



TRIAL OF ANWAR RASLAN and EYAD AL-GHARIB

Higher Regional Court – Koblenz, Germany
Trial Monitoring Report 49
Hearing Dates: October 13 & 14, 2021

CAUTION: Some testimony includes descriptions of torture.

Summaries/Highlights:¹

Day 97 – October 13, 2021

P54, a former Syrian military pilot testified about Raslan’s defection and how Raslan helped the Jordanian authorities to find a safer route for refugees to flee from Syria to Jordan.

The Judges rejected several requests to hear additional evidence that have previously been submitted by the Defense. The Judges held that the requests did not indicate the precise scope and source of knowledge of the proposed witnesses. Therefore, a summons would not be necessary given the efforts that would be required to hear these witnesses living abroad. In announcing that certain crimes committed against plaintiffs were also punishable under regular German criminal law, the Judges indicated that it was unnecessary to add enforced disappearances as a crime against humanity to the charges.

Day 98 – October 14, 2021

P55, a former employee at Branch 285 of the General Intelligence Directorate told the Court that before his defection at the end of 2012, Raslan was working as the head of the Interrogation Division at Branch 285. Several documents displayed in Court showed Raslan’s signature on notes detailing how to proceed with individual detainees. P55 indicated to the court that Raslan could only make suggestions in this regard and due to being a Sunni he did not have much authority.

Trial Day 97 – October 13, 2021

The proceedings began at 9:30AM with six spectators and three journalists in the audience. The prosecution was represented by Prosecutors Klinge and Polz. Plaintiff Counsel Dr. Oehmichen was substituted by Ms. Bier.² The interpreter who worked for this trial for the first time the previous week was in charge of translating the witness’ testimony from Arabic to German.

The witness summoned for this day did not arrive at the court on time. Presiding Judge Kerber therefore explained that she had two court decisions that needed to be read out.

[The following is a recreation of the decision, based on what the Trial Monitor was able to hear in Court.]

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.

² Note from the Trial Monitor: The court interpreter in charge of translating from German to Arabic for the Accused did not translate while Presiding Judge Kerber was checking attendance.



Court Decision to reject the request to take evidence issued by Defense Counsels Mohammed, Reiger, and Schulz on September 30, 2021.

The Plaintiff Counsels had requested to admit as evidence, and visually inspect in court, sketches drawn by Firas Fayyad [P1]. Counsels argued that this would provide the court with an authentic impression of Branch 251. However, pursuant to § 244 (3) No.1 StPO [obviousness] it is not necessary to inspect these sketches since Firas Fayyad himself as well as many other witnesses already provided detailed statements about the Branch's premises and the conditions therein.

The witness entered at 9:40AM. Judge Kerber thanked the witness [P54] for following the summons despite the short notice.

Testimony of P54

P54, a 54-year-old Syrian and former military pilot currently living in [REDACTED] was informed of his rights and duties as a witness. P54 denied being related to the defendant by blood or marriage.

Questioning by Judge Kerber

Presiding Judge Kerber indicated that the Judges were aware that P54 knew Raslan. She asked P54 to talk about Raslan, his escape from Syria, how and when P54 was in contact with Raslan. P54 explained that he had the rank of a Colonel back in Syria and was working as a military pilot. P54 said he "of course" did not know Raslan [during his service]. P54 defected in May 2012 and entered Jordan in July 2012. At that time, P54 heard through mutual friends that Colonel Anwar [Raslan] defected. However, according to P54 [Raslan] defected in December 2012. The mutual friends from whom P54 heard about Raslan's defection were [REDACTED], a businessman in Egypt, and [REDACTED], a [former] Colonel at the Political Security who was in Jordan together with P54. P54 told the Court that he did not know the reasons for the delay in Anwar's [Raslan's] defection; maybe he could not defect [earlier].

Kerber asked whether P54 got in contact with Raslan on the phone or in person the first time. P54 said the first meeting was face-to-face, when [Raslan] entered Jordan. P54 could not remember the exact date, but said it was a week before Christmas [2012].

Kerber said Raslan allegedly tried to defect in summer 2011, and asked P54 if he and Raslan spoke about the latter's attempt to defect. P54 denied, adding he did not hear about Raslan trying to defect in summer 2011. However, he had information from mutual friends that [Raslan] attempted to defect.

Kerber asked when P54 heard about this attempted defection. P54 said he heard about it when he himself defected. PW1_97 told P54 that "Colonel Raslan wanted to defect and he was helping 'us' a lot".

Kerber wanted to know if this was in May 2012. P54 affirmed and said that PW1_97 was detained at Raslan's Branch and PW1_97 told P54 that [Raslan] helped him [to be released]. Kerber said she did not understand who helped whom. [The court interpreter in charge of simultaneous interpretation from German to Arabic clarified the issue].

Kerber recaptured that Raslan helped PW1_97 to be released, and asked P54 if that was correct. P54 confirmed.

Kerber asked P54 if he and Raslan spoke about the latter's tasks and political opinions when they met before Christmas. P54 said he saw [Raslan] only for a short time in his own car, when he picked up [Raslan] at the [Syrian-Jordanian] border.



Judge Kerber asked if that happened in 2012 before Christmas. P54 confirmed, adding that he had previous information [that Raslan was going to defect] and therefore left [Raslan's] name with the Jordanian Military Services, saying that he would like to know when [Raslan] arrived. When [Raslan] eventually entered [Jordan], they told P54 about it and he went to pick up Raslan. P54 further told the Court that [Raslan] was separated from his family who was in a civilian [refugee] camp while Raslan was at the [Jordanian] Military Intelligence Services. It [the way that P54 drove Raslan from the border] was 90 kilometers long. It was the first time P54 saw or spoke to [Raslan]. On the way from the Military Intelligence Services [Raslan] spoke with P54 and mentioned that he had tried to defect: one time he could have fled from Az-Zabadani³ but he refused because it would have been without his family. P54 stated that Raslan had no money at all.

Kerber asked if Raslan told P54 about the time he attempted to defect or thought about defecting. P54 said that [Raslan] did not agree with what was happening. [Raslan] said he was under immense pressure and mentioned an officer, Tawfiq Younes, who was thoroughly watching him in addition to Hafez Makhoulf. According to P54, [Raslan] also said that when he used to come home from work, there were two "members of the staff"⁴ watching him from [down the street].

Kerber asked if Raslan said that he was being monitored at work. P54 recalled [Raslan] saying that there were people watching him all the time.

Kerber further wanted to know if Raslan told P54 about his job and tasks at the Intelligence Services and the reasons for not changing his job. P54 said he himself was part of the system and knows that [Raslan] could not change anything. He would have been risking his life with any mistake.

Kerber recalled P54 mentioning that Raslan was separated from his family. Defense Counsel Böcker intervened, saying that he did not understand who said that "[Raslan] could not change anything. He would have been risking his life with any mistake". Böcker wanted to know whether it was Raslan or P54 who said that, asking P54 to clearly differentiate between his own statements and the ones that he attributes to Raslan. P54 clarified this was his own evaluation [of the situation].

Kerber again recalled P54 mentioning that Raslan was separated from his family. Kerber asked if Raslan's family was in Syria or in Jordan. P54 said that [his family] were at Az-Za'tari [refugee] camp.

Kerber asked if Raslan's family arrived in Jordan before Raslan. P54 said no, they arrived together, but the civilians and the military people were separated from each other [in Jordan by the Jordanian authorities].

Kerber asked P54 where he picked up Raslan; if it was at the Syrian-Jordanian border. P54 said he picked him up at Al-Mafraq Branch, the Military Intelligence Services.

Judge Kerber asked if Al-Mafraq Branch was at Az-Za'tari camp. P54 denied and said it was a city at the border. The first city one enters [when coming to Jordan from Syria].

³ Note from the Trial Monitor: The court interpreter doing interpretation of the witness' testimony pronounced the name of this place incorrectly throughout the entire testimony.

⁴ Note from the Trial Monitor: The term used by P54 usually refers to members of the *Mukhabarat*, however, P54 did not specify whom he meant.

Questioning by Judge Wiedner

Judge Wiedner asked if Raslan told P54 about his tasks back in Syria and where he had been working. P54 said [Raslan] told him that [he had been working] at the Interrogation Division at State Security, the General Intelligence Directorate. According to P54, [Raslan] did not say more than that.

Wiedner asked if Raslan mentioned the number of the Branch he worked at. P54 denied.

Referring to the time P54 himself was working in Syria, Judge Wiedner asked P54 whether he would know what tasks Raslan had. P54 said that it was [Raslan's] task to investigate security issues.

Wiedner wanted to know what had changed in regard to Raslan's tasks before and after 2011. P54 went on to explain that he himself was in the army, which is part of the same system [as the Intelligence Services]. As such, P54 had contact with the security services. Originally, [Raslan's] task would have been a noble one: he dealt with security issues concerning the state, just like any apparatus in a civilized state does.

Raslan's interpreter, sitting between Raslan and his Defense Counsel Fratzky, told the latter that a sentence from P54's answer was not translated. Fratzky therefore intervened to point this out to the Court. P54 repeated his previous answer and went on recalling that the question was about what had changed: P54 explained that what had changed was that the state was ruled by a dictator and the state was there to serve the dictator. According to P54, the institution where Raslan served was not supposed to detain the citizens and torture them, but all apparatuses were working to protect the regime.

Wiedner asked whether Raslan told P54 that, or if P54 was stating that. Defense Counsel Böcker intervened, saying that there could be a third option and Judge Wiedner should not restrict the options. Presiding Judge Kerber told Böcker that he could ask his questions later. Böcker replied that he wanted to point out that Judge Wiedner gave the witness only two options of answers to choose from. Wiedner said he would rephrase his question and asked P54 how he knew that. P54 explained that he would know everything 'about the system'. P54 added that he had been in the army since 1983 and was from a military family, had many contacts and would even know Bashar [Al-Assad] personally. P54 further explained that it was true that he was a pilot, but he would also know how security forces, the Republican Guard, the Air Force Intelligence Services, the Military Intelligence Services, and the Political Security operate. P54 concluded that his personal assessment would be accurate. Even without Raslan telling him anything, P54 would know everything.

Wiedner asked P54 about the last rank he held before he defected. P54 said he was a Colonel.

For clarification purposes, Judge Wiedner asked P54 if the previous statements were based on his own experience and not derived from Raslan. P54 said 'let us detail [the answer]'. He told the Court that if Judge Wiedner would like to know if Raslan made a statement on a certain issue, P54 would say so.

Wiedner recalled that P54 said that Raslan's tasks at the Intelligence Services were similar to what is done in every other country. Wiedner asked P54 how he knew that. P54 said he knew because he was part of that system and is from a family that would be part of the ruling system.

Wiedner asked P54 if he would know what Raslan did within this system; and if he would know, how he knew it. P54 said he knew all this without Raslan [telling him]. A person who works as an interrogator at the state security, his job is to interrogate.



Wiedner concluded that that the information that P54 just provided to the Court was known to P54 without Raslan telling him. Wiedner asked P54 if he, nonetheless, asked Raslan about it. P54 said he did ask [Raslan] who told P54 about his psychological state and the magnitude of violations and torture. P54 further explained that [torture] also happened ‘under normal circumstances’ before 2011. At that time, torture was used to extract information from suspects. However, after 2011, it was a means of retribution. The probability of someone dying under torture before 2011 was [marginal] but after 2011, it was at around 80%.

