



TRIAL OF ANWAR RASLAN

Higher Regional Court – Koblenz, Germany
Trial Monitoring Report 54
Hearing Dates: December 1 & 2, 2021

CAUTION: Some testimony includes descriptions of torture.

Summaries/Highlights:¹

Day 105 – December 1, 2021

P58, a 33-year-old Syrian testified about his detention at Branch 251, as well as Raslan's sympathy towards the Syrian opposition and Raslan's good treatment of P31. The Court previously rejected the Defense's request to hear P58 as a witness, arguing that he would not add relevant information. P58 then travelled to Koblenz on his own initiative and was allowed to testify in court. He was not able to answer questions by the party and provided an inconsistent and vague testimony.

The Judges then closed the period of taking evidence in the trial of Anwar Raslan and announced that the closing statements by all parties would follow.

Day 106 – December 2, 2021

The Prosecutors provided their closing statements, arguing that Raslan should be found guilty as an accomplice to crimes against humanity in relation to 4,000 cases of torture, 30 cases of murder, and sexual violence. Accordingly, they contended that Raslan should receive a life sentence. The Prosecutors also stated that Raslan was an accomplice to several underlying crimes against humanity, therefore, he should not be eligible for parole after serving 15 years [German law typically provides for a review of imprisonment after 15 years of the life sentence to determine whether the convicted person is eligible for parole.]. Finally, the Prosecutors expressed the importance of psychosocial support for all survivor witnesses and Germany's historic responsibility to prosecute core international crimes under universal jurisdiction.

Trial Day 105 – December 1, 2021

The proceedings began at 9:35AM with three spectators and three journalists in the audience. Two cameramen took videos and photos before the start of the session. The witness, P58, was in the public gallery. The prosecution was represented by Prosecutors Klinge and Polz. Plaintiff Counsel Scharmer was the only Plaintiff Counsel present, Counsel Mohammed joined twenty minutes late and Plaintiff Counsels Dr. Oehmichen and Schulz joined during one of the breaks.

Administrative Matters

Presiding Judge Kerber said the witness called by Defense Counsel Fratzky was already in court, however, the Judges would first read pending decisions regarding previous requests by the Defense.

[The following are recreations of the Judges' decisions 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.



Judges' decision regarding the Defense's request to summon [Gerhard Conrad](#) as an expert

- I) *According to the Defense's request, the proposed expert Gerhard Conrad is supposed to testify about the question of power structures within the Syrian intelligence services and Al-Khatib Branch, the role of Hafez Makhoulf as head of Division 40, and the relation between Sunni and Alawite members of the intelligence services. The Defense's request further states that Gerhard Conrad is a former high-ranking member of the German Foreign Intelligence Service, BND, and that the [expert testimony of Laura Thurman](#) was insufficient in terms of power structures. As alleged evidentiary fact, the request states that Anwar Raslan had no decision-making powers. Instead, Hafez Makhoulf was in control of the Branch and Raslan had no competencies to order torture or disobey torture orders from Alawite members of the intelligence services. The request describes that Raslan tried to help detainees wherever he could. The aim of the Defense's request is to state that the mistreatment that happened at Al-Khatib Branch cannot be attributed to Anwar Raslan.*
- II) *The Judges consider the defense's request to be a mere suggestion of evidence, but in light of § 244 (3) s. 1 StPO, is not a proper request to take evidence. The defense's request does not put forward any concrete facts that the proposed expert is supposed to evaluate. The request only describes general conditions at the intelligence services that the expert is supposed to testify about. The request therefore does not correspond with the requirements set out in § 244 (3) s. 1 StPO. The Judges further doubt that the descriptions in the request regarding Anwar Raslan's role and to general power structures are framed precisely enough. It is also unclear what exactly the proposed expert knows that could add new information in terms of Anwar Raslan's individual situation. One can doubt that the expert is able to have the relevant knowledge on the individual situation of one single intelligence employee. The relationship between Anwar Raslan and Hafez Makhoulf, in particular, was already determined and confirmed by previous witnesses. The system of the Syrian intelligence services is widely ramified with many Branches, making it questionable whether the expert has the relevant knowledge about one individual Branch at a certain point in time.
The proposed expert Gerhard Conrad worked for the BND office in Damascus from 1998 until 2002 and speaks Arabic. He then worked in Jerusalem on international intelligence issues. However, it is unclear how he is able to testify about the inner workings of another intelligence service by the time of 2011. It is also not apparent how any additional expert could have such relevant knowledge. The alleged evidentiary facts as laid out in the defense's request would be sufficient if the expert's testimony allowed for relevant conclusions. However, it remains unclear what general allegations the proposed expert is supposed to support.
The Judges therefore do not see the necessity to summon and hear Gerhard Conrad as an expert pursuant to the Court's obligation to establish the truth.*
- III) *The Defense's submission must also be rejected pursuant to § 244 (4) s. 1 StPO, if one would consider it to qualify as request to take evidence. Although the facts and circumstances at the heart of the request are not common knowledge, the Judges have the relevant knowledge nevertheless. The Judges know about the power structures and, in particular, Anwar Raslan's position and power through several experts and documents presented in Court. There are clan-like power structures at the top of the Syrian government and relevant agencies and intelligence services. This was confirmed by expert [Laura Thurman](#), the [expert report on Syrian intelligence services by the BND](#), as well as experts [Al-Bunni](#), [Mazen Darwish](#), and [Christoph Reuter](#).*



Witnesses [P10](#), [P21](#), [P54](#), [Al-Labwani](#), [Riad Seif \(P13\)](#) also provided the Court with insider knowledge about the power structures within the Syrian intelligence services in 2011 and 2012, the social structures and hierarchies, the influence of the Al-Assad family, and the effects of denominations on power and possible consequences of certain denominations. In terms of the individual relationship between Anwar Raslan and Hafez Makhoul, the Court also heard from the above-mentioned witnesses. In addition, former detainees who directly observed Anwar Raslan at the Branch testified about his position and role. Eyad Al-Gharib also provided comprehensive descriptions of Division 40. In addition, people close to Anwar Raslan told the Court about Raslan's position and role in the intelligence services and the Branch. The Judges can therefore determine for themselves if and to what extent Raslan was limited in his scope of action. No expert could have better expert knowledge in this regard or provide better detail knowledge.

Judge Kerber said that the Defense had an additional witness, however, the Court would need a relevant request to hear the witness. Defense Counsel Fratzky said the Defense referred to its request from October 13, 2021 (PW3_97). Defense Counsel Böcker added that the defense would not refer to para. II of this request, but to the fact that the witness is already present in court.

Testimony of P58

P58 was informed about his rights and duties as a witness. He provided his name and told the Court that he is 33 years old and works as a journalist. P58 currently resided in [REDACTED]. He denied being related to the Defendant by blood or marriage.

Questioning by Judge Kerber

Presiding Judge Kerber first asked P58 to provide his ID or other proof of identity to allow the Court to assess his identity. P58 said he left his documents downstairs at the security gate. Judge Kerber told P58 to go and get his documents.

While the session was on a break, defense Counsel Böcker complained to the Judges that his client, Anwar Raslan, was treated rudely by the court guards and almost dragged into the courtroom. He asked the Judges to talk to the guards and to remind them that they treated Raslan well for the last year-and-a-half and that Raslan always behaved well. Judge Kerber explained that there was a new court guard and that she would talk to him about the issue.

P58 came back to the courtroom and handed a sheet of paper to the Judges. Judge Kerber asked him whether this piece of paper was his only proof of identity. P58 explained that he lost his wallet including all his identification cards, and that this piece of paper served as his proof of identification until he received new cards.

Presiding Judge Kerber summarized the French-language document, and asked P58 why the document would state that the department of [REDACTED] confirmed the loss of his wallet when P58 was allegedly living in [REDACTED]. P58 explained that this was the department in charge of his affairs. It was common in [REDACTED] that someone was responsible for the matters of political refugees.

Kerber asked who, where, what P58 was talking about. P58 said that he studied in [REDACTED] and now he lives in [REDACTED]. He requested the relevant papers in [REDACTED].

Kerber said she now understood what P58 meant and had no concerns about his identity. Defense Counsel Böcker added that [REDACTED] is right next to [REDACTED] anyway.



Kerber asked one of the court interpreters (who is also a sworn-in interpreter of the French language) to translate P58's document. According to the interpreter, the document states that P58 lost his identification card on October 8, 2021, and it was currently being renewed. The document was stamped by the authority in charge of adults based in [REDACTED].

Judge Kerber explained to P58 that the Court was told that he had once been detained at Branch 251. She asked him whether that was correct and what he could tell the Court about it. P58 said he was detained five times before the revolution. He was a member of the Association of Publicists and Journalists which was part of the Syrian state. P58 worked together with one of his cousins who had a high position within the Syrian state and P58 himself was employed in [REDACTED]. P58 said he is a friend of [P31](#). He was friends with P31 and visited him in [REDACTED]. According to P58, he himself was an employee of the Syrian state and not a member of the opposition before the revolution. Since 2017 and he worked as a journalist who did documentaries and expert-journalism. Within Syria, he never had issues with the police or intelligence services. P58 said that "of course there was a dictatorship in Syria," but he is from a family that had always worked with the state.

On January [REDACTED] 2011, P58 visited P31. They met at P31's home and P58 was there together with a group of five journalists. P58 said he then accompanied P31 to a demonstration because he was worried about him. They went to a café together where they wanted to meet others. They went to the [REDACTED] café in Damascus, close to the Syrian parliament. P58 explained that at this time, he did not know anyone from the Syrian opposition, except for P31. At first, they were 30 people, then 15 people. According to P58, it was the first time he had been in such a situation. There were security forces everywhere and strict regulations to prevent anyone from protesting or doing a minute of silence in front of the parliament. "The guys" therefore decided to go to the Syriatel building instead. P58 added that the company was owned by one of Bashar Al-Assad's close relatives [Rami Makhlouf]. However, security forces came into the café and asked for everyone's IDs. The protestors stayed close to the Syriatel building for around five minutes before everyone went their own ways. P58 said that one patrol stopped him and P31's girlfriend [REDACTED], an artist, nearby [REDACTED] Cinema. P31's girlfriend was not physically harmed, but she was [nervous] and started crying. According to P58, "the guys" [who stopped them] were in contact with Colonel Anwar Raslan and were waiting for his orders. They then found P58's card stating that he was a member of the journalist association and started beating him. They only stopped the beatings after "Mister Colonel" arrived. They then put "us" in state-owned Volkswagen cars where P58 and P31's girlfriend had to wait for one hour. P58 told the Court that "people were in contact with other people" and that there were many phone calls during the one hour that he and P31's girlfriend had to wait in the car. During the last call, P58 heard someone saying "Sidi". After someone called and said he spoke with Anwar Raslan. P58 assumed that they were told to stop beating, but he had to wait in the car for one hour. They were then taken to Crime [State] Security Branch [P58 constantly said "Strafsicherheit" meaning Crime Security] in Damascus where they had to stay from 7PM to 10PM. P58 said he had to wait in a cell for one hour before he went to an officer, a captain at the "crime security." P58 had to wait for two more hours in this captain's office. The captain received a call and "we were served coffee and the captain apologized saying 'well, you know how the situation is these days.'"

P58 told the Court that he was very familiar with the hierarchies within the Syrian regime. At the demonstration [where P58 was arrested] the intelligence services were not overly aggressive, they just wanted to get information. P58 said at 10PM, there were other journalists as well [at the Branch]: a TV journalist, [REDACTED], the journalist [REDACTED] from Al-Jazeera, the Al-Jazeera newspaper in Damascus, and P31. As P58 found out later, Anwar Raslan ordered their release. P58 said he learned that later when [REDACTED] was arrested.



That was the first time he heard the name Anwar Raslan. P58 went on to describe that on the next day [after their release] P31 and P58 went to [REDACTED]. P31 was afraid of check points on their way. When they arrived, P58 first went to his office where he found a letter - his notice of termination. P58 said this was when his life was turned upside down. These were all the details on how P58 first heard the name Anwar Raslan.

Judge Kerber asked whether P58 was detained another time at Branch 251 or if this was his only detention. P58 said this was the first time. It was at Crime Security, not at Branch 251.

Judge Kerber asked P58 what he meant by Crime Security. P58 said it was the normal police "that was in charge."

Kerber concluded that everything that P58 just described happened at a regular police station. P58 said "we" were arrested by Crime Security and were held on the street from 4PM to 6:30PM. When they were moved, P58 asked where they were, and he was told that the people were from Crime Security.

Kerber asked P58 whether he was detained at Branch 251. P58 said "of course." It was his fifth and last detention before he left Syria. P58 said he was detained at Palestine Branch for 37 days.

Kerber warned P58 that he could not continue his testimony like that. She said that she did understand his excitement, but he had to wait for the court interpreter to translate what he was saying. Kerber asked P58 to testify one sentence after the other. P58 said "okay."

Kerber recalled that P58 was detained at Palestine Branch and affirmed that he had been detained at Branch 251. She wanted to know when he was detained at the latter Branch. P58 recalled that on March [REDACTED] 2012, he was released from State Security Court. He was at P31's house in [REDACTED] when on March [REDACTED] 2012, officials came into the house and arrested P58 and a friend of his. From there, "we" were taken to Branch 251 on Baghdad Street.

Kerber wanted to know who P58 meant by "we". P58 asked if Kerber wanted to know names.

Kerber affirmed. P58 said [REDACTED].

Kerber asked if P31 was with them. P58 denied, saying P31 was not in Syria at that time.

The court interpreter, interpreting P58's testimony from Arabic to German, told the Court that due to P58's speech defect, he had difficulties understanding P58 and therefore had to frequently consult him for follow up questions.

Judge Kerber summarized that P31 was not present at P58's arrest which he had just described in Court. She asked P58 what happened next and whether he was taken to Branch 251 or not. P58 explained that he was arrested but was not beaten. He arrived at the Branch at 7:30PM. When he arrived at the Branch, he read a sign on a door saying "Head of Investigations." They were five friends, students from the faculty of fine arts, and friends of P31. P58 said it was very loud and Colonel Anwar Raslan asked what was going on and if they brought him the entire faculty of fine arts. According to P58, no one was beaten. P58 said it was important for him to tell the Court that his worst experience was his detention at the Military Intelligence Service where he was detained for 37 days. He was detained with the intelligence in Deir ez-Zor...

Presiding Judge Kerber interrupted P58, telling him that she wants to know when and for how long he was detained at Branch 251. P58 said he wanted to mention the second point to provide a comparison.



Kerber concluded that P58 was arrested on March [REDACTED] 2012 and was treated well. Defense Counsel Böcker intervened, saying P58 did not say that he was treated well. Kerber said that was what she understood, and she therefore wanted to ask P58 about it. P58 denied [being treated well], adding that he and the five friends were detained at a community cell which was around 15-sqm with more than 50 detainees inside. There was torture...[P58 paused]

Kerber asked P58 to try and remember because the Court needs to know what happened. P58 said it stressed him [to speak on the subject].

Kerber said she would then try to make it less painful for P58 by first asking him how long he was detained at Branch 251. P58 said he was detained from 7PM until 10AM the next morning.

