzky asked P42 if that person was not Raslan. P42 denied.

Fratzky asked P42 to describe that person and what he was wearing. For example, was he was wearing a uniform? P42 said that he was not wearing a uniform, but rather a shirt. P42 stated that she does not have information about him and does not know his name. His hair was black and combed to the side. He had big shoulders. There is nothing much that P42 could say about him.

Fratzky asked P42 if there were commander units in the room. P42 confirmed.

Fratzky asked P42 whether she knows the purpose of taking her to that room and whether these people knew her. P42 said no, she thinks that it was a visit by that person. P42 does not know whether he was from the same branch or another one. He did not tell her that.

Fratzky asked P42 if she could estimate how long she stayed in the room. P42 said not too long; approximately 10 – 20 minutes and then she went back to her cell.

Fratzky asked P42 to describe her interrogator, such as whether he was wearing a uniform or civilian clothes, his dialect, etc. P42 said that he was not wearing a uniform and she could not differentiate his



dialect, but it was not a strong dialect and he said that he was Sunni. He was wearing civilian clothes and the young men [guards] were wearing khaki, but not full uniforms.

Fratzky recalled that P42 said that she is Palestinian-Syrian. P42 said that she is Palestinian, but she lived her whole life in Syria and was born in Damascus.

Fratzky refreshed P42's recollection quoting from the police transcript, "Raslan said that he was a Sunni and he would help me." P42 said that she thinks that this was her interrogator, and he said that several times, not just when Raslan was there.

Fratzky asked P42 if she means that the person she talked about in the police questioning was her interrogator. P42 confirmed.

Fratzky refreshed P42's recollection quoting from the police transcript, "I could not identify Raslan's dialect, and I did not speak with him." P42 confirmed.

Fratzky said that Raslan did not say that he was a Sunni then. P42 said yes, it was the other interrogator.

### **Plaintiff Counsels' Questioning**

Plaintiff Counsel Scharmer recalled that P42 said that before she went to Al-Khatib Branch, she mentioned that her friends were detained there and were not released. Scharmer asked P42 when and how long they were detained and if she could share their names if P42 does not have an issue with that. P42 said that regarding the names, she could not provide them, because she does not know if she is allowed to do so, and she does not know some of the names. Sometimes, P42 knows people without knowing their names. P42 explained that activists were detained starting in March 2011, but she knows people who were detained in ("let's say") October, November, and December 2011, and some of them died. One of her friends was released 17 days after she [the female friend] was detained and said this person died and that person died, and that is how P42 heard about them [the dead detainees]. Additionally, her neighbor's mother is Palestinian and was told that her son died. P42 knows more than 11 people who were detained between September and November and their whereabouts are unknown.

Scharmer asked P42 if that means that she does not know to this day whether they are alive. P42 confirmed.

Scharmer asked P42 how many of them were detained or died in Al-Khatib Branch. P42 said at least four are said to be dead [died in Al-Khatib].

Scharmer asked P42 if she was talking about the period between 2011 and 2012. P42 said no, only 2011.

Scharmer recalled that P42 was working for the EU delegation and asked her whether that gave her a special status. P42 said yes, she had a special status. She was detained alone [had her own cell] and was able to go back home. P42 heard from others who were detained in Al-Khatib about other torture methods and the large numbers of people [overcrowded cells]. There were diseases and there was no health care. P42 stated that she had a feeling when she went back home that she was granted special treatment. Therefore, P42 is thankful to be alive.

[P42 was dismissed at 11:43]

\*\*\*

[5-minute-break]

\*\*\*

Judge Kerber read aloud a court order [Names have been redacted and replaced with SJAC's witness identification system. In case a witness did not testify in court, the trial day which details their previous police questioning is indicated]:

"1. The witness [name redacted] [P36] testified about deaths in Branch 251 during Ramadan 2012 when he was first ordered into the branch as a doctor. Ramadan was from July 19 - August 18. During his work, which lasted until 2013, he saw corpses as well as people who died later in the hospital. The causes of death were mostly prison conditions or abuse. He saw deaths almost every day and was able to remember three individual deaths; two in the branch and one in the hospital. He said he personally witnessed ten deaths during Ramadan and fifty during the whole period of his work. Altogether, there were probably 100, according to him, between July and September. Therefore, the crime of homicide for base motives could be considered according to §211 (2) StGB as well as crimes against humanity according to §7(1) No.1 VStGB in ten cases. The judges only take into account deaths which the witness witnessed himself.

2. As mentioned before on April 15, the prosecution is not prevented from adding charges where plaintiffs are joined to the case according to §395(5) StPO. Therefore, a conviction for the following crimes could be considered:

a) Plaintiff [name redacted] [P41] was detained from [information redacted] 2011 to January [information redacted] 2012. His hands were tied so tightly that he had lasting problems with his nerves. He was not allowed to sleep for 3 days and was beaten on his feet. This could amount to crimes under §223, 224(1) No.2, 239(3) No.1 StGB.

b) (The same for [name redacted] [P39])

c) (The same for [name redacted] [P38])

d) (The same for [name redacted] [P34])

e) Plaintiff [name redacted] [P33] was arrested for 23 days in Branch 251. She said she was not beaten but suffered with regard to the detention conditions, §223 StGB comes into question as well as §239(3) No.1 StGB due to the long duration of her detention.

