



TRIAL OF ANWAR RASLAN and EYAD AL-GHARIB

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 45

Hearing Dates: September 1 & 2, 2021

CAUTION: Some testimony includes descriptions of torture.

Summaries/Highlights:¹

Day 90 – September 1, 2021

P48 was detained during a raid on his hometown and spent time in Al-Khatib and later Kafar Souseh. The witness was detained with many other people from his town and described the raid as indiscriminate, as individuals from both pro-regime and opposition families were detained with him in Al-Khatib. P48 detailed crowded cell conditions, how detainees were beaten once they arrived at the security branch, and being beaten on his feet with a four-strand electrical cable. The witness did not see Raslan in Al-Khatib as he was blindfolded during the interrogations. He only knew of Raslan after his detention and did not personally know him. P48 remains active in supporting the opposition through social media and Syrian contacts in Europe.

Day 91 – September 2, 2021

P49, an artist, testified about his three-day detention in Al-Khatib and his two meetings with Raslan. When he was detained, his wife was told that he would be back in an hour, however, he was later told that it was unknown when he would return home. P49 discussed his special treatment and how he was never tortured but could hear constant sounds of torture and screaming. P49 described his meetings with Raslan as being like a show where everyone was just pretending and lying to each other. The defense team questioned P49 on whether Raslan knew the witness' father and the witness' interactions with Raslan after his detention.

Trial Day 90 – September 1, 2021

The proceedings began at 9:30 AM with four spectators and one member of the press in the audience. The prosecution was represented by Klinge and Polz. Plaintiff counsels Mohammad and Bahns were not present.

P48, a 35-year-old Syrian born on [REDACTED] from [REDACTED], recently graduated from law school and wants to get a master's degree. He was accompanied by his counsel Dr. Kroker and was informed of his rights and duties as a witness. P48 is not related to the defendant by blood or marriage.

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.

Testimony of P48

Judge Kerber noted that the court knew that P48 was interrogated twice by the police and that he was in trouble with the Syrian regime and got arrested. Kerber asked P48 to explain to the court what happened. P48 started by saying, "Peace to the souls of the martyrs of the Syrian revolution. We certainly hope to overthrow the dictator's regime." P48 explained that at the beginning of 2011, and at the same time as the beginning of the revolutionary movement in Syria, "we" started to plan for demonstrations against Al-Assad's regime. It was approximately April or May when activists in Az-Zabadani الزبداني with cooperation from activists in Damascus were planning protests on the national level via the internet, Facebook, and Skype. Around this same time, the regime conducted a military and security operation in Az-Zabadani. The town was completely besieged and the houses were raided. Approximately 100 to 150 people were arrested. All were civilians, but not all of them were activists. P48 was one of those people. P48's house was stormed and he was arrested, detained, and thrown in the bus that had other detainees from the same neighborhood where P48 lived. There was a portion [of the detainees] who were detained a few minutes earlier than "us" and they were [already] on buses that took them to a military area, "to the fourth division, the suicide division that belongs to Maher Al-Assad ماهر الأسد." "We" sarcastically called these people [the detainees who were taken to that division] "People of the [foot]print," because they were stepped on by Al-Assad's soldiers. After that, all of "us" were taken to Damascus. On the way [to Damascus] "we" were beaten, insulted, and their hands were tied to the back. P48's hands were tied to his back as well and his head was covered with his wool t-shirt. "We" arrived at Al-Khatib and were brought into the Branch in a humiliating way, because there is no "method" of Al-Assad regime that one could describe as not humiliating. The guards used beatings and insults to bring them into the detention facility. P48 noted that he was telling the story without mentioning details. He continued that the interrogation and torture of all detainees started, including P48 who was interrogated and tortured for the first time [P48 noted that it was his first interrogation in Al-Khatib because he was interrogated again, later]. Everyone was interrogated and tortured before all the detainees were put in a cell. P48 said that he does not remember how long he stayed in Al-Khatib Branch, because he was transferred to Kafar Souseh, and then he was released. In Al-Khatib Branch, he was interrogated another time, in particular, he was beaten and was asked about the reason for the demonstration as well as the names of the demonstrators and the friends who were organizing with him. A leaflet that P48 wrote and was distributed to other people was found [with his belongings when he was searched] as well. He was interrogated about the leaflet - how and when, etc. P48 pointed that this was the story in short.

Kerber recalled that P48 said that he was detained in late April or early May. Kerber asked if P48 knows the specific date. P48 said that he does not remember, but it was in April or May 2011.

Kerber asked if it could be on May 2, 2011. P48 answered, maybe.

Kerber asked P48 how he knew that it was Al-Khatib Branch. P48 said he saw a sign that read "[Al-Khatib Laboratory for Medical Analysis](#) مخبر الخطيب للتحاليل الطبية".

Kerber asked P48 where he saw it - whether he was still on the bus or if it was after getting off the bus. P48 said no, he was on the floor of the bus and was wearing a wool shirt. When it was flipped over his head, it became like a web. P48 explained that he saw it [the sign] by coincidence. He was leaning his back on the people behind him and was facing the bus's window, and at a certain point, he saw it.



Kerber asked how long it was between when P48 saw that sign and when he was brought into the branch. P48 said it was a few minutes between seeing the sign and being brought inside [the branch]. P48 indicated that this was the first point [of how he identified that it was Al-Khatib]. But there were also people [other detainees] with him and one of them was a former Islamist detainee, who P48 told that they were in Al-Khatib Branch because he saw a sign, and he [the former detainee] confirmed.

Judge Wiedner's Questioning

Judge Wiedner said that he wanted to go back to the time of P48's arrest. He asked P48 to describe the raid. P48 said, "Please repeat the question" [There was confusion, as the German to Arabic court interpreter told the Arabic to German interpreter who was sitting next to P48 to instruct P48 to not tell the court interpreter to repeat the question, but rather to tell the judge that. The indirect interpreter appeared annoyed because P48 was missing the interpretation. However, P48 later explained that he was getting overlapping translation and had to lower the audio when he was speaking].

Wiedner again asked P48 to describe the raid on his village. P48 said that those are memories that he was trying to forget. P48 explained that it began at dawn. P48 heard shooting in the air. He was speaking on the phone with someone in Damascus, but the landlines were disconnected. P48 tried to call using his mobile phone, but there was no network connection. There was the distant sound of shooting in Az-Zabadani, P48 went outside to the balcony and saw security and army vehicles, soldiers, and snipers on the roofs of the buildings next to him and opposite him. P48 knew that there was a campaign on Az-Zabadani. P48's parents woke up to the sound of shooting as well. P48 woke up his two sisters and his young brother (he was young at that time). P48 started to wonder if he should escape or stay home. By the positioning of the snipers, P48 figured out the distribution and pattern of snipers and knew that there was a sniper [on top of] his house. P48 decided to stay and burned the leaflets. He had a small camera, so he broke it and hid it. He deleted a few things on his computer and prepared himself for being detained.

Wiedner recalled that P48 said "soldiers" and asked if that was correct. P48 confirmed.

Wiedner asked if they were wearing military uniforms. P48 confirmed.

Wiedner recalled that P48 said "fourth division," and asked how P48 knew that. P48 said no, he did not say that they came from the fourth division. He said they were from the army. P48 explained that he did not have the complete luxury to look at the writings on their clothes [to read the badges or see the insignia].

Wiedner asked P48 if the ones who transported him to Al-Khatib were from the military. P48 said that when he was taken from his home, there were many army personnel and soldiers on the roof. What P48 saw when he was taken to the bus in front of the house was that there were army soldiers. [However,] P48 did not know if they were security or army officers on the bus.

Wiedner asked if they identified themselves on the bus or whether P48 was able to identify their clothes. P48 said he does not remember much, but they were wearing military uniforms. If someone raised his head, he would get hit with a rifle. One had to deceive the officers that he was a polite [innocent] creature so that the officers did not harm him [P48 laughed lightly].

Wiedner noted that P48 could not look around when he was on the bus and asked if P48, nevertheless, could see if the staff members were wearing uniforms when he arrived at Al-Khatib.



P48 asked what Wiedner meant by “formal attire/outfit” [This is how interpreter interpreted “uniform” from German to Arabic] and asked Wiedner if he meant whether they were wearing military clothes.