Kerber asked if P58 was consequently released on March [REDACTED] 2012. P58 described that guards took him to Anwar Raslan's office in the morning. P58 directly addressed Raslan in Court saying "you might not remember me because I looked different back then." However, Anwar Raslan was friendly as P58 said he had to admit. P58 said Raslan spoke with him and told him there was nothing against P58 and the others, and that they would be allowed to go home. But when P58 left Raslan's office, there was a Warrant Officer 1st Class who was very annoyed. He came behind "us" and told "us" that he would have burned "us" if he was in the place of the Colonel.

P58 added that what he experienced inside the cell was surprising compared to his detention at the Air Force Intelligence and the Military Security. Detainees were indeed beaten, however, they were not treated like the detainees at the Air Force Intelligence. P58 said there [Branch 251] was a different kind of treatment by the guards. It was different from the Air Force Intelligence, even in terms of certain freedoms. P58 described that the detainees were allowed to use the toilet [at Branch 251], contrary to the Air Force Intelligence where they only were allowed to use the toilet after they received three meals in a row. P58 concluded that the treatment was not nice [at Branch 251] but it was not so brutal either.

After pausing for a second, Judge Kerber asked P58 whether he knew anything about P31's detention. P58 said "yes exactly," and explained that he grew up at P31's house and was responsible for the campaign demanding P31's release. P58 said this was one reason for him to leave [Syria]. He recalled that when P31 was detained at Branch 251, P31's father made a phone call to [REDACTED] [Doctor]. This person was close to the regime and had good contacts with P31's father. P58 told the Court that when one is detained with the intelligence services, one cannot be visited. P31's parents were "hysterical." The Doctor knew a Colonel. P58 said he later learned from P31's father that [the colonel was] Colonel Raslan. P31's father heard from the Doctor that Anwar Raslan is a nice person. P31's mother was then allowed to visit P31 at Al-Khatib Branch. P58 said P31's parents were allowed to visit him at the Branch. This was the first time something like that happened. It happened in the office of Colonel Anwar Raslan. P58 added that P31's favorite food was Kebab, so his parents brought him Kebab to the Branch. The Colonel calmed P31's parents down and they were relieved after the visit. When P31 was released, he returned to [REDACTED] where P58 welcomed him at the bus station. P58 said he could not see any signs of torture on P31, neither physical nor psychological.

Kerber wanted to know who told P58 about the visit to the Branch. P58 said, as he told the Court before, he grew up at P31's house. One could ask P31.

Kerber again asked who told P58 about the visit. P58 said he was always there, even when "they" spoke with the Doctor. One could ask P31 about it.



Kerber asked who told P58 about the visit; how he knew about the visit. She asked if it was correct that P58 was present during the talks with the Doctor. P58 said that when “they” went to Damascus, he was at P31’s house every day.

Kerber wanted to know when that happened. P58 said “to be precise” it must have been a month before April or May 2011.

Judge Kerber ordered a 15-minute break.

[20-minute break]

Questioning by Judge Wiedner

Judge Wiedner said he had some questions about P58’s own detention at Branch 251. He asked P58 to tell the Court how he was arrested and what happened. P58 asked if Wiedner meant his detention at Branch 251. Wiedner affirmed. P58 said he was a colleague of Mazen Darwish from the journalist committee and he was responsible for the office in [REDACTED]. He also worked as a journalist.

Wiedner asked P58 to simply describe how he got to Branch 251. P58 explained that it looked like P31’s flat was under surveillance. P31 worked as a journalist.

Wiedner wanted to know when that happened. P58 said before Branch 251.

Wiedner said he was not referring to a place but a time. P58 asked Wiedner what time he was referring to.

Wiedner said he wanted to know at what time the incidents that P58 just described happened. P58 said he was at Branch 251 on March [REDACTED] 2012.

Wiedner asked what happened. P58 said that a big patrol stormed into the flat. They had two cars and took P58 with them. It happened at around 6PM. P58 had just left the court after he had been detained at Palestine Branch. The five friends did not have a criminal record, and no one was interrogated that night.

Wiedner asked P58 where they drove to, what happened, and how he was treated. P58 described that when he was arrested by the intelligence employees, the beatings were not “that massive.” These intelligence employees also took measures that others did not, for example P58 did not have to wear blindfolds and spent the night and the morning at a community cell.

Wiedner wanted to know where P58 was taken to by car. P58 explained that at 8AM, the Colonel requested to see P58 alone. P58 was served coffee and offered to smoke...

Wiedner interrupted P58, saying he did not answer the question. Wiedner asked P58 to describe where he was taken to by car after his arrest. Wiedner wanted to know whether it was correct that P58 was arrested. P58 said he was arrested in Damascus. He was taken from P31’s house in [REDACTED]. P58 said he was surprised that [REDACTED] interrogated him at the Military Intelligence Branch in Deir ez-Zor. P58 recalled that he was slapped on his ear and told that he would only be respected because of his cousin. However, P58 noticed that the Colonel [Anwar Raslan] was cultivated. They spoke about books.

Wiedner said he would now try to ask his questions differently and ask precise questions that P58 should answer. Wiedner wanted to know for how long P58 drove after he was arrested. P58 said he did not memorize the time, "why should [he]?" He was completely exhausted. P58 said when he was released...

Wiedner stopped P58 to talk about P58's arrival at the Branch. He asked P58 to describe what the Branch looked like. P58 asked if Wiedner wanted a description of the building. He went on to describe that there was a big building, but he did not remember how many floors it had. There was also an adjoining building and a prison belonging to the Branch.

Wiedner recalled that P58 said it was Branch 251. He wanted to know how P58 knew that. P58 said he learned that when he left the Branch. "We" were told we could leave. According to P58, it would be commonly known that this Branch...Everyone in Syria knows about it.

Wiedner concluded that P58 knew about the Branch before his detention. P58 said before 2011 he had nothing to do with the police and intelligence services.

Wiedner asked P58 whether he knew the Branch. P58 said he knew where it was but had not been there before.

Wiedner wanted to know where the Branch was, since P58 said he was not blindfolded on the way to the Branch. P58 confirmed that he did not have to wear blindfolds.

Wiedner asked P58 to tell the Court where he was taken and what he could see. P58 said he was at the Military Intelligence Branch for a long time.

Wiedner said this was not what he meant. He was referring to Branch 251. P58 wanted to know what Wiedner's question was.

Wiedner said he wanted to know where the Branch was and what it looked like when P58 arrived there. P58 said it would be some kind of...the streets were blocked with concrete blocks. Right after his arrival, he was taken to the Interrogation Division. This was the first time [he was interrogated]. P58 said that he saw a sign on the door saying 'Head of Interrogations'. The head [of interrogations] was angry and asked the guards if they brought him the entire faculty of the fine arts.

Wiedner wanted to know where the Interrogation Division was located within the Branch. P58 said it was the floor next to the prison, but he did not remember which floor it was. There was no lift and they had to take the stairs to go upstairs. "They" asked "us" for personal information for 40 minutes. After 40 minutes, he was taken to a community cell, not a solitary cell. The cell was around 15-sqms with more than 50 detainees inside. P58 said he found that funny because it was different from other Branches. People asked him why he would laugh...40 minutes later, at around 8:30 PM he was taken to a community cell.

Wiedner asked if P58 was blindfolded. P58 denied, adding he already said that he was not blindfolded.

Wiedner recalled P58 saying "they asked us" and wanted to know to whom P58 was referring. P58 said "we" were first taken to a person whose rank he did not know. He then learned that it was Colonel Anwar Raslan.

Wiedner asked who P58 meant by "we". P58 said he meant the five friends and himself. The friends did not have criminal records and were students at the faculty of fine arts in Damascus and also friends of P31. P58 said he could provide some of their names to the Court if needed. Some lived in the EU.



Wiedner asked if P58 was interrogated. P58 said he was questioned twice. The first time took around 40 minutes when he was asked for his personal information and “routine measures” were taken. At 8AM on the next morning, the friends were released and P58 had to stay at the Branch. One of the employees told P58 that they did know about his “evil doings.” P58 said this was when he was not afraid anymore because he knew that he had just been released from Palestine Branch. After the employees were done, P58 was taken to Colonel Anwar Raslan. The Colonel was cultivated and educated, unlike “normal” intelligence employees. P58 was served coffee and the Colonel sent his employees home.

Wiedner recalled that P58 was told that they knew about his activities. Wiedner added that it was unusual to be released after such a short time. He asked P58 how he could explain his timely release. P58 said it was the way in which Anwar Raslan treated people.

Plaintiff Counsel Dr. Oehmichen said P58 did talk for a long time, however, the interpreter only said one sentence. Presiding Judge Kerber explained to Dr. Oehmichen that, before Dr. Oehmichen joined, Kerber already asked P58 to only talk for short periods, however, he did not do that. Kerber asked Dr. Oehmichen to excuse the interpreter for being unable to capture everything that P58 says. Dr. Oehmichen said she just wanted to ensure that the Court was not miss anything. The interpreter explained that whenever he asked P58 for clarification, P58 started mentioning new things. Kerber again asked P58 to use short sentences that the interpreter could remember correctly.

P58 explained that his release happened for two reasons: he had previously been detained and released by a court. He was arrested because he went outside the house and had no time until the Branch..... The interpreter apologized, saying that this was exactly what P58 just said.

Wiedner recalled P58 saying that Anwar Raslan was cultivated and educated. He wanted to know how P58 came to this conclusion and what the two of them spoke about. P58 explained that Raslan told him that “this” would not happen to him again and that he could go home. Raslan then asked P58 what he desired, what his goals were, and what P58 and the others demanded. P58 replied to Raslan that if the regime continued like that, there would never be a state. P58 told the Court that this conversation did not last longer than 15 minutes before they spoke about other things. Raslan also asked P58 if someone had beaten him. P58 concluded that this was all they spoke about.

Wiedner asked who else was present during this conversation. P58 said there was an employee, the Colonel and P58 himself.

Wiedner concluded that there were three people. P58 explained that the guard only took him to the door [of Raslan’s office] and then left. There were only two people during the conversation. P58 later learned that “he” [Anwar Raslan] was nice and that [REDACTED] had the same experience. P58 also learned that the relationship between [REDACTED] and the Colonel was amicable. “He” [Anwar Raslan] is educated and this was how he spoke with people.

Wiedner said they would now jump in time. He asked P58 whether he could tell the Court what P31 had been up to since 2011, what P31 did for a living, whether he was engaged in the opposition and why he was arrested. P58 started talking when Wiedner reminded him to only use a few sentences in a row. P58 said P31 was in charge of the coordination committee in Damascus.

Wiedner asked what precisely P31 did. P58 said P31 established contacts with satellite television agencies and helped journalists to get inside the country. P31 had contacts with people who equipped him with communication technology. In short, P31 was responsible for the coordination committee in Damascus.



The committee was a new invention by the opposition to fight against the regime for the “first three, four, three months.” P31 then moved to an area close to the government palace where he had a second flat. He was an active journalist who reported on the situation in Syria.

Questioning by Judge Kerber

Presiding Judge Kerber recalled that P58 was released from 251 and asked him where the Branch was located. P58 said it is east of Baghdad Street.

Kerber wanted to know if there were any significant buildings close by. P58 explained that he did not grow up in this neighborhood, so he was not familiar with the area. However, he knew the Branch because it was commonly known.

Kerber wanted to know if anyone spoke with P58 about his testimony in court. P58 denied, adding that no one was influencing him. In 2018/2019 he authored a report for the Syrian Orient Channel. In Syria, 1,200 officers are responsible for the repression in Syria. If one was able to take all 1,250 of them to trial, one should sentence Anwar Raslan.

Kerber concluded that before this present day, no one spoke with P58 about his testimony. P58 said he is a well-known journalist and studied law. He is not open to any influences.

Kerber asked if Anwar Raslan’s family was in contact with P58. P58 said no, not at all. He would not know the family and was contacted by Raslan’s lawyer.

Kerber asked who paid for P58’s ticket to Koblenz. P58 said that he paid for it himself.

Kerber asked who paid the hotel bill. P58 said he paid for it himself.

Kerber wanted to know for how long P58 had been in Koblenz. P58 explained that he arrived at 2:30PM on the previous day and did not see anybody, until he met one of the Defense Counsels and the court interpreter earlier that day.

Kerber concluded that P58 paid all travel-related bills on his own. P58 said “of course” he did. He said that one would have been able to end his life, but the Colonel was nice, treated him well, was cultivated and educated.

Kerber said she would just leave it as that. Defense Counsel Böcker asked what exactly Kerber wanted to leave. Kerber said she was referring to P58’s statement that he paid for everything on his own and the travel-related descriptions he provided. Böcker replied that the Defense Counsels would be able to provide more precise statements in this regard, if needed, without providing any subject matter-related information. Kerber said the Defense could talk with its client if needed. Defense Counsel Fratzky explained that the receptionist at the hotel where P58 was staying told Fratzky in the morning that P58 made an advance payment but 46€ would still have to be paid. Fratzky said he could not provide information on P58’s train/bus tickets and did not know who paid them.

P58 was dismissed as a witness at 11:37AM.

Plaintiff Counsel Scharmer said he wants to provide a “257 statement” [statement according to § 257 StPO] once the witness was dismissed. Scharmer said he could have asked P58 many more questions, but one should only ask questions if one assumes that the answers will provide clarity. There were so many contradictions within P58’s testimony, for example he did not mention the hospital opposite to Al-Khatib Branch at all. Which was the Branch where he was allegedly detained and not blindfolded upon his arrival. Scharmer said that P58 was not credible, and the Court heard about his motives to appear in Court. Scharmer concluded that this is all one has to say about this witness.

Defense Counsel Böcker replied with his own statement. He said in reply to his colleague's [Scharmer's] statement, he can only say that hearing this witness' testimony was as painful for him as the previous witness testimony [P57].

Presiding Judge Kerber wanted to know whether the Defense planned on submitting more evidence requests. Defense Counsel Böcker said he and his colleague will think about that for a moment and might be able to provide more information on the matter in the course of the day.

Judge Kerber said there is a German language translation of a witness interview with the police that needs to be read out in Court. She noted that the defense previously objected to this read-out. Defense Counsel Böcker said the Defense had no more evidence requests to submit on this very day.

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

Judges' decision regarding the read-out of a translation of a witness' police interview.

The police interview of [FR19] led by the French Police was partially translated into German. The translation relating to FR19's detention in Syria and his arrest will be read out in Court.

- 1) *FR19 indicated to the French Police as well as to the BKA in July 2019 that he is unwilling to provide a testimony in a German trial. In reply to his summoning by the Court on [REDACTED], he told the court that he is unwilling to testify in this trial. He declined witness protection offered through § 68 StPO. One must therefore assume that FR19 will not testify in this trial. Pursuant to § 251 (1) no.3 StPO, the German translation of FR19's French police interview will be read out in court.
An audiovisual testimony of FR19 is impossible since FR19 is unwilling to testify at all. It is not necessary to summon the relevant police officer who led the interview since FR19's testimony is of no central importance to this trial and because the BKA officer who also interviewed FR19 already testified as well.*

Defense Counsel Böcker intervened, saying the defense needs five minutes to issue a statement replying to the Judges' decision. Judge Kerber explained that the defense's objection was already included in the minutes, but the Defense is allowed to again refer to its previous objection. Böcker said in this case, the defense refers to its previous objection.