f) ([name redacted] [P32] is mentioned, the abuse in addition to the sexual harassment, §223, 224(1) No.2, 239(3) No.1, 174a StGB, 177(1) No. 1 alt. 1 (old version) StGB – however, the judge's bench will take into consideration the inconsistent nature of her testimony)

g) (Same paragraphs as under (f) regarding plaintiff [name redacted] [P22])

3. The judges sees the conditions for the crimes of torture and severe deprivation of liberty met. Many witnesses have described the inhumane prison conditions, the mental pressure caused by other inmates' screams, the uncertainty about their own fate. This could amount to crimes under §7(1) No. 5 VStGB. It was the norm that detainees were subjected to arbitrary abuse, excessive violence, inhumane conditions, lack of legal reasons for detention, uncertainty about the duration of detention, lack of legal assistance, and that their families were not informed. This could amount to crimes under §7(1) No.9 VStGB. Fayyad, [name redacted] [P4], [name redacted] [P8], [name redacted] [P11], [name redacted] [P12], [name

redacted] [P9], [name redacted] [P19], [name redacted] [P22], [name redacted] [P27], [name redacted] [P25], [name redacted] [trial day 59, TR#26], [name redacted] [P28], [name redacted] [P31], [name redacted] [P32], [name redacted] [P33], [name redacted] [FR18 on trial day 80, TR#39], [name redacted] [P38], [name redacted] [P39], [name redacted] [P41] [plus a few names not heard by trial monitor] as well as four anonymous witnesses described during the trial about such conditions.

4. Referring to the note based on §7(1) No.6 VStGB the judges point out that the following individual crimes could be considered: A stick was inserted into the anus of Fayyad; the breasts of [name redacted] [P19] were groped; [name redacted] [P32] was harassed by the guard. Therefore, one case of rape and two cases of sexual coercion could be considered under §7(1) No.6 VStGB.”

Judge Kerber distributed copies of the court order.

The proceedings were adjourned at 12:05 PM.

The next trial session will be on July 22, 2021, at 9:30 AM.

### **Trial Day 85 – July 22, 2021**

The proceedings began at 9:30AM with seven spectators and four members of the press in the audience, including P42 and a court illustrator. The prosecution was represented by Prosecutors Klinge and Polz. Defense Counsel Böcker was not present.

### **Testimony of P43 [name redacted]**

P43 did not want to share his name initially, but Judge Kerber said that it was required.

P43, [name redacted], is a 38-year-old Syrian. P43 was informed about his rights and duties as a witness. He stated that he was related to the defendant and is the defendant’s son-in-law [Throughout his testimony, he referred to Anwar Raslan as “my father-in-law”].

### **Judge Wiedner’s Questioning**

Judge Wiedner asked P43 what Raslan’s job was in Syria when P43 first got to know Raslan. P43 said that by the virtue of their relationship, P43 knows him [Raslan] since P43 was four or five years old. He [Raslan] was working in Damascus and P43 was in Homs city. He used to visit “us” at home all the time and P43 also visited him all the time, because his [Raslan’s] mother is P43’s aunt [father’s side]. During P43’s military service in Damascus, P43 met Raslan several times, and when P43 finished it [the service], P43 proposed to marry his [Raslan’s] daughter. P43 received approval and became his son-in-law and saw him all the time.

Judge Wiedner asked P43 where Raslan is from. P43 said from Homs, Al-Houla الحولة village, which is P43’s village as well.

Judge Wiedner asked P43 if he knew what Raslan’s job was, what his education was, and when and where he worked. P43 said that regarding “when,” he [Raslan] started several years back, maybe 20 years [back], but he always told P43 what his [Raslan] job was and what he did. P43 indicated that he was not sure the exact number of the years, because Raslan was a Warrant Officer 3<sup>rd</sup> class مساعد in the beginning, then studied law, before he worked at the Intelligence Services.

Judge Wiedner asked P43 what other positions Raslan had. P43 said that his [Raslan's] first job was a policeman. Then he studied law and was among the top [students in his class] and thus, he was assigned to the Security Directorate.

Judge Wiedner recalled that P43 said that Raslan used to tell him what he did for work. Judge Wiedner asked P43 what Raslan said. P43 said that Raslan used to say that, for instance, when the European or Chinese delegations came [to Syria] he used to escort them and protect them. Also, as the inner branch, Al-Khatib was mostly responsible for the ministries' studies and state security. That was what he [Raslan] used to tell P43, in addition to the fact that the extremists sometimes attacked before the incidents. His [Raslan's] goal was to fight terrorism.

Judge Wiedner asked how many years earlier. P43 said from 2000 to 2011.

Judge Wiedner asked what else he was told. P43 said that the main task of the branch was security studies of the state.

Judge Wiedner asked P43 how he knew that. P43 said he was told all of that by him [Raslan].

Judge Wiedner recalled that P43 said "until before 2011." Judge Wiedner asked, "What about 2011?" P43 stated that he wrote some sentences for the court so that he does not forget. He asked the judges whether he was allowed to read from the notes.

Judge Kerber allowed P43 to use his notes. P43 read aloud from his notes [His language changed and he used more Standard Arabic. He was using some Standard Arabic words from the beginning of his testimony, but here, the use of Standard Arabic increased.]: Since the beginning of the revolution in Dara'a in 2011, then to Homs, Damascus, and to the rest of the provinces, and by the virtue of the relationship, he [Raslan] used to tell P43 matters that happened with him. In one of the demonstrations in Damascus, the head of Division 40, Hafez Makhoul **حافظ مخلوف** detained a large number of detainees and then transferred them to Al-Khatib Branch. It was a big number. They were released by P43's father-in-law after they were interrogated and with an absence of evidence against them. After that incident and the release of the detainees, he [Raslan] was directly accused of helping detainees and sympathizing with them [P43 stopped reading directly from his notes at this point].