Wiedner wanted to clarify whether that statement was from Raslan. P54 confirmed and said it was from the conversations he had with Raslan, and P54 would know it as well.

Wiedner asked P54 what Raslan said about his psychological state. P54 explained that [Raslan] said his psychological condition was bad and that he was unable to do anything or to stop this policy. P54 added that he would know that neither Raslan, nor his chief, nor the chief of his chief would be able to stop this policy.

Wiedner asked P54 how he knew that. P54 said he was part of the system.

Wiedner further wanted to know how often P54 chatted with Raslan when they were in Jordan. P54 said they spoke on the way, after [Raslan] got out [of the Military Intelligence Services]. P54 also met Raslan on the [following] day, and later, for a third meeting, [Raslan] was disguised and afraid. When P54 asked Raslan why he was behaving like that, he said that he was afraid that ‘they’ would assassinate him. P54 attributed that to the fact that [Raslan] knew with whom he was working and therefore, he was afraid.

Wiedner asked P54 if he knows whether Raslan helped or worked with the Syrian opposition in Jordan. P54 explained that Raslan was involved in one situation: the route that civilians were taking when they were leaving Syria [to Jordan as refugees] was dangerous. Since Raslan was the last officer [to defect at that time] he, along with the help of the Jordanian authorities, helped to draw a safe route for people to leave. P54 concluded that [Raslan] helped them, because he suggested using a desert route east to As-Sweida, which helped the opposition and reduced the number of casualties during the displacement.

Wiedner asked whether the route was in Syria or Jordan. [P54 apparently misunderstood the question.] P54 said it was [he apparently referred to the location from where Raslan was helping the opposition] in Jordan. P54 went on to explain that in 2013, displaced people were subjected to ambushes and killing by the regime. “We” [opposition] were looking for a safe route without army camps. Since Raslan was the last officer to defect, “we” sought his help to sketch the route and the number of casualties decreased indeed. P54 said that forty to fifty people were killed every day before that. The route which Raslan provided, however, avoided many military sectors.

Wiedner wanted to confirm if P54 was talking about a route from Syria to Jordan. P54 confirmed.

Wiedner asked P54 what exactly Raslan did. P54 explained that [Raslan] provided them with the safest route to leave. According to P54, Raslan arrived safely because he was an officer and smart. However, regular civilians would not know how to choose that [route].

Wiedner asked if P54 knew about this instance from Raslan. P54 said he himself asked [Raslan] to draw the map, and the route was established with the help of the Jordanian Intelligence Services. P54 stated that they were concerned about the humanitarian aspect and wanted to avoid casualties. Raslan in fact helped them to do so.



P54 said regarding the second part of the question about the opposition, he would have no idea what Raslan offered the opposition, because P54 would not be part of the opposition.

Regarding the help Raslan offered, Judge Wiedner wanted to differentiate between information that P54 got from Raslan in this regard, and information that P54 obtained based on his own experiences. Wiedner asked P54 if he asked Raslan for help and what Raslan replied. P54 said that “we” opened the map, and “this” [P54 was demonstrating and pointing at the table in front of him] is the Jordanian Intelligence Services headquarters. “We” asked Raslan to specify the route that he took to safely arrive in Jordan.

Wiedner asked if that happened at the Jordanian Intelligence Services. P54 confirmed and added that a week prior to creating the map, 280 people were killed along the road.

Wiedner asked P54 how he would describe the relationship between him and Raslan; whether it was friendly or a friendship. P54 said he did not know Raslan before Christmas 2012 and he had the same strong skepticism towards Raslan that any Syrian has against people who worked for the Intelligence Services, even though P54 himself used to be an army officer. However, up to 2011, “we” [the army] were not involved in the torture of people.

Wiedner wanted to know “who” [he did not specify the conduct he was referring to]. P54 said “the army” and went on to explain that after 2011, everything was the same: army, police, and Intelligence Services. All of them detained and tortured [people], and even the customs agencies were involved.

Questioning by the Prosecutors

Prosecutor Polz asked P54 if he knows how Raslan’s defection was carried out and whether somebody helped him. P54 said [Raslan] undoubtedly received help, but he did not ask him which party helped him. [Raslan] only told P54 that he had a failed attempt [to defect] through Az-Zabadani and the destination was Lebanon. However, P54 did not know why it did not work. According to P54, Raslan told P54 that the agreement was that his family should not be with him. P54 further explained that there was definitely cooperation in Jordan from the Syrian opposition who volunteered to transport officers. P54 himself experienced this support. According to P54, the locals were happy when a Syrian officer defected. Therefore, they volunteered to help, in order to solidify their position as part of the opposition.

Regarding Raslan’s failed attempt to defect, Polz asked P54 if he knew about this because Raslan told him or if he knew from somewhere else. P54 said “no”, [Raslan] mentioned that.

Questioning by the Defense Counsels

Defense Counsel Böcker asked P54 about his role at the Intelligence Services in Jordan. P54 said his role was that of a defected officer who opposed what the regime was doing. His whole job was of a humanitarian nature: to mitigate the suffering of people. P54 added that he was neither connected to politics nor to the armed conflict, in which he did not participate.

Böcker asked if P54 was working with the Jordanian Intelligence Services. P54 denied and said he would not work with any Intelligence Services.

Böcker asked if P54 picked up Raslan at the border. P54 confirmed, saying he went there and took him.

Böcker asked if Raslan drew the route. P54 confirmed.



Böcker concluded that this would mean that P54 and Raslan only met and P54 did not pick Raslan up. Judge Kerber clarified that P54 did pick up Raslan before the sketching of the route took place.

Recalling that P54 consequently picked up Raslan before the latter provided the map, Böcker asked how P54 helped Raslan. P54 said he got information about Raslan wanting to defect, months before Raslan actually arrived in Jordan. P54 therefore asked the Jordanian Intelligence Services to let him know once Raslan arrived. The Intelligence Services did inform P54 at the time and when Raslan got there, P54 went to pick him up. P54 further described that the instance when Raslan helped creating the map happened 20 days after Anwar [Raslan] entered Jordan. Usually, officers entered through Nasib نصيب, from the villages, but there were army checkpoints and border guards. P54 explained that a big attack on and raids in Al-Ghouta happened after that, and the roads were closed. “We” therefore needed a desert route without military checkpoints and posts. According to P54, Raslan indeed helped in this regard.

Böcker recalled that P54 said “we” and asked him whom he meant by that. P54 said “we”, the ones concerned about civilian and unarmed people, “we” together with the Jordanian authorities.

After reminding P54 to differentiate between his own experiences and Raslan’s statements, Böcker asked P54 whether Raslan carried important “things” with him when he came from Syria to Jordan. P54 said [Raslan] had important things with him, but P54 neither asked Raslan to have a look at them, nor was he interested in having a look at them.

Böcker asked what Raslan had with him. P54 said Raslan had “stuff and information”.

Böcker asked P54 whether he saw these important things or if Raslan told him about it. P54 said when P54 and Raslan went to create the map, Raslan had papers with him. P54 assumed that Raslan might have thought that the meeting was about the important things he had with him. But when P54 told him that the purpose of the meeting was the creation of a safe route, Raslan left the things in the car, and P54 neither asked Raslan to have a look at them, nor he was interested to have a look at them.

Böcker asked if Raslan left the things in the car. P54 said Raslan left some papers, a folder.

Böcker asked if Raslan left it in P54’s car. P54 said yes, in his car.

Böcker asked if there were other meetings with Raslan at the Jordanian Intelligence Services. P54 clarified that what he described was the only meeting Raslan had with the Intelligence Services with P54’s participation. However, P54 was sure that Raslan cooperated with the Jordanian Intelligence Services and gave information. Without P54 being present.

Böcker asked why P54 was so sure about that. P54 said he knew that from the intermediary, the director of the Syria desk at the Jordanian Intelligence Services, who told P45.

Böcker said that the translation was unclear and asked the answer to be repeated. P54 repeated that Raslan cooperated with the Jordanian Intelligence Services. The director of the Syria desk at the Jordanian Intelligence Services, told P54 that Raslan had important things in his possession but P54 did not ask him [P54 did not explain whether he was referring to the director or Raslan].

Böcker said that he did not understand what was meant by the “director of the Syria desk at the Jordanian Intelligence Services”. [There was some confusion about the translation of desk/file/case/division, so the other court interpreter intervened and clarified the meaning].



Böcker affirmed that he now understood the meaning of “director of the Syria desk at the Jordanian Intelligence Services” and noted that there would be a similar desk in Germany as well. P54 explained that Jordan is one of Syria’s neighboring states, and at that time, there were more than one million refugees illegally [in Jordan]. The [Jordanian] General Intelligence Directorate therefore (not the general director) assigned a Colonel who was responsible for the Syria desk regarding all aspects.

Böcker asked if P54 was talking about the Syria desk at the Jordanian Intelligence Services. [The interpreter reiterated what he meant by the “Syrian file/Syria desk”]. [Plaintiff Counsel Dr. Kroker summarized and clarified that a person at the Jordanian Intelligence Services was responsible for and in charge of Syrian matters in Jordan].

Böcker wanted to know if it was correct that a person called [PW1_97] was currently living in [REDACTED]. P54 confirmed.

Böcker asked if P54 knows the name of the street where this person lives. P54 denied.

Böcker asked if P54 knows his email address. P54 said he has his phone number and Facebook account.

Böcker asked if P54 could share this information with the Defense, either at this very moment or after the end of the session. Presiding Judge Kerber asked P54 if he had the information on his mobile phone that he left outside the courtroom. P54 said he could send the phone number later, because he had nothing on the phone that he had with him. Böcker told P54 that he would give him his business card and would appreciate if P54 could send him the information via email.

[30-minute break]

[The court interpreters swapped positions]

Defense Counsel Fratzky asked P54 about his religious denomination. P54 said he would be Sunni.

Fratzky asked P54 if he could explain the interactions between Sunnis and Alawites within the Syrian regime to the Court. P54 wanted to know what aspect Fratzky was referring to: social, military, or security [forces].

Fratzky said he was interested in the security apparatus. P54 explained that the security apparatus was dominated by Alawites. However, there would be different grades even within the same denomination. According to P54, the Alawite denomination consists of tribes, which would not be something invariable: for example, the Kalbiyya كلبية tribe ...etc.

Fratzky wanted P54 to clarify whether the Alawites comprise 10% of the Syrian population while being in control of the state. P54 confirmed.

Fratzky asked P54 how difficult it was for a Sunni to work at the Intelligence Services. P54 said there were difficulties. There was a political system, and if one was involved in this system and committed to it, one would not face a problem.

Fratzky wanted to know who would have more decision-making power in a scenario where a Sunni has a higher rank than an Alawite. P54 said with regards to importance: even if Raslan was an Alawite, he would not be allowed to have a different mind-set. Sectarianism exists distinctly in the security apparatuses. The essence of the police-regime is unrelated to religions.