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

German Translation of the transcript of the French Police's interview with FR19

[details on date, location, and authority]

FR19 was asked whether he was arrested by Syrian authorities or arrested from the streets. FR19 explained that he was twice detained in Syria. The first time was from [REDACTED], 2011 until [REDACTED] 2011 and the second time was from [REDACTED] 2012 until [REDACTED] 2012. On October 7, 2011 he was presented to the State Protection Court. Amongst others, he was accused of having incited religious hatred. However, since he had not done anything against the police, he was released on bail.



FR19 was then asked by the French Police whether he participated in the protests that started in March 2011 and that were suppressed. FR19 said since January 2011 he had been involved in gatherings related to the Arab Revolution. The gatherings took place in front of the embassies. In March 2011, the first demonstrations started and FR19 was a member of the organizational committee. He participated in demonstrations. At one demonstration, his friends were arrested, and he had to hide for twenty days. When he returned to his store afterwards, he was arrested there. FR19 was beaten throughout the entire drive [to the Branch]. He only learned at the first interrogation where he was. He was told to provide the names of his friends. From the very beginning, FR19 was exposed to beatings and torture. FR19 said he was forced to undress. He was constantly handcuffed and blindfolded. He was tortured with “Doulab”. He was beaten on his feet, so they started bleeding.

FR19 further told the French Police that he was detained in a solitary cell in the basement for two months. He was interrogated and tortured for fifteen days, “practically without any breaks.” FR19 then confessed what he was told to confess, and he had to sign a blank paper. He was then put in a cell where the air was very bad, and his inflammation was not treated. The cell was 1.7x1.1 meters, without any ventilation. The toilet was very dirty. Inside the cell it was very hot in August and very cold in October. FR19 was only wearing a ripped shirt and received food twice a day. The meals consisted of two olives and a piece of bread.

FR19 said he was detained in cell [REDACTED] and could hear what was happening around him. People were screaming and they were taken back [to the cells] from the interrogations. People came and left. In the cell next to FR19, a man called [REDACTED], was detained. After two months, FR19 was transferred to the central prison. He had difficulties with his fellow inmates, but Adra Prison was not as bad as the prison he had been before. The prisoners there were detained for committing sexual abuse of minors and other crimes. FR19 said he had to pay for the food at this prison. On [REDACTED]2011, he was released after a deposit and returned home to his wife and newborn son.

FR19 explained to the French Police that even after this detention he stayed militant and formed a group together with other people. They wanted to overthrow Bashar Al-Assad and participated in strikes. They also supported residents who lost their homes due to bombardment. FR19 said a child was killed in his neighborhood on [REDACTED], 2012. On this day, three men and two women had a meeting at a lawyer’s office where they were overpowered by officers. The officers searched FR19’s and the others’ phones and computers for thirty minutes and spoke with each other over the detainees’ heads. They were then taken to Division 40. FR19 explained that he cannot remember how he and the other men had been tortured. He only received beatings, while others received electric shocks. FR19 said they spoke about their experiences when they were able to and he himself might have been beaten less because he did not carry any items with him.

FR19 further described that he had to deal with a colonel, however, he does not know his name. The colonel asked FR19 personal questions. FR19 said there were 300 people [at the premises of Division 40] and the place was overcrowded. There were disabled people as well as children, and each day people were taken for interrogation from the community cell. FR19 and his three friends were not tortured. They had to sign a statement. FR19 said this was the reason why, after one month, he was transferred to Kafar Souseh. FR19 said this would, in his opinion, be the headquarters of the intelligence services. He said he was punished by a soldier and unable to see for ten days. He was detained in a double cell, however, there were more than two detainees. They were always handcuffed and had to face the walls. This was also the position in which they had to sleep. FR19 told the French Police that the guards were constantly watching them and then ordering them to wake up.



Meals consisted of a pot of burnt bulgur and some bread. They were only given two liters of water for all detainees to share. Once a day they were allowed to use the toilet for four seconds. FR19 said he had to experience this for 15 days. The others had to stay longer, for one or two months but he was released.

The French Police wanted to know who decided about FR19's arrest and release. FR19 explained that there was twice a man with a water pipe who provided information to the police.

The French Police asked whether someone was informed about FR19's whereabouts. FR19 denied, adding people were only informed about his whereabouts when he was at Adra Prison. However, his family was not allowed to visit him. [...]

The French Police wanted to know if FR19 remembered names of officers. FR19 denied. He told the French Police that people were given satirical names, but no real names were mentioned. Nor did he know who interrogated him. He only saw one face, but [...]

The French Police further wanted to know whether other people apart from him were tortured. FR19 said [torture] was systematic. The system existed ever since Hafez Al-Assad.

FR19 was then asked by the French Police what he knew about deaths, murders, and executions during his detention. FR19 said he did not see dead people during his detention. However, he heard that someone died at Palestine Branch. He also heard about someone who died at Al-Khatib Branch. People often suffered from inflamed wounds on their feet due to beatings. He also saw people who fell unconscious and then simply disappeared [from the cell]. Once, someone was beaten on his head with a metal pole and FR19 did not see this person again. He concluded that probably many people died due to the violence and the lack of hygiene.

The French Police wanted to know how and by whom FR19 was arrested. FR19 explained that in August 2011, officials from Political Security Branch entered his store to take him with them. They were ten people with several cars. The road was blocked. FR19 said the people were dressed in civil clothes. They entered his store, saw his tattoos, and simply took him with them. FR19 further described that these people carried pistols and wore different civil clothes. However, FR19 immediately knew "with whom he had to deal." FR19 added that his sister was there as well. FR19's phone was not there because his sister had taken it home. The people searched for the phone until FR19's sister gave it to them. FR19 said he was interrogated in the basement. He was blindfolded and the officers addressed each other with code names. They called each other "Sidi" and were formal in addressing each other.

FR19 added that the second time, in February 2012, he was at Division 40. The building was in Damascus. He was arrested at a lawyer's office. According to FR19, Division 40 was known for its brutality. He did not know where the Division was. He had been blindfolded since his arrest.

The French Police wanted to know how FR19's arrest took place. FR19 explained to the Police that during his first arrest he was taken to a building with a business car. He had to take the stairs down to the basement. The driver went fast and FR19 was sitting on the back seat. He stayed at this detention facility for two months before he was transferred to Adra Prison.

During his second detention, FR19 had to stay at Division 40 for 24 hours and was beaten before he was then transferred to Al-Khatib Branch, to State Security. There he also experienced violence for a month-and-a-half. FR19 further explained that Division 40 was located in Damascus and led by Hafez Makhoul. Before the revolution the Division was in charge of drug matters.



FR19 recalled that when he was in [Hafez Makhlouf's] office, men told him they were at the boss' office. [Makhlouf] insulted FR19. FR19 was then taken outside and transferred to Al-Khatib Branch, then Kafar Souseh for fifteen more days. He was then released and told that this better be his last arrest, the next time he would be dead. FR19 told the French Police that he does not know why he was released. At the central court, he had the right to consult a lawyer who told him to write everything down on paper.

The French Police asked FR19 about the detention conditions. FR19 described to the police that he was at the second or third floor at Division 40's building. There was no prison in the building. He was asked about his arrest. He had to go upstairs by foot since there was no lift. There was a small room and he had to go upstairs again. There was a sign at the wall saying "Division 40". He was asked several things, for example whom he helped. There was neither a toilet nor a shower. He had to stay there for 24 hours before he was taken to Al-Khatib Branch. He arrived at a "rather small room" where people were standing in a semicircle and people were tortured in the middle. According to FR19, the building had several floors with offices. And rooms were restructured to gain more space. FR19 said he could hear torture. He had to sleep together with 200 people, all of whom had to sleep while sitting. Others had to stand up for days and suffered the so-called "elephant man syndrome". They were given one plate of food for all of them. There was one water tap for all of them to use. FR19 recalled that at Kafar Sosueh, the cell was very big with four detainees in it. FR19 was detained in the west wing of the building. He assumed it was the headquarters of State Security. FR19 went on to describe that he was in a small room, his hands were tied with a thin rope, and he had to face the wall. He was, however, not blindfolded. There were around 20 other people and a high fluctuation [of detainees]. FR19 said he was also tortured every day. He was taken to a different building where he was photographed. There were five or six people, two or three of whom were violent. There was a superior person and an assistant. The superior asked questions that were all connected to each other. FR19 added that he thinks that it was in a state building and Hafez Makhlouf was wearing civilian clothes.

The French Police recalled that FR19 mentioned that guards came into the cells. FR19 denied, explaining that there were, however, "false detainee" and the people who started talking [inside the cells] were taken away.

The French Police wanted to know more about the torture methods that FR19 had to experience. They asked him about names or other things one can use in order to identify the torturers. FR19 told the French Police that, as he already told them before, he was not able to talk about it with others. He had issues with his kidney and his arm. According to FR19, there were several people from Sweida at Division 40. At this Division, FR19 did not hear or see anyone being tortured. At Al-Khatib Branch was a head of interrogations, Hafez from Sweida who also had an assistant. The one in charge was from Marjeh. One of the detainees told FR19 that he knew the father of this person [superior]. FR19 saw this person once. He was the boss of the Secret Police and wore a Christian crucifix around his neck. He also had an assistant. FR19 concluded that this was everything he knows. He added that he knows fellow detainees who are also living in France at the moment.

Presiding Judge Kerber explained that there were two more documents with the Defendant's signature that needed to be read out in Court as German translation, in addition to two expert reports by the Max Planck Institute, as well as the Defendant's criminal record detailed in the German Federal Central Register.



The following is ordered:

- 1) Present him to a terrorism court, create an interrogation transcript, confiscate his car and take measures regarding [...]
- 2) Branch 275 is tasked to annul and return the firearms license for a Russian rifle issued by the General Intelligence Directorate
- 3) the firearms license is to be handed over to the Ministry of Interior
- 4) confiscate the money found with the detainee and disseminate among Branch 285 staff
- 5) hand a copy of this letter to Branch 331
- 6) Branch 255 to make a decision after taking note

Signed amongst others by “Colonel Raslan”

[The following is a recreation of the experts’ reports based on what the Trial Monitor was able to hear in Court and a brief scan of the applicable [Syrian Penal Code](#)]

Expert Reports by the Max-Planck-Institute for the Study of Crime, Security and Law

MPI Expert Report, May 4, 2021

Max-Planck-Institute for the Study of Crime, Security and Law
Freiburg
[REDACTED]

Report on Criminal Liability for Torture, Deprivation of Liberty, and Sexual Violence under Syrian Law in 2011 and 2012

The experts note that they only found limited information. All information is compiled below.

1) Deprivation of Liberty

Punishments for deprivation of liberty:

§ 555 Syrian Penal Code	deprivation of liberty	6 months to 2 years imprisonment
§ 556 Syrian Penal Code	deprivation of liberty exceeding one month; deprivation of liberty in combination with torture; [committed against an official while he is performing his duties]	3 to 15 years forced labor



§ 357 Syrian Penal Code	deprivation of liberty performed by officials and administration, justice, military, or civilian officers	Same margin as above
§ 358 Syrian Penal Code	deprivation of liberty or prolongment of detention committed by prison directors or staff, or any other official exercising their powers without an official arrest warrant or judicial order	1 to 3 years imprisonment
	Hostage taking and related conduct was not punishable in 2011/12	
§§ 559 – 562 Syrian Penal Code	threats to commit a felony e.g. threatening to kill someone, putting a gun against someone's head	low margin of punishment

2) Sexual Offences

Punishments for sexual offences:

	rape by penetration with the penis and under threat or force	
§ 391 (1) Syrian Penal Code	more severe punishment in cases of extracting confessions under torture or coercion if committed by perpetrators are officials	up to 16 years forced labor
§§ 493 ff. Syrian Penal Code	Men and women can be victims of immoral acts. Acts are considered immoral when they cause shame, loss of dignity, or violate a person's chastity	
§ 493 Syrian Penal Code	Using coercion or threats to commit an immoral act	At least 12 years forced labor
	Victim younger than fifteen years	At least 18 years forced labor
	Uncovering a woman's pubic bone and touching it with a limb, for example hands or destroying the hymen with something else than a	



	<p>penis is considered an immoral act/sexual violence under this paragraph.</p> <p>It cannot be ruled out that inserting a stick in someone's anus can be considered anal intercourse and subsumed under immoral acts as provided in this provision. However, there is no relevant jurisprudence on this matter</p> <p>An attempt to taking off someone else's trousers is considered immoral. However, it is unclear how pushing someone's head against one's lap is legally qualified.</p>	
<p>§ 505 Syrian Penal Code</p>	<p>touching or fondling girls or women of any age or boys below the age of 15 in an immoral manner without their consent</p>	<p>up to 1.5 years imprisonment</p>
	<p>Causing shame is always implied by e.g. touching one's pubic area, coming into close bodily contact, or touching a woman's breast</p> <p>Incidents under §§ 493 and 505 Syrian Penal Code are differentiated depending on the pressure with which the hand touches the victim's body, the part of the body, as well as time and place of the offence. Touching a woman's breast is therefore punishable under § 493 and § 505 Syrian Penal Code</p>	

3) Prohibition of Torture

Prohibition of torture is included in both Syrian Constitutions:

Art. 28 (3) Syrian Constitution of 1973

Art. 53 (2) Syrian Constitution of 2012

The wording of the condition of 1973 defines torture as physical and psychological violence, while the constitution of 2012 only generally prohibits torture.

The Syrian Penal Code punishes torture with up to 3 years imprisonment. In cases where victims are injured or suffer disease from torture, the lowest punishment is 1.5 years imprisonment [1 year imprisonment if torture is used to extract confessions according to § 391 (2) Syrian Penal Code.].



ANNEX: German translation of excerpts of the Syrian Criminal Code and relevant Constitution articles:

§ 44 Syrian Penal Code	3 to 15 years forced labor in cases where the law does not specify the time of forced labor and merely provides for “temporary forced labor”
§ 247 (1) Syrian Penal Code	Defines more severe punishment in cases of § 246 Syrian Penal Code (repetition of a criminal act): death penalty instead of life imprisonment; 1/3 and ½ increase of sentence
§§ 340 Syrian Penal Code	Definition of the term “official”
§ 357 Syrian Penal Code	An official depriving another person of his/her liberty without legal grounds shall be sentenced to temporary forced labor [3 to 15 years]
§ 358 Syrian Penal Code	In case directors and guards of prisons, disciplinary institutes, or other corrective institutes, and all officials exercising their duties, accept a prisoner or imprison a person without a judicial warrant or judicial decision, or keep them in detention beyond the term specified by law, shall be punished with imprisonment from one to three years.
§ 381 (1) Syrian Penal Code	A person forcing another person to confess by the use of torture shall be sentenced to two months up to 3 years imprisonment
§ 381 (2) Syrian Penal Code	In case the victim suffers physical harm from torture, the sentence shall not be lower than 1 year imprisonment.
§ 492 (2) Syrian Penal Code	(Referring to § 492 (1) criminalizing intercourse by legal guardians with minors between the age of fifteen and eighteen years, and providing for punishment of nine years forced labor) same punishment in cases where the perpetrator is a religious representative, official, manager or employee at an official authority abusing his power derived from his position to commit the above crime.
§ 493 (1) Syrian Penal Code	Using coercion or threats to commit an immoral act shall be punished with at least 12 years of forced labor.
§ 493 (2) Syrian Penal Code	If the victim was younger than fifteen years, punishment shall be at least 18 years of forced labor
§ 497 Syrian Penal Code	Punishment for conduct provided in §§ 489, 493, 495 Syrian Penal Code is increased if the perpetrators is one of the persons listed in § 492 Syrian Penal Code
§ 505 Syrian Penal Code	Touching or stroking a minor or woman in an immoral way
§ 555 (1) Syrian Penal Code	Deprivation of liberty shall be punished by up to 2 years imprisonment.