Judge Wiedner asked P43 how he knew that. P43 said that his father-in-law told him in Damascus. P43 and his [Raslan's] daughter used to visit him [Raslan].

Judge Wiedner asked P43 when that was. P43 said that his father-in-law told him at the beginning of the revolution. Maybe in April or May 2011.

Judge Wiedner asked P43 if that was when the incident happened or if P43 meant that he visited Raslan at that time. P43 said that they [P43 and his wife] were visiting him [Raslan] all the time so that he could see his daughter.

Judge Wiedner recalled that P43 said that the incident occurred at the beginning of the revolution. Judge Wiedner wanted to know whether Raslan told P43 about the incident directly after it happened or after a while. P43 said that he [Raslan] told him at the moment the incident occurred.



Judge Wiedner asked when that was exactly. P43 said after a week or two [of the incident], “we” [P43 and his wife] were visiting his father-in-law and Raslan’s wife, P43’s mother-in-law, told P43 [about the incident]. On the evening of the same day, P43 met him [Raslan] who also told P43 [about it].

Judge Wiedner asked P43 how often he was meeting Raslan. P43 asked if Judge Wiedner meant in 2011.

Judge Wiedner confirmed. P43 said “we” used to visit him every month in Damascus. Sometimes, P43’s wife used to stay [at Raslan’s house] for a week, and P43 would come to pick her up and stay for a day or two.

Judge Wiedner asked P43 what he could add about Raslan’s activities. P43 said that he [Raslan] told P43 that he started to be monitored in his private life, in addition to his mobile phone and contacts. He [Raslan] was considered a “sleeper cell.” Therefore, his work and authority were frozen. He [Raslan] told P43 about another incident in the branch as well. Raslan was summoned by Tawfiq Younes توفيق يونس who told him [Raslan] about the demonstrations in Al-Houla. P43 said that Younes described the demonstrators as traitors. P43’s father-in-law realized that it was a direct threat to him, being a son of Al-Houla, which rebelled against the regime. After these two incidents... [Judge Wiedner interrupted].

Judge Wiedner asked whether Raslan was still working back then. P43 said that he [Raslan] continued to work, of course, but after these two incidents, he was thinking seriously to leave [his work] and defect. “It” [Possibly, “life” or “defection”] was very difficult, especially due to the constant surveillance of him and his family. He [Raslan] told P43 about his decision to defect and P43 was supportive of him and his decision. P43 met a person in Az-Zabadani الزبداني to arrange the defection of his father-in-law with [name redacted] who was a policeman who had defected from the regime. He [name redacted] introduced P43 to two people from Az-Zabadani who would help his [P43’s] father-in-law defect and leave the country. They [the people from Az-Zabadani] welcomed the decision to defect, but the main problem was that they would help his father-in-law alone. P43’s father-in-law rejected that categorically because he knew what would happen to his family if he left [his work] and left the country. P43 explained that the attempt failed and he [It is unclear if this refers to P43 or to Raslan] started to look for other ways. Time passed and in September 2012, P43’s father-in-law said [told P43] that P43, his wife, and children had to leave the country as soon as possible because he [Raslan] secured a way to defect. P43 left for Lebanon. P43 noted that he [Raslan] did not exactly tell P43 who would help with the defection, but he said that they were trusted people from Eastern Ghouta الغوطة الشرقية.

Judge Wiedner recalled that P43 said that Raslan’s mobile phone was surveilled and that he was stripped of his authority. Judge Wiedner asked P43 what happened. P43 said that he [Raslan] did not take [or perhaps “use”] his phone as it was monitored.

Judge Wiedner asked if Raslan’s landline phone was monitored as well. P43 said yes, all of his calls. P43 explained that all these talks [communications between P43 and Raslan] were not conducted over the phone, but he [Raslan] was communicating with P43 directly. P43 added that at the beginning of 2012 when P43 left Homs, P43 was living in Damascus and close to him [Raslan].

Judge Wiedner asked P43 about what Raslan said regarding the surveillance and the stripping of his authority. P43 said that after helping the detainees, eyes were on him [Raslan] and the fingers were pointed at him. Therefore, even when he [Raslan] used to come back home, some people used to come



[follow Raslan] and watch downstairs [in the street/at the bottom of the building], as he was considered a “sleeper cell.” In other words, he could defect at any time.

Judge Wiedner asked P43 if Raslan told him what tasks he could not do anymore at work. P43 said that he [Raslan] did not tell him such small details, but P43 knows that many people would vouch for him that he helped them, even before the revolution.

Judge Wiedner asked when Raslan did that. P43 said since 2006 when P43 married his [Raslan’s] daughter, P43 started to meet him [Raslan] often and he was always helping people according to his capacity. He refused to help in return for money or a bribe. He was very peaceful and had no hostility.

Judge Wiedner asked when was Raslan was stripped of his authority and when did the surveillance begin. P43 said that both incidents happened approximately at the same time. The first one was after releasing the detainees in Damascus, and the second one was after the start of the demonstrations in Al-Houla, P43’s village.

Judge Wiedner asked when that happened. P43 said approximately in April – May 2011.

Judge Wiedner asked if it was correct that Raslan told P43 that he was being monitored in April or May 2011. P43 said no, that incident happened in these two months [sometime in that same time period], however, “we” visited him [Raslan] at the end of May and he told “us” [about it] then.