According to P54, even if the oppositionist is Alawite, Christian, or Sunni, he would still get annihilated for the sole reason of opposing the system, with respect to the supreme command. Regarding officers below the high decision-making ranks, P54 explained that the system would be that the Alawite might have more authority.

Fratzky wanted to know whether P54 knew Hafez Makhlouf. P54 said he knows him personally.

Fratzky asked what Makhlouf's role within the Syrian regime was. P54 said that he was among the "inner circle" as a result of his kinship to the president (he is actually his cousin) and has more power than a director. P54 said that there was an occasion when he was in Syria: Hafez [Makhlouf] had the same rank as P54 (Colonel), yet his orders were binding for [Ali] Mamlouk, Deeb [Zaytoun], and even on the Minister of Defense, only due to his closeness to the President. According to P54, Makhlouf's actual position was being the head of one division among hundreds of [other] divisions. Like the role of Maher Al-Assad, who was the head of one [army] division among a hundred [other] divisions. P54 explained to the Court that Makhlouf, however, made decisions and extended his power even on civilian [sectors]: the Prime Minister and the economy [...etc.]. P54 concluded that Makhlouf is a member of the "inner circle".

Fratzky asked P54 if he knows Manaf Tlass مناف تلاس. P54 said that he is [REDACTED]. He was the head of the Republican Guard, a friend of the President, and the son of the former "Deputy of the Commander-in-Chief, the Minister of Defense", General Mostafa Tlass مصطفى تلاس and a friend of Bashar [Al-Assad].

Recalling that Manaf Tlass was Al-Assad's friend, Fratzky asked P54 whether the relation between them changed. P54 said that it changed since the incidents of the revolution. Manaf had a different opinion regarding the use of the army, the violence, and against the security solution in general. Manaf advised Bashar to find a different solution, but he did not listen. He then left the regime and defected.

[REDACTED]

Fratzky asked if there was a conflict between Hafez Makhlouf and Manaf Tlass in 2011. P54 confirmed and said that there was a dispute between Hafez [Makhlouf] and Manaf Tlass, and between Manaf and Maher [Al-Assad] as well.

Fratzky wanted to know what the dispute was about. P54 said it was about the security solution which Manaf opposed. Manaf was assigned by the President to meet delegations from Duma, find a "logical solution" with them, and meet their living and administrative demands. According to P54, Manaf was surprised that Hafez [Makhlouf] detained the delegations when they left Manaf. Some of them were killed at the headquarters of the 4th Division. P54 described that Manaf understood that there was another stream, 'the Falcons' which completely influenced the President and carried on with the security solution. Before he defected, Manaf resigned, and disobeyed orders. He was able to refuse and say "I cannot [do it] anymore" thanks to his personal history. According to P54, however, someone like Raslan would have been killed [for disobeying], just like P54.

Fratzky asked P54 if Manaf Tlass was entrusted by the French Intelligence Services. [Judge Kerber asked whether Raslan was receiving interpretation since Raslan seemed to be waiting for something]. P54 asked if Fratzky meant before Manaf defected. [The interpretation of the question and the witness' reply overlapped.]



Judge Kerber requested the court interpreter who was in charge of translating from German to Arabic to stop interpreting and asked Raslan's personal interpreter to start interpreting for him and the court interpreter sitting next to the witness to also interpret from German to Arabic until the end of the session.

Fratzky said that he was referring to the context of Manaf's defection. He asked whether Manaf told P54 something about getting help from the French Intelligence Services. P54 said "of course."

Fratzky asked P54 if he could share the address of Manaf Tlass with the Defense. P54 said he could raise the issue with Manaf personally, but he would not know Raslan. P54 added that if the testimony would be political and a matter of public record, then what would be the benefits for this trial? P54 added he could share Manaf Tlass' phone number though.

Fratzky asked if he could get the phone number right away. Judge Kerber asked if P54 memorizes the number by heart. P54 denied and said it was saved on his phone.

Fratzky said that he could get that later and went on to ask whether P54 knows [REDACTED]. P54 denied.

Fratzky asked whether P54 knows PW5_100. P54 denied.

Fratzky asked whether P54 knows [REDACTED]. P54 said that this person would be a defected officer who participated in the armed conflict. He used to be a military commander in Aleppo area and is currently [REDACTED]. P54 concluded that this was all he knew about this person.

Fratzky asked if P54 had his phone number. P54 said he could get it.

Fratzky asked whether P54 knows Khaled Al-Halabi خالد الحلبي. P54 confirmed.

Fratzky asked what P54 knew about him. P54 said that he was the head of the State Security Branch, the Intelligence Services in Ar-Raqqa city, and P54 met him in Jordan. He is currently in a European country, maybe Austria.

Fratzky asked if this person would know Raslan. P54 confirmed.

Fratzky asked P54 if he and Al-Halabi spoke about Raslan. P54 confirmed.

Fratzky wanted to know what Al-Halabi said. P54 said that Al-Halabi had legal proceedings before Raslan and he was prosecuted as well.

Fratzky asked where that was. P54 assumed it was in the country where he was, in Europe.

Fratzky asked if P54 referred to the same European country that he mentioned when he said that Al-Halabi might be in Austria. P54 confirmed.

Fratzky asked if P54 had Al-Halabi's phone number. P54 denied and said he could get it, though.

Questioning by the Plaintiff Counsels

Plaintiff Counsel Scharmer asked if P54 defected in July 2012. P54 confirmed.

Scharmer asked when P54 had contact with the Jordanian Intelligence Services for the first time after he arrived in Jordan. P54 said it was "immediately".



Scharmer asked how much time was between P54's first contact with the Jordanian Intelligence Services and Raslan's first encounter with them. P54 said he [himself] entered Jordan in July. The system in Jordan was that the Jordanians wanted to [interrogate] each officer who defected from the [Syrian] Intelligence Services, and even the Americans wanted to interrogate them as well, that was unavoidable. P54 explained that Raslan defected in December, there was consequently a 6-month-period between their respective defections. P54 further stated that the Jordanian Intelligence officer said that Raslan offered useful information in January 2013. P54, however, did not know the content of this information. Raslan then cooperated with the political opposition and the two were involved [with the opposition] until Raslan traveled to Geneva, and since then P54 had no contact with him and did not follow what Raslan was doing, because P54 was not engaged with the opposition.

Scharmer recalled that P54 said that the Jordanian Intelligence Services had their first contact with Raslan at the border. Scharmer wanted to know at what point P54 saw Raslan for the first time. P54 said the first time was at the Military Intelligence Services in Al-Mafraq. After "they" were done with him [Raslan] and ensured that he was a defected officer. P54 explained that part of the Military Intelligence Services' tasks was to confirm that defected officers were not sent by the [Syrian] regime. At that time, the Jordanians were hostile towards the [Syrian] regime. They were concerned about vandalism and retaliatory acts [by the Syrian regime against the refugees or Jordan]. Thus, it was the job of the Military Intelligence Services to make sure that the person was genuine and did not travel using a pseudonym. P54 said one was subjected to lengthy interrogations that could take more than twelve hours. This was to ensure that not everybody who was an alleged defected officer was simply let in to the country. According to P54, the military camp contained around 1,800 officers and 6,000 soldiers. Many soldiers defected with their arms, and it was Jordan's right to verify the person's identity, confiscate the arms, and authenticate the documents. Therefore, the Jordanian Intelligence Services did not inform P54 at the very moment when Raslan entered, but rather after they were done with him. P54 further explained that another reason for informing P54 was that Anwar [Raslan] had no money, and P54 paid Raslan's rent the first time [month].

Scharmer asked P54 if he was present during the first interrogation about Raslan not having money. P54 clarified that Raslan was not being interrogated regarding money. P54 added that dozens of officers were entering Jordan every day. Thanks to his personal connections, P54 was able to leave a notice at the Jordanian Intelligence Services asking them to inform him whenever Raslan came to Jordan. P54 said it was a result of him talking with PW2_97, because the officers who defected from the Intelligence Services were few, whereas the [defected] army officers were many (around 4,000). That was why P54 was interested [in Raslan].

Scharmer indicated that what he understood was that P54 was not present during Raslan's first interrogation. P54 said no, he was not present.

Questioning by the Prosecutors

Prosecutor Polz recalled P54 saying he knew months before Raslan arrived in Jordan that he wanted to defect. Polz asked if P54 could specify the period between receiving the information and Raslan's actual defection. P54 said the period was around four months. P54 added that he might have received the information about Raslan wanting to defect in August. Raslan then defected in December, meaning it was a four-month period.



Polz wanted to know the precise content of P54's information. P54 said he learned "that there is a Colonel at the State Security, Intelligence Services, who wants to defect". P54 explained that since he was a defector himself, he knew that the decision was sensitive, meaning that if it would have been leaked, it would have cost Raslan's and his family's life. That was how P54 received the information, that Raslan intended to defect. P54's personal assumption would be that he Raslan was in contact with PW2_97 or someone whom he trusted, and the information was delivered to P54 who had to keep it secret, because there was some information about many people [s defection] like [REDACTED], who sent a message and "we" verified it to be authentic, but it never happened [he did not defect], either because he changed his mind or he was unable to do it.

Polz asked how P54 could personally assess the purpose of sharing such information. P54 said that concerning the information; anyone who enters [Jordan], would not be offered anything by the Jordanian authorities. According to P54, Jordan would not be like Germany [which helps refugees]. The Jordanian authorities could simply tell Raslan to go to the street, and the only option available was to stay at the camp. PW2_97 therefore spoke to P54 in order to make special arrangements for Raslan. In order to get out of the camp, Raslan's family needed a Jordanian guarantor who had to sign a pledge to host them and to be responsible for them. Additionally, the director of the camp had to agree. P54 said many refugees were unable to secure such procedures which delayed their exit from the camp. What P54 did on his part was that Raslan got out the following day and did not stay in the military camp, and his family stayed for one or two days only.

Questioning by the Plaintiff Counsels

Plaintiff Counsel Schulz recalled that P54 denied working with the Jordanian Intelligence Services. P54 confirmed.

Schulz asked how exactly P54 was acting as a mediator for the Jordanian Intelligence Services. P54 said he was a respectful guest with them. They asked him questions about any officer who entered [Jordan]. P54 explained that there are many [Syrian] family names that are common to Sunnis, Shiites, and Alawites.⁵ P54 said he was mostly asked about officers. The Jordanian authorities had security concerns which P54 found reasonable. P54 wanted to offer help because there was a mutual benefit: not letting someone who should not enter get help to enter. However, the cooperation was not a job and was no obligation for P54 but rather voluntary.

Schulz asked if P54 knows whether Raslan had contact with other Intelligence Services. P54 said he had no information in this regard.

Plaintiff Counsel Dr. Kroker recalled P54 mentioning that some people should not be let in and asked P54 who these people were. P54 said that there was great anxiety among defectors in the beginning. Even the location where they were put [contributed to their fear, because] there was a high probability that they could be attacked with missiles [by the Syrian regime]. Jordan also had security concerns and there were precedents for this: in 1982, two pilots escaped to Jordan from the airport where P54 was serving. Since the Syrian regime is "baltaji بلطجي" [here: aggressive], it sent helicopters and forces to the airport in Jordan where the 2 pilots landed and wanted to detain them from Jordan. P54 said the Syrian regime would be "crazy." It could target the camp where 4,000 officers and 6,000 soldiers were gathering or conduct a military operation and send forces abroad like it did in 1982.