§ 556 Syrian Penal Code valid in 2011	Deprivation of liberty that a) lasted more than one month; b) included physical or psychological torture; c) was committed against an official shall be punished with temporary forced labor
§ 556 Syrian Penal Code valid in 2012	Deprivation of liberty that 1) a) lasted more than one month; b) included the infliction of the physical or mental torture to the victim; c) was committed against an official, that 2) involved violence, death threats or ransom demands, shall be punished with 10 to 12 years of forced labor and fines, if committed against a juvenile
§§ 560, 561 and 562 Syrian Penal Code	Threats to commit a felony e.g. threatening to kill someone, putting a gun against someone's head entail a lower margin of punishment
Art. 28 (3) Syrian Constitution of 1973	Prohibition of torture
Art. 53 (2) Syrian Constitution of 2012	Prohibition of torture

MPI Expert Report, May 4, 2021

Max-Planck-Institute for the Study of Crime, Security and Law
Freiburg
[REDACTED]

Just like the French law, Syrian law does not provide for an equivalent to the German provision on particularly severe cases of theft pursuant to § 243 StGB.

Relevant provisions of Syrian criminal law are: §§ 559 ff Syrian Penal Code: §§ 559 – 564 Syrian Penal Code

German Translation of Anwar Raslan's CV which he mentioned during his questioning

CV of Colonel Anwar Raslan

Colonel Anwar Raslan was born on February 3, 1963, in Al-Houla, Homs.

I visited the primary school and secondary schools one and two in Homs. After I had received this diploma, I studied law at the University in Damascus. I graduated from the faculty of law after 4 years of studies. I then took a course for sergeants with the Ministry of Interior at the Police Academy.

I then worked at the Immigration and Passport Division in Aleppo and Hasakah before I graduated from the university.

Starting on August 22, 1992

I was working as a district manager and took a course in investigations and legal structures from which I graduated as Lieutenant 1st Class, second of my class. I then worked as a training officer at this school and was awarded as top 3 of my class after 1.5 years. I also completed a six-month-course in state security administration.



I worked as an investigation officer, head of Branch 285, and held hundreds of lectures.

On October 23, 2003

I completed a one-year-course on research, economy, criminology, and investigations and was awarded a certificate.

On November 24, 2007

I worked in espionage for nine months, as the head of investigations and head of the Syrian security delegation

[...]

I accompanied the OPCW delegation in 2007.

From August 9, 2008 until September 7, 2012

I was the head of investigations at Branch 251 of Sate Security. In this position, I cooperated with some members of the revolution committee in Damascus and gave orders to release detainees.

I was transferred to Branch 285 due to a fight with Hafez Makhoulf and the General Major because of my cooperation with the Syrian opposition and his attitude

On December 4, 2012

I had two failed attempts to escape and had released thousands of detainees

I then went to Jordan where I was working for [...]

The decree regarding defected Syrian officers also affected myself.

My wife and five children are living in Amman, Jordan. They were often threatened by Syrian regime affiliates who sent information to the Syrian General Intelligence Directorate and persecuted them. I therefore want to reside in your country to protect my family and in accordance with international laws.

[phone number]

Thank you very much.

Anwar Raslan's criminal record according to the German Federal Central Register

Federal Central Register September 30, 2012 Information provided by the Federal Ministry of Justice (BMJV) to the Federal Criminal Police Office (BKA)

Information regarding Anwar Ruslan [Raslan]

Born in Al-Houla, Syria on February 3, 1963

[German postal address]

No entries found, even after using divergent personal information.



Presiding Judge Kerber announced that since there were no requests to have the interpreters take an oath, the interpreters were dismissed as experts [regarding German, Arabic, and French translations].

The period to accept evidence in the trial of Anwar Raslan was closed at 1:22PM. Presiding Judge Kerber announced that there were no discussions of a plea bargain pursuant to § 257c StPO .

The proceedings were adjourned at 1:24PM

Trial Day 106 – December 2, 2021

The proceedings began at 9:32AM with seven spectators and seven journalists in the audience. Two cameramen took videos and pictures before the start of the trial day. The prosecution was represented by Prosecutors Klinge and Polz. Plaintiff Counsel Reiger was not present, and Plaintiff Counsel Bahns joined ten minutes late. Defense Counsel Böcker was not present either.

Closing Statement – Prosecution

[Below is a summary of the Prosecutors' oral closing statement, based on what the Trial Monitor was able to hear in court. Direct quotes are marked with "" and additional observations are detailed in square brackets.]

Introduction

The Prosecutors started their oral closing statements with a quote from the Austrian-Jewish writer [Jean Améry](#), who said that 'those who suffered torture can never feel at home.' The Prosecutors stated that they thought of this quote during the entire trial. They saw that what happened at the Syrian Intelligence Services scarred the survivors eternally, while all of them tried to find a way back. Nonetheless, none of them was able to feel at home again. The Prosecutors said everyone inside the courtroom could feel this. They added that victims should know that they are not alone with their suffering.

The Prosecutors went on to note that the fight against impunity would be a challenge for international criminal law and a historic responsibility for the Federal Republic of Germany. Nonetheless, prosecutions would be reliant on the victims. According to the Prosecutors, participating in prosecutions of international crimes in trials and investigations is extremely burdensome for all victims, and can even lead to re-traumatization. One must counteract that by anonymizing witnesses when necessary, and providing them with witness protection and counsels. According to the Prosecutors, these measures were frequently applied in the Koblenz Trial. Nonetheless, such measure could also oppose other rights.

The Prosecutors added that demands to record such trials are fatal, since recording can have severely negative impact on the willingness to testify of witnesses who are already scared. Everything that had been recorded will fall in the hands of the Syrian regime sooner or later, according to the Prosecutors. This would have negative consequences for future trials. The Prosecutors further added that such trials would have satisfactory function for many people and would help them to re-gain their dignity.

As one of the last introductory aspects, the Prosecutors stated their thanks to the Defense for its work, saying that although the Defense Counsels were very engaged, they refrained from asking uncomfortable or hurtful questions. According to the Prosecutors, such fair behavior was unfortunately not always the case in criminal trials.



The Prosecutors said they hope that at least some victims could feel at home again. According to the Prosecutors, the peaceful existence of all people would require trials like the one in Koblenz. They referred to the preamble of the ICC's Rome Statute which states that 'such grave crimes threaten the peace, security and well-being of the world, [and] that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation.' The Prosecutors concluded that Germany and other states are called upon to prosecute such crimes where they would otherwise go unpunished. This would, however, only be the case for the most serious mass atrocities and not resemble a widening of individual legal assets. Only in cases where the international community as a whole would be affected, such [domestic] prosecutions [under universal jurisdiction] would be justified.

The Prosecutors stressed that in such [universal jurisdiction] prosecutions, the rule of law would be particularly relevant. It would be harmful if the judiciary would act as an "avenging angel." They quoted [Benjamin Ferencz](#), the last living prosecutor from the Nuremberg Trials who said in his [opening statement in Nuremberg](#) that 'vengeance is not our goal, nor do we seek merely a just retribution. [...] The case we present is a plea of humanity to law.' According to the Prosecutors, the same was true for this present trial, which was all about the rule of law. One single person can never be seen as representative of an entire unlawful regime. Prejudgments are prohibited. What is rather necessary is the assessment of the Defendant's individual contribution to criminal acts through a differentiated analysis. The Prosecutors concluded that this was the challenge of international criminal law.

Before detailing the subject matter, the Prosecutors noted that they would only detail the Defendant's, Anwar Raslan's, curriculum vitae when it was necessary to do so in order to paint a picture of the overall situation in Syria and for sentencing purposes. In addition, they would only provide limited elaborations on the existence of the systematic and widespread attack in Syria, since the Judges already established that in their written [judgment following the trial of Eyad Al-Gharib](#). Witnesses who were allowed to stay anonymous in Court will be referred to by the date on which they testified in Court, in case they were not anonymized at an earlier stage.

Subject Matter

Starting in early 2011, demonstrations and protests as part of Arab Spring took place in Syria as well. According to the Prosecutors, first acts of sympathy with other Arab countries started in Syria in February 2011, and from March 2011 on, Syrians started protesting against their own government. The government, however, immediately reacted by brutally dissolving demonstrations. The situation escalated quickly with the first people being killed by the government in Dara'a in March 2011. The Prosecutors recalled that the Syrian government quickly launched measures affecting the general population, and not only those who participated in peaceful protests, by erecting checkpoints and controlling hospitals. Nonetheless, protests continued to spread all over Syria.

In March 2011, the CCMC was founded, comprised of amongst others the heads and members of the four intelligence services. Its task was to give orders regarding brutal, bloody, and rapid suppression of demonstrations. According to the Prosecutors, the first military operations started in April 2011 in Dara'a where more than 200 people were killed by the regime. The same happened in Duma. The military then started attacking civil population in 'insurgent neighborhoods.' According to the Prosecutors, the Syrian Intelligence Services and the Military played a central role in the suppression of civil society. Thousands of civilians were injured and killed through the use of batons and live ammunition.

Many people were arrested and put in prisons where they had to endure inhumane conditions, were tortured and humiliated. The prosecutors stated that the system of torture was well established for decades, but the nature and frequency of torture increased with the start of the revolution. The prisons were bursting at the seams. Arrests and detention were not so much used to obtain information, but to break the opposition. According to the Prosecutors, it was a means to finish the opposition.

The Prosecutors further described that there was physical as well as psychological torture in prisons. Detainees had to endure massive violence, malnutrition, and overcrowded cells. According to the prosecutors, prison cells were “death cells.” Military hospitals were also integrated within this system. Since the beginning of the protests, military hospitals were used to torture people and turned into death facilities, according to the Prosecutors. Hospitals were often “the final destination” for detainees, in particular al-Mazzeah Hospital 601, Tishreen Hospital 507, and Harasta Hospital. The Prosecutors said that soon, corpses from prisons were sent to these hospitals where they were photographed and cataloged before they were taken to mass graves. This was done to prove that these detainees actually died, so that no one could take bribes to allegedly facilitate the release of these detainees, and to ensure that no detainees were unofficially released by claiming that they died.

According to the Prosecutors, it was not only the General Intelligence Directorate also called State Security, but the Military Intelligence, Air Force Intelligence, and Political Security who played an important role in Syria. All of them were divided into Branches. Branch 251 of the General Intelligence Directorate was located in Al-Khatib neighborhood in Damascus, from which it also got its name ‘Al-Khatib Branch.’ According to the Prosecutors, this Branch was in charge of Damascus and its surrounding area. Branch 251 conducted many arrests and roadblocks, together with Division 40, which had its own building in Jisr al-Abyad. Division 40 was led by Hafez Makhoul, a cousin of Bashar Al-Assad. Although this Division was subordinate to Branch 251, it almost acted autocratically. The Division was in charge of raids, shattering demonstrations, and conducting controls at checkpoints. Since Division 40 did not have its own prison, it transferred its prisoners to Branch 251 and left them with the employees there. The Prosecutors further detailed that those arrests were always conducted according to the same scheme: they happened quickly like raids and were very brutal. Civilians were mistreated and arrested, those who fled were hunted down. People were packed into buses and cars and eventually taken to torture Branches.

The Prosecutors added that people who were arrested were never told any reasons for their arrest, neither did the arrests happen in accordance with criminal procedure. Relatives were not informed about the whereabouts of detainees. According to the Prosecutors, most detainees at Branch 251 could already imagine what would happen to them within the following days, weeks, or even months of their detention, from the moment when they entered the Branch. It was brutal and their fate was uncertain. The employees at the Branch wanted to never let the detainees rest at all. Upon their arrival, detainees received the so-called “welcome party” during which the guards wildly unleashed beatings on new detainees. They also sometimes hit the heads of detainees against a wall. The beating only stopped at the facilities downstairs, although not everyone survived the welcome party.

The Prosecutors recalled that in June 2011, one detainee was beaten so harshly by an employee of Branch 251 upon his arrival, that he died in the yard. Only in very few cases, detainees were only beaten for the first time at a later stage of their detention, and not upon arrival. Following the welcome party, new detainees had to undress downstairs and were frisked. They had to squat several times while naked. This procedure was called ‘safety move.’ The detainees then got their clothes back. Their personal items and shoe laces were, however, confiscated. During their detention, detainees had to undergo violent interrogations.

Obtaining information through forced confession only played a minor role. There was so much torture that often, interrogations simply happened without any useful questions. Usually at least one guard who humiliated and insulted detainees was present at each interrogation. The Prosecutors said that the torture methods such as *Falaqa*, *Doulab*, *German Chair*, and *Shabeh* probably existed for decades if not centuries. Electro shocks were also applied on a daily basis.

The Prosecutors added that at Branch 251, Al-Khatib Branch, detainees were constantly exposed to inhumane conditions. Medical treatment was mostly denied, even when it was necessary. Women, children, and elderly men were put in overcrowded cells where they could often only sleep while standing. There was no air conditioning inside the cells, so people regularly collapsed due to lacking oxygen. Food was often insufficient and simply inedible. Hygienic conditions were “catastrophic” as well with flees and lice dropping from the ceiling together with the condensed sweat of the detainees. Detainees were not allowed to wash and denied basic personal hygiene, leading to scabies and skin rashes. Detainees often had to urinate and defecate inside the cell. This led to an unbearable smell of urine and feces. In addition, detainees were constantly exposed to the screams of torture from other detainees. The prosecutors concluded that many detainees found it worse to be exposed to the screams of others than to be tortured themselves. They were constantly afraid to be the next person tortured. It was not a surprise that many detainees lost their mind in detention, said the Prosecutors. Detainees were further exposed to sexual violence, humiliation, threats to rape them or conduct other sexual assaults, as well as relevant threats against their close relatives.

The Prosecutors concluded that between April 29, 2011, when the systematic and widespread attack by the Syrian regime started, until December 7, 2012 when Anwar Raslan defected, at least 4,000 detainees at Branch 251 were exposed to brutal violence and living in constant fear for their lives. There was a realistic threat that they would not leave the Branch alive. Many detainees found this fear and the screams of other detainees worse than physical torture. According to the Prosecutors, the Judges therefore correctly qualified the mere detention at Al-Khatib Branch as torture in their written judgment in the trial of Eyad Al-Gharib.