Wiedner responded yes, “for example...”. P48 said that firstly, it was 11 to 12 years ago and he does not remember. P48 added that in Syria, the security forces, in general, wear civilian clothes, and the ones who welcomed them were wearing civilian clothes.

Wiedner asked if the raid on Az-Zabadani resulted in injuries or casualties. P48 said he did not know of dead people, but there were wounded people. When “we” arrived at the detention place (as there were people who were beaten in front of their families [in Az-Zabadani]) there was a person whose face had been smashed with a rifle.

Wiedner asked P48 to describe how he was taken to the cell. P48 said that they were brought inside the branch after they got off the buses and military people were standing on both sides. P48 does not know the distance [between the bus and the branch’s entrance], but they [the detainees] had to keep their heads down facing the ground. Their hands were tied to their backs and people were beating them until they reached the stairs [at the entrance of the branch leading to the basement]. P48 explained that they entered the branch with the people beating them [the detainees] - smacking, shoving, and trying to end the entry process quickly.

Wiedner asked if P48 could estimate how many detainees arrived at the branch with him. P48 said he did not understand. [P48 explained that he sometimes needed to turn down the volume of the headphones when he speaks so that he hears the direct interpreter, and when he turns up the volume again, the question is already over and he misses it]. [Plaintiff counsel Kroker suggested P48 remove the headphones instead of turning the volume up and down.].

[Wiedner repeated his last question about the estimate number of detainees]. P48 said approximately 100 to 150, but of course, that was an estimate he made after he was released from prison. But at their arrival, the numbers were big - one could see people in front and behind him. P48 added that they detained all the families of the town [P48 meant that there were detainees from each family], and there were even detainees between 70 to 75 years old. The younger detainees were between 17 and 18 years old.

Wiedner asked if there were women as well. P48 said no, he has no knowledge of that.

Wiedner asked what happened after they were brought inside the branch. P48 asked Wiedner, “What happened in which part?”

Wiedner clarified he meant until they entered the cell. For example, whether they were searched. P48 said that after they entered [the branch] and went downstairs and were beaten (P48 could not see that place), they were taken in a corridor and a person (or two) searched them. One had to take off all of his clothes and do the security move or “the squatting down” move. After that, they were taken to a small yard where each person had to hand over his belongings on a table to a security staff member. P48 had only simple things and the leaflet, which he handed over and it was brought in the interrogation.

Wiedner asked P48 to describe the cell. P48 said that after he was in the yard for a long time (after he finished the first interrogation), he was brought into the cell. It was big and crowded with people (all the people were from P48’s town).



There were two water taps and P48 thinks that there was a toilet to the left. There were military blankets on the floor, but not to the full extent [the whole floor was not covered with blankets] (no luxury). The cell was crowded with people and they heard sounds of torture. P48 noted that he was trying to recall as many details as possible. In general, that was the cell and they used to sleep next to each other.

Wiedner recalled that P48 said in the police questioning that the cell measured 5x10 meters. P48 said approximately, as an estimate.

Wiedner asked how many detainees were in the cell. P48 said he does not remember, but there were many. P48 pointed that if he gets enough time, he could recall names [of the detainees] and numbers as well.

Wiedner stated that P48 said in the police questioning that the number of detainees inside the cell was 25 to 30. P48 said maybe. That questioning was 2 or 3 years ago, and maybe the number was even higher than that. P48 could not assert and these were estimated numbers.

Wiedner noted that P48 should certainly answer only as much as he remembers. Wiedner asked if there was a window in the cell. P48 said he does not remember, but he does not think so.

Wiedner recalled that P48 said that he heard screams from other detainees. Wiedner asked where the screams came from. P48 said they came either from the door or they heard beating and banging from the [other] side of the wall.

Wiedner asked how often P48 heard the sounds and the screams. P48 said he could not assert, but he heard them intermittently.

Wiedner asked if P48 was interrogated after he was brought into the cell. P48 said that his first interrogation was immediately after his detention and the second one was one or two days later.

Wiedner asked if the interrogation was conducted on the same floor as the cell, or whether he had to go upstairs. P48 said that in Al-Khatib, it [the interrogation place] was to the right, directly after leaving the cell (that was the second interrogation). The first one was in the yard and after a long waiting, he was brought inside [perhaps "to the interrogation room" that was on the same floor] for the interrogation. There were interrogators and he was asked questions. He was beaten with a fourfold whip and he had to lie down on his abdomen and raise his feet. He was beaten, insulted, and told to confess, give names, and mention friends. He was also told to explain how he printed the leaflets and for whom. They wanted to get more information, especially because P48 had no problem talking about himself and his participation in demonstrations. The guard was beating as the questions were asked. That was the first interrogation.

Wiedner asked P48 which part of his body was hit. P48 said his feet, in addition to the other beating on the back and on any part. It was like they were beating an animal.

Wiedner asked if there were instructions or orders for beating. P48 said yes, he thinks so. They [the guard(s) and the interrogators(s)] could see each other, but P48 could not see them because he was blindfolded. When they put the blindfold on P48, there was still a two-millimeter gap through which P48 could attempt to look out.

Wiedner asked P48 if he was beaten only with the cable. P48 said he thinks it was a fourfold electricity cable. It comes wrapped [the four mini-cables are wrapped together to form the cable].



Wiedner asked P48 if he saw other tools or devices for torture. P48 said he did not have such specifics; he does not remember.

Wiedner asked if P48 was mistreated in all interrogations. P48 confirmed.

Wiedner asked how long the interrogation lasted. P48 said it was difficult to estimate.

Wiedner refreshed P48's recollection quoting from the police questioning transcript "The first interrogation lasted for one hour, but I lost the perception of time. My feet were swollen due to the beating." P48 said correct, that's probably right.

[Wiedner continued quoting] "I was beaten with an electric cable. It consisted of four cables wrapped together. I was able to see through the blindfold. I was sitting on my knees and could raise my head. I was beaten all the time; during the interrogation and the break. After the interrogation, they took me to the cell." P48 said that is correct.

Wiedner asked where the interrogation was conducted; whether it was in the basement or upstairs. P48 said no, not upstairs. P48 thinks that the yard was on the same floor and [...]and the interrogation was directly in the yard.

Wiedner asked P48 if he was injured. P48 said his feet were swollen, maybe his body was bruised, but P48 does not know. His biggest concern was to be released. When he was released, there were no signs on his body.

[10-minute-break]

Wiedner said that he would quote the police questioning transcript, and asked P48 to tell him whether it is correct. "The interrogator told me that I did not convince him and told me to lie on the floor. Someone came, I do not know who, but maybe a guard, and there were orders. When the interrogator did not like the answer, the guard beat me." P48 said correct.

[Wiedner continued quoting] "I lay down on the floor and raised my feet. He started to beat me and my feet got swollen. I was being asked questions at the same time." P48 said correct.

[Wiedner continued quoting] "The guard stepped on me too, I do not know how many times." P48 said correct.

Wiedner asked P48 what he was wearing during the interrogation. P48 said [he was wearing] a wool shirt and jeans. P48 was wearing these at home.

Wiedner asked if P48 was wearing these during the interrogation as well. P48 confirmed.

Wiedner asked P48 if he was mistreated in other places. P48 said he does not remember well, he recalls those things [that he mentioned previously].

Wiedner asked if P48 recalls what other detainees told him about their interrogations and whether they were tortured, and if their bodies showed signs of beating.



P48 said no, honestly, he does not remember, but all [detainees] were beaten. There was a person, a father, and his son. The father was beaten in front of his son. In general, all [detainees] were beaten.

Wiedner said that when P48 was asked during the [German] police questioning about the physical condition of other detainees, he answered “Many of them could not walk. One of them said that he was offered a cigarette because his nose was broken and he cooperated with the regime. His family has good connections with the regime.” P48 said correct.

Wiedner asked P48 if he assumed that this person’s nose was broken or if he was told that. P48 said no, he heard it from the people there [in the cell; the other detainees] and even heard it from him [the person whose nose was broken]. “Now” he has solid relations with the regime and he is [lives] in Germany.

Wiedner said that when P48 was asked in the police questioning about other torturing methods, P48 answered, “There was always beating, *Falaqa*, stepping on people, beating with electric cables.” P48 said maybe he does not remember [all the other methods that he did not mention].