⁵ Note from the Trial Monitor: P54 did not explain well. He presumably indicated that he was able to identify the background of a person based on their names.



P54 said the Jordanian authorities wanted to ensure that no one would be able to geo-locate [the camp] or assassinate anyone, considering that there were high-ranking personalities like Generals, Major Generals, the Deputy of the Army Chief of Staff or even the Prime Minister [who eventually did not defect]. P54 concluded that “we” were careful to not let intruders in.

Kroker asked P54 what happened to that group of people whom the Jordanian authorities decided not to let in. P54 said that they were sent back to Syria. They were transferred back to the official border crossing point.

Questioning by the Defense Counsels

Defense Counsel Fratzky asked P54 if that means that he was helping the Jordanian authorities to verify whether a person was trustworthy. P54 said it was not only him, he was only a part of it.

Fratzky asked if the Jordanian authorities took information about defectors from P54 and others. P54 confirmed.

Presiding Judge Kerber announced a short break to let P54 bring in his phone before he would be dismissed as a witness.

P54 came back and handed Judge Kerber a sheet of paper.

Judge Kerber indicated that the Judges were given the phone number of Manaf Tlass, [REDACTED], Khaled Al-Halabi, and PW2_97.

Böcker asked if the other phone numbers, including PW2_97's, could be shared with the Defense. P54 nodded. Judge Kerber said the phone numbers would be shared.

P54 was dismissed as a witness at 12:25PM.

Administrative Matters

Defense Counsel Böcker announced that the Defense had two requests to take additional evidence.

[The following is a recreation of the Defense's requests, based on what the Trial Monitor was able to hear in Court.]

Defense Request to summons Ahmad Al-Jarba أحمد الجربا [PW1 97] as a witness

- I) *PW1_97 was head of the opposition coalition from 2013 to 2014. He was opposing Hafez Al-Assad. PW1_97 and his family had been arrested in 1996 when his brother met Raslan at Branch 285. PW1_97 will testify that Raslan was friendly to him at the time and helped three of his relatives be released. Additionally, PW1_97 can testify about Raslan's activities for the opposition in Turkey, that he was opposing the regime of Bashar Al-Assad and worked for the opposition, for example by making black-and-white lists of officers, issuing travel documents, revealing a journalist who was working for Hezbollah, making some security studies, and so on.*
- II) *This will show the behavior of the defendant before and after the time of the crime, and will contradict any suspicions that he only defected for show while actually still working for the regime. According to Fayez Sarah, PW1_97 spoke with the U.S. American Ambassador Robert Ford about Raslan. Additionally, PW1_97 worked with Dr. Kamal Al-Labwani in Geneva.*



- III) *The requirements on reachability of witnesses living abroad pursuant to § 244 (5) s.2 StPO must be reduced for the purpose of this trial. This trial deals with acts committed abroad and is internationally recognized. Witnesses living abroad were and are daily business in this trial. The Court's efforts in determining the truth pursuant to § 244 (2) StPO must be increased regarding such witnesses. Other forms of summoning such as telephone calls or email are possible and have been used in the past. PW1_97 has been informed by the Defense and is willing to testify, although he would prefer to testify by phone.*

Defense Request to summons [PW2_97] living in [REDACTED] as a witness

- I) *PW2_97 will testify that as early as summer 2011, the Accused expressed his negative attitude towards the regime and his wish to defect. PW2_97 promised to help, but it did not happen because he left for [REDACTED]. He knew Raslan's sympathy for the revolution from the very beginning. In addition, PW2_97 knows that Raslan transferred fifteen to twenty detainees to him in 2011, who were consequently released.*
- II) *The requirements on reachability of witnesses living abroad pursuant to § 244 (5) s.2 StPO must be reduced for the purpose of this trial. This trial deals with acts committed abroad and is internationally recognized. Witnesses living abroad were and are daily business in this trial. The Court's efforts in determining the truth pursuant to § 244 (2) StPO must be increased regarding such witnesses. Other forms of summoning such as telephone calls or email are possible and have been used in the past.*

Request to summons [PW3_97], living in [REDACTED] as a witness

- I) *PW3_97 is a Syrian journalist and was detained at Al-Khatib Branch for four days. He can testify that the Accused treated him well during this time. PW3_97 was eventually released. PW3_97 also knows P31 and will testify that P31's parents were allowed by Raslan to bring P31 food to the Branch, and that Raslan allowed P31 to eat that food in his office. This contradicts the testimony of P31 who said that he was insulted by the Accused.*
- II) *PW3_97's testimony will show that the Accused was trying to help as many detainees as he could. The Accused was not responsible for everything that happened at the Branch. PW3_97 indicated to Raslan's family that he is willing to testify in court.*

Presiding Judge Kerber read out the second Court Decision.

[The following is a recreation of the Court Decision, based on what the Trial Monitor was able to hear in Court.]

Court Decision regarding the legal classification of acts attributable to the Accused

- I a) *[P20](#) said that he saw a fellow detainee bleeding from a circular wound and that this detainee later died. It is likely that a gunshot wound was the reason for his death, which could amount to murder with base motives, pursuant to § 211 (2) var. 4 StGB.*
- I b) *[P46](#) mentioned deaths happening in July 2012: one dead body being carried out of the cell, then three to four more detainees died and the other detainees prayed for them inside the cell. P46 further said that in a room in Harasta Hospital where only detainees from Branch 251 would be taken to, two more people died. One had a prior heart issue and the other died of gangrene after an injury he suffered at the Branch. Murder with base motives pursuant to § 211 (2) var. 4 StGB could be considered in four cases, the fifth case could have had a different cause.*
- I c) *P51 said that he confirmed the death of two people between April 2011 and June/mid 2012. This could amount to a crime pursuant to § 211 (2) var. 4 StGB in two cases.*



- l d) When different witnesses mention deaths occurring within the same time frame, the Court resolves any doubt in favor of the Accused, assuming that the dead bodies were identical and related to the same instance. As mentioned previously, the limitation of prosecuted acts is not applicable for plaintiffs who joined the case according to § 395 (5) StPO. Therefore, a conviction under the German Criminal Code (StGB) is possible in the following instances:*
- a) P50 said that he was beaten on the soles of his feet, this could amount to §§ 223, 224 (1) no. 2, 239 (3) no. 1 StGB.*
 - b) P48 said that he was beaten with a four-string cable, this could amount to §§ 223, 224 (1) no. 2 StGB.*
 - c) P47 said that he was beaten with cables and rifle butts and threatened with death, this could amount to §§ 223, 224 (1) no. 2, 239 (3) no. 1, 239b StGB.*
 - d) P46 said that he was beaten with cables and pipes, a plastic bag was held above his head and set on fire, and there was an attempt to insert an object into his anus, this could amount to paragraphs §§ 223, 224 (1) no. 2, 239 (3) no. 1 StGB and § 177 (1) nos 1 + 3 StGB [old version].*
 - e) P44 said that he was not abused, however, the general prison conditions he described could amount to § 223 StGB.*
 - f) P42 said that she was beaten, received electric shocks, and that one of the guards pushed her head between his legs, this could amount to §§ 223, 224 (1) no. 2 StGB and § 177 (1) nos 1 + 3 StGB [old version] and § 174a StGB [old version].*

As mentioned before on the July 21, the crimes of torture and severe deprivation of liberty according § 7 (1) nos 5 + 9 VStGB are considered as given. Several plaintiffs described the necessary prerequisites thereof. In cases d and f sexual assault is considered. The Judges do not consider it to be necessary to add § 7 (1) no. 7 VStGB [enforced disappearances] to the charges.

Court Decision rejecting a request to take evidence previously filed by the Plaintiff Counsels

The Plaintiff Counsels' Bahns, Kroker and Scharmer request [TR#46, day 92] to summons Fadel Abdul Ghany and Mariam Al-Hallak and to read several UN and other reports is rejected.

It has already been proven that it was part of the regime's strategy to arrest individuals without informing anyone about their whereabouts. This was confirmed by the majority of witnesses. The motives of the state are, however, not important. Only the motives of an individual perpetrator are relevant.

Court Decision rejecting requests to take evidence previously filed by the Defense

The Defense's request [TR#46, day 93] to summons PW3_93, living in [REDACTED] is rejected.

It has not been clarified what PW3_93's job was, where he worked or when he worked there. The Intelligence Services are a large system with many branches. It can therefore not be assumed that PW3_93 would simply know anything about what Branch 251 was during the relevant indictment period of this very case.

There is a further lack of connectivity. Neither location nor time of PW3_93's own detention has been specified in the Defense's request. The request also does not state whether PW3_93 met the Accused before his defection or how PW3_93 would know anything about the Accused's views or about how the Accused treated detainees. It is also not mentioned how exactly the Accused helped PW3_93 nor where and when this alleged help took place.



The Judges assessed the defense's request in accordance with § 244 (5) s. 2 StPO, weighing the relevance and the expected evidentiary value of PW3_93's testimony against the organizational efforts of his summons. The evidentiary value is considered to be low. It is unclear what and how much information PW3_93 will provide. The fact that PW3_93 was released quickly could further only show that the Accused was willing to help individual detainees. It is also already known to the Court that he was in touch with the opposition and people like Kamal Al-Labwani and Riad Saif. PW3_93 does not live in the EU and therefore can only be reached through a formal request for legal assistance addressed to Turkey. However, by making relevant inquiries, the Judges learned that a legal assistance request to Turkey would take at least four to six months to be processed, probably longer. A request from 2019 to Turkey is still pending. According to the current estimate, the taking of evidence will end in October and would significantly be prolonged by summoning PW3_93. An audio-visual testimony cannot be conducted since it is crucial to get a personal impression of PW3_93.

Court Decision regarding requests to take evidence previously filed by the Defense

The Defense's request [[TR#47, day 95](#)] to summons PW1_95, who worked as the head [REDACTED] is rejected.

The evidentiary value of PW1_95's testimony is very low, close to being irrelevant. [The Judges referred to the Prosecutor's statement on October 6 [[TR#48](#)]. The Court further finds that the Accused might have simply been unwilling to help PW1_95 and used his alleged powerlessness as an excuse. Even if the Accused was indeed powerless in this situation, it would not be surprising that he was unable to object to another Colonel's order, particularly in light of the special position of Hafez Makhlof.

PW1_95 does not live in the EU and therefore can only be reached through a formal request for legal assistance addressed to Turkey. However, by making relevant inquiries, the Judges learned that a legal assistance request to Turkey would take at least four to six months to be processed, probably longer. A request from 2019 to Turkey is still pending. According to the current estimate, the taking of evidence will end in October and would significantly be prolonged by summoning PW1_95. An audio-visual testimony cannot be conducted since it is crucial to get a personal impression of PW1_95.

The proceedings were adjourned at 1:37PM.

Trial Day 98 – October 14, 2021

The proceedings began at 09:45AM with seven spectators and four journalists in the audience. The prosecution was represented by Prosecutors Klinge and Polz.

Testimony of P55⁶

Presiding Judge Kerber informed P55 of his rights under § 55 StPO [right to not answer any questions that could incriminate the witness or a close relative].