The Prosecutors said that these conditions were described by many witnesses, amongst others plaintiffs: P1, P11, P12, P19, P25, P27, P28, P30, P41, P39, P38, P34, P32, P22, P50, P48, P47, P46, P44, P42.

[The Prosecutors provided a brief summary of every plaintiff’s testimony, detailing: when, where and how they were arrested; for how long they were detained at Branch 251 and other places if applicable, what they had to endure during detention at Branch251; how this still affects them today. For summaries of each plaintiff’s testimony, visit [SJAC’s trial monitoring website](#) which also provides links to each witness’s detailed in-court testimony]

The Prosecutors concluded that during the indictment period [4/29/2011 - 12/07/2012], at least thirty people died from mistreatment at Al-Khatib Branch.

The Defendant

The Prosecutors went on to sketch the Defendant’s curriculum vitae:

- After his high school diploma, Anwar Raslan started studying law at the university in Damascus.
- In 1984, he applied to the Syrian police, where he started working in 1986. The Prosecutors added that in the 1980’s, the opposition in Syria was massively oppressed by Hafez Al-Assad. After the Massacre in Hama on February 2, 1982, the prisons were overcrowded and the conditions there were very similar to the conditions after 2011.



- In 1987, after his professional training, Anwar Raslan worked as a police officer in Aleppo, Al-Hasakah, and Tartous. He also completed his law studies.
- In 1992, Anwar Raslan completed his training as a police officer and graduated second best in his class. After that, he worked as an instructor at the police academy for a year and a half.
- In 1995, when he was 32 years old, Anwar Raslan was promoted to the General Intelligence Directorate due to his outstanding performances. For a year and a half, he worked at Branch 251, doing patrols.
- He then became an investigation officer and was transferred to Branch 285 in Kafar Souseh.
- On August 9, 2008, he held the rank of a lieutenant colonel and was transferred back to Branch 251 where he headed the Investigation Division.
- On January 1, 2011, Anwar Raslan was promoted to the rank of colonel.
- Anwar Raslan had an office on the first floor of the building of Branch 251 in Al-Khatib neighborhood in Damascus. The interrogation offices were located on the ground floor and the prison was located in the basement where Anwar Raslan had a second office. The Interrogation Division was comprised of 30 – 40 employees, amongst others 6 – 7 interrogation officers, minute-takers, guards and other prison officers.
- On September 9, 2012, Anwar Raslan was transferred back to Branch 285 where he kept working until December 2012.
- On December 7, 2012, Anwar Raslan had his last day of work before he left Syria.

During the indictment period [4/29/2011 - 12/07/2012], Anwar Raslan oversaw killings, torture, deprivation of liberty, and sexual assaults, according to the Prosecutors. They detailed that Raslan was responsible for the prison where people were tortured and detained. The Branch was organized by clear hierarchies and a military structure. Raslan therefore had direct command over the interrogation officers. He was also the direct supervisor of the guards. According to the Prosecutors, Raslan was in charge of making shift schedules and employees had to follow his orders. In terms of orders, the Prosecutors detailed that individual orders to torture someone were unnecessary since there was a “well-functioning system of torture” already in place. Everyone knew about the torture and explicit permission was unnecessary. Explicit orders [to torture] were only given in cases where people should not be brutally mistreated and tortured. Anwar Raslan himself attended some interrogations, according to the Prosecutors. However, as a colonel and head of the Interrogation Division, “he did not get his hands dirty himself.” That was what he had his employees for. Nonetheless, Raslan always knew about the extent of killing, torture, deprivation of liberty and sexual assaults. As head of the Interrogation Division, he was aware of it and recklessly accepted it. According to the Prosecutors, after March 2011 Raslan did not agree with torture in individual instances, however, only because it hindered his work as an investigator. It did not prevent him from continuing his work at the Branch.

[25-minute break]

Evaluation of Evidence

Alleged Deprivation of Power

During the trial, the Court heard from the expert [Laura Thurmman](#) and [Prof. Dr. Markus Rothschild](#) [who](#) inspected documents. It heard many witnesses’ testimonies, and heard a [defense plea by the Defendant](#). According to the Prosecutors, Raslan’s defense plea essentially argued that he started working as a police officer in the mid 1980s and was allocated to State Security in 1995.



After some transfers, he worked at Branch 285 and, starting in 2008, he worked at Branch 251 where he was the head of the Interrogation Division. The Prosecutors said that Raslan further argued that from March 15, 2011 on, chaos erupted in Syria and the 4th Division led by Maher Al-Assad and the Republican Guard worked together to suppress this chaos. The Prosecutors further argued that Raslan said that particularly the Republican Guard shared the area of responsibility with Branch 251. Many detainees who were arrested by the Republican Guard showed bone fractures and other injuries. According to Raslan's defense plea, the number of detainees at the Branch rose from 250 to more than 1,000 from March 15, 2011 on. Leading to overcrowded prison cells. The Prosecutors further recalled that Raslan argued that this [overcrowded prison] was, however, the responsibility of the Head of Branch 251, Tawfiq Younes, to whom Raslan complained about the conditions. Colonel Anwar Raslan instead wanted to verify arrests by checking arrest warrants and release all detainees whose names did not appear on relevant lists. Raslan complained twice with Tawfiq Younes, according to his defense plea. However, at the second complaint, Younes replied that Raslan should not raise the issue again. The Prosecutors recalled that Raslan also told the Court in his defense plea that at the beginning of April 2011, Tawfiq Younes mentioned to Raslan that people in Houla, Raslan's hometown, were demonstrating against the government. Raslan understood this notice as a direct threat and made the decision to defect.

Raslan also alleged that between March and June 2011, he helped as many detainees as he could. Amongst other orders, he allegedly ordered to release all unarmed detainees, which was partly done. This was one of the reasons why the Republican Guard filed a complaint against Raslan with Tawfiq Younes. According to Raslan's defense plea, this was the reason why competencies at the Branch were restructured and why Tawfiq Younes deprived Raslan of his competencies and made Major An-Na'saan and Division 40 his superiors. Raslan was then only in charge of reporting to the head of the Branch but not officially degraded. According to Raslan, he was even told to continue regularly visiting the prison to cover up for the actual aim which was to establish a state within a state. From June 2011 Raslan was no longer allowed to conduct interrogations until he was transferred to Branch 285, according to his defense plea which the Prosecutors continued summarizing. However, up until the time of his transfer, he heard that many detainees were taken to hospitals like the Red Crescent Hospital and the hospital in Harasta. He could also hear people screaming when he was in his office, and was told that violence was indeed used during interrogations. Contrary to what several witnesses described, Raslan alleged that there were no mechanism on the walls or ceilings to expose detainees to *Shabeh*.

The Prosecutors also recalled that Raslan told the Court in his defense plea that he had tried to organize his defection with the FSA since Mid-2011, however, he did not want to leave without his family. He also stated that at the end of November 2011, he refused to take new detainees during a night shift because their names did not appear on any wanted list. According to Raslan, this was the reason why investigations were conducted against him and why he was eventually imprisoned for twenty days on probation and then transferred to work at Branch 285. He further alleged that he was being intensively monitored until September 9, 2012. However, the controls at Branch 285 were rather relaxed and he was eventually able to organize his defection and escape in December 2012.

After recalling Raslan's defense plea, the Prosecutors stated that Raslan was the Head of the Interrogation Division at Branch 251 since 2008. Starting with the protests in 2011, massive arrests were conducted and during Raslan's work at the Branch, people were mistreated, and the prison was overcrowded five times. According to the Prosecutors, Raslan admitted that he regularly went to the prison facilities and did not deny that people died.

He rather said in a statement about deaths in March 2012 that according to his knowledge, there were no cases of death in this month. The Prosecutors concluded that by saying so, Raslan admitted that people indeed died at the Branch at other times.

[...] The Prosecutors further called Raslan's statement that he was deprived of all competencies in June 2011 a mere "evasive defense." According to the Prosecutors, this characterization was supported by the fact that until Raslan made the relevant [defense plea](#) in which he claimed to have been deprived of all his competencies, he never claimed anything like that before. Although Raslan had enough chances, for example when writing his CV, or during several police questions with the LKA and BKA, he never claimed to have been deprived of competencies due to his critical position towards the regime in June 2011. However, it would have been obvious for Raslan to address such an instance when writing his CV or during the police questionings, since all that focused on his role within the Syrian intelligence services. According to the prosecutors, Raslan himself stated that he was a well-acknowledged person, even after his transfer to Branch 285, given the request to summon [P56](#). The request, as well as P56's testimony in Court, states that Raslan was a member of a committee of the Ministry of Interior which was composed of one brigadier general from each intelligence directorate, and had Raslan as the representative of the General Intelligence Directorate. The Prosecutors said it would be "ridiculous" to make Raslan a member of such an important committee if he was deprived of his powers at that time.

The Prosecutors further argued that it would "make no sense" to deprive someone of his power and at the same time let him remain in his position for the public image. It would be "against all logic" to create the public image that a person remains in power although he mistrusts the "unjust regime". According to the prosecutors, such a person would rather be fired, detained, or forcibly transferred to another position. This procedure was also confirmed by [P10](#), a high-ranking officer at the General Intelligence Directorate who said that suspicious officers would have either been detained by Branch 285 themselves or transferred to remote positions. [P55](#) who worked at Branch 285 himself also confirmed this procedure. The Prosecutors said that another fact against Raslan's alleged deprivation of power would be his transfer as a colonel from a general Branch to a Branch that was specialized in interrogations. At the new Branch, Raslan continued to enjoy many privileges. His transfer was consequently no degradation. According to the Prosecutors it would also be "nonsensical" to deprive a mistrusted officer of his competencies just to leave him without observation at a new Branch. In addition, the Prosecutors argued that Raslan contradicted himself in his defense pleas by saying that he was deprived of all power by June 2011 and at the same time claiming that he helped countless detainees at a later time. The Prosecutors concluded that one would either be powerless and unable to release anyone or powerful and able to release detainees. Being both powerless and able to release detainees would "logically be impossible."

The Prosecutors went on to argue that a number of witnesses credibly confirmed that Anwar Raslan kept his powerful position after June 2011 and exercised his power. [P5](#) who worked as a guard outside Al-Khatib Branch's building testified on positions, functions, and power within the Branch. As part of his work, P5 regularly entered Branch 251 where everyone knew that Colonel Anwar Raslan was the Head of the Interrogation Division and in charge of the prison, according to P5. Anwar Raslan conducted important interrogations himself and in 2011 came to the yard during one of the welcome parties, as P5 told the Court. During the welcome party, Raslan told the guards to stop beating the new detainees because they could otherwise not be interrogated properly. According to P5, the guards stopped the beatings, a definite sign of Raslan's authority, as the Prosecutors concluded. In addition, Anwar Raslan was regularly seen at Al-Khatib Branch until August 2012, and it was witnessed how he gave orders during this time.

Even the former co-defendant Eyad Al-Gharib who was a member of Division 40 and had considerable insider knowledge, told the German police on August 16, 2018 that Anwar Raslan was the Head of the Interrogation Division at Branch 251 until January 2012 when Al-Gharib himself defected. According to Al-Gharib, Raslan had an office on the first floor [EN: second floor] above the prison which was located in the basement and belonged to the Interrogation Division. Al-Gharib further detailed that the Interrogation Division was comprised of 6 – 7 investigators and 30 – 40 other employees, such as minute-takers, archivists, and prison guards. Raslan was also superior to the prison director at Branch 251. Due to his professionalism, Raslan was also sometimes called to Branch 285 to step in as an interrogator, due to his experience. The Prosecutors recalled that this information was introduced in Court by Criminal Chief Investigator [Deußing on May 27, 2020](#). And although parts of Al-Gharib's testimony with the police could not be used in his trial, his entire testimony can be used against Anwar Raslan according to permanent jurisdiction by the German Federal Court of Justice [*Rechtskreistheorie*]. According to the Prosecutors, Al-Gharib's entire testimony with the police was credible and can therefore be used in its entirety in the trial of Anwar Raslan. The Prosecutors stated that Al-Gharib had no reason to unjustly incriminate Anwar Raslan at the time of his police questioning, because he neither knew about Raslan's presence in Germany, nor about the investigations against Raslan. Eyad Al-Gharib who was a warrant officer at Division 40 and therefore regularly visited Branch 251 did not talk about Raslan's alleged deprivation of power, simply because there was no such thing, according to the Prosecutors.

The Prosecutors further recalled the situation when [P18](#) recognized and identified Anwar Raslan in court on the day of his testimony. In June 2011, P18 was looking for his cousin, [REDACTED]. After the family paid bribes, they were allowed to meet Colonel Anwar Raslan at Al-Khatib Branch to ask him about the whereabouts of P18's cousin, because others previously told the family that P18's cousin would likely be detained at Branch 251 after he was arrested. According to the Prosecutors, Anwar Raslan made it clear who was in charge during P18's "audience" with him. P18 first had to wait in front of the office for fifteen minutes. During this time, he continuously heard loud screams and felt like this was an intentional form of intimidation. The guards then dragged him inside the office where Anwar Raslan was very abrasive and told P18 to "just take any corpse and leave." Raslan also told P18 to go to Tishreen or Harasta Hospital to simply pick any corpse and not make any inquiries ever again. However, when P18 wanted to leave Raslan's office, Raslan called him back and told him that there were certain conditions: another one of P18's cousins should return to Syria and hand himself in to the intelligence. Only then would P18's other cousin be released and the corpse of his missing cousin be handed over. The Prosecutors concluded that this incident showed that Raslan had decision-making power at the Branch, an arrogant attitude, and treated people aggressively. P18 was visibly traumatized by these events.

The Prosecutors argued that Raslan's leading position at the Branch was also confirmed by the German journalist [Christoph Reuter](#) who interviewed Raslan in 2013 after his defection. Reuter said that Raslan was a very good source of information and further told the Court about Raslan's "almost photographic memory." Raslan's credibility was also visible from the fact that Reuter cited him many times in his publications about the Syrian Intelligence Services. The Prosecutors recalled that Raslan told Reuter that he had a meeting with Ali Mamlouk, the head of the General Intelligence Directorate at that time, after the explosion in Kafar Souseh at the end of 2011, early 2012. Participants in this meeting were Ali Mamlouk and his entourage, as well as Anwar Raslan as the head of interrogations. However, Ali Mamlouk who was the most important person within the General Intelligence Services at that time, did not want Anwar Raslan to investigate the explosion and Raslan in turn was upset about lacking professionalism.



According to the prosecutors, this meeting would nonetheless show Raslan's superior position within the intelligence services as he was part of a meeting along with the highest-ranking officials of the intelligence services and security authorities. He could therefore not have been a "ditched" person who was allegedly deprived of all powers. The prosecutors concluded that no officer who was distrusted due to his origins or critical position would have been allowed to participate in such a meeting. On the contrary, Raslan was even allowed to make proposals during that meeting. The Prosecutors stressed that this meeting happened at the end of 2011 or early 2012 when Raslan claimed to have been deprived of all authority for at least six months.