Judge Kerber recalled that P43 mentioned the incident with Tawfiq Younes, and asked P43 whether that occurred in April to May 2011 as well. P43 said it was during that time. P43 and his wife were visiting [Raslan], and P43 used to stay for a few days [at Raslan’s house]. He went back at the end of May. There was no specific day, but P43 recalls that it was at the end of April – May, at the beginning of the revolution.

Judge Wiedner pointed out that P43 said that he supported his father-in-law in his defection. Judge Wiedner asked P43 when that happened. P43 said in 2012 when P43 sought refuge from Homs to Damascus. During that time, P43 met that person [name redacted] after March.

Judge Wiedner asked if P43 meant 2012. P43 confirmed.

Judge Wiedner asked P43 how he was communicating with his father-in-law. P43 said because he was in the capital [Damascus], they were always meeting.

Judge Wiedner asked P43 if he met Raslan by himself. P43 said [yes,] the surveillance was very strict.

Judge Wiedner asked P43 if he [It was unclear if Judge Wiedner meant Raslan or P43] was surveilled in particular. P43 answered, “exactly.” P43 was living close to him [Raslan] and at one point, P43 lived in the same building [as Raslan] on the ground floor. Whenever when he [Raslan] came back home, there were armed security forces behind him [following and watching him].

Judge Wiedner asked P43 why they did that and whether they did that to make him [Raslan] leave his position. P43 said because they could not dismiss/discharge him [from his position/job].

Judge Wiedner said that he did not understand and wondered “why not?”. P43 said because his [Raslan’s] job had a legal duration [at which he should be dismissed/discharged] and he had to work until then.



Judge Wiedner asked P43 if he knows whether Raslan was relocated to other offices/bureaus. P43 said no, he does not know. P43 only knows that he [Raslan] was in Al-Khatib and defected from Al-Khatib. P43 added that before, he [Raslan] was in a different branch, Branch 285.

Judge Wiedner asked when. P43 said he does not know the details of his [Raslan's] work timeline.

Judge Wiedner asked if P43 could estimate when and where. P43 said maybe before the incidents, but P43 did not know the dates and details.

Judge Wiedner said that he did not understand. P43 said he meant that he [Raslan] was moving [jumping] between Branch 285 and Al-Khatib, but P43 did not know the dates.

Judge Wiedner asked P43 how he moved from Homs to Damascus. P43 said he was living in Homs and moved to Damascus after the massacre of Karm Az-Zaytoun كرم الزيتون [a neighborhood in Homs].

Judge Wiedner asked P43 if he faced difficulties because of his father-in-law. P43 said there were some difficulties around 2011. P43 was a worker, a sport [physical education] teacher within the bounds of a state-official contract. Due to the incidents in 2011, there were no jobs and no contracts, and the people did not go to school. P43 owned a supermarket and allocated his time, along with his brother, to work [there] and left his teaching job.

Judge Wiedner clarified that he meant whether P43 encountered difficulties because of the nature of his father-in-law's job. P43 said that he was going to touch on that. In November or December 2011, P43 was subjected to a kidnapping when he was outside the supermarket. He was abducted for three days and "they" [the abductors] accused him of leaving work to spy on the Free Syrian Army [FSA] because that area was under the control of the FSA. After three days, they released P43 and apologized to him. They said that they had looked into him. P43 explained that the reason for abducting him was he was a relative of a security officer. P43 said that according to them, they asked about the subject matter and Raslan's work, especially that he [Raslan] was in contact with the revolutionaries in Eastern Ghouta. They apologized to P43 and told him that his father-in-law was a good person and helped detainees.

Judge Wiedner asked if P43 was abducted even though Raslan had contact with the FSA and helped detainees. P43 said that they did not know about that at the time of the abduction. It was more like "that is a security officer and this is his relative." It was not because the name was X or Y [P43 was trying to explain that he was not abducted because there was a bad officer with the family name "Raslan" and because P43 was a relative. Rather, he was abducted to be interrogated because they knew that P43's relative was an officer in the security services].

Judge Wiedner asked P43 if he applied for asylum. P43 replied saying, of course.

Judge Wiedner asked P43 if he recalls what he said about his abduction during the interview with the BAMF [Federal Office for Migration and Refugees]. P43 said yes, he could tell Judge Wiedner what he said.

Judge Wiedner refreshed P43's recollection quoting from the questioning transcript: "I was abducted for three days in a dark room where I could not see. They hit me and told me that I was leaking information about the FSA to my father-in-law. In the end, they found out that I was not in contact with him and I moved to Damascus." P43 confirmed.

Judge Wiedner asked P43 if he said that he was released because they found out that there was no information that he was in contact with his father-in-law. P43 said he does not have information about the FSA, and asked rhetorically how he would know information about the FSA considering he was arranging the defection of his father-in-law [In other words, if P43 knew information about the FSA or was in contact with them, he would not have had any problem finding people to arrange Raslan's defection].

Judge Wiedner said that the transcript does not say that the FSA released P43 because he was not leaking information, but rather because there was no information about him being in contact with Raslan. P43 said that he mentioned that after three days, they made sure that he did not convey information to his father-in-law.

\*\*\*

[15-minute-break]

\*\*\*

Judge Wiedner asked P43 when he left Syria. P43 said he left in 2012 at the end of September.

Judge Wiedner asked if P43 said 2012. P43 confirmed.