⁶ Note from the Trial Monitor: P55 referred to "Investigation Branch/Division" throughout his testimony. However, the equivalent Arabic phrase for investigation can also mean interrogation. Since most of the previous witnesses referred to Interrogation Branch/Division, the term interrogation will be used throughout this report. The terminology also caused some confusion Court which P55 had to solve at a later point in his testimony.

P55 agreed to provide his personal information in court, stating his name, age and current occupation. P55, a 56-year-old Syrian and former Secretary of the Head of the Interrogation Division in Branch 285, currently living [REDACTED], was informed of his rights and duties as a witness. P55 denied being related to the defendant by blood or marriage.

Questioning by Judge Kerber

Presiding Judge Kerber asked P55 what he did in Syria and how he came in contact with Raslan. P55 said he volunteered at the Intelligence Services in 1987 and, after a nine-month training course, he was assigned to the Interrogation Branch, Branch 285 of the General Intelligence Services. P55 emphasized that he does not remember dates very well. [Then] Raslan came to the Branch, holding the rank of a First Lieutenant.

Kerber asked if P55 could specify when that happened. P55 said he does not remember the dates, but it could have been in 1984, 1985, or 1986. P55 further explained that he served at Branch 285 in all divisions and his last position before he defected was Secretary of the Interrogation Branch.

Kerber asked when P55 started working at the Intelligence Services. P55 said he started in June 1983.

Kerber asked when P55 started working as Secretary of the Interrogation Branch. P55 said it was eight months before his defection.

Kerber asked P55 in what capacity he was working before that. P55 said he served in all divisions of the Branch, for example he was the Head of the Computer Department where he had to print out papers.

Kerber wanted to know more about the structure of Branch 285 and of which Divisions it consisted. P55 asked Kerber to clarify whether she was talking about Divisions outside the branch.

Kerber clarified that she was talking in general. P55 explained that the structure of the Branch provided a separate building where the Head of the Branch was situated with his Secretary and the Head of the Archive Division next to him.

Kerber wanted to make sure that she understood correctly that the offices of the Head of the Archive Division and the Head of the Branch were on the same floor. P55 affirmed, saying that the office of the Head of the Archive Division was next to the Head of the Branch's office.

Kerber asked if there were Divisions in Branch 285. P55 said that there were none outside the building, but within the building.

Kerber indicated that this was what she meant. P55 [enumerated]: the Head of Guarding Division, the Head of Interrogation Division and the interrogators, the Head of the Accounting Division, the Prison Division and its personnel, the Officer of the Vehicles and his personnel (the cars and the drivers).

Kerber asked whether there was a Mail Division. P55 wondered whether Kerber meant that there was a Mail Division [interpretation caused a misunderstanding] and denied, saying that there was قسم الذاتية [an Entity] and the Postal Correspondence Division. All these divisions report back to the Head of the Archive.



Kerber wanted to know in which Mail Division P55 worked. P55 said he worked in all Divisions of the Branch for two or three years each before he was transferred to another Division. P55 added that he would know all tasks of the Branch.

Kerber asked when Raslan was transferred to Branch 251. P55 said he did not understand but [Raslan] served a long time until he was transferred to Branch 251.

Kerber asked if Raslan came back to Branch 285 at some point. P55 explained that after [Raslan] went to Branch 251, he came back to Branch 285.

Kerber asked what Raslan's job was at Branch 285. P55 described that [Raslan] was an interrogator before he was relocated. After he came back from the Inner Branch [Branch 251], he was the Head of the Interrogation Division.

Judging by his own personal experience, Kerber wanted to know how P55 would describe and evaluate Raslan as a person. P55 explained that as a human being, [Raslan] was a good Syrian human being, but at Branch 251 [upon Raslan's transfer] their relationship was interrupted, because it was a different Branch and Division.

Kerber asked if P55 had contact with Raslan after he came back to Branch 285. P55 clarified that their contact was limited to greeting each other and P55 paying respect to Raslan, considering Raslan's military rank. P55 said he himself was a non-commissioned officer while [Raslan] was an officer. [Therefore, P55 addressed Raslan with] "Sidi [Sir]" and respect.

Kerber asked if P55 knows how Raslan's demeanour was at Branch 251. P55 denied.

Kerber recalled that it was said that Raslan was cold. P55 said he does not have any knowledge in this regard. P55 only knows that they relocated [Raslan] and brought him back [to Branch 285].

Concerning his working circumstances, Kerber wanted to know if Raslan had a workspace and how it was. P55 said it was an office, a table, a car, and a telephone. He used to sign the notes of the Interrogation Committee. P55 concluded that this was all that was apparent to himself and others and that these would have been normal procedures.

Questioning by Judge Wiedner

Judge Wiedner first wanted to know when exactly P55 defected. P55 said it was at the end of December 2012, exactly on December 31th.

Wiedner asked who the Head of Branch 285 was until P55 defected. P55 said that the Head of Branch 285 was Brigadier General Rukn,⁷ Ahmad Deeb عميد ركن أحمد ديب.

Wiedner asked P55 to describe what his job was at the end of summer/autumn 2012. P55 said [he was] the Secretary of the Head of the Interrogation Branch.

⁷ Note from the Trial Monitor: There is no English translation for the term "Rukn". It is used as an addition to military titles when an officer completes an "Arkan [plural of Rukn] course".

Wiedner wanted to clarify whether by saying “Interrogation Branch”, P55 was talking about the Division within Branch 251, and asked P55 for whom exactly he was working as a Secretary. P55 said [he was the Secretary of] the Head of Branch 285, Ahmad Deeb.

Wiedner asked if P55 was his secretary. P55 confirmed and said he and another person, Al-Ammouri العموري [were his secretaries].

Wiedner asked when P55 became his secretary. P55 said it was seven to eight months before his defection.

Wiedner recalled P55 saying that Raslan was a First Lieutenant when he started working at Branch 285. P55 said he did not say Brigadier General. [Apparently, the court interpreter translating from German to Arabic for the witnesses, defendant, and plaintiffs used the term Brigadier General. The court interpreter sitting next to P55 and translating from Arabic to German clarified that Wiedner meant “First Lieutenant.”] P55 indicated that he understood now.

Wiedner asked if Raslan was a First Lieutenant when he started working. P55 said that [Raslan] was a First Lieutenant and was promoted during the following years to a Lieutenant Colonel. P55 explained that they were together at the [same] branch.

Wiedner asked P55 if he could estimate Raslan’s age when he started working at Branch 285; whether he was in his mid-twenties or mid-thirties for example. P55 asked if Wiedner meant the time when [Raslan] returned from Branch 251.

Wiedner denied and clarified that he meant when Raslan first came to Branch 285. P55 said [Raslan’s] age was 26, or 27, or 30 [between 26 and 30] when he came as a First Lieutenant.

Wiedner asked if that might have happened in the 1990s. P55 denied, adding that he saw Raslan between 1980 and 1987 when [Raslan] was young.

Wiedner recalled P55 saying that he did not have contact with Raslan after the latter was transferred to Branch 251. Wiedner asked P55 if he knows whether the transfer between the branches was normal or happened for a special reason. P55 asked Wiedner whether he meant the transfer from Branch 285 to Branch 251, or when [Raslan] returned to Branch 285.

After clarifying that he meant the first option, Wiedner asked whether transfers between branches were common or not. P55 explained that there were many transfers during the incidents, including when they brought Anwar [Raslan] back to the branch [Branch 285]. However, in terms of a reason, P55 and others did not know if it was normal or not. [Raslan] came back to the branch to his normal job.

Wiedner asked P55 what he meant by “normal job”. P55 said “his normal job”. Even P55 and others had respect for Raslan due to the immense work pressure during the incidents. The whole branch was busy.

Wiedner asked what the task of Raslan was at Branch 285. P55 said [Raslan was] the Head of the Interrogation Division.

Wiedner wanted to know what exactly his task was. P55 said [Raslan’s task] was interrogations and signing notes.

Wiedner asked if this meant that Raslan was conducting interrogations by himself. P55 explained that all interrogators were interrogating. However, the building of the Head of the Branch and his Secretary was separate from the branch, P55 could therefore not see who was interrogating because he was sitting at the Secretary's [office].

Wiedner asked if this meant that P55 could not see or notice that by himself. P55 asked "notice what?".

Wiedner clarified that he meant whether P55 saw or met Raslan while the latter was working or interrogating. P55 said he did not see him while interrogating. [Raslan] interrogated in the prison downstairs or sometimes in his office. However, his job was the Head of Interrogation Division and P55 and his colleagues had nothing to do with him.

Wiedner recalled P55 mentioning that he had no knowledge of the reason for Raslan's transfer and that there were many transfers during the incidents. Wiedner wanted to know if the transfers were as common before 2011. P55 explained that there were transfers every year and "they" even brought heads from other governorates. P55 provided an example: Brigadier General Ahmad Deeb was transferred from Dar'a Branch to Branch 285, and Colonel Firas Hamed العقيد فراس حامد who was the Head of Branch 285, was transferred to Homs Branch (318). P55 concluded that there were many transfers.

Wiedner asked if P55 knows whether it was possible that Raslan was transferred from Branch 251 to Branch 285 as a punishment. P55 said as far as he was concerned [P55 stopped for a moment], however, he would not be in a position to know if it was a punishment or not. Nonetheless, [staff transfers] happened often during the incidents and P55 and others did not know whether it was a punishment.

Asking in general about P55's personal assumption, Wiedner wanted to know how the Syrian regime would deal with someone who was not loyal to it. According to P55, if the regime considers that someone has no loyalty, he would be referred to an investigation/interrogation or to the Directorate Disciplinary Board. Sometimes, depending on the case, he might get fired or suspended from his job. P55 pointed out that he was not sure and further explained that such cases happened in the directorate and P55 knew [of these cases]. After [being referred to] the Disciplinary Board, some people were imprisoned and others were released of their duties. P55 concluded that this was all he knows in this regard concerning the General Intelligence Directorate, but he would not know about the rest, because during the incidents, P55 and his colleagues did not know anything. According to P55, many things happened which they did not expect to happen, and everything was "crowded and noisy" [hectic].

Wiedner wanted to know if that means that P55 does not know the situation concerning Raslan. P55 denied, saying he would not know.

Wiedner wanted to know if someone would be released from duty if he was not loyal to the regime and did something wrong. P55 said that depending on the crime, he could be imprisoned if he was collaborating with [certain] "groups", [or] he could be suspended from work. However, P55 stressed that officers would know more about such matters.

Wiedner asked whether P55 was aware of any instances where such scenarios occurred. P55 denied knowing of such cases during the incidents but said he would know a case that happened before the incidents.

Wiedner asked P55 to explain what happened. P55 said [after taking a moment to recall details in his mind] there was the Head of the Intelligence Directorate, Major General Bashir Najjar اللواء بشير نجار and the Head of Interrogation Branch, Brigadier General Rukn Aziz Abbas العميد الركن عزيز عباس. Najjar was referred to the judiciary and imprisoned at a military prison where he died. Abbas was imprisoned at Branch 285 (he was previously the Head of this branch), was referred to the investigation, and was released from his duties [due to] him transcending from their working protocol. According to P55, Abbas was loyal to “them” [regime] and they still imprisoned him.