The Prosecutors argued that [P53](#) also testified about Raslan's impressive decision-making power and influence. P53 told the Court that he was arrested in late July 2012, around one month before Raslan was transferred to another Branch. The arrest was due to a confusion of names and P53's family contacted Anwar Raslan since both families had been neighbors since 2003 and P53's mother and Raslan's wife were good friends until today. When P53 was released, his contact with Anwar Raslan was mentioned as well. The Prosecutors concluded that this was yet another indication of Raslan's "impressive decision-making powers which expanded far beyond Damascus. One call from Raslan was enough to get people released on the other end of the country, at a time when Raslan claimed to have been deprived of all powers. According to the Prosecutors, Raslan would, however, not have been able to make calls to arrange releases within two to three hours if he had been under surveillance and considered disloyal.

Raslan's decision-making power and influence at Al-Khatib Branch were also confirmed by several witnesses, as the prosecutors recalled. The Prosecutors explained that they would, however, only refer to witnesses who saw Raslan at the Branch beyond any reasonable doubt. [The Prosecutors recalled when and how each witness saw Raslan at the Branch and identified him as a high-ranking officer. They also briefly assessed the credibility of each testimony.]

[P11](#), the Prosecutors added that Raslan himself confirmed that he interrogated P11. Although P11 could not see his interrogator, it was certain that Raslan interrogated him since he admitted it.

[P41](#), the Prosecutors deemed P41's testimony to be consistent and coherent. They did not see any efforts by P41 to incriminate Raslan as he particularly pointed out when Raslan's deputy was involved in interrogations without Raslan being present.

[P49](#), the Prosecutors noted that P49 described Raslan's involvement in his release. According to the Prosecutors, this testimony showed that in December 2011, Raslan was not only able to protect certain detainees from beatings but also to release them. His employees followed his orders and his superiors accepted his decisions, although they were not very satisfied with it. Such procedures would be impossible if Raslan was deprived of his authority, according to the Prosecutors.

[P16](#), the Prosecutors recalled that upon request, P16 confirmed that she received relatively good treatment due to Kofi Annan visiting Syria at the time of her detention. Nonetheless, her testimony showed that Raslan was the powerful head of interrogations at Al-Khatib Branch in April 2012.

[\[REDACTED\]](#), [Syrian actress](#), the Prosecutors argued that although the witness did not personally testify in Court, her previous police testimony was introduced in Court by Criminal Chief Inspector Knappmann. In her interview with the police, the witness credibly described how she met Raslan at the Branch. She did not show efforts to incriminate him and even stated that she was treated well by him. Anwar Raslan himself confirmed that he met this witness at the Branch, in his defense plea.



[P33](#), the Prosecutors noted that Raslan himself confirmed that he met P33 in his office at Al-Khatib Branch where she identified him as high-ranking officer with decision-making powers who facilitated her release.

Regarding P58 [see above] the Prosecutors noted that he was “a prime example of a liar” who provided no information to verify his statements. According to the Prosecutors, “whoever paid P58 to testify made a bad investment.”

The Prosecutors added that all other witnesses confirmed that the alleged deprivation of power “belonged in the domain of fairytales. The Syrian regime surely had other problems than covering up a deprivation of power.” According to the Prosecutors, the Syrian government would have even preferred to make such a deprivation of power public to benefit from the deterrent effect.

Defense Pleas as Trivialization Attempts

The Prosecutors then stated that with his defense pleas, Anwar Raslan tried to trivialize the situation in Syria and his own role therein. Firstly, he claimed that there have been acceptable interrogations before March 2011. However, the contrary would be the case according to [P35](#), [P40](#), [P52](#), and a witness who’s testimony was introduced in Court by [CCI Deußing](#). After briefly recalling these witnesses’ descriptions of torture and detention conditions at Branch 251 prior to March 2011, the Prosecutors concluded that contrary to what Raslan claimed, the conditions at Branch 251 were catastrophic and inhumane even before March 2011 and Raslan himself was present while people were being tortured. Secondly, Raslan stated that “chaos” erupted in Syria on March 15, 2011. According to the Prosecutors, however, the situation in Syria at that time was far from chaotic. It was rather civilians demanding their basic rights in peaceful demonstrations. The reaction to these protests was massive violence and “state-led repression and oppression” which eventually led to a civil war which would indeed be chaotic, according to the Prosecutors. They concluded that Raslan’s statements in this regard would be a clear sign of his actual attitude.

The Prosecutors further recalled that Raslan stated that disciplinary measures were implemented against him in the summer of 2011 when he wanted to verify arrest warrants for new detainees after a wave of mass arrests. Raslan claimed that he had refused to accept detainees who were arrested by 4th Division without arrest warrants and without being listed on wanted lists. The Prosecutors said these claims “derid[ed] the actual situation in June 2011.” They recalled that many witnesses told the Court that there were no arrest warrants, that arrests were conducted arbitrarily, and that no proper investigations took place. According to the Prosecutors, Anwar Raslan attempted to suggest a certain degree of the rule of law, which is however not applicable. All witnesses spoke about the tyranny of the intelligence services, and no one mentioned a state governed by the rule of law.

[70-minute break]

[Three spectators did not return after the break.]

Evaluation of Evidence

Alleged Overtaking of Branch 251 by Division 40

The Prosecutors argued that the taking of evidence in this trial also confirmed that Division 40 did not take control of Al-Khatib Branch and did not conduct its own interrogations at the Branch, as Raslan's Defense suggested. [P5](#), who was a guard outside the building of Branch 251 until August 2012 saw employees of Division 40 regularly leaving the Branch after they brought new detainees. He testified that Division 40 did have certain freedoms due to Hafez Makhoul's family relationship with the President. However, the Division did not conduct interrogations at Branch 251. It was only in charge of quelling demonstrations and arresting people. The former Co-Defendant Eyad Al-Gharib who worked for Division 40 neither spoke about the Division seizing power over Al-Khatib Branch, although he provided a lot of information, even highly incriminating information. The Prosecutors concluded it would simply make no sense for Division 40 to take power at Al-Khatib Branch. As a rapid intervention force, they had more than enough work and did not need to adopt new competencies. In addition, witnesses who were arrested by Division 40 all stated that they were interrogated at Branch 251 by local employees of the Branch.

Attempted Reduction of Liability

According to the Prosecutors the Defendant further tried to reduce his own liability by claiming in his defense plea that there were no applications to hang people at the walls or ceilings. However, many witnesses testified that they were either themselves exposed to *Shabh* or saw and heard about other detainees being hanged. [The Prosecutors mentioned several witnesses who testified in this regard, amongst others [P1](#), [P33](#), [P27](#), [P28](#), [P32](#), [P35](#), [P39](#), [P46](#), and a witness whose testimony was introduced in Court by [CCI Deußing](#)]

The prosecutors said one must, however, admit that Raslan partially disapproved of the brutality against the detainees. Nonetheless, he only did so in cases where it hindered his work as an investigator, for example when people died due to beatings or fell unconscious. The Prosecutors recalled that Raslan elaborated in this regard in his questioning with the [LKA Baden-Wuerttemberg on October 27, 2017](#), when he "cynically stated that" sometimes, dead detainees were taken to him, but he did not know what to do with them, since they were useless for him. The Prosecutors concluded that despite having power and decision-making capacity at the Branch during the indictment period, his function and position were more important to Raslan than his disapproval of the described situation. His defense plea on May 18, 2020 was therefore a failed attempt to deny responsibility for the inhumane conditions and acts at the Branch which happened with his knowledge, within his scope of activity, and under his order.

Systematic and Widespread Attack

Since the Higher Regional Court in Koblenz already detailed and "correctly qualified" the situation in Syria during the indictment period as a systematic and widespread attack against the Syrian population in its written judgment from [February 24, 2021](#), the Prosecutors only briefly elaborated on the witnesses who described the relevant situation at Al-Khatib Branch during this time [amongst others]:

[P1](#), [P4](#), [P8](#), [P11](#), [P12](#), [P16](#), [P19](#), [P24](#), [P26](#), [P27](#), [P28](#), [P30](#), [P31](#), [P33](#), [Fayez Sarah](#), [P34](#), [P35](#), [P38](#), [FR18](#), [P41](#), [P46](#), [P47](#), [P49](#), [P50](#), [P57](#).



The Prosecutors recalled that all these witnesses either described the horrors at the Branch themselves, or their descriptions were introduced in Court by the police investigators who had led their previous witness interviews. They described how detainees were beaten, insulted, humiliated, and closer to death than to life. Many of them are marked by these horrors until today. The Prosecutors described that their tears and sadness were a heavy, dark veil that coated the courtroom during the testimonies. Witnesses described that when they were not tortured themselves, they could hear the suffering of others. The Prosecutors recalled that all witnesses had to spend different amounts of time in the underground prisons of Branch 251. Nonetheless, all of them described the bad air and smell of blood, sweat and feces. Detainees were constantly hungry and not allowed to wash. They could only leave the cell when they were taken to interrogation. Representing all witnesses, the Prosecutors quoted [P28](#) who said in Court that he was taken to cell No. 5, the “Death Cell.” P28 said he felt like he was still living in it now. It was like a grave, a dark grave with 130-140 people crammed inside and no light or windows. The cell’s width was 3 – 3.5m and its length was 5 – 6m. P28 stood on one leg for six hours, then alternated. There was also a toilet. There was a hatch at the bottom of the cell door that was 30x50cm. Air and dim light from the corridor entered through it. Ventilation happened through an air-suction device. The detainees felt like they were suffocating. The guards often punished the detainees by shutting the hatch on the door. When that happened, the detainees could not breathe.

The doctors [P56](#) and [P51](#) described the conditions at the Branch from a different point of view. They worked as residents at the hospital next to Al-Khatib Branch and had to go to the Branch as well. They described the insufficient medical care provided at the Branch as well as dehydrated and malnourished detainees. They also said that the feces and urine on the detainees’ underwear was an indication of how long they had been in detention, so was the length of their beards. The Prosecutors further recalled that the doctors described that many detainees had abscesses and were in life-threatening shape. Nonetheless, the medical professionals were only allowed to provide very basic treatment and were not allowed to decide who had to receive what kind of treatment. The detainees’ clothes were ripped and the detainees themselves smelled very bad. Only a few of them dared to tell the doctors how they actually got injured. However, the guards intervened every time that happened and punished them. According to the doctors, the full scale of violence was also covered up by creating false death certificates which indicated the wrong causes of death, such as heart attacks or kidney failure. The witness who was supposed to testify on [November 18, 2021](#) was also a resident at the Red Crescent Hospital. However, she did not appear in Court herself and her previous statements she provided during the police interview were introduced in Court by CCI Frey. Her descriptions confirmed what her colleagues had previously told the court.

The Prosecutors concluded that there was not the slightest doubt about the credibility of any of the witnesses. None of them showed visible eagerness to incriminate the Defendant. According to the Prosecutors, all witnesses mentioned the same small details such as: welcome party; security move; kitchen as waiting area; yard, stairs, and prison facilities in the basement with interrogation rooms on the first floor; Abu Ghadab and Mimati as the two most violent guards; silent orders to torture people; pre-prepared confessions that one had to sign; limiting times and time to use the toilet; cells with windows to the outside; a green tube named after an UN official; insufficient food; “far away calls by the muezzin that were the only connection left to the outside world which seemed so far away.”

The Prosecutors concluded that there was no doubt that within the indictment period thousands of people were unlawfully deprived of their liberty, physically tortured, and detained in torture-like conditions. The latter was already confirmed by the Higher Regional Court in Koblenz in its written judgment from February 24, 2021.

Number of Torture Cases and Deaths

The Prosecutors first stated that in favor of the Defendant, one had to consider a number of 4,000 cases of torture at Branch 251 during the indictment period. In elaborating how they counted this number, the Prosecutors first referred to Raslan's defense plea in which he stated that from March 15, 2011, there was not one single day on which the prison at Branch 251 was not overcrowded. He said there were never less than 1,000 detainees, most times there were even more. According to the Prosecutors there was no set detention duration and all witnesses provided different timeframes of detention at Al-Khatib Branch. Most of them had to spend a few days at the Branch, up to three weeks. [P4](#), [P50](#), [NW15](#) and [...] were detained for one month each. [P1](#) was detained for two months and [P22](#) was detained for around three months. The Prosecutors consequently assumed that every detainee had to spend around two months at the Branch before they were either released or transferred to another Branch. Given a 16-month indictment period, one must assume that there were at least 8,000 detainees within that period. Even if one set the average detention period at three months, there would have been 5,000 detainees. In favor of the Accused, one must therefore set the number of detainees at 4,000. This number was also confirmed by Eyad Al-Gharib who told the BKA that in July 2011, around 100 people were arrested and taken to Al-Khatib Branch. If one assumed that 75 of them were arrested at demonstrations and some were released, Al-Gharib's descriptions would even lead to 24,000 detainees during the indictment period. Al-Gharib himself said that between July 2011 and January 12, he was involved in the arrest of 1,000 people.

The Prosecutors further concluded that at least 30 detainees from Branch 251 died during the indictment period. Eyad Al-Gharib provided very detailed descriptions to the BKA of what detention at Branch 251 looked like and the severe consequences it had. According to him, people frequently died during investigations conducted at the Branch. He himself saw 10 dead people at the Branch between May and June 2011 and, sometime between July and September 2011, witnessed how a guard hit a detainee with an iron pole against his head so that the detainee died. The Prosecutors concluded that there are no doubts about the credibility of Al-Gharib's statements. They were also confirmed by CCI Deußing and after all, the judgement against Al-Gharib is largely based on his own statements. In light of this it is certain that:

- 10 deaths occurred between May and June 2011;
- 1 death occurred between July and September 2011.

The Prosecutors recalled that [FR18](#) whose testimony was introduced in Court by CCI Knappmann since FR18 did not want to testify in Koblenz, witnessed the death of one person during one of his interrogations shortly after he was arrested in early March 2012. CCI Knappmann ensured that FR18 was able to communicate well with the BKA interpreter. Knappmann also told the Court that he found FR18's testimony to be credible and that FR18 was very emotional during the interview. FR18 further told Knappmann as well as the judges about his opinion of the trial which he disapproved. The Prosecutors therefore found that there was no apparent reason why FR18 would have made up this instance. They said it was certain that:

- 1 death occurred in March 2012.

The Prosecutors went on to briefly recall [P4's](#) testimony. P4 said he saw fifteen people die at the Branch between mid-July and mid-August 2011. Among them was one child below the age of seven who collapsed in the middle of a community cell due to the bad air condition. In addition to the child, P4 described thirteen people who died from torture and whose corpses were simply left in the hallway. Another person was beaten so heavily on his throat that he died as well, according to P4.

The Prosecutors said that P4 described even more cases of death at the Branch, however, due to unprecise memories, these cases of death could not be considered. The number of deaths that P4 precisely described and that it was certain that:

- 15 deaths (including one child) occurred between mid-July and mid-August 2011.