Judge Wiedner asked P43 if he left Syria alone or with his family. P43 said with his wife and children.

Judge Wiedner asked how many children P43 had when he left Syria. P43 answered, three.

Judge Wiedner asked how P43 left. P43 said he rented a private car and crossed the border to Lebanon.

Judge Wiedner asked P43 if he was living in Damascus before that. P43 confirmed.

Judge Wiedner asked P43 when he had prepared his notes. P43 said he had written them the previous day.

### **Prosecutors' Questioning**

Prosecutor Klinge asked P43 if he had said he left for Lebanon in March 2013 during the BAMF interview. P43 asked if Klinge said 2013.

Klinge confirmed. P43 said no, he did not say that.

Klinge asked P43 when his father-in-law said that he wanted to defect for the first time. P43 said that he [Raslan] was against the policy of injustice and when he witnessed that after the incidents. He was being watched and he was unable to offer help anymore because in Syria it is prohibited. It is very difficult for a person to choose only peace. One is forced to choose a particular side, either the regime or the FSA. P43 elaborated that he [Raslan] constantly said that he was against weapons and his decision to defect was to not get blood on his hands.

Klinge indicated that P43 did not answer his question and asked again when Raslan said that he wanted to defect for the first time. P43 said at the beginning of 2011 – in April or May. P43 noted that he answered that question and added that "we" [perhaps P43 and his wife] knew about it in May or June. He [Raslan] told P43 what happened in detail and since that moment, the idea [of defection] was there, but it was difficult because there would be devastating consequences if he defected and was caught.



Klinge recalled that there was a person who arranged for Raslan's defection. Judge Wiedner had asked when that was. P43 said in 2012.

Klinge asked if P43 could be more specific. P43 said no, it is difficult, but it was after March.

Klinge said that he wanted to go back to the subject of Homs. Klinge asked when the Syrian army began to use weapons in Homs. P43 said it was after the first demonstration in Homs. The demonstrators gathered at Homs clock tower. "We" [either P43 or Syrians] watched that on TV and P43 heard a scuffle between law enforcement and the demonstrators. The demonstration was close to Homs police [station].

Klinge asked P43 when the violence against the Syrian forces started. P43 pointed out that he did not participate in demonstrations nor armed combat. Due to the demonstrations and the riot, P43 left his sport [physical education] contract and worked in the supermarket near his home.

Klinge asked when Homs came under control by the Syrian regime. P43 said that there were demonstrations every Friday and the regime established checkpoints outside the area which were armed. This forced the demonstrators to leave the demonstrations and take up arms, but not everybody. There was a peaceful segment and another segment that decided to take up arms.

Klinge asked P43 when he could say that Homs was controlled by the Syrian regime. P43 said that the neighborhood where he was living was under the control of the FSA since the beginning of the revolution. On February 13, 2012, it came under the control of the regime.

Klinge recalled that P43 was abducted by the FSA. Klinge asked P43 if he said that he sympathized with the revolution. P43 said that of course him being from the area, he sympathized with the revolution, but he supported the peaceful solution.

Klinge noted that P43 said that he was beaten during his abduction. Klinge asked P43 if he told the FSA that his father-in-law wanted to defect. P43 said no, they did not ask him [about that], but P43 said that when they abducted him, he received a few blows and was blindfolded all the time and could not see. P43 added that there were questions and an interrogation about his relationship with his father-in-law. P43 told them that it was a family relationship between a father-in-law and his son-in-law and that they [Raslan, P43, and their family] were with the revolution.

Klinge repeated his previous question. P43 said no, he did not mention that.

Klinge stated that P43 was beaten because his father-in-law worked at the Intelligence Services. If P43 told them that he [Raslan] wanted to defect, they would have not treated P43 in such a way. P43 said he told them that his father-in-law was with the revolution and helped detainees. They said that they would communicate with people in the capital [Damascus] to make sure that what P43 said about helping people was correct.

Klinge asked P43 if the FSA had contact with Damascus, why would he not tell them that his father-in-law wanted to defect. P43 said it was at the end of 2011 and later P43 went to Damascus and arranged the defection.

Klinge asked P43 why would he not tell them that his father-in-law wanted to defect. P43 said that when a human being is asked, he would answer. And when the place is dark and the person is blindfolded, the person has to answer the question. P43 explained that he was dealing with people whom he did not know,

was fearful, and was taking blows. After they made sure [of P43's story], they released him three days later.

Klinge asked why P43 did not tell them after he was released. P43 said right, but that was something that P43 would not share with anybody because any place could be infiltrated and there could be a regime agent with the FSA. However, P43 could share that with a trusted person in the area. He [that trusted person] was living on the same street and was one of the shop's [P43's supermarket] customers. He was a friend of P43's brother and an employee at the customs. He defected and was a trusted person. P43 would tell such a person and he, in turn, would convey the [whole] picture in his own way. But P43 would not tell staff members [of the FSA]. P43 recalls an incident in Karm Az-Zaytoun where he was living: there were two brothers; one was a member of the FSA and the other one was supposedly a peaceful demonstrator. "They" [maybe FSA] found out that the peaceful one was collecting/gathering information about the demonstrators and the FSA, and that he told the regime about the meeting of the group [of FSA]. During their meeting, his brother [the informer] brought in food, including a small bomb. When he [the informer] got out and left, he detonated the bomb. A week later, the FSA was able to catch that person and his brother [the member of the FSA] was present. The brother tied him [the informer] to the car and dragged him in Karm Az-Zaytoun.