Wiedner recalled P55 saying that Raslan had an office and a car, asking P55 whether Raslan had other privileges as well. P55 said that as far as he knew [Raslan] went back to his work and had his office and a car.

Wiedner referred to the transcript of P55’s questioning with the police according to which P55 stated that when Raslan came back to Branch 285, he had his office and car, as well as personnel to serve him coffee. Wiedner asked P55 what he meant by personnel serving him coffee. P55 said there was First Lieutenant Tammam Abbas الملازم أول تَمَام عَبَّاس and PW4_100 [along with Raslan] who were all on the same floor and they had their private conference where they were served tea and coffee.

Wiedner pointed out that P55 mentioned during the police questioning that if Raslan’s transfer would have been a punishment, then he would not have obtained what he did. P55 told the Court that they might have suspended [Raslan] but P55 would not know the reasons for the transfer because he himself was a non-commissioned officer. P55 further described that Raslan was initially a good person before he was transferred. Thus, they might have sent him back [to Branch 285] because he “was good.”

With regards to the hierarchy at the branch, Wiedner wanted to know if Raslan was able to make important decisions and if so, to what extent. P55 explained that as an interrogation officer [Raslan] would make suggestions and was not a decision maker at the branch. According to P55, the decision makers were the Head of the Interrogation Branch and the Director of the General Intelligence Directorate. Any note from the Head of Interrogation Division, Raslan, had to go via the Head of the Interrogation Branch, who could possibly modify it, and then onto the Head of the General Intelligence Directorate.

Defense counsel Böcker indicated that he did not understand some of the terms. Judge Kerber said that they should give the interpreter some time to sort out the problem.

P55 said he wanted to give an example to explain to the Court what actually happened: the Head of the Interrogation Division, Raslan, makes suggestions in a note concerning an individual detainee. The note then goes to the Head of the Interrogation Branch, Ahmad Deeb who could agree to [Raslan’s] suggestions or not.



If he would agree, then the note would be passed to the Head of the General Intelligence Directorate, Mamlouk or Deeb Zaytoun who in turn might agree or disagree.⁸

Judge Kerber asked Defense Counsel Böcker whether everything was clear to him now. Böcker affirmed.

Judge Wiedner wanted to clarify whether Ali Mamlouk was the Head of the General Intelligence Directorate. P55 explained that after Mamlouk was relocated and became the Head of the National Security Bureau, Deeb Zaytoun became the Head of the General Intelligence Directorate.

Wiedner wanted to make sure that he heard “General Intelligence Directorate” correctly. P55 confirmed, adding that he was the Head of the General Intelligence Directorate – also called State Security – but not in all of Syria since there would be many other security apparatuses.

Wiedner asked P55 if he knew whether there was a special council that was established within Branch 285 to make decisions. P55 asked if Wiedner meant before or during the incidents.

Wiedner clarified that he meant during the incidents. P55 said “they” established a committee including the head of the Interrogation Division, First Lieutenant Tammam Abbas, PW4_100, and another officer whom P55 does not know. Sometimes they would also invite the Head of the General Intelligence Directorate in addition to the Head of the Interrogation Branch, Ahmad Deeb.

Wiedner said he would show some documents in Court and would like P55 to demonstrate what they represent, in case he would know what they are.

[The following is a recreation of the shown documents, based on what the Trial Monitor was able to see in court.]

⁸ Note from the Trial Monitor: This example also served to clarify the difference between Interrogation Division and Interrogation Branch. In line with what [P10](#) stated, Branch 285 was also called the central Interrogation Branch. P55 was therefore referring to Branch 285 when talking about Interrogation Branch and referring to a sub-division of branches when talking about Interrogation Division.

A note informing Mr. Major General, the head of the General Intelligence Directorate

Branch 285

Case number 24375, evaluating the detainee [REDACTED]...

First Lieutenant, Tammam Abbas	[REDACTED], PW4_100	Hasan Isma'eel	Colonel, Anwar Raslan	Brigadier General Rukn, the head of the Branch 285
[Signature]	[Signature]	[Signature]	[Signature]	[Signature]

The resolution of Mr. Major General, the head of the General Intelligence Directorate:

Agreed to paragraphs...

مذكرة إطلاع السيد اللواء مدير إدارة المخابرات العامة
الفرع ٢٨٥

قضية رقم ٢٤٣٧٥، تقييم الموقوف [REDACTED]...

الملازم أول تمام عباس	[REDACTED] PW4_100	حسن إسماعيل	العقيد أنور رسلان	العميد الركن رئيس الفرع ٢٨٥
[توقيع]	[توقيع]	[توقيع]	[توقيع]	[توقيع]

قرار السيد اللواء مدير إدارة المخابرات العامة:
موافق على الفقرة...



Wiedner asked P55 if he would know what the shown document would be. P55 said of course.

Wiedner wanted to know what P55 knows about it. P55 said he needed to have a look at the suggestions.

[Another document was shown]

...

Suggestions:

1-...

2- Referring him to the court of terrorism...

3- Addressing the Minister of Defense...

4- Confiscating the 2000 USD and distributing it to the personnel as a reward...

5- Submitting a copy of the note to Branch 331...

6- Communicating with Branch 255 for information...

First Lieutenant, Tammam Abbas	[REDACTED], PW4_100	Hasan Isma'eel	Colonel, Anwar Raslan	Brigadier General Rukn, the head of the Branch 285
[Signature]	[Signature]	[Signature]	[Signature]	[Signature]

The resolution of Mr. Major General, the head of the General Intelligence Directorate:

Agreed to paragraphs 2, 3, 5, 6 and disagreed to 1, 4.

[Signature]

...

الاقتراحات:

...- ١

٢- إحالته إلى محكمة الإرهاب...

٣- مخاطبة وزير الداخلية...

٤- مصادرة مبلغ ٢٠٠٠ دولار وتوزيعها على العناصر كمكافأة...

٥- إيداع صورة من المذكرة للفرع ٣٣١...

٦- التواصل مع الفرع ٢٥٥ للإفادة...

العميد الركن رئيس الفرع ٢٨٥	العقيد أنور رسلان	حسن إسماعيل	[REDACTED] PW4_100	الملازم أول تمام عباس
[توقيع]	[توقيع]	[توقيع]	[توقيع]	[توقيع]

قرار السيد اللواء مدير إدارة المخابرات العامة:

٤ و ١ مع عدم الموافقة على ٦، ٥، ٣، ٢ موافق على الفقرة

[توقيع]

P55 explained to the Court that the Head of the Branch agreed to the suggestions in this case, however, Deeb Zaytoun only agreed to suggestions 2, 3, 5, and 6 and disagreed to 1 and 4. Thus, it [the note] went back to the branch with the resolution: "Referring him to the court of terrorism, re: Confiscating the 2000 USD: Deeb Zaytoun, the Head of the General Intelligence Directorate does not agree".

Wiedner asked if P55 could recognize the signatures of the people in the document. P55 denied, adding he would recognize only the one of the Head of the Branch, Ahmad Deeb. However, if the document would be verified, then the signatures should be as said in the document.

[Another set of 5 documents were briefly displayed one after another. They belong to the same note. The focus was on the last page.]



Wiedner asked P55 if he could comment on the document. P55 said that he needed to see the suggestions. [The last page including the suggestions was shown. The document looked similar to the last one recreated above].

P55 explained that in this note, the detainee was considered guilty. The investigation/interrogation committee signed it and Major General Deeb Zaytoun agreed to all suggestions.

In terms of interaction between Branch 251 and Branch 285, Wiedner wanted to know if there were connections between them interrogation-wise. P55 said there would be indeed a connection, in the sense that when the subject matter of a detainee concerned Branch 285 but he was with Branch 251, the interrogation had to be continued at Branch 285. In such cases, Branch 285 would interrogate the detainee and after some procedures and signatures, refer him to a court. P55 said the same would also happen vice versa: if [the detainee] was at Branch 285 and Branch 251 wanted to complete investigations/interrogations. P55 concluded that this would be the connection between the Branches. In terms of personal connections however, for example if P55 would have gone to Branch 251 alone, this would have been prohibited, only official correspondence or postal correspondence was permitted.

Regarding Branch 251 and Branch 285, Wiedner wanted to know whether their function and power was the same. P55 said he could not tell because he would not know their specialties. However, in terms of power, Branch 251 was much bigger since Hafez Makhoul – a Colonel and the cousin of Bashar Al-Assad – was in charge of Division 40. P55 added that the Patrols Division had a high status during the incidents and that Hafez Makhoul was more powerful than the Head of the Branch of Branch 285.

[15-minute break]

Questioning by the Prosecutors

Prosecutor Klinge wanted to know how many people were arrested at Branch 285 on a daily basis. P55 said he would not know; however, the numbers were high during the incidents, especially on Fridays when arrests took place from mosques and streets.

Klinge asked if there was a transcript – similar to the ones just shown in Court – for each detainee. P55 said that what he and others saw concerned people whose crimes were proven. “They” [staff at the branches] could interrogate people and refer them to court and eventually release them.

Klinge wanted to know what P55 meant by “proven”. P55 said that [one could be] convicted for: possession of arms, acts against the state, possession of foreign currencies like USD or Euro since it would be prohibited in Syria to have foreign currencies without a permission from the Central Bank, unlicensed weapons, car smuggling, or possession of large amounts of drugs.

Klinge asked whether such confessions were taken under torture. P55 said [they could have been taken] through explicit confessions or sometimes from confessions under torture, especially during the incidents, innocent people were detained and put in prison.



Klinge wanted to know how many interrogation transcripts the Head of Branch 285 would have received. P55 said that there was no specific number, but there were many during the incidents, and the duty [interrogations] continued until midnight or 1AM. P55 added that even himself and his colleagues at the secretariat did not have the official [working hours]. P55 worked three days in a row, then Al-Ammouri would work for three days. They had to work a full day and slept at the Branch.

Klinge asked if a distrusted Colonel would have had the ability to release detainees without getting punished for it. P55 indicated that he mentioned before that no officer was able to release any detainee without the approval of the Head of the General Intelligence Directorate. P55 told the Court that as shown before, Raslan could suggest [releasing a detainee] according to his own beliefs. The Head of the Branch could disagree or agree and then it would go up to the Head of the General Intelligence Directorate, Zaytoun, who would in turn either agree or disagree until further notice. The detainee could be referred to a civilian prison like Adra, or Sednaya. According to P55, the colonel in Klinge's example could release [a detainee] but only after the approval of... [Klinge interrupted].

Klinge wanted to know the reason why a distrusted Colonel would be assigned as the Head of a Division. P55 said he would not know because these decisions would be made at a higher level at the Branch or the Directorate. Brigadier General, Tawfiq Younes [the Head of Branch 251] might suggest that he does not want Raslan and that he should go back [to Branch 285]. Perhaps if [Younes] would not like [Raslan], [Younes] submits to someone [unclear whom P55 referred to] that he does not want [Raslan]. According to P55, anything Younes suggests would be effective because [Branch 251] is a powerful branch.

Klinge wanted to know whether the position of the Head of the Interrogation Division was important. P55 wanted to make sure whether Klinge meant the Head of the Interrogation Branch or the Interrogation Division – Deeb or Raslan [respectively].