Wiedner asked if P48 was subject to sexual mistreatment. P48 said, no.

Wiedner asked P48 whether he heard from other detainees if they endured sexual mistreatment. P48 said [that if Wiedner meant] in the same time as him [from other detainees who were detained at the same time with P48], then he does not remember.

Wiedner asked P48 if his family was informed about his detention or knew of his whereabouts. P48 said no, he does not think so.

Wiedner asked P48 if his family asked about him and tried to look for him. P48 said that after he was released, he knew that his father was trying [to look for/ask about him], but he did not know where P48 was. As far as P48 learned [later from] people in the town (as the campaign was on the whole town): individuals from pro-regime families as well as from families against the regime were detained. P48 noted that he used to hear some matters/issues, but he is not sure about them.

Wiedner asked if P48 saw dead people inside the branch. P48 denied.

Wiedner asked if P48 saw the accused during the time he was detained. P48 denied.

Wiedner asked P48 if he could look to his right and say whether he saw the accused during his detention. P48 said he does not like to look [at him].

Wiedner asked if P48, nevertheless, did not see him in the branch. P48 said no, because they could not see [because they were blindfolded].

Wiedner said that P48 was asked during the police questioning if he knew about Anwar Raslan. P48 said no, he had no knowledge.

Wiedner asked P48 if he knew about Raslan’s activities with the opposition after his defection. P48 said he heard something like that - that he worked with the opposition. As an individual, P48 heard from others, but he did not know [himself]. P48 only knew through people P48 knows and who told him that he [Raslan] worked with the opposition.

Wiedner asked P48 what happened after Al-Khatib and how long he stayed there. P48 said he does not know and was not aware of it. He only knows that he stayed there for days, because he could not differentiate between day and night there.

Wiedner recalled that P48 said in the police questioning that he did not know how long he stayed in Al-Khatib, but maybe for three to five days. P48 said yes, that could be.

Wiedner asked P48 what happened after Al-Khatib and if he could tell the court, without much detail, how he was released. P48 said he was taken to Kafar Souseh (P48 did not know the branch's number) where he stayed for a while. P48 explained that of course when one is transferred from a branch to another branch, it is like one came directly from their homes. The person has to be searched again, etc., but in Kafar Souseh the yard was big and the detainees were without clothes and it was cold. They [the guards] were taking information and splashing the detainees with water. They were asking for information about all of a person's friends and relatives. At that point, the clothes were mixed up and P48 does not know what he wore - maybe pajamas. P48 noted that, like the regular welcoming, beatings were included as well [in the welcoming after a transfer to a new branch]. P48 entered the cell. It was smaller [than Al-Khatib's] and there were more people than could fit in the cell. It [the cell] was divided and had two toilets. It was a small room that was 2.5m². One toilet was functioning, the other one was not, so, "we" put blankets there and it turned into a room. P48 got the "five-star" [room] and stayed there along with another person. The rest [of the detainees] were sleeping in a terrifying condition: the feet [of someone] on the face [of another one].

Wiedner asked P48 how he was released. P48 said he was interrogated more than once and there was a group interrogation [he was interrogated with other people at the same time]. After that, they were taken by buses to the civil court in Az-Zablatani الزبلطاني. They were cuffed to each other with chains. They went to the judge who told them, "No one made a connection to you [no one intervened/paid money for their release/worked as a mediator to release them, etc.]. Bashar, the leader, pardoned/spared you. You can leave." People were waiting [outside the court], because they knew [that people would be released]. There was a person who was waiting for his brothers who were detained with "us." P48 got in the car with him and he took them to Az-Zabadani. They were afraid of the military checkpoints [on their way back] but eventually got home.

Defense Attorneys' Questioning

Fratzky asked P48 if he talked with people who were questioned as witnesses in this case before him. P48 said, "No, in what way?".

Fratzky asked P48 if he was in contact with Syrians who were witnesses in this case. Kroker asked Fratzky to be more specific. Kerber said that the witness would not be able to answer if he did not understand the question.

Fratzky said that he just wanted to know if P48 was in contact or communicated with Syrians who were witnesses and testified in this court, or will be future witnesses and will testify later "here" in this case. P48 said there was no communication. If Fratzky was talking about people in the Syrian revolution, then in one way or another, "we" [P48 and others from the opposition] know each other on the internet or in person. Their common goal is to overthrow/bring down the regime.



Certainly, one could hear from people, but as for communicating regarding the court [trial] like “are you a witness...etc.,” then no, he did not communicate with anyone.

Fratzky asked P48 if he knows Anwar Al-Bunni. P48 said yes, he knows him.

Fratzky asked P48 if he communicated with him. P48 said no, they had little, normal [contact].

Fratzky asked what P48 meant by “a little, normal.” P48 said he knows that Fratzky was focusing on that point. There was no communication with Anwar [Al-Bunni]. P48 got to meet him in person in Oslo. He [Al-Bunni] knows P48 as well and knows P48’s name from their work in the revolution. He [AnwarAl-Bunni] is a lawyer, an activist, and on Facebook. P48 works in media and press; thus, they are together on Facebook [they have each other as friends]. However, there is no regular communication [between them]. That is what P48 meant by “normal”.

Fratzky asked P48 if they talked in Oslo or just got to know each other. P48 said no. P48 saw him, greeted him, asked “how are you?,” peace [bye].

Fratzky asked if P48 communicated with him [Al-Bunni] digitally, in writing, on the phone, etc. before the trial session. P48 denied.

Plaintiff Counsels’ Questioning

Scharmer recalled that P48 had to take off all his clothes in Al-Khatib. Scharmer asked P48 if other detainees had to do the same. P48 said of course, “we” were more than one person in that narrow corridor. P48 said he recalled something in that regard. There was someone who was wearing a necklace and tried to take it off in an atypical fashion [Perhaps they tried to rip or pull it off] and it broke as a result. Therefore, [according to the example P48 recalled] one had to take off everything.

[The witness was dismissed at 11:15 AM]

[The following are summaries of the statements read in court, based on what the trial monitor was able to recall.]

Polz read aloud a statement explaining the reasons the prosecution had for the objection to summoning [REDACTED] [FH] as a witness. FH is supposed to demonstrate that Raslan was not able to refuse the orders, which is irrelevant. FH allegedly worked in the same branch, but he did not defect at the same time, which does not affect the trial case. In his statement on May 18, 2020, Raslan mentioned the person’s name as [REDACTED], but the same person was mentioned by Chris Engels from CIJA as [REDACTED]. Additionally, Eyad Al-Gharib mentioned that FH defected before him, which suggests that there could be conflicts in the provided dates. Raslan alleges that Hafez Makhoul, head of Division 40, had the power to give orders at Branch 251. FH is supposed to testify to that, but it is unknown from where FH got such information, as explained in the prosecution’s statement on April 15, 2021. The same applies to the claim that the Presidential Guards and the Fourth Division had power in Branch 251. FH is supposed to demonstrate that other officers from Division 40 had power in Branch 251, but that does not exclude, and is irrelevant to, Raslan’s responsibility in Branch 251. [...]

Böcker said he had points to raise:



1) [Böcker had filed a petition earlier that he wanted access to the files of the structural investigation by the German Federal Prosecutor General Office. This was rejected. Today he rejected the rejection]. Böcker said he should be able to have access to all documents within the structural investigation about Syria.

2) On August 26, 2021, [P47] refused to answer questions regarding his relation with Al-Bunni. Böcker wanted to know what kind of relationship Al-Bunni and P47 have because P47 said that he works “with”, and not “for” him. Bahns said that Al-Bunni is some kind of lawyer to P47, but didn't explain further if Al-Bunni is accredited as a lawyer in Germany and in which specific way they are connected in this regard.

Klinge said that he had a quick response to Böcker: His request is rejected, as he did not ask for a specific file, but access to the entire structural investigation.

Kerber said that a witness, [REDACTED], would testify on September 18, and Oehmichen would be his witness counsel.

The proceedings were adjourned at 11:45 AM.

The next session will be on September 2, 2021, at 9:30AM.

Trial Day 91 – September 2, 2021

The proceedings began at 9:30 AM with five spectators and one member of the press in the audience. The prosecution was represented by prosecutors Klinge and Polz.