Klinge said that P43 went off on a tangent and that the question was about his abduction. P43 said he wanted to summarize his answer by saying that he could not trust any person - that could claim the lives of the whole family [put their life in danger].

Klinge asked P43 if Raslan told him about the contacts and the people who helped in his defection. P43 said that when he [Raslan] asked P43 to leave Syria in the last days, he told P43, in short, that his defection was secured by people in Ghouta.

Klinge asked P43 where he lived in Damascus. P43 said in Ain Tarma عين ترمّا.

Klinge asked P43 who was the owner of the flat. P43 said it belonged to his father-in-law.

Klinge asked P43 who was controlling that area. P43 said the FSA.

Klinge asked since when. P43 said since he arrived, it was under the control of the FSA. However, on the boundaries outside Ain Tarma, checkpoints searched whoever went inside or out.

Klinge asked P43 why he left Homs. P43 said he left because after the massacre in Karm Az-Zaytoun on February 13, 2012, "we" [P43 and his family] left and could not take anything, only the clothes they wore. The whole area was abandoned because there was tank shelling and all the people fled.

Klinge asked how the massacre started. P43 said he was not there when the shelling occurred. P43 took his wife and children and only a few people remained. After the shelling, the regime forces entered and P43 does not know what happened, but after two to three days, it came under the regime's control.

Klinge asked how the massacre happened. P43 said by the shelling of the regime's tanks and maybe there was resistance from the FSA. There was a clear path for the civilians.

Klinge asked P43 why he left Homs. P43 said because his home was destroyed and he was damaged. P43 asked rhetorically "what would I do in Homs?". P43 added that a month before he moved [to Damascus], his son was born in Damascus and had a disability in his leg and had [therapy] sessions in a hospital. The



doctor said that he [the son] needed two operations. “They” said that Damascus was the best location for his son’s treatment.

Klinge asked P43 where he lived when he moved to Damascus. P43 said that at first, [he lived/stayed] in Al-Yarmouk اليرموك [camp neighborhood], then Daff Ash-Shoak دف الشوك; the police [neighborhood], then to Al-Abbasiyyeen العباسيين in the same building where his father-in-law was living, then Ain Tarma.

Klinge asked P43 who controlled Al-Yarmouk in 2012. P43 asked if Klinge meant in 2012.

Klinge said yes. P43 said it was under the control of the Palestinians.

Klinge asked P43 if they were affiliated with the regime. P43 said he does not know their relation [affiliation]. P43 was just living quietly, but there were regime checkpoints outside the camp.

Klinge asked P43 if it would be correct to assume that they were with the opposition against the regime. P43 said he had nothing to do with demonstrators nor with armed people. P43 was only concerned about his son’s situation. P43 used to hear shooting, but he did not know who attacked whom.

Klinge asked P43 if the brother of his wife was injured. P43 confirmed.

Klinge asked P43 to tell the court what happened. P43 said it was in Damascus, maybe in Jobar جوبر, but not due to the name of the person [P43 brought up same argument he did earlier meaning that his brother-in-law was not attacked (by the opposition) because his family name was “Raslan.”]. But it was rather that he was in a security car [a car that belongs to the security forces/intelligence] and had a driver with him. He wanted to visit his relatives. A checkpoint saw the car that had the driver from Darayya داريا along with P43’s brother-in-law, [name redacted] [Raslan’s son]. “When it happened” [when the shooting/attack happened], he [Raslan’s son] opened the door and escaped. He heard firing. The driver, Khaled خالد from Darayya, was taken with the car. A day or two later, he was released.

Klinge asked what, if P43 knows, happened to him [the driver]. P43 said he does not know.

Klinge asked P43 whose car was it. P43 said it belonged to the security [forces/intelligence] and was at their disposal.

Klinge said that regarding P43’s abduction, P43’s wife was asked in the questioning in 2016 why her father left Syria. She said that he was surveilled by the FSA because he was working for the regime, her brother was injured, and her husband was abducted and beaten, therefore, her father [Raslan] decided to defect. P43 said that the first part was as he mentioned before, but he does not know about the second part [Most likely, P43 meant it the other way around. He knew about the second part but did not know that his wife said that Raslan was being watched by the FSA].

Klinge asked P43 if his brother-in-law left Syria. P43 confirmed.

Klinge asked when was that. P43 said he does not know.

Judge Wiedner asked P43 if his brother-in-law left Syria before or after Raslan. P43 said after his father-in-law’s family [left].

Judge Wiedner refreshed P43’s recollection quoting from the questioning transcript, “After my father-in-law escaped, they sabotaged/vandalized/damaged the flat. I do not know because I was not there.” Judge Wiedner asked P43 if he was talking about his flat in Homs. P43 said that he left Syria two and a half



months before his brother-in-law, followed by his father-in-law who left for Jordan at the beginning of 2013. P43 said that he mentioned that his flat in Homs was searched and destroyed entirely, and P43's friend, a taxi driver in Homs, filmed/took photos of it.

Judge Wiedner asked P43 if he said that he was in Damascus when that happened. P43 said no, he was in Lebanon.