Klinge clarified that he meant Raslan. P55 said that [Raslan] was an officer who was respected for his rank. He could suggest whatever he wanted in a note, but the final decision belonged to... [Klinge interrupted].

Klinge recalled that P55 was asked during the police questioning whether someone would be punished when committing something wrong, and P55 answered that one option would be that one would be relocated. Klinge wanted to know if that could apply to Raslan's case. P55 told the Court he would not know the mechanisms at Branch 251. According to P55's knowledge, one could not be released in such a way at his Branch [285], however, he had no knowledge about Branch 251. P55 added he would believe that the approval of the Head of the Branch is mandatory [at Branch 251] as well. [Raslan] could suggest releasing twenty detainees, and Younes might request him to come, and they would discuss it. Perhaps [Younes] agreed or not, depending on the beliefs of the Head of the Branch, concluded P55.

Klinge recalled that P55 was also asked during the police questioning whether someone whose loyalty was questioned would be punished by being relocated to another branch. According to Klinge, P55 replied to the police that this would be illogical and if one's loyalty was questioned, he would have been punished in another way and could get imprisoned. P55 explained to the Court that "they" had many procedures in these cases: One could be sent back to his initial branch but with certain restrictions and if the crime was serious, he might be imprisoned. P55 stated that during the incidents, many problematic issues occurred, and the system was sabotaged.

Questioning by the Defense Counsels

Defense Counsel Böcker asked P55 where he was questioned on [REDACTED], 2021. P55 said in [REDACTED].

Böcker wanted to know the reason for the questioning and how he was contacted. P55 said that he was told that there was a case concerning Raslan and due to P55's long service history at the Interrogation Branch, "they" sent him a summons for P55 to tell them what happened. P55 said they asked him questions and he answered.

Böcker asked if P55 was contacted via mail. P55 said of course, he received a letter.

Böcker asked whether Inspector Knappmann was present during the questioning. P55 said he would not know their names, but they were two [police officers] and an interpreter.

Böcker asked if they talked to him about the possibility of being a witness in a trial and whether they told him how they reached him. P55 said this did not happen, they sent him a letter and did not tell him how they reached him.

Böcker wanted to know whether P55 heard something on the topic of the Intelligence Services and trials in the EU before he was interrogated. P55 denied, adding that [in this regard] only two young men came to him in Jordan when he defected.

Böcker asked if P55 was questioned on another occasion other than at the end of September. P55 said that this was the only time [he was questioned] in Germany.

Böcker wanted to confirm that he correctly understood that P55 was questioned only one time in Germany. P55 confirmed and said this very day would be the second time.

Böcker asked if P55 was interrogated once in Jordan. P55 confirmed.

Böcker asked if P55 was interrogated somewhere else in the EU. P55 denied.

Böcker wanted to know how many interrogation divisions would be within the Interrogation Branch. P55 said that the question was not clear and wanted to clarify whether Böcker was asking about the Interrogation Division or the Interrogation Branch.

Böcker said the Interrogation Branch whose head was Ahmad Deeb. P55 explained that the Interrogation Branch and the Secretary were [isolated]: Ahmad Deeb, P55, Al-Ammouri, and the Archive. Regarding the Interrogation Divisions, there were two to three officers and [other] civilian interrogators.

Böcker wanted to know if that means that the Interrogation Branch has just one Interrogation Division. P55 said there would only be one Interrogation Division in the branch: Raslan and someone else [as officers].

After he reiterated that there was only one Interrogation Division, Böcker recalled that Raslan became its head after coming back from Branch 251. Böcker wanted to know how P55 knew that information. P55 said that the head of the branch, Ahmad Deeb, said that Raslan came to "us", and the whole branch and all staff knew that he returned.

Böcker asked if P55 knew that only through this one source or if there was an additional source. P55 said he did not understand.

Böcker asked P55 if he knew about Raslan's return only because Ahmad Deeb told him that, or whether P55 knew that information from somewhere else as well. P55 said that the whole branch knew that Raslan was transferred from Branch 251 to Branch 285, just like when Ahmad Deeb came from Dar'a to Branch 285. According to P55, this was normal [procedure].

Böcker asked whether the officers at the Interrogation Branch had offices. P55 said of course.

Böcker wanted to know if they had phones in their offices. P55 said they might have had an external phone [to make calls outside the branch]. P55 wondered if Böcker meant a phone [to make calls] within the directorate [internal]. P55 concluded that they had four-digit-number phones [every division has its own four digits] to call other departments and there were phones with which one could use to make calls outside [the branch].

Böcker asked if Raslan's phone was able to make external calls. P55 said maybe, however, they also had mobile phones. P55 said he believes that they did not use ordinary phones anymore.

Böcker said he was asking because P55 mentioned earlier that "Raslan got his office, his phone, and his car". So, he was just wondering if it was a special phone. Böcker went on to ask P55 about Raslan's office, whether it was premium, upstairs or downstairs in the basement, or like P55's office. P55 said there might have been slight differences [to P55's office]. According to P55, "it was an office" with a desk, two or three sofas, but also a TV screen, a chair... [P55 repeated the objects again to indicate that it was nothing that special].

Böcker asked whether every officer had a car by the time Raslan came back to Branch 285. P55 explained that every officer at the General Intelligence Directorate had a car, except Ahmad Deeb who had four or five cars from good brands.

Böcker asked what car brands there were: Lada, Mercedes, something else. P55 wanted to know if Böcker meant Raslan or the Head of the Branch.

Böcker clarified that he meant anybody, in general. P55 said "we" had Mercedes, Opel, Peugeot 405 or 504.

Böcker wanted to know if P55 was able to recall from which brand Raslan's car was. P55 said he would not remember, it was ten years ago.

Böcker asked if P55 could tell whether Raslan worked at Branch 285 between October 2006 and August 2008. According to P55, Raslan stayed at Branch 285 until the day he was transferred to Branch 251. P55 apologized to the Court, saying he would not recall the precise date.

Böcker recalled P55 mentioning other divisions like Division 40 which was headed by Makhlouf. Böcker asked which branch it belonged to. P55 said that Division 40 would be one of Branch 251's divisions.

Böcker concluded that Division 40 was not related to Branch 285, then asked P55 if members from [Division 40's] staff used to enter Branch 285. P55 stated that he would not know and did not come across such a person. However, P55 was not sure whether Makhlouf had sent someone from his side [division] to the Head of the Interrogation Branch.

According to P55, [Makhlouf] did not need to send anyone and could [simply pick up the phone] being a supreme authority, and “top” cousin of the President.

Böcker wanted to confirm that P55 personally never came across such a person [from Division 40]. P55 denied and said himself and his colleagues were lower-ranking personnel than that. Maybe officers and the bosses came across such personnel.

Böcker recalled P55 saying that he defected on the last day of 2012, during the incidents. P55 said that “first of all,” the incidents were not in Damascus. P55 was in Damascus and there were not many incidents. When the incidents increased P55, his wife, and children decided that it was “outside the law” [it did not become clear what P55 meant by that.]

Böcker asked P55 when he decided to escape. P55 said “thinking about it was...[he interrupted his line of thoughts]”, the day he decided was the day he defected, but [thinking about defection] started two or three months earlier.

Böcker wanted to know for how long P55 thought of the topic of escaping before he made the decision. P55 explained that three months before his defection, he sat down with his family (his children were old [enough]) and they discussed. Then P55 got a passport for his wife and daughter and thought about the topic. However, three days before his defection, P55 sent his wife and daughter to Beirut and then to Jordan on the same day. Three days later, P55 and his son got their salary, prepared themselves, and went via rural Damascus to Jordan.

Böcker quoted from the transcript of P55’s police questioning according to which P55 said with regards to escape and defection that he needed a few months and wanted to organize many things and get his family outside [Syria] first. Böcker asked P55 why he needed to secure his family first. P55 explained that in Syria, any member of the [government] personnel, an officer or a non-commissioned officer, who defects... [P55 stopped] P55 said he was afraid that his wife and daughter would be detained. Even after his defection, P55 knew that “they” went to his relatives' houses and asked about him. P55 was very concerned about his family and did not want to get blood on his hands [in case] “they” would have forced him to “go out” and shoot. P55’s son was also a reservist, and the family did not want to “get involved”. P55 was worried about his wife and daughter and did not want them to be harmed, P55 added that he only had one daughter.

Böcker recalled that P55 said he needed three months to decide. Böcker asked P55 what happened. P55 said the family discussed the subject matter and agreed.

Böcker recalled that P55 was working at the Intelligence Services at that time and discussed with his family to leave his work and escape, however, P55 was working under Zaytoun and Mamlouk. P55 said it was Ahmad Deeb, not Zaytoun and Mamlouk.

Böcker said “okay” and asked P55 to describe what he did during these three months, whether he spoke with his colleagues about it or simply told Deeb that he wanted to leave. P55 explained that at the climax of the incidents, no one had trust in his colleagues and all members of the personnel were afraid of [more like ‘discreet with’] each other. Had P55 told Al-Ammouri about it at the office, he would have reported P55. P55 kept his relationships as if everything was normal until he defected. P55 added that he [kept working] as an administrative person, [received or dealt] with the guests of the Head of the Branch.



He did not often sit with the staff and had no conversations about the defection topic, only about work. It was an immense pressure, if he had spoken with someone, someone would have written a report about him or made a phone call and P55 would have been imprisoned immediately. P55 concluded that it was an absolute secret.

Böcker reiterated that P55 did not talk with his colleagues. P55 said “absolutely not.”

Böcker wanted to know why. P55 explained that in Syria, there would be no democracy, and no one was allowed to ever talk about the state’s politics. It was a red line, simply preposterous.

Böcker recalled that P55 said “in our opinion, Raslan was a good person”. Böcker wanted to know who P55 meant by “we/our”. P55 clarified that before the incidents, Raslan was good with all the personnel. No one talked about him. He was neither mean, arrogant, strict, nor imperious. He used to greet [people]. P55 said if Raslan came across P55 or one of the personnel, they would say “Respect, Sir!” [salute] and he would greet them back. Others, however, did not greet back. After the incidents, P55 was relocated to a remote office with the Head of the Branch and the work pressure increased. P55 thus had no more contact [with Raslan] and everybody was busy with his own work.

Böcker asked P55 if Raslan’s demeanor with detainees changed after the incidents. P55 explained that he had no personal connection with Raslan, he only knew his external manifestations [the surface]. However, in general, before the incidents and even after them, Raslan was smiling and had a happy face but P55 did not know [how Raslan acted] in prison and during interrogations.

Böcker wanted to know what P55 meant with “happy face” and whether Raslan kept it when he was at [or returned from] Branch 251. P55 said he already mentioned that [Raslan] was a morally good human being. P55 added “he was good, but I don’t know”. However, P55 did not see Raslan [after/at] Branch 251 at all.