Bahns said that his client does not want to share his personal information, because his family lives in regime-governed areas. Kerber agreed.

Kerber asked P49 to give his personal information to the extent he wanted. Bahns said he would use his address for P49's contact information, and said that P49 was an artist.

Kerber asked if P49 was related to the defendant by blood or marriage. P49 denied.

Testimony of P49

Kerber noted that the court knows that P49 met with the accused in Syria, and asked P49 to elaborate on that. P49 said that the first meeting that happened with him [Raslan] was when P49 was in Al-Khatib Branch - when P49 was detained and he [Raslan] was interrogating him. That was the first time they met.

Kerber asked P49 how he was detained and asked him to elaborate on that meeting. P49 said that two armed people wearing civilian clothes came to his house and entered the house directly without P48 telling them “welcome, come in.” P49 did not know who they were. P49's wife asked them to show their ID card that tells if they were from the security forces. One of them showed the ID card and hid it again and they [P49 and his wife] did not see anything. [P49 demonstrated how the staff member showed the ID swiftly]. P49 stated that they [the two staff members] did not treat him bad, namely, they did not use foul language or anything like that, but they lied to him. They told him that they wanted him for an hour to ask him a few questions and then let him go back home. P49's wife asked them if they were sure that it was only for one hour, and they confirmed. “We” went downstairs to the entrance of the building where a security car was parked. It had approximately four armed individuals inside. He [one of the two staff members] let P49 choose between taking his [P49's] own car or ride in the security car. P49 said if it is

only one hour, then he would take his own car. P49 asked him if he could drive, and he said no, and he [the staff member] drove. P49 asked him where they were heading, and he said he could not say. P49 explained that he was too scared because he did not know where he was heading, nor who they were. He [the staff member] then spoke over his handheld transceiver (P49 did not know with whom) and said that the accused was with him in the car. P49 told him that he “was not putting anything on [i.e., was not blindfolded], so why you don’t say where are we heading?”. He replied that he could not say, then said that he wanted to tell P49 something. He said, “You will not stay for an hour. Perhaps you will stay for a long time.” He told P49 that he could smoke and tell his wife that he would not come back. P49 indicated that he refused to tell his wife and scare her. P49 did not know what was happening.

“We” arrived at Al-Khatib and went down the stairs, one floor underground. P49 was put in something like a reception office. He [the staff member who was with P49 in the car] left and P49 stayed alone with the man who was there [at the reception]. P49 tried to be nice and sit normally on the chair, but he [the man] was harsh and treated P49 like a criminal. He asked P49 to take off all his clothes, even his underwear, and to do the “security move” crouching down completely naked. He also did not agree that P49 put his clothes on the table, [and told P49 to put them] on the floor. There was no offensive language. Then he asked P49 to put his clothes back on but took the belt and the shoelaces. He asked P49 to stand facing the wall.

After a while, another staff member took P49 to the cell. P49 could see that it was 2.5 to 3 meters long and around 1.5 meters wide. There was a military blanket on the floor, and the metal door was as wide as the cell. He asked P49 to sit there still facing the wall. P49 waited there for a long or short time; he does not know; he had no perception of time. After a while, P49 heard sounds and they brought somebody else in. P49 recalls that he [the person] was an English teacher, maybe he was with his son. He [the English teacher] was tortured in the hall in front of the cell. The guard was holding him [the teacher] and was hitting his head or body against the cell door. P49 recalls that he [the teacher] lost consciousness two or three times, and they woke him up again until the torturing session ended. They summoned P49. A person approached and blindfolded him, and then took him to the room of Mr. Anwar [Raslan]. Of course, P49 did not know where he was heading. P49 heard Anwar’s voice asking P49 why he was afraid (his fear was apparent). P49 told him that he was in a scary place. Raslan asked P49 to relax and told him that there was nothing scary. He asked P49 if someone had treated P49 badly, and P49 asked him if he could sit down. He said yes, of course. P49 asked him how [how should he sit down]. He told P49 to get a chair. P49 asked him how, as he could not see. He instructed P49 to go to the left and after three steps there was a chair, “bring it and come over here.” P49 brought it, sat down, and the interrogation started. P49 asked [the judge] if that was enough.

Kerber asked P49 when he was detained. P49 said the date could be in December. His wife would remember better than him. He was released after three days, and it was the third part of December.

Kerber asked what year that was. P49 said 2011.

Kerber asked if P49 was alone in the cell. P49 confirmed.

Kerber asked if the interrogation room was on the same floor as the cell, or whether he had to go upstairs. P49 said no, it was on the same level.

Kerber recalled that P49 said that the interrogation started. Kerber asked P49 what he was asked. P49 said he does not remember in detail; for example what was the first question was and anything like that.

Kerber asked P49 to say whatever he remembers. Kerber asked P49 how he knew that it was Raslan. P49 said he knew him by the name and his appearance later (not in that session). On the day P49 was going to be released [the third day], he [Raslan] took him to the office upstairs. There, P49 knew his name and appearance.

Kerber asked P49 to elaborate more on the interrogation. P49 said the first session was about “Why did you do that?” and statements like, “You are a famous artist and you have several ways to present your point of view other than what you did.” He also told P49 that “the people [detainees] we are bringing are scum, and you are not like that. Why did you do that?”. P49 answered him why he did that [why he participated in the demonstration, as explained later]. P49 pointed out that [them] talking about the subject included no physical nor verbal violence at all. It was more like a conversation, but P49 was blindfolded. Slowly, P49 found out that there were two other people in the room, and P49 was afraid of being hit by either of them at any moment, but that did not happen. However, there was psychological violence from the start. From the first moment [he was detained] and until he was released, because he did not know anything about what could happen to him. He could have been released after an hour, after 20 years, or he might die. Anything could happen to his children, wife, or father. That was what was in P49’s head. In the second interrogation, Anwar [Raslan] was not there, but another person who was violent to some extent, but not physically. Of course, what was in P49’s mind was from his experience with interrogations [He was referring to his perceptions from Syrian dramas depicting what happens with intelligence services], as well as from what Syrians hear about what happens in Syria. There is always a good interrogator and an evil one, and that was literally what was there [what he experienced at Al-Khatib]. Anwar [Raslan] was a good officer and the other one was violent, but not physically, just verbally and psychologically.

Judge Wiedner’s Questioning

Wiedner recalls that P49 said that he was detained in the last third of December. Wiedner said that P49 was asked about his detention during the police questioning and answered that it could have been on December 8, 2011, and that he met Raslan the second time on December 10, 2011. Wiedner asked if that could be correct. P49 said yes, maybe. “I’ve remembered now.” What was in P49’s mind was that New Year’s Eve happened [after he was released], but he remembered that an “artistic work” happened [P49 did not want to disclose what art industry he worked in. “Artistic work” refers to a job he had booked]. Maybe on December 8, because “frankly speaking,” P49 did not attempt to study [prepare] or do anything before his testimony. He was trying to depend on his memory.

Wiedner indicated that that was a good call [not to prepare anything before the testimony]. Wiedner asked P49 how long he stayed in Al-Khatib Branch. P49 said he stayed three days, of course, it is always “as far as I remember.”

Wiedner asked if P49 was told the reason for his detention. Wiedner recalled that P49 did something before he was detained and asked him what it was. P49 said they did not tell him a specific charge, but in his mind, one could be detained in Syria [even] for entering the toilet. However, the talking [conversation] was about his participation in a condolence/solace [gathering] in an area close to his house, which is [REDACTED], where 16 young men were killed. P49 was there to express his condolences and the condolence/solace [gathering] turned into a demonstration which was recorded and uploaded online. Based on that, he [the interrogator] asked him why he participated in it.

Wiedner recalled that P49 was taken to Al-Khatib Branch. Wiedner asked P49 how he knew that and if it was because he knew the area. P49 said “we” were in Damascus, and he was not blindfolded. P49 certainly knew the area - he knew everything [about it].