[P36](#) who worked as a doctor at the Red Crescent Hospital and also visited Branch 251 in this capacity told the Court that he witnessed at least ten deaths during Ramadan 2012, which was from July 19 until August 18, 2012. The Prosecutors recalled that these people either died directly in the prison or at the hospital where they were transferred to from the branch and eventually died due to their injuries. The timeframe of Ramadan 2012, however, includes the timespan during which P4 witnessed fifteen deaths at Branch 251. One must therefore assume that the corpses that P4 saw at Al-Khatib Branch were identical to those that P36 saw at the Branch. P36 was further unable to precisely state how many people died at the Branch and how many died at the hospital. One must therefore conclude that one person died at the hospital. P36 further stated that he witnessed 50 cases of death at Al-Khatib Branch and 100 at the hospital between February 2012 and the end of 2013. However, his descriptions were not precise enough to consider them in the judgment, as they were mere guesses. It is further unclear if and how many people died within the indictment period. The Prosecutors concluded that it is certain that:

- 1 death occurred in between July and August 2012.

The Prosecutors briefly described how [P46](#) was arrested and how he witnessed one person die at the community cell in Al-Khatib Branch where P46 spent the first night of his detention before he was transferred to Harasta Hospital due to his bad health condition. The Prosecutors briefly recalled P46's descriptions of the conditions at the hospital and concluded that they underlined the "pointless torture which was far from aiming at gaining information." Torture rather happened merely because guards and caretakers had the chance to torture patients. P46 described that there were other patients from Branch 251 in his room at the hospital. According to P46, each Branch had their own space at the hospital. During P46's stay at the hospital, two people died. One of them was from Branch 251. P46 knew this person from before and described how he was so severely injured that he could not use the toilet without help and eventually got a high fever and died. Another person died in the same bed as P46, and the guards only dragged the corpse outside the room after it was already cold. After P46 was transferred back to Branch 251 in early July, he witnessed at least three deaths in his community cell. He described how other detainees prayed for these people after they ensured that they actually died. However, the timeframe during which P46 witnessed people die in the community cell partially overlapped with P4's timeframe. One must therefore assume that the three cases of death that P46 witnessed were included in the 14 cases of dead adults that P4 described. It is therefore certain that:

- 2 deaths of detainees from Branch 251 occurred at Harasta hospital.

[P51](#) who also worked as a doctor at the Red Crescent Hospital told the Court that he did not witness cases of death at the Branch. However, one day between spring and June 2011, a pick-up with two or three corpses from Branch 251 arrived at the hospital and P51 was told to confirm that these people were dead. P51 was not allowed to properly examine them and could only determine that they were in a very bad condition and only consisted of skin and bones. However, one could not determine whether these corpses were the same that Eyad Al-Gharib or others saw. It must therefore be assumed that the corpses which P51 saw were identical with those that other witnesses described.

The Prosecutors concluded that within the indictment period, at least 30 detainees from Branch 251 died. The exact cause of death could however not be determined. Due to the testimonies of victim witnesses, of doctors and due to the torture and the bad conditions to which detainees were exposed it is impossible that these people died a natural death. It was rather a bundle of causes that were all rooted in Al-Khatib Branch and Harasta Hospital, a torture outpost of the Branch. [Prof. Dr. Rothschild](#), the forensic expert who examined the Caesar Files confirmed to the Court that the corpses shown in the pictures from the Caesar Files did most likely not die a natural death. He also stressed that all corpses showed similar signs and that one can therefore conclude that the same tools, torture methods and conditions were systematically used. The Prosecutors said that other cases of death than the 30 case that they just described cannot be attributed to the Defendant.

[P5](#) told the police about an elderly man who he witnessed dying. However, in Court, P5 was no longer certain if the man died or was unconscious. The Prosecutors added that they already refrained from considering P17's brother/P18's cousin one of the death cases when they filed the indictment since it was not clear when and where he died. This remained unclear after the taking of evidence in the trial. [P57](#) told the Court about a person with a gunshot injury who died. It could not be determined whether the gun shot which he received prior to his detention was the cause of death or not.

The Prosecutors concluded that during the indictment period and under the supervision of Anwar Raslan, at least 30 Al-Khatib Branch detainees lost their lives. Anwar Raslan was able to recognize that this could and would happen and he at least recklessly accepted that.

Sexual Violence as Crimes against Humanity

The Prosecutors recalled that experts [Thurmann](#), [Al-Bunni](#), and [Darwish](#), as well as the witnesses [P4](#), [P12](#), [P16](#), [P27](#), [P28](#), [P29](#), [P46](#), [P50](#), [P57](#) testified about sexual violence and its central role at the intelligence services. They spoke about the significant stigmatization of victims of sexual violence and said that mere threats to make one or ones close relatives victims of sexual violence would make one do anything to prevent that from happening. Sexual violence cannot be discussed publicly. Reports by the UNHCR from November 2011 and February 2012 detail that sexual violence was frequently used in Syria before and after the revolution, and consequently, within the indictment period. The Judges already confirmed the existence of a widespread and systematic attack during the indictment period in their judgment from February 24, 2021.

The Prosecutors further recalled that [P1](#) described how a stick was inserted into his anus. [P19](#) told the Court that she and her siblings were threatened with sexual violence. [P42](#) described to the Court how one of the guards pressed her head in his lap. According to the Prosecutors, all three witnesses provided coherent and consistent descriptions and did not show any eagerness to incriminate the Defendant. These three instances are therefore proven.

The Prosecutors referred to [P32](#) who also told the Court that she is a victim of sexual violence and was exposed to looks and assaults by the guards. The Prosecutors noted that P32 was severely traumatized, and her descriptions of the sexual violence were not precise enough in terms of time and location. There were significant discrepancies between her police interview and in-court testimony and it was consequently impossible to determine which assaults happened when and where.

Legal Evaluation

According to the Prosecutors, an in-depth assessment of the Court's jurisdiction over the charged crimes was not necessary since it was apparent from the principle of universal jurisdiction as provided for in [§ 1 VStGB \[CCAIL\]](#).



In addition, the German Federal Court of Justice recently confirmed in its judgement on [January 28, 2021](#) that functional immunity is not applicable in cases under the VStGB that are tried in German courts. The existence of a systematic, and in this case “and”, widespread attack against the Syrian civilian population during the indictment period had already been confirmed by the Higher Regional Court in Koblenz in its judgment on February 24, 2021. Witnesses who testified after this judgment confirmed and corroborated the existence of the systematic and widespread attack. There are no doubts that even until the end of the relevant indictment period on December 7, 2021, the Syrian regime acted increasingly brutal against the oppositionist civil society. Thousands of civilian opposition members and civilians who were not directly affiliated with the opposition died at demonstrations and through mistreatment by the intelligence services until December 2012. At Al-Khatib Branch, where Anwar Raslan was the head of Interrogations and in charge of the prison, at least thirty people died between April 29, 2011 and September 2012. Their concrete cause of death could not be investigated. The prosecutors noted that because the charged crimes took place a long time ago and because investigations could not be carried out at the crime scene, one must rely on the testimonies of witnesses.

Bundle of Omission and Active Doing

Killings

According to the Prosecutors, active actions frequently taken at Al-Khatib Branch included humiliation, insults, and violence. Omissions included deprivation of food, hygiene, and medical treatment. What led to the death of people was mostly active action, since without physical and psychological mistreatment, people would not have needed medical care in the first place. In addition, it would not have required much organization to prevent malnutrition. The Prosecutors concluded that 30 cases of active killings pursuant to § 7 (1) no. 1 VStGB were proven. The Prosecutors further found that the murders were carried out with base motives pursuant to § 211 (2) StGB. Jurisdiction defined base motives as motives that are despicable, which is certainly the case here, according to the Prosecutors. The only purpose of torture and killings was to suffocate the legitimate and peaceful desire for freedom of parts of the Syrian civilian population. It was only aimed toward people who actually or allegedly dared to protest against the regime.

Torture

The Prosecutors further found that because countless people were tortured during the indictment period, the requirements of § 7 (1) no.5 VStGB [torture as CAH] were fulfilled as well. Between April 29, 2011 and September 7, 2012, at least 4,000 people were tortured at Branch 251. The Higher Regional Court in Koblenz already found in its judgment from February 24, 2021, that the mere detention conditions at the Branch qualified as torture. The Prosecutors had nothing to add to this finding.

Dangerous Bodily Harm

Regarding the former detainees of Branch 251 who joined the trial as plaintiffs, one must also consider dangerous bodily harm pursuant to § 224 StGB. The Prosecutors recalled that from the moment the detainees were arrested, they were insulted, humiliated, degraded, and physically mistreated. During the welcome party until they reached the cells, detainees were constantly beaten. The prosecutors said it was out of question that people were in pain and were injured. In addition, they had to suffer from hunger and were detained under inhumane conditions as several experts, as well as [P36](#) and [P51](#), told the Court.



The psychological burden to become a victim of violence once more, the fear of raids in the community cells or the loneliness in the solitary cells, the hatred, or the fear to die undoubtedly damaged the detainees' health. In legal terms, the crime was committed to the disadvantage of the plaintiffs, however, not by multiple single actions but as one permanent crime. From the moment the detainees arrived at the Branch until they left it, all detainees were permanently physically and mentally mistreated. The bodily harm caused to the plaintiffs was not simple (§ 223 StGB) but dangerous (§ 224 StGB) since it was committed within a system. There were multiple people who were part of that system and contributed to its functioning. Many guards and interrogation officers were involved in the deprivation of food, beatings, and assaults. There were people like Anwar Raslan who gave orders and carried responsibility. They all acted jointly. The Prosecutors concluded that it was therefore irrelevant who directly performed certain acts. They added that detainees were also beaten with objects and concluded that § 224 (1) n. 4 StGB, jointly committed dangerous bodily harm, and § 224 (1) no. 2 StGB [use of objects] were therefore fulfilled. They recalled relevant descriptions from amongst other [P1](#), [P11](#), [P12](#), [P19](#), [P25](#), [P27](#), [P39](#), [P38](#), [P32](#), [P22](#), [P50](#), [P44](#), [P47](#).

The Prosecutors concluded that §§ 223 (1), 224 (1) nos 1 and 4 StGB were consequently applicable. They briefly recalled several plaintiffs' testimonies to illustrate instances when detainees were beaten, amongst others with objects, and how this amounts to cases of bodily harm: [P28](#) was arrested in May 2011 and was detained twice at Branch 251. Before he was transferred to Branch 285, he was beaten with an object and was later, when he was returned to Branch 251, beaten again. This amounts to two cases of bodily harm due to the interruption. [P41](#) was detained at Branch 251 in October 2011 before he was transferred to Kafar Souseh, and then returned to Branch 251 for one week. During his third stay at the Branch, he was also beaten. These instances amount to three cases of bodily harm. [P46](#) was severely mistreated at Division 40 in June 2012. After one night at Al-Khatib Branch, he was transferred to Harasta Hospital where he was put in a room with other detainees from the Branch. At the hospital, he was beaten by guards from the Branch and hospital employees before he was returned to Branch 251 where he was beaten with objects. Although he did not constantly stay at the Branch, he remained under the control of Branch 251. His case therefore amounts to one case of bodily harm. On March 17, 2011, [P42](#) was told to regularly appear at Branch 251. She first refused but eventually appeared at the Branch for the first time in early April. A couple days later, she was taken to the basement where she was abused, amongst others with a hose. She then had to stay overnight. This procedure was repeated several times. However, P42 did not have to stay at the Branch for longer periods. Nonetheless, she experienced the bad detention conditions, insults, and beatings during her short stays there. One can assume that there were three acts of bodily harm. One happened at her first interrogation in the basement, P42 was able to precisely describe this instance in court. However, it could not be determined how many times P42 left and returned to the Branch. One must therefore assume in favor for the defendant that one act of bodily harm happened before she had to stay at the Branch overnight, and another one when she had to return to the Branch. The Prosecutors also found that while P33 was not physically abused herself, she also had to endure the bad detention conditions at the Branch that amount to dangerous bodily harm themselves.

Severe Deprivation of Liberty of Detainees at Branch 251

The Prosecutors stated that the Judges at the Higher Regional Court in Koblenz already found in their judgment on February 24, 2021, that detainees at Branch 251 were severely deprived of their liberty, which amounted to crimes against humanity pursuant to § 7 (1) no.9 VStGB. The deprivation of liberty continued to take place even after January 2012 (the end of the indictment period in the case of Eyad Al-Gharib) until the end of the indictment period in the case of Anwar Raslan, on December 7, 2012. This was confirmed by multiple witnesses who testified before and after February 24, 2021.



The Prosecutors therefore referred to the previous judgment in this regard. They noted that the acts committed by the Syrian regime in this regard also fulfilled the criteria of § 239 (1) StGB [deprivation of liberty], this norm would, however, be secondary for congruence reasons. This would however not be the case for instances where plaintiffs were detained for more than one week (§ 239 (3) no.1 StGB). The Prosecutors concluded that this had been the case for fourteen plaintiffs. In P1's and P47's cases, the requirements of hostage-taking as laid out in § 239b StGB are met as well. The Prosecutors added that the minimum punishment in these cases would be five years imprisonment (§ 239b (1) StGB) since both of them were coerced in detention. After his unlawful arrest, P1 was detained at Al-Khatib Branch where he was interrogated multiple times and mistreated, including psychological mistreatment. He told the Court that at one point he was willing to do anything just to evade the situation. P47 was also interrogated multiple times. At his second interrogation, he was told that he could easily be killed by only one shot if he refused to cooperate. In both cases, the plaintiffs were appropriated by the Branch personnel and their situation was used to coerce them to provide information or threaten them with death.

[20-minute break]

Sexual Offences

The Prosecutors found that for P1 § 7 (1) no.6 VStGB, sexual violence as crimes against humanity was fulfilled. They first elaborated that the official reasoning behind the law regarding sexual violence as crimes against humanity was to establish domestic German law representing [Art. 7 \(1\) g ICC Statute](#). The [Elements of the Crimes](#) of the ICC Statute state that invasion by an offender in the victim's body is considered rape that can amount to crimes against humanity if committed as part of a widespread or systematic attack. The Prosecutors said P1 credibly described how, during one of the interrogations, a guard inserted a stick into his anus. This is undoubtedly rape as crimes against humanity pursuant to § 7 (1) no. 6 VStGB. It also fulfils the requirement of rape under §§ 177 (1) no. 1, 177 (2) no. 1 StGB (old version), however, this norm is congruent to § 7 VStGB. According to the Prosecutors, P1's descriptions also amount to sexual abuse of a prisoner pursuant to § 174a (1) StGB (old version) which clearly describes the subordinate position of the victim toward the offender and the restricted situation of the victim who is surrendered to the offender. The Prosecutors found that inserting the stick into P1's anus while he was hanging by his wrists did amount to sexual abuse of a prisoner.

[P19](#) was detained several times, amongst others at Al-Khatib Branch in February 2012, where she was physically assaulted by one of the guards who also touched her breast while she was blindfolded. [P42](#) was detained for two months, although she was allowed to leave the Branch several times in between. Nonetheless, she had to experience the same violence as other detainees. One time, a guard took her head and pressed it in his lap. She was also tortured while Anwar Raslan was present.