Klinge asked P43 how the operation of Raslan's defection was arranged. P43 said that it happened in December 2012 [P43 said "twelve...2012." It's unclear if he meant "December," or if he said "twelve" as shorthand for "2012," before clarifying "2012"]. It was said that his [Raslan's] son needed an urgent operation in the hospital, and P43's mother-in-law called [Raslan] and said "you have to be with me at least [in the hospital]." P43 explained that this was arranged so they [the security forces who were supposedly monitoring the phone calls] could hear that he [Raslan] had to be at the hospital. P43 added that it was planned to seem as if it was normal, and Al-Abbasiyyeen is not far from Al-Ghouta. P43 said that he heard from his father-in-law that he met people. P43 indicated that it was risky because he [Raslan] could have been caught at a checkpoint.

#### **Defense Counsel's Questioning**

Defense Counsel Fratzky said that he needed 5 minutes.

\*\*\*

[5-minute-break]

\*\*\*

Fratzky recalled that P43 mentioned a trusted person who worked at customs and defected, and [recalled that] P43 did not tell the abductors that Raslan wanted to defect. Fratzky asked P43 if that trusted person was the one who arranged Raslan's defection. P43 said no, that person was in Homs and was known as Abu Wa'el Al-Homsi. أبو وائل الحمصي. The other person was in rural Damascus in Az-Zabadani, [name redacted].

Fratzky asked P43 if he talked with the trusted person about helping his father-in-law. P43 said no. P43 told him on the grounds that he was a family friend.

Fratzky asked if the trusted person is currently in Syria. P43 said that he was in Homs when "they" [P43 and his family] left, and P43 heard that he [the person] was seriously injured.

Fratzky asked about the other person from Az-Zabadani – whether P43 knows where he is and if P43 has his contact information. P43 denied.

Fratzky recalled that P43 left for Lebanon with his wife and children. Fratzky asked P43 what happened afterward. P43 said he stayed in Lebanon for two years and nine months and was subjected to bullying and persecution. P43 worked in a school where he was the director, worked as a volunteer for the UN, and voluntarily worked to help Syrians.

Fratzky asked P43 if at that time he was in contact with his father-in-law in Jordan or his wife. P43 said that his wife was with him.

Fratzky asked if P43 or his wife were in contact, for example online, with his father-in-law. P43 said, of course, they were communicating all the time via WhatsApp.

Fratzky asked P43 how he would describe Raslan's situation after his defection. P43 said he knows that his [Raslan's] situation in Jordan was very bad. He defected and did not join the FSA because he was against the use of weapons [armed resistance/opposition] from either side. Thus, his situation was difficult and his children were forced to leave school and work to help pay rent. He left Syria and had only one home/house in Ain Tarma.

Fratzky asked P43 how his father-in-law moved from Jordan to Germany. P43 said he knows that he [Raslan] applied for asylum at the German embassy in Jordan or something like that. There was a person in Germany who helped him and is called Riyadh Saif. He did not tell them about his previous job and came to Germany in 2014.

Fratzky asked if Raslan gave information about the regime. P43 said he does not know.

Fratzky asked P43 what he knows about his father-in-law's participation at the Geneva Conference. P43 said that his father-in-law said that he wanted to go to the Geneva Conference of the opposition. The head was maybe Ahmad Al-Jarba أحمد الجربا and he [Raslan] was invited to the [National Syrian] coalition. P43's father-in-law was hoping to find a peaceful solution in Syria.

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

[P42, the witness from the previous day, asked if she could ask P43 a question. Judge Kerber gave her permission.]

P42 stated that P43 was using the term "incidents" to describe the uprising, but then switched to "revolution" after he started reading from his notes. P42 asked P43 if that was noted in his notes. P43 said no, he did not write that down. P43 further explained that "the incidents" means the beginning of the Syrian revolution. There is no other meaning to "the incidents." Before the revolution started, there were no "incidents."

Kroker said that P43 used two different Arabic terms to describe the same thing: "incidents" and "revolution." It was also noted that P43 started to use the other term after he started reading from his notes. Kroker asked P43 if he could explain that. P43 said he even said, "the first incident" and "the second incident" with his father-in-law. "The incidents" are "the new things." If there was nothing in Syria and then the revolution started, then this would be the new incident.

Kroker asked if there is a politically different usage of the terms after 2011. P43 said he meant the Syrian revolution.

Reiger asked P43 if he knows a person called [name redacted]. P43 denied. P43 added that he knows the family. They were neighbors in Karm Az-Zaytoun, but not a person with the name "[name redacted]".

Reiger asked P43 if he knows that his father-in-law was relocated to other offices/bureaus. P43 said no, after Al-Khatib he [Raslan] defected and joined the opposition in Geneva, that is all.

Reiger told P43 that his father-in-law said "The surveillance in Branch 251 was strict, but after I was relocated, it was loose. I met [name redacted] and he helped me." Reiger asked P43 if that was the person who helped his father-in-law or the person whom P43 mentioned because that contradicts what P43 said

before in the testimony. P43 said that there is no contradiction. P43 tried to help his father-in-law with the person from Az-Zabadani, but he [Raslan] refused because he did not want to leave without his family. He also said that he mentioned that in September 2012, P43's father-in-law asked him to leave Syria because he had secured a way to defect, without mentioning details. That was the one [way] that he [[name redacted] or Raslan] secured the way out and P43 did not know about it because he was securing his own way to leave. P43 added that he [Raslan] did not tell P43 through whom [Raslan arranged his own defection].

Reiger said that P43 said before that Raslan's defection was arranged by [name redacted], but Raslan said that it was done by [name redacted]. P43 said he did not say that.

Reiger asked if P43 met a person in Serbia from UNICEF on his way. P43 asked from where.