Wiedner asked P49 if he could recall and describe what happened when they arrived at Al-Khatib Branch. P49 said that even when they were interrogating him, he knew that it was the Al-Khatib area and that there was an Intelligence Services branch and he knew that they were not police because P49 knows the police uniform. The Intelligence Services [staff] wear civilian clothes. It is the most dangerous apparatus in Syria and all people fear it. P49 knew in general that there was an Intelligence Services branch, but it seems that “we” [Syrians] did not dare to look and observe it in [our daily] life [P49 meant that people knew that there was a security branch in the area because of the checkpoints, but they did not dare look at its location or the buildings, because that would be considered suspicious]. P49 would describe it [the building] as having a big metal door (gate) through which the car drove inside, and behind that there was the building’s entrance. This was where they entered when they got out of the car. P49 went downstairs to the basement and there was a metal door at the staircase. There was something like a small hall and in front of him, slightly to the left, there was the room where he was received.

Wiedner asked if there were orders or instructions for the driver at the gate. P49 said his appearance was known and he does not remember that there were instructions from anyone. The person who came to P49’s house went downstairs [to the basement] with P49, left him there, and then left.

Wiedner refreshed P49’s recollection quoting from the police questioning transcript, “When we arrived at the gate, it was black or beige, there were instructions that no one should talk to me [harm him]. When we got out of the car there was a person who was being beaten.” P49 said yes, maybe he remembers that. But that clip [scene] does not stick in his head all the time [he always forgets it]. What sticks in his mind is what happened inside the room.

Wiedner indicated that P49 met Raslan. Wiedner asked P49 how he knew Raslan: if he knew Raslan before his detention. P49 said no, he did not know him. Raslan introduced himself to P49 when P49 was released. At the time of the release, he [Raslan] told the guard to remove the blindfold and told P49 that he was going to be released that day. He said that P49’s father was there and would be brought to the head of the branch. P49, of course, wore his belt and shoelaces. “We” went upstairs to the office, had coffee, and waited until P49’s father came. At that time, P49 knew that it was Anwar [Raslan] because he introduced himself to P49.

Wiedner indicated that Raslan is in court as the Accused. Wiedner asked P49 if he could recognize him. [P49 looked at his right] P49 said yes, of course.

Wiedner asked how many times P49 was interrogated over these three days, knowing that the first interrogation was conducted by Raslan, he asked P49 what happened next. P49 answered that then he was with the other officer (maybe he was an interrogator but not an officer) who was the more violent one. P49 said he only had these two interrogation sessions. After that, a person came to P49 and told him to “write everything” and gave P49 a pen and papers (that happened with the violent interrogator). P49 signed a blank paper and [the interrogator] asked him “Do you know why we made you sign a blank paper?”. P49 said yes, of course. He [the interrogator] said, “No, not as you think. I am writing a draft so that we do not trouble you.”



After some time, they made P49 write something like an apology and why he did that [participated in the demonstration], and told him that this would be connected to whether he would be released or not.

Wiedner asked P49 if he saw Raslan again when he was released. P49 asked Wiedner if he meant after he was released.

Wiedner said no, after his second interrogation. P49 said yes, at first, it was Raslan, then the other interrogator, then Raslan when he introduced himself.

Wiedner wanted to go back to P49's first interrogation in the basement with Raslan. Wiedner asked if P49 recalls what Raslan was wearing. P49 said the first one [interrogation] was in his office, or so P49 thinks, but he does not remember what he was wearing, but it is always civilian clothes. P49 concluded that he was blindfolded after all [therefore unable to provide precise descriptions regarding clothes].

Wiedner asked if Raslan did not allow P49 to remove the blindfold. P49 said no, not in the first one [interrogation], in the second one.

Wiedner asked how many people, besides Raslan, were in the room. P49 said he thinks there were two [other people].

Wiedner asked how the interaction was between Raslan and these two people. P49 said he thinks it was [as between] a boss and subordinate; Raslan being the boss. He [Raslan] was leading the operation, namely, the interrogation.

Wiedner reminded P49 to inform the judges whenever he needed a break. Wiedner asked how long P49's interrogation lasted. P49 said he thinks it was around 1.5 to 2 hours.

Wiedner indicated that it was a long time and asked P49 if he recalls what they talked about. Wiedner asked if it was a conversation or question-and-answer. P49 said it was more like a query. P49 could say "right now" that he [Raslan] wanted to know about P49's point of view and his participation in the demonstration and opposing the regime. He wanted to tell P49 that the demonstrators are scum. P49 recalls that he [Raslan] brought one of the people [detainees] in to tell P49 that he [the detainee] participated in a demonstration for a kilo of bananas. [Raslan depicted it] As if the demonstration was an external conspiracy and he wanted to know whether P49 participated in armed activities against the regime.

Wiedner asked P49 to describe how that person was called and what happened with him. P49 said he thinks that it happened at the end of the [interrogation] session. After "we" talked about the reason P49 participated [in the demonstration], he [Raslan] called for someone to be brought in. Maybe at the end, he [Raslan] pulled [up or down] the blindfold to show P49 [the person]. P49 indicated that he does not remember if that happened at that session or at the second session (P49 meant on the day of his release).

Wiedner asked if P49 said that this situation happened in the first interrogation in the basement when he was blindfolded. P49 said he does not recall if it happened in the first office in the basement and at the end of the first session, or the beginning of the second session on the day of the release. P49 did not remember very well.

Wiedner asked what the person was asked or if something happened to him. P49 said maybe he was asked why he participated in the demonstration, and he replied that he was offered a kilo of bananas. It was a big play [show] and "we" were watching.

It was apparent that he knew what question he would be asked and P49 felt that he [the person] was prepared to say these few words. He was trying to say that he was a nice person [Perhaps P49 meant that Raslan was trying to say that he was a nice person with detainees].

Wiedner asked if Raslan asked him if the demonstration was armed. P49 said of course, and he asked P49 if he agreed with the killings that were happening. P49 told him that he certainly did not, because the ones who were dying were human beings in the end. P49 stated that he is against violence from all parties.

Wiedner asked what his impression was about what Raslan wanted to do. P49 said he thinks that the whole situation was an “ear scrub/rub” *فركة أذن* [in Syria, this means to give a little punishment to send a warning; “slap on the wrist”. [P49 asked the interpreter “Do you know how to translate that?” The interpreter clarified the term]. P49 said that the point was that he was not political, was not dangerous, and was not inciting/instigating killing. It was more of a punishment than an interrogation, and more like showing off power and “we can bring [detain] you [here whenever we want].” They were showing P49 what they were capable of doing. P49 thinks that was the goal and what made him sure of that was that they brought his father on the last day (like in school).

Böcker said that he did not understand the term P49 used. [The interpreter clarified the meaning, but the indirect interpreter gave another meaning. This led to some confusion between the interpreters, however, the trial monitor could not hear the indirect interpreters’ explanation].

Wiedner asked if P49 felt that the interrogation in the basement was in a closed room. P49 said yes, it was a closed office which had a door. The second one [interrogation], however, was in the hall.

Wiedner asked if the second interrogation was conducted by the other interrogator. P49 confirmed.

Wiedner asked where that second interrogation was conducted. P49 said the second interrogation was in the open space.

Wiedner asked if both meetings with Raslan took place in the office in the basement. P49 said no, the first time was in his office [in the basement]. The second time was in his office but at the time of the release, he [Raslan] requested that P49’s belt and shoelaces be brought. Then P49 went along with him [Raslan] upstairs to his second office, which P49 thinks was on the first floor and it had a balcony. P49 stopped and asked if he could have a break.

[15-minute-break]

Wiedner asked if P49 heard sounds of mistreatment from other detainees during his detention. P49 said yes, of course. He heard it most of the time. It was as if there were organized [torturing] sessions, between two and three per day, and there was a session for releasing demonstrators who were there [in detention], in addition to songs glorifying Bashar [Al-Assad].

Wiedner asked if anybody in the basement could hear the same sounds of mistreatment. P49 confirmed.



Wiedner asked if P49 could hear the screams and interrogation of other people later, when he went upstairs. P49 said that at the time he was released/went upstairs [he used a word that could mean either], there was no torturing [happening], and therefore, P49 could not tell whether he could hear [such sounds] upstairs.

Wiedner asked P49 if he met high-ranking officers before he was released. P49 said that on the day of his release, he met the head of the branch. P49's father was brought to him but P49 does not remember the head's name.