Böcker reiterated that Raslan was a good person according to P55. Böcker wanted to know P55’s opinion on the likelihood of whether Raslan kept that smiley face with the detainees and treated them well, in a subjective comparison with how he used to treat other people. P55 said that first and foremost, he and others did not see the detainees who Raslan interrogated. P55 and others would have had to see whether [the detainee] was shocked or not. P55 told the Court that he was talking about [Raslan’s] relationship [interaction] with him and his colleagues as personnel, not the detainees. P55 further added that he wanted to mention an older instance: P55 had a car and back then, before the incidents, there were coupons for gas before. P55 used to go to Raslan and say “Respect, Sir! I need 20 liters of gas”. If [Raslan] got some [coupons] available, he would say “Ok, P55! [here you go], 20 liters”. P55 would thank him saying “Respect, Sir!”. P55 concluded that he would, however, not know anything regarding prison and detainees.

Defense Counsel Fratzky recalled that P55 was the Secretary of the Head of the Branch. Fratzky wanted to know what P55’s tasks were and whether he came across interrogation transcripts. P55 explained that regarding the job of the Secretary of the Head of the Branch, P55 and his colleagues had a nice, luxurious office with four to six telephones. Their task was delivering the mail to the Head of the Branch, for example notes and things like that were delivered by the Head of the Archive. In addition, they had to deal with the service log, and things concerning vehicles, working hours, holidays, and sick leave, as well as other administrative matters. P55 said they sometimes received sealed letters, addressed to the head of the Branch personally. P55 and his colleague did not have to look at mail that was addressed to officers personally and thus did not know its contents.



According to P55, the Head of the Branch would only pass these letters to P55 and his colleagues if the subject matter was trivial. If it was, however, important, [the Head of the Branch] would keep it with him or inform the Head of the Archive, because he was close with the Head of the Branch, and sometimes the Head of the Archive dealt with the matter on the computer in his office, in case it was classified.

Fratzky asked P55 whether the resolution to relocate Raslan to Branch 251 or back to Branch 285 was passed via P55's office. P55 clarified that when [Raslan] was relocated to Branch 251, P55 was not [yet] the Secretary of the Head of the Branch. When [Raslan] came back, [the Head of the Branch] told P55 and his colleagues that Raslan came back. P55 did not see the relocation resolution. According to P55 it was exclusive to the officers.

Fratzky stated that he did not fully understand the reason for P55's escape from Syria. P55 explained that he did not agree with what the regime was doing regarding detentions and killings. He was also afraid that one day, they would be forced to go to detention [operations] or demonstrations, to do field work. P55 said he was further afraid that he and his son would "be polluted with blood" [get blood on their hands].

Fratzky recalled that P55 defected on December 31, 2012. Fratzky wanted to know if Raslan was missing before that. P55 said that the question was not clear.

Fratzky asked P55 if he heard that Raslan defected or was reported missing before P55 himself defected. P55 said he did not know that [Raslan] defected in the first place, until "they" said that [Raslan] was missing from the branch. It was Raslan and another officer who defected before or after him. The officer was called PW4_100 and was missing from the branch as well. According to P55, himself and his colleagues did not know anything about Raslan.

Fratzky asked P55 to repeat the name as he did not understand it acoustically. P55 said PW4_100.

Fratzky asked P55 where this person worked. P55 said that PW4_100 was an interrogation officer. His name was on the note along with Tammam, Hasan, Anwar, and Ahmad Deeb.

Fratzky wanted to know what was said about Raslan at the branch when he left, from P55's own experience as the Secretary of the head of the Branch. P55 stated that it was said that Raslan and PW4_100 did not appear for work, contact with them was lost, and there were rumors about them having defected and escaped. However, no one knew with 100% certainty. According to P55, the rumors could be true after all.

Fratzky wanted to know how the Head of the Branch reacted and whether he told P55 something concerning Raslan's escape. P55 denied and said that a search warrant was circulated, the Director of the General Intelligence Directorate was informed, and "they" conducted the rest of the measures.⁹

Fratzky asked if such measures passed P55's office. P55 said that such a topic was exclusive to the officers, but generally, the "search card" would be known in Syria. According to P55, "they" would conduct a search, and it would not pass his desk, because these would be legal measures.

⁹ Note from the Trial Monitor: It was not clear whether P55 himself or the Head of the Branch initiated the search warrant.

P55 pointed out that he mentioned earlier that anything that concerns the officers, would be exclusive to them: any mailed search card would have “Exclusive to officers” written on it. That would be the working mechanism according to P55’s experience.

[Lunch break]

Presiding Judge Kerber announced that the BKA [Federal Criminal Police Office] sent her the transcript of an anonymous potential witness’ questioning. She then recalled that the next trial session would take place on October 26th would be held in room 120 at the Higher Regional Court’s building.

Questioning by the Defense Counsels

Fratzky continued his questioning of P55 by asking whether P55 was working at Branch 285 during 2005 and 2006. P55 confirmed.

Fratzky asked if P55 would know a person called Anwar Al-Bunni. P55 said he heard the name and added that this might be a lawyer, however, P55 did not remember. P55 concluded that the name crossed his mind, he was indeed a lawyer.

Fratzky asked whether P55 heard about Al-Bunni’s detention at the Intelligence Services or encountered him there. P55 denied, adding that he would, however, recall that a person with the name “Anwar Al-Bunni” was a lawyer.

Fratzky wanted to know which religious denomination P55 would belong to. P55 said he would be a Sunni Muslim.

Fratzky asked P55 to describe the power-hierarchy between Sunnis and Alawites, and to elaborate on his own experiences, in case he had some. According to P55, the Alawite authority would be more powerful and there would be no Sunni authority. According to P55 there are names [some people] on the margin. P55 said he wanted to shed light on something: from 1989 when P55 volunteered at the Intelligence Services and until he defected, there was a Sunni Director of the General Intelligence Directorate, but the Head of the Interrogation Branch was Alawite. The decision would be made by the Head of Branch 285, who was Alawite, but the responsibility [liability] of signing would lie upon the Sunni. In case a problem occurred, the Director of the General Intelligence Directorate would be held accountable. The Head of the Interrogation Branch would not be held accountable, and instead say that he just made a suggestion, and it was the Director of the General Intelligence Directorate who made the decision and who is in fact the boss of the Head of the Branch.

Fratzky concluded that, according to what he understood, the head of the Interrogation Division only suggests resolutions. Fratzky wanted to know if it would give the Head of the Interrogation Division more significance and power, in case he was an Alawite. P55 said that Fratzky did not understand him correctly: the Head of Interrogation Branch would be the one with power, personnel, vehicles, and money. However, regarding prison matters, he only suggests things, but the decision belongs to the Director of the General Intelligence Directorate. P55 said there was only one exception to this: the Director of the General Intelligence Directorate who was powerful, Major General Ali Mamlouk, succeeded by Deeb Zaytoun. These were the ones to make powerful decisions during the crisis.

Questioning by the Plaintiff Counsels

Plaintiff Counsel Scharmer summarized that P55 worked at the Intelligence Services for approximately twenty-nine years. Scharmer wanted to know roughly how many employees worked there. P55 asked if Scharmer meant at the branch.

Scharmer confirmed. P55 explained that there was no specific number, sometimes there were eighty and on other days there were one hundred, depending on the release of the conscript classes (the compulsory service). Sometimes a decision to release one to five people was issued, and thus they had to wait for other personnel to come to join them. Having said that, P55 added that the [number of] [enlisted] employees who were working there voluntarily, and the officers would only fall short by one or two, when someone was relocated to another branch.

Scharmer wanted to clarify whether eighty to one hundred included the officers. P55 confirmed.

Scharmer asked whether the situation was the same after 2011. P55 clarified that this was before the incidents. After the incidents, the personnel increased at all the security apparatuses. The reason for that were summons of the released ones and the reserve, like P55's son who was released and then was summoned years later.

Scharmer asked whether that situation applied to September 2012. P55 said he could not provide an exact answer but the personnel increased, because they pulled people from their houses as reserve. P55 was the Head of the Computer [department] and had people released, and they were summoned back during the incidents.

Scharmer wanted to know the total number of officers during that time. P55 asked whether Scharmer meant the Interrogation Division or the Interrogation Branch.

Scharmer said he was referring to the Interrogation Division. P55 indicated that there were approximately eight to nine people: employees, interrogators, and officers, during the incidents.

Scharmer wanted to know the number of the personnel, among others, the prison guards, who were responsible for the prison of the branch. P55 described that there were two prisons before the incidents, the southern and the northern with eight people working at each prison in on-day shifts of four people. Nevertheless, during the incidents, detainees increased and a third, western, prison was opened which was underneath the building of the Head of the Branch and his secretary office. According to P55, eight people worked there as well in shifts of four. P55 summarized that the approximate number of the personnel, including the director of the prison, was twenty-five or twenty-six people.

Scharmer asked P55 if everything he said during the police questioning at the end of September in Germany was true and whether he said something that could be confidential. P55 said that he did not say anything but the truth.

Scharmer clarified that he wanted to ask to make sure that P55 did the same on this very day [in court]. P55 said of course, he said everything he would know.

Scharmer wanted to know on which floor Raslan's office was in 2012. P55 described that "our" branch consisted of a ground floor, a prison in the basement, and a first floor. The inner building was above the southern prison. Raslan's office was there.



Scharmer asked if Raslan's office was above the prison. P55 said of course.

Scharmer concluded that Raslan conducted interrogations at that office. Scharmer wanted to know whether interrogations were conducted in other offices as well. P55 said there were no other offices for the officers. There was Raslan, PW4_100, and Abbas, the rest were interrogators situated above the northern prison. P55 added that the office of the Director of the Prison was where Raslan's, PW4_100, and Abbas' offices were.

Scharmer asked what position and rank Raslan was holding at that time. P55 said Raslan was the head of a division and a Colonel Officer; the highest rank.

Scharmer recalled P55 telling the police that one could hear screams at the branch. P55 explained that Branch 285 was very small and not big at all. If any human being was screaming, his voice would be heard, particularly at the time of the incidents when there were many detainees. P55 said he could hear screams at his office when there was an interrogation. However, he could not see anything because his office was far away.

Scharmer asked if one could hear screams even outside the office. P55 explained that there was no real distance, only one wall was separating "our" office and the inner building of the branch. Separating them was one iron door that would close automatically and P55's office was above the western prison.

Plaintiff Counsel Schulz recalled that P55 was asked during the police questioning whether the Head of the Division could hear screams. Schulz wanted to know how P55 answered. Judge Kerber intervened and asked Schulz to specify whether he meant the head of the Interrogation Division or the Interrogation Branch. Schulz said that he would have a follow-up question after the answer. Kerber requested Schulz to specify whether he meant Ahmad Deeb or Raslan. [After a short discussion between Schulz and Presiding Judge Kerber about specifying the question and quoting from the transcript, Schulz said he would make a quote first and then ask his question later].

Schulz quoted from the transcript of P55's questioning with the BKA, according to which P55 said that Anwar [Raslan] could of course hear screams. Schulz asked P55 if Raslan could hear screams from his office. P55 said he did not sit in Raslan's office [to verify that]. P55 could hear them in his own office as it was directly above the prison and nothing separated the office and the prison except for the ceiling.

Presiding judge Kerber announced that P55 was dismissed. P55 apologized and said he was trying to remember anything he could say.

The proceedings were adjourned at 2:20PM.

The trial will resume on October 26, at 9:30AM in room 120 at the Higher Regional Court's building.