Reiger said from Lebanon to Germany. P43 said yes, he met an American journalist called Ashley Giberson/Gilbertson and the journalist Anita. They followed "us" [P43 and his family] to Macedonia and then Croatia and asked to do a press interview asking what "we" would do in Germany. They [the two journalists] used to visit "us" every six months in Berlin. They conducted interviews and published them.

Reiger asked P43 about the reason for escaping from Homs. P43 repeated that as he said a while ago, the situation was very bad. His house was destroyed, a part of it. His little son needed treatment and had two operations in Damascus. His area came under the control of the regime.

Judge Wiedner asked P43 when he left Lebanon with his family. P43 said at the end of September 2012.

Judge Wiedner clarified that he meant "left Lebanon to Germany." P43 said he meant that as leaving from Syria to Lebanon.

Judge Wiedner repeated that he meant from Lebanon to Germany. P43 said on November 28, 2015, by plane to Turkey where he stayed for three days. Then, by a rubber dinghy to Greece and traveled by train from Athens to Serbia, and arrived in Germany on December 5, 2015.

### **Plaintiff Counsels' Questioning**

Plaintiff Counsel Scharmer asked P43 if he knows the rank of his father-in-law. P43 asked if Scharmer meant before he defected.

Scharmer replied that he certainly did not have a rank after his defection. P43 said, "Colonel."

Scharmer asked P43 if his father-in-law was content with his work up to 2011. P43 said that regarding before the incidents, P43 described what his [Raslan's] work was before 2011. It was security studies, the ministries, and protecting diplomats and the state institutions/enterprises. P43 said that regarding "Colonel," he [Scharmer] mentioned that after his [Raslan's] defection he did not have a rank. P43 explained that after defection, the FSA promotes individuals one rank, i.e. to "Honorary Colonel." In the opposition, he [Raslan] is a brigadier general, whereas to the regime a colonel.

Scharmer said that his question was whether P43 had the impression that his father-in-law was content with his work before 2011. P43 said that this was his answer for the previous question. P43 indicated that he said he [Raslan] was very modest, beloved by the people around him, had no hostility, and helps without accepting bribes. P43 pointed out that "we" [perhaps Syrians] know officers from the other sect, who have palaces and countless cars.

Judge Kerber asked Scharmer if his question was answered. Scharmer said no, but it was alright.

[The witness was dismissed at 12:25PM]

P43 said that he would like to add something and asked Judge Kerber if he may. Judge Kerber gave him permission.

P43 stated that “we” are in Germany, a state of law and justice. Some matters are going on; “we” are his [Raslan’s] family in Berlin and there are some calls on social media that his father-in-law should be killed along with his [Raslan’s] family, young and old. Additionally, he [Raslan] was named on social media “Anwar the Zionist” and the one who named him that was a witness “here.” The accused is innocent until proven guilty.

Judge Kerber thanked P43 and told him that the court would consider that and said that the internet could be problematic.

Fratzky asked Judge Kerber if he may ask P43 a question. Judge Kerber said that the witness was already dismissed, but proceeded to ask P43 whether he would allow Fratzky to ask him a question. P43 confirmed. Judge Kerber informed P43 about his rights and duties as a witness.

Fratzky asked P43 if P43 could share the name of the witness who stated that and was a witness in court. P43 said that his [that witness’s] name was written “here” [in P43’s notes].

Kroker asked if the witness’s name was published publicly, or whether he was anonymous.

Judge Kerber asked if the witness was in Germany. P43 said he was a witness.

Judge Kerber asked P43 if the name was written down on the paper [that P43 was holding]. P43 confirmed.

Judge Kerber said that the court would take that and would add it to the protocol.

[The witness was dismissed at 12:30PM. Judge Kerber told P43 that he has the right to stay in the courtroom or to leave. P43 left the courtroom].

P42 asked if she may add something. Judge Kerber gave her permission.

P42 said that she wanted to point out that when someone is pro-regime or when the Syrian president talks about the revolution, he uses the term “incidents,” and the opposition uses the term “revolution.” P42 just wanted to note [by her previous question to P43] that the witness was using the term “incidents” and it was translated to “revolution” in German.

\*\*\*

[Lunch break]

\*\*\*

A [statement](#) about a motion filed by ECCHR about “Enforced disappearances in the al-Khatib trial” was read aloud by plaintiffs’ representatives Bahns, Scharmer, and Kroker consecutively [from 1:30PM to 2:40PM].



The judges read a decision. “The motion for additional evidence filed on November 19, 2020, by the plaintiffs (to translate and read several reports) is rejected. It was supposed to prove that sexual violence in Syria was part of the crimes against humanity by the Intelligence Services but is rejected because one of the reports has already been read and according to §244(3) Sentence 3 No. 3 StPO the hearing of evidence has already led the judges to understand that the Syrian regime approved the use of sexual violence. This can be deducted from the testimonies of P1, P32, P19, P42, and Z110321 [P29]. Others have provided further information based on hearsay, for example, P39 mentioned a 15-year-old boy who told him he had been raped with a broomstick; Anwar Al-Bunni mentioned helping women get abortions after they were raped in prison [and some other examples]. If the documents are supposed to prove further crimes, they are not relevant, because the court only cares about what happened in Branch 251, §244(3) Sentence 3 No. 2 StPO”.

Scharmer asked Judge Kerber if she was going to distribute copies of the decision to the parties [Judge Kerber had forgotten this]. [Copies were distributed].

The Proceedings were adjourned at 2:52PM.

The next session will be on August 18, 2021 at 9:30AM.