Wiedner asked if Tawfiq Younes rings a bell. P49 said most probably, he was 90% sure it was him.

Wiedner asked P49 what happened at the office; whether P49 talked with him [Younes] and if Raslan was there. P49 said no, P49 was in Anwar's [Raslan's] office and then he [Raslan] received a phone call saying "Ok" and that P49's father was upstairs. P49 thinks that he [Raslan] escorted him upstairs and his father was there with the head of the branch sitting on a chair nearby. P49 went to him on purpose and "greeted him" [P49 used a word that could mean "shook his hand"], although he [Younes] did not want to reciprocate because it was apparent that he was annoyed with P49 (it was as if P49 cornered him [put Younes into an awkward situation]). P49 had the feeling that they wanted to watch a scene of him apologizing and crying [begging for mercy], which did not happen. Thus, the head of the branch was disappointed. It was not a long meeting. He [Younes] said that he hoped that this was the last time P49 comes to them (not exactly like that, but with the same meaning). The meeting was over and P49 left with his father, and they gave him the car immediately.

Wiedner asked if the office of the head of the branch was in the same building where Raslan's office was. P49 said he thinks it was the same [building], but one floor up.

Wiedner asked P49 to describe Raslan's office that was upstairs. P49 said it was a spacious room and he recalls a big picture of Hafez Al-Assad. Maybe there was a balcony, but if it was not a balcony, then P49 recalls the office being fresh and bright. It was the total opposite of the office downstairs.

Wiedner asked P49 if they [P49 and Raslan] talked about Hafez's picture. P49 said he does not remember details, but he recalls that he [Raslan] did not agree with Bashar Al-Assad and P49 found it strange that he was telling him that. P49 explained to the court that this was of course his subjective impression. According to P49, and Raslan seemed to be more aligned with Hafez. What affirmed that to P49 was that the big picture of Hafez was different than the pictures that are in the offices, companies, and the streets.

Wiedner asked if P49 had contact with Raslan after he was released. P49 said first, he read on Facebook something like an apology from Raslan addressed to P49, as he did not have P49's contact information (P49 thinks it was after he [Raslan] defected from the Intelligence Services), as to why he [Raslan] had to detain P49. Later, his [Raslan's] assistant, who took [detained] P49 from his house, contacted P49 on Facebook and told P49 that Anwar [Raslan] was in Germany and would like to get to know him, if P49 did not mind. P49 was curious and communicated [did not specify whether it was with Raslan or his assistant] at first via WhatsApp sending voice messages. P49 was curious why and how the whole process happened, because P49 thought a lot about it, and was curious whether Raslan had actually defected.

Wiedner asked P49 what Raslan told him, or if he did not say anything. P49 said that they agreed to meet in Berlin (most messages were generally more like greetings etc.), but he [Raslan] was arrested before they met.

Wiedner asked P49 if Raslan told him why he defected. P49 said he does not think that they talked about such a topic. The discussion was more about how he [Raslan] knew P49's father and met him multiple times in the past, not anything more than that.

Prosecutors' Questioning

Klinge asked if one could hear screams and sounds of torture during the first interrogation. P49 asked Klinge if he meant "in the [interrogation] room".

Klinge said yes. P49 confirmed.

Klinge asked if one could hear that in Raslan's room. P49 said yes, certainly.

Klinge refreshed P49's recollection quoting from the police questioning transcript, "Certainly, Raslan knew that there was torture there. There is no doubt. One could hear that even in the street. Raslan knew what was happening there." [The trial monitor was unable to fully capture the quote]. Klinge asked if that was correct. P49 said he does not know what the reason was for his defection, but all the rest was correct. However, what is certain is that this was the general approach of the Intelligence Services, even before the revolution. Even the normal person [layman] knows that [in Syria].

Klinge recalled that P49's impression of the relationship between Raslan and the other two staff members who were in the interrogation room was boss- subordinate. Klinge asked P49 how he concluded that. P49 concluded that through several points. When he [Raslan] was in the office, they were in the back [behind P49]. Raslan was almost the only one talking and no one else was talking. It was only after a while that P49 discovered that there were two other people in the room. That was what gave P49 the impression that he was the boss.

Klinge asked P49 if he remembers how Raslan spoke with the staff members. P49 said he thinks that they were addressing him with a low tone saying "Sidi [My master/Sir]." Usually in Syria, one says it to someone who is more senior than him.

Klinge asked if there were instructions or orders given by Raslan. P49 said not to the ones in the room, but it was apparent that he gave orders. "His word cannot become two" [Roughly translated, this means that no one dares to question his word. He does not need to ask twice].

Klinge asked P49 how he was treated during his detention in comparison to other detainees. P49 said that from the start, it was obvious that he had a special treatment, based on the knowledge of all the Syrian people about the reception at the Intelligence Services. P49 added that there are exaggerations for sure, but in general (and P49 has friends [who were detained and told him about the conditions there]), usually one gets beaten the moment he enters [the branch] and it was systematic. But that did not occur to P49; they were only harsh. P49 assumes that they gave him very special treatment because of his "situation."

Klinge recalled that P49 said that he is an artist and Raslan got to know his father [the word Klinge and P49 used was "got to know/was acquainted with"].

Böcker asked Klinge if he meant "knew his father" rather than "got to know/was acquainted with."

Klinge said yes, he meant "was acquainted with." P49 said that Raslan was the one who mentioned that to P49, and P49's father is well-known. He [Raslan] told P49 that he got to know his father/was acquainted with his father, but that does not necessarily mean that he was a friend of his father's.

Maybe he [Raslan] got to know him [P49's father] when he [Raslan] was serving in a different place. That is how he knew him, but yes, there was special treatment.

Klinge asked if Raslan had respect for P49's work or the work of his father. P49 said he would not say "respect." P49 thinks that at the Intelligence Services there is no respect for any personality no matter how big it is. For example, a professor's value would be zero. P49 indicated that he saw an English teacher being tortured (did not see but rather heard [he corrected himself]).

Klinge asked if P49 had the impression that he got special treatment because Raslan valued artists. P49 said he might say that, but he would say that what happened with him was that he [Raslan] treated P49 "well" in comparison to the way others were treated. However, if P49 would talk about humanity, then it was not "good" at all. There was violence from the first moment and constant injustice, however, in the whole regime, not only [from] Raslan. Therefore, when P49 said "good," it was relative to what is happening in Syria, not to human standards.

Klinge asked P49 why he was treated differently in comparison to other detainees in his interrogations. Böcker interjected saying that the question was answered.

Kerber said that the question was not answered and that was why Klinge asked the question. P49 asked if the question could be repeated.

Klinge asked P49 how he would explain the reasons for being treated well in comparison to other detainees. P49 said that this is certainly not something he can 100% confirm. That is why he wanted to get to know Raslan. However, P49 could say, according to his personal opinion, that he received very special treatment because of his career and work, and maybe because of his "origin" [It's unclear if he meant his origin in the artistic industry or his ethnicity.]. P49 thinks that there must have been something specific to his situation, for Raslan to treat him that way.

Klinge asked if Younes had respect for P49's career or origin. P49 said they did not have "respect," but they wanted to make sure that he did not go against them publicly again. P49 noted he wanted to assert again that they do not have any respect for any personality. That is the nature of their work.

Polz recalled that P49 said that Raslan referred to the demonstrators during the interrogation as "scum." Polz asked if P49 had the impression that Raslan was pro-regime against the demonstrators. P49 said that frankly, he felt that the whole interrogation was a play [show]. P49 was not convinced about what he [Raslan] was saying, nor was he [nor was Raslan was convinced by P49's words]. They were playing roles to get it over safely. P49 even recalls that Anwar [Raslan] made a comment at some point and asked P49 whether they [Raslan and P49] should do a screenplay of "this thing" and whether they could be actors. P49 answered Raslan, "Deservedly."

Defense Attorneys' Questioning

Böcker recalled that the general prosecutor asked P49 whether he was treated well in comparison to other detainees. Böcker asked if that was related to Raslan or to Al-Khatib Branch, and how Raslan treated "others." P49 asked if his understanding of Böcker's question was correct that he was asking how Raslan treated others.

Böcker recalled that P49 said "one" and "others," and wanted to know what P49 meant by that. P49 said he does not know how Mr. Anwar [Raslan] treated others, only how Raslan treated him.