The Prosecutors concluded that § 7 (1) no. 6 VStGB was applicable in the above cases since § 177 (1) no. 3 StGB (old version), sexual coercion, was fulfilled, given the defenseless situation of the plaintiffs in which they were exposed to the uninhibited guards. In addition, § 177 (1) no. 1 StGB (old version) was applicable. Both norms would, however, be congruent to § 7 (1) no. 6 VStGB. The Prosecutors concluded that sexual coercion as a crime against humanity was committed by the guards who worked at the prison of Branch 251. Consequently, sexual coercion against prisoners pursuant to § 174a StGB (old version) was applicable as well. According to the Prosecutors, [P32](#)'s description could not be considered here since they were too vague in terms of time and location of concrete offences.

The Prosecutors further found that forced nudity and the so-called security move that detainees had to perform upon arrival at Branch 251 could not be subsumed under § 7 (1) no. 6 VStGB. They explained that since its implementation in 2001, the German Code of Crimes Against International Law (VStGB) was in constant tension between international and domestic law. It is generally domestic German law and therefore to be interpreted according to domestic interpretation rules. Nonetheless, Art. 59 of the German Constitution (GG) requires an international law friendly interpretation of domestic law, as does the application of universal jurisdiction provided for in § 1 VStGB. In interpreting the VStGB, one must therefore apply international treaties, international customary law, and general principles of law, according to [Art 38 \(1\) ICJ Statute](#). As the Prosecutors already mentioned, § 7 VStGB was drafted based on the relevant article in the ICC's Rome Statute. By directly comparing the two norms, one, however, notes that the German domestic law does not include 'sexual slavery' and 'sexual violence of comparable gravity' as underlying crimes of crimes against humanity. Instead, it refers to 'sexual coercion'. Based on the drafting history of the German domestic norm, one must therefore assess whether forced nudity and the security move amount to sexual coercion, which includes sexual slavery and sexual violence of comparable gravity. Sexual slavery is not applicable in this case, so one must determine whether the above-mentioned conduct qualifies as sexual violence of comparable gravity.

The Prosecutors said that it is uncontested that the detainees did not undress themselves voluntarily. To completely undress is extremely humiliating and degrading. Nonetheless, in determining comparable gravity with other conduct listed in § 7 (1) no. 6 VStGB, one must particularly take into account the intensity of consequences of forced nudity and the security move. In doing so, the Prosecutors concluded that § 7 (1) no. 6 VStGB would not be the applicable norm to address the emotional and legal needs of the detainees who had to undress and perform the security move upon arrival at Branch 251. The Prosecutors found that the forced nudity neither harmed the detainees' bodily integrity nor harmed their sexual autonomy to a high degree, as far as the detainees were not exposed to other acts performed with their bodies. Nonetheless, the undressing did burden their sense of shame. However, all female witnesses told the Court that they only had to undress in front of women in a separate room and that female employees from the hospital were called to the Branch to search the female detainees while naked. According to the Prosecutors, this reduced the burden on the detainees' sense of shame, although it was undoubtedly burdensome for them to undress in front of many other people. The Prosecutors further stated that other forms of sexual violence on the other hand, lead to physical consequences such as sickness, pregnancy, infections as well as social consequences. In addition, the time component would be relevant in determining whether forced nudity can be considered sexual violence of comparable gravity. According to the Prosecutors, severity of sexual violence increases with time when the consequences last for a long time, for example in cases of forced pregnancy. The frisking at Branch 251 and the consequent nudity, however, did not last long and detainees were allowed to dress again right after the frisking. In addition, one must take into account the purpose of the sexual violence. In cases of forced prostitution, rape, and forced pregnancy, there is always a sexual component to it. This was, however, not, or only rarely the case for nudity at Branch 251. The main purpose there was to frisk people. This was confirmed in Court by [P10](#), [P11](#), and [P25](#) who said that detainees were either not touched while naked or were frisked to ensure they don't carry any items with them. According to the Prosecutors, frisking new prisoners was a common practice in law-enforcement around the world. All sixteen Federal States in Germany have laws that allow for new prisoners to be undressed in order to frisk them and ensure that they are not carrying any dangerous items with them. Nudity while frisking detainees is therefore not sexual violence with comparable gravity, according to the Prosecutors. It is neither sexual coercion which could be subsumed under § 7 (1) no. 6 VStGB.

The Prosecutors stated that this finding is also in line with international law. The Prosecutors referred to a decision by the ICC's PTC in *Bemba*, which did not consider forced undressing as sexual crimes of comparable gravity. At the *ad-hoc* tribunals, forced nudity was only considered sexual violence when additional acts, such as posing in front of men, were involved. This was, however, not the case at Al-Khatib Branch, according to the Prosecutors. They concluded that an international law friendly interpretation of § 7 (1) no.6 VStGB would not provide for forced nudity as performed at Al-Khatib Branch to qualify as sexual violence of comparable gravity.

Enforced Disappearances

The Prosecutors added that enforced disappearance as crimes against humanity (§ 7 (1) no. 7 VStGB) was neither applicable. They referred to their [own statements on the issue](#), as well as the Judges statement dated [October 13, 2021](#).

Criminal Contribution of the Defendant

Co-Perpetration

The Prosecutors stated that Raslan committed the alleged crimes as a co-perpetrator pursuant to § 25 (2) StGB. They argued that the Syrian Intelligence Branches and their prisons were a well-functioning construct with a large number of people providing for the functioning of this construct. There were for example people like Eyad Al-Gharib who conducted arrests, guards, interrogation officers, and a large number of other people involved, such as post officers, archivists, and managing staff. Of course, not all of them acted as co-perpetrators (§ 25 (2) StGB) as the [German Federal Court of Justice found on June 6, 2019](#). One is only considered a co-perpetrator if he makes his own contributions and if the result of the actions of other people are known to him. It is irrelevant whether a co-perpetrator was physically present at the crime scene or directly participated in the core offences or not. It is relevant if he has his own interest in the crimes, the scope of his contributions, his power over the offence, or his willingness regarding the offence.

The Prosecutors argued that Anwar Raslan was the head of interrogations at Branch 251 and had a special personal interest in the successful completion of the charged crimes. He wanted the repression of the demonstrations to be successful, since he would have otherwise not only lost his position and job, but been exposed to the same repression himself. His own interest in the completion of the crimes was therefore to keep his position, power, and lifestyle. According to the prosecutors, Anwar Raslan tried to paint the picture of sympathizing with the opposition, being concerned about his family, and seeing no way out of the situation, other than to stay in his position. [...] However, Anwar Raslan was loyal to the regime, although he might have disagreed with the brutal beatings of detainees in some instances. According to the prosecutors, his participation in the crimes went far beyond mere aiding and abetting. He was the head of the interrogation division at Al-Khatib Branch, a Branch of the Syrian general Intelligence Directorate. As such, he was responsible for the detainees in the underground prisons of the Branch and was commanding thirty employees. He was the focal point in giving and fulfilling orders. Three insider witnesses told the Court about the military structures at the Branch. Anwar Raslan fulfilled orders and reported back on their successful completion. P55 who worked at Branch 25 together with Raslan and the signature of the Defendant on several documents also illustrated his position. Documents provided to the Court by Chris Engels from CIJA also proved Anwar Raslan's position at the Branch. The Prosecutors recalled that Raslan had argued that he only received orders and had a very limited scope of action. Indeed, the scope of action is more limited the lower a person's rank is. However, the higher-ranking a person is, the wider his scope of action and the higher his contribution. The Prosecutors found that, after Tawfiq Younes, Anwar Raslan was the second man at Branch 251. His help to get certain detainees released is an example of his wide scope of action.

The Prosecutors concluded that Raslan consequently facilitated the overall crimes. The Syrian regime based its decisions also on the information gained from detainees at Al-Khatib Branch. The Branch where Raslan worked was spreading fear amongst the civil population. Everyone in Damascus knew about Al-Khatib Branch and what was going on there. People were so scared of the Branch that they had to act in the underground. In the end, Anwar Raslan was still an exchangeable number like everyone else within a totalitarian regime. According to the Prosecutors, however, Raslan did not let himself be exchanged. After the start of the revolution and the following repression, he stayed in his position for 16 months, did his job, and enjoyed the privileges of his position.

Objective Liability

The Prosecutors said that to hold the defendant liable for the crimes committed at the Branch, it is not necessary that Raslan gave individual orders or knew about each individual case of hostage taking, sexual violence, or one of the multiple other cases at the Branch. As the Appeals Chamber of the ICTY found, liability arises when one can foresee that certain crimes could be committed for fulfilling a certain goal. According to the Prosecutors, one can assume that this was the case for Anwar Raslan. He was aware of the systematic and widespread attack against the civil population in which the intelligence services participated, and which was characterized by torture and sexual violence, although the latter might not have been that systematically applied at Al-Khatib Branch.

Intent

Anwar Raslan personally stated that he was aware of the overall circumstances and the conditions at the Branch. He told the LKA Berlin that he not only worked in the interrogation rooms but also regularly visited the prison area where he could see and hear people being tortured. He also knew that detainees died due to the life-threatening conditions at the Branch. Permanent jurisprudence from the German Federal Court of Justice does not provide any justification applicable to Anwar Raslan's case.

Guilt

According to the Prosecutors, there was no doubt about the Defendant's guilt. He cannot use necessity as a defense pursuant to § 35 StGB. Anwar Raslan could have defected right after the start of the revolution. He also had opportunities to defect later in 2011 and in early 2012. Through the abduction of his son-in-law, he was in contact with the FSA which he could have asked for help to arrange his defection and escape. However, he did not do so while the situation in Syria became more complicated and confusing. Thousands of officers and regime employees fled during this time. The Argument that Raslan did not want to leave his family behind might be understandable from a human point of view, however, jurisprudence from the German Federal Court of Justice provides that it was acceptable for Raslan to leave without his family given his involvement in crimes against humanity.

The Prosecutors mentioned that based on objective facts and Raslan's own statements the clear picture was that he wanted to defect at the end of 2011 when his son-in-law was abducted by the FSA and his son was shot. However, the massacre in Houla took place on May 25, 2012. After this event, the pressure on Raslan grew significantly to the point where he could no longer stay in his position. Eyad Al-Gharib and another witness confirmed that this was the actual reason for Anwar Raslan's defection. Raslan himself told the LKA Baden-Wuerttemberg on October 16, 2017 that the only reason for his defection was of a social nature. He was originally from the region around Homs where people, including relatives and neighbors of his, were killed and he was suspected of having killed regime officers, despite his position at the intelligence services. The Prosecutors said these statements from Raslan were introduced in Court by [the police officer who led the relevant questioning](#).

According to [Christoph Reuter](#), the massacre in Houla took place at a time when the Syrian regime was about to collapse. This was also when many high-ranking military officers, including officers from the Tlass family, fled from Syria to Jordan. [P56](#) admitted that he and Raslan defected too late when the FSA was already at the gates of Damascus. Raslan wanted to be on the right side of history. He only left Jordan after the situation in Syria and the regime were stable again. The Prosecutors concluded that Raslan's narrative that he was unable to defect earlier was therefore baseless.

Competencies in Terms of Killings, Deprivation of Liberty, and Sexual Violence

The Prosecutors argued that jurisprudence from the Federal Court of Justice regularly finds that people are committing one crime against humanity, which is however, comprised by multiple individual acts. Given a factual, temporal, and local, connection, these acts are considered one unity when evaluating them. Regarding the connection in this case, it is found that the Syrian regime ordered a systematic and widespread attack by state-led violence on April 29, 2011, latest. This attack lasted for the entire indictment period and far beyond. All charged crimes were committed at Branch 251 and the hospital over which the Branch had control. A consistent machinery of torture and killing was running at Branch 251. Not only were crimes against humanity committed, but also bodily harm caused to the plaintiffs in this case. The bodily harm resulted from the permanently lasting overall conditions at the Branch. The Prosecutors further argued that it was irrelevant whether Raslan was immediately involved in causing bodily harm. It was relevant, however, that he was responsible for the system that caused the bodily harm. According to the Prosecutors, detainees had to live in a climate of permanent mistreatment which undermined their free actions. The Prosecutors concluded that the dangerous bodily harm which was committed against every plaintiff in one case, by using tools or objects, and jointly performed by multiple perpetrators, was considered one offence and was subsumed under § 7 VStGB.

Sentencing

The prosecutors found that the sentence must be determined according to § 7 (1) VStGB and § 211 StGB which both provide for a life sentence. The lower sentence provided in both paragraphs is to be neglected in this case, according to the Prosecutors. § 211 StGB does not provide for a less grave case and other reasons for lowering the sentence are not applicable either. The Prosecutors therefore demanded a life sentence for the Defendant Anwar Raslan. In addition, they requested the Court to determine the particular severity of guilt pursuant to § 57a (1) s. 1 no. 2 StGB [meaning that the sentence can usually not be suspended for probation after fifteen years].

Mitigating Factors

In weighing the overall context, according to § 46 (1) StGB, the Prosecutors found that in favor of the defendant, one must acknowledge that he did not commit any crimes in Germany and that he provided at least a partial confession. The Prosecutors recalled that the Court also heard that Raslan at least helped certain individual people to evade grave torture and provided privileged treatment for those detainees. However, one must consider that Raslan did not help these people simply because of altruist motives. In the case of detained actors and actresses, it was rather his personal preference for artists which was the reason for helping these detainees. The Prosecutors also found that the evidence provided in Court showed that Raslan was a professional investigator who only disagreed with the regime's actions starting in March 2011, because the extensive violence hindered him in his investigative work, for example when torture made it impossible to interrogate the detainees. The fact that he acted within a hierarchy is not a mitigating factor. Employees of the intelligence services indeed had a limited scope of action. However, he voluntarily joined the intelligence services although it was long known how the intelligence services in Syria worked.

Aggravating Factors

The Prosecutors found that not only one human being, but thirty persons, died in terrible conditions at Branch 251. The way in which these people had to die is particularly severe. Since both § 211 StGB and § 7 (1) VStGB are fulfilled, two life sentences are applicable, although they cannot be added up. At least 4,00 people were tortured and deprived of their liberty. They all had to endure massive torture, which further severs the offence. Anwar Raslan was involved in the killings and torture and continued to work at the Branch where these crimes were happening for sixteen months. He continued to be part of the “cowardly criminal regime.”

One must therefore determine the particular severity of guilt. The Prosecutors requested the Judges to find Anwar Raslan guilty of co-perpetrating crimes against humanity in the form of killings, torture, rape, and deprivation of liberty, in addition to murder in 30 cases, dangerous bodily harm in 26 cases, severe deprivation of liberty in two cases, hostage taking in two cases, and sexual abuse in three cases. The Prosecutors requested life imprisonment with particular severity of guilt. They also requested the Judges to uphold the current arrest warrant against Anwar Raslan, given the risk that he could flee

Before ending the trial day, Presiding Judge Kerber thanked the court interpreters for their hard work simultaneously interpreting the Prosecutors’ closing statement.

The proceedings were adjourned at 4:00PM.

The trial will resume on December 8, 2021 at 9:30AM.