Böcker referred P49 to the topic of Raslan and P49's father and recalled that P49 said that maybe they got to know each other before Al-Khatib. Böcker asked P49 what he meant by "before Al-Khatib." Böcker asked P49 how he knows when they spoke to each other. P49 said he knew about all of this through Anwar [Raslan]. P49's father did not tell him that. He [Raslan] told P49 that he knew his father.

Böcker recalls that P49 said that Raslan got to know/was acquainted with P49's father. Böcker asked if, by that expression, P49 meant that they were friends. P49 said that as far as he remembers, they were not friends on a personal level. P49's father had a visit to the place where Anwar [Raslan] used to work before this place [i.e., before Al-Khatib]. Maybe he [Raslan] was living in the same place where P49's family was living. Maybe Raslan used to see his father in the street in front of P49's family house. P49 does not think that it was a personal relationship.

Böcker asked P49 how he knows Raslan's previous working place. P49 said no, it was not his working place. P49 thinks that Raslan was living close to P49's family and used to see his father by coincidence [they used to bump into each other] and would greet him. That was what P49 understood from Raslan. All of this is from Raslan [Raslan told P49 that].

Böcker said that this could be problematic for P49 or Bahns. Böcker recalled that P49 said that that he read a Facebook post by Raslan explaining that he had to detain P49. Böcker said that when he hears that, he would think that Raslan had to detain other people as well ["had to" in the sense of he "had no choice but to"]. P49 clarified that he would say, what was posted on Facebook, as far as he remembers, was saying that Raslan had to detain P49 due to information that the head of the branch received, saying that P49 was at home. He also said that P49's name was already on the wanted list for detention and that he [Raslan] was trying all the time to not detain P49.

Böcker indicated that P49 mentioned the name [REDACTED] [AS] and that it was mentioned in the post [on Facebook] that AS was the one who tried to not detain P49. Böcker asked if P49 was sure that Raslan was the one who said that. P49 said that AS is Anwar's [Raslan's] assistant who came to P49's house to detain him. P49 does not think that AS had the authority to detain him on his own, while Anwar Raslan could stop [the order of] his detention.

Böcker recalled that P49 said that Raslan wrote that Facebook post, while in fact, AS was the one who did that. P49 said that as far as he remembers, there was an apology from Raslan on the internet regarding P49, saying that he had to detain him but did not want to. P49 is not sure, but it could be a misunderstanding and, therefore, AS was the one who said that on the internet.

Böcker recalled that AS said that he had orders to detain P49. Böcker wondered if he [AS] had indirect contact with the head of the branch. Böcker asked P49 if it could be possible that the head of the branch was the one who ordered P49's detention.

Böcker said that P49 did not mention the name Tawfiq Younes in the police questioning, but "today" he referred to the head of the branch as Tawfiq Younes. Böcker asked if P49 knew Tawfiq Younes. P49 said that that became several questions.

Böcker asked if P49 met Younes before or after his detention. P49 said that regarding Younes, P49 met him only once at that time [during his detention and before his release].

Böcker asked if Younes shook P49's hand and greeted him. P49 said his feeling was that Younes was forced to greet P49 and that P49 surprised him [that he initiated the greeting] which Younes did not expect.

Böcker recalled that Younes was disappointed and was expecting an apology from P49. Böcker asked why Younes was disappointed. P49 said he thinks that Younes wanted “that” and to see P49 devastated during the scene of P49’s release... [P49 was interrupted by Böcker].

Böcker interrupted, “but that did not happen.” P49 replied, unfortunately.

Böcker asked what Younes was expecting. P49 said that Younes was expecting P49 to kneel on the floor, cry, say “Sorry,” and apologize to his father. He [Younes] wanted P49 to say that he was a fool and that the people fooled P49 into going to the condolence gathering and turning it into a demonstration.

Böcker asked how the interaction between Raslan and “the person who P49 was 90% sure was Younes” was and how long they stayed in the room. P49 said he does not think that Raslan was with them in the room. He only escorted P49 to the room. That is what P49 recalls: Raslan escorted him and then left. Maybe “we” [P49 and Raslan] met again when “we” [P49 and his father] were going downstairs [when they were released], but P49 does not remember.

Böcker asked if it was correct that P49 said that Raslan wanted to show him that the demonstrators were scum. Böcker asked P49 why Raslan said that and whether P49 perceived that meaning due to the surrounding circumstances. P49 said no, he [Raslan] said that and that was the point of view of the whole regime. Raslan said that “these are uneducated, poor [money-wise], and are ready to do anything and sabotage the country for money”. He mentioned many such examples and then brought the young man who mentioned the bananas and said that this guy agreed to demonstrate for bananas.

Böcker asked if the bananas person was injured. P49 said no, he had no wounds, but it was apparent that his psyche was shattered [devastated]. He acted too inferior [There was confusion interpreting the phrase. P49 meant that the person was acting as if he was worthless and saying “I am a fool and good for nothing, I deserve this” etc.].

Böcker recalled that P49 said in the police questioning regarding that person that he appeared as if he had been detained there for a long time. He could have been detained because he was armed. Then P49’s blindfold was removed to see him. Bahns said that the quotation was wrong.

Böcker asked P49 how Raslan reacted when P49 said that he did not agree to the violence of the regime. Böcker asked if P49 said during the interrogation with Raslan that there was violence from the regime side. P49 asked Böcker if his question was whether P49 asked Raslan if there was violence from the regime.

Böcker said no. He was asking whether P49 said that, not whether he asked that. P49 said if he remembers well, P49 told him [Raslan] that there was violence that was happening.

Böcker asked what Raslan’s response was. P49 said he thinks that his [Raslan’s] answer was that no, there was no violence, no torture.

Böcker asked if P49 got the impression that this was Raslan’s opinion or whether he [Raslan] was lying. It was apparent to Böcker that Raslan said that, but he wanted to know if P49 felt that Raslan was serious. P49 said he cannot judge, but he does not think that he [Raslan] was serious with his answer.

Böcker recalled that P49 said in the police questioning that Raslan brought a person into the interrogation who was detained because he participated in armed activities against the regime, and yet, he was not tortured. Böcker asked P49 if that was the bananas person.



P49 said no, maybe he [Raslan] brought in the armed person and P49 thought that he was the bananas person because it was [stuck] in his head. The armed person said that he shot at the police and was not tortured. P49 thinks that the person who was brought in was the person who fired [the armed shooting person].

Böcker asked P49 if the bananas person was brought in as well and if there were two people. P49 said the banana story exists, but maybe P49 put the bananas [story] on the armed one.

Böcker asked what about “the blindfold was removed at that point”. P49 said this is what he is not recalling. It could have happened at the end of the first [session] or the second one when he was released.

Böcker asked if the removal of the blindfold coincided with bringing in the armed person. P49 said it [He may have meant “the blindfold,” because he used the feminine “it” and the word used for blindfold is feminine in Arabic] has something to do with the matter, but maybe that young man was brought in the second time. “Let me say [phrase] it like this:” in the first interrogation session, P49 grabbed the chair without seeing; then, later during that session or in the second session, the blindfold was removed, and he [Raslan] showed P49 the person who fired/shot [at the police]. P49 does not remember if it was at the end of the first session or in the second one.

Böcker asked if Raslan received a phone call during the second session informing him that P49’s father arrived. P49 said this happened during the second session, upstairs.

Böcker asked if Raslan received the phone call in the interrogation room or his office upstairs. P49 said no, when P49 went upstairs with Raslan, he received a phone call or [maybe] someone came in [the office] and told him [Raslan] that P49’s father was there, and as a result, “we” [P49 and Raslan] went to the floor upstairs [to the upper floor, above Raslan’s office to Younes’s office].

Böcker said, “which is the office of the person who you are 90% sure is Tawfiq Younes.” P49 confirmed.

Böcker summarized that P49 went one floor up, then another floor up. Böcker asked on which floor the blindfold was removed. P49 said that the blindfold was removed when he was downstairs, in the basement.

Böcker asked P49 about what his father and Younes spoke about in that room. P49 said that they called his father after three days of not knowing P49’s whereabouts (P49’s father called many people to ask where he was). P49’s father did not know who called him but the person said that his son, [REDACTED], is in Al-Khatib. P49’s father told them that he did not know where the branch was and that he cannot drive. He asked them if someone could come and take him. They sent a car and brought him [P49’s father] to the branch.

Böcker asked how P49 knew about that. P49 said through his father.

Keber noted that the judges needed a break and asked Böcker how much time he still needed. Bahns suggested that because it was the day most were traveling home, maybe if there were not so many questions, then they can finish the session before the lunch break. Böcker said that he needed around 15 minutes. Only Reiger and Oehmichen had questions. Kerber said if it is only 15 minutes, then the proceedings would be resumed.

Böcker asked P49 if his father shared with him why he was brought to the branch. P49 said “they” told him “Come to take your son.”

Böcker recalled that P49 said that there was a good interrogator and a bad one. Böcker asked if there is a relation between the interrogator being good and his rank(ing). P49 said of course there was a relation between them, because Raslan had a higher rank than the one who interrogated P49. That person's military rank was inferior to Raslan's.

Böcker asked P49 how he knew that. P49 said he [the second interrogator] did not have an office. It [the interrogation] was conducted in the hall. P49 could know that he [the second interrogator] had a lower rank.

Böcker asked if P49 got the impression that the good and the bad interrogators were working as one team, and how he would describe the relationship between them. P49 said it was like the idea of the carrot and the stick.

Böcker recalled that in the police questioning P49 said that one could tell from Raslan's voice that he was serious and he was not violent. Bahns said that Böcker should read the context as well because the witness would not know it.

Böcker repeated that when P49 was talking with Raslan during the interrogation, he felt that Raslan was serious and not violent. P49 asked if [the question was that] Anwar [Raslan] was serious and not violent.

Böcker said yes, "was he?". P49 said that he did not understand. [The interpreter explained to P49 the question]. P49 explained that by saying that he [Raslan] was not playing around/having fun, and "was not violent", he meant that there was no beating or insults. However, the whole situation was violent. P49 was in an Intelligence Services branch, someone was being beaten [the interpreter clarified that the word, literally translated as "killed" means "beaten" in colloquial Arabic] and then P49 went to the interrogation. [P49 was not beaten, but he meant that he was in the cell hearing sounds of beating and torturing others, then he was called for an interrogation].

Böcker emphasized that P49 meant that the situation was violent, but not Raslan. Böcker recalled that P49 said that Raslan introduced himself to P49, and asked if that was correct. P49 asked "where?".

Böcker recalled that P49 claimed that Raslan told P49 that he knows his father and his work and values his father when they [Raslan and P49] were in the main office. P49 said he does not remember, maybe it was during the second time.

Böcker asked if, during the second interrogation on December 10, 2011, P49 was blindfolded. P49 asked if Böcker meant during his interrogation by Anwar [Raslan] or by the other interrogator.

Böcker said by Raslan during the second interrogation. P49 said it was not an interrogation, it was a release. P49 was brought to him [to Raslan] and he said "remove the blindfold."

Böcker recalled that P49 said during the police questioning that Raslan asked the staff member why he put the blindfold [on P49]. P49 said Raslan said "remove the blindfold," but not to him [Raslan was addressing the guard].

Böcker recalled that P49 said that Hafez's picture was not ordinary. Böcker asked what was different about it and if there was a picture of Bashar as well. P49 said he does not remember, but he recalls that it was not a typical one. It was big. And certainly, there was a picture of Bashar. It is impossible that there was not.

Böcker said that his question was whether P49 recalls that there was a picture of Bashar, or if it was P49's logical conclusion. P49 said he does not remember. He recalls a big picture of Hafez, but automatically one knows that there was a picture of Bashar. "If it [Bashar's picture] is in the bakery, it is definitely at the Intelligence Services."

Böcker said that the situation "here" in Germany is different. Böcker recalled that P49 described that Raslan's office was nice and had a big picture of Hafez Al-Assad. According to Böcker, P49 said "There had to be a picture of Bashar." P49 asked what the question was.

Böcker said that P49 did not recall whether there was a picture of Bashar Al-Assad in the office. P49 said it was natural. It is impossible that there was no picture of Bashar. It is something official.

Böcker said that when P49 said "There had to be a picture of Bashar," Böcker concludes that P49 did not know if there was a picture of Bashar in the office. P49 asked [the interpreter] whether Böcker meant whether P49 said that, or if it was Böcker's conclusion. P49 said what stole his attention (with Hafez's picture) was the talk that Hafez was the intelligent, powerful, wise leader. P49 had the feeling that Anwar [Raslan] liked Hafez more than Bashar. The big picture of Hafez with Anwar's [Raslan's] idea was what made P49 think like that. [P49 addressed the interpreter] His [Böcker's] conclusion is wrong.

Böcker asked what Raslan said about Hafez Al-Assad. P49 said he does not remember. Maybe he [Raslan] told P49 that this picture was...[P49 paused]. P49 said he does not remember.

Böcker refreshed P49's recollection quoting the police questioning transcript, "[A] great man whose death was a great loss of the nation." P49 said yes, he thinks it was like that.

Böcker recalled that in the police question P49 said, "On the other hand, I know what it means to be at the Intelligence Services." Böcker asked P49 what he meant by that. P49 said it meant to him several things. One was that he [Raslan] made a decision to work at the Intelligence Services in Syria, and thus, he does not have a problem with torturing people because of... [P49 did not complete the sentence] P49 said he does not know what his [Raslan's] convictions are and whether they [the detainees] were guilty or not. It was a notion that he agrees on. Secondly, Raslan agrees to do very dangerous work that could lead to his death, and he agrees on that. Since he knows that, he has to bear the consequences.

Böcker asked if P49 knows since when Raslan was working at the Intelligence Services. P49 said he does not know, nor does he know him [Raslan] in person. P49 just knows that it was for a long time.

Böcker asked what a "long time" means in Arabic. "Does it mean since 2011?" P49 said no, before that, because he [Raslan] told P49 about his father. Maybe he was at the Intelligence Services in the 1990s at a different branch.

Böcker asked P49 if he would say that Raslan defected because he was against violence. P49 said he cannot say why he [Raslan] defected. That is a big question.

Böcker asked P49 what he would think of the reason, knowing that Raslan worked there since the 1990s. P49 said that to him working with the regime is for preserving/maintaining the regime, and it has nothing to do with patriotism. He [Raslan] might have thought of patriotic reasons, like defending the homeland. P49 said he does not know why one would work at the Intelligence Services.



Oehmichen said that she wanted to quote something from the police questioning: “Torturing is hard/difficult. I was tortured when I was a child by the police. If you decide to work there, then you know what is happening there. When I speak about Raslan, I cannot say that he is not good, but also cannot say that he did not commit crimes.” P49 said yes, he thinks that he said that. The translation/interpretation was not accurate at some points [during the police questioning]. P49 had to endure torture all the time when he was a child, and most of his friends had the same situation with the police for no reason. P49 said that he however did not understand [what Oehmichen wanted to ask]... [P49 was interrupted]. Oehmichen said that she just wanted to know if P49 said that. She then thanked him.

Reiger said that the accused said in his statement on May 18, 2020 “The detainee [REDACTED] was a demonstrator and knew that I have sympathy with detainees.” P49 said he cannot say that, as he only knows what happened with him. There is a lot of hearsay and P49 cannot confirm this.

Reiger asked if P49 got the impression that Raslan had sympathy with demonstrators. P49 asked if Reiger meant “during the interrogation.”

Reiger said yes. P49 said no, he did not believe anything during the interrogation, because he thought it was all [a lie/show].

Böcker asked how P49 knew that Raslan did not have sympathy with demonstrators. P49 said he did not say that Raslan did not have sympathy, but rather P49 said that he does not know if he [Raslan] had sympathy.

Böcker recalled that P49 said that he did not believe anything at all. Böcker asked P49 if that means that Raslan was not serious. P49 said he did not say that Raslan was not serious. He said that Raslan was serious but not violent. P49 felt that “we all were lying to each other.”

[The witness was dismissed at 12:50 PM]

Kerber announced that Inspector Knappmann will be invited to a future session.

The proceedings were adjourned at 12:53 PM.

The next session will be on September 8, 2021, at 9:30 AM.