



**TRIAL OF ANWAR RASLAN and EYAD AL-GHARIB**

Higher Regional Court – Koblenz, Germany  
Trial Monitoring Report 38  
Hearing Dates: June 23 & 24, 2021

*CAUTION: Some testimony includes descriptions of torture.*

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

**Day 77 – June 23, 2021**

**P36, a 36-year-old Syrian male was summoned as an expert physician. He worked for the Red Crescent, located directly opposite Al-Khatib Branch, from February 2012 to the end of 2013. During this time, he provided medical support to detainees at the Branch and at the Red Crescent’s hospital almost daily, including to a female detainee, and claimed to have seen approximately 50 people die at Al-Khatib. He was the first witness to describe consistent provision of medical care at the Branch, and he was the first witness to identify a different building as Al-Khatib. His testimony was marred by linguistic challenges because he spoke German despite knowing limited German vocabulary relevant to his testimony.**

**Day 78 – June 24, 2021**

**P37, a 69-year-old retiree who served as Major General in the Syrian police testified about his relationship with Raslan, with whom he regularly met at a café in Berlin with friends. He described how he first met Raslan decades earlier when Raslan was a soon-to-be law school graduate. After Raslan graduated and changed departments, the two men did not cross paths again until P37’s son met Raslan at a language course in Germany. The witness also spoke about his ability to use good moral judgment as a high-ranking police official, in contrast to Raslan who was an intelligence official.**

**Day 77 of Trial – June 23, 2021**

The proceedings began at 9:30AM. There were three spectators and two members of the press in the audience. The prosecution was represented by Prosecutors Ritscher and Polz.

P36 was informed of his rights and duties as a witness.

**Testimony of P36**

Judge Kerber asked P36 if he is related to the accused by blood or marriage. P36 said no.

Kerber reminded P36 that he could testify in Arabic. P36 said that he would testify in German. He would ask the interpreter for help if needed.

**Questioning by Judge Kerber**

Kerber asked P36 what he did in Syria and why he went to Al-Khatib Branch. P36 said that he studied medicine in Syria at Aleppo University. He learned German in order to [practice medicine] in Germany, but his plans did not work out because he was busy with his specialty. He specialized in pediatrics. He

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

began [working for the Red Crescent] on February 14, 2012. He was in his second year with the Red Crescent [when he first went to Al-Khatib].

Kerber asked how P36 came into contact with Al-Khatib Branch. P36 said that Al-Khatib consists of a group of buildings located opposite the Red Crescent's building. The Red Crescent was asked to provide first-aid to prisoners. [On P36's first visit to the Branch], the staff at Al-Khatib discussed with the Red Crescent's administration whether the doctors should go inside the Branch or if the detainees should be brought outside [to the hospital or elsewhere].

Kerber asked when was P36's first experience at Al-Khatib. P36 said that his first experience was in mid-August [during the second year that he worked at the Red Crescent].

Defence Counsel Böcker asked if P36 was certain of this date and if he recalls what he said during the BKA questioning. P36 said that the date he provided was not very accurate [when he was initially asked]. But after a few months in [REDACTED], he thought thoroughly about it and verified it because the incident was certainly during Ramadan.

Böcker asked if P36 told the police while he was questioned in Dresden that the incident could have occurred in July, August, or September. P36 confirmed.

Kerber asked P36 what happened at Al-Khatib Branch. P36 said that everyone knew Al-Khatib was under the administration of the Air Force Intelligence and they saw [the detention conditions]. The first time P36 went down to the basement to treat detainees, he was with other doctors. He was shocked. He and the doctors stayed there for two or three hours and saw around 100 detainees.

Kerber asked P36 how many doctors were with him. P36 clarified that there were three doctors.

Kerber asked how many detainees were there for treatment. P36 said more than 100.

Kerber asked what injuries and diseases the detainees had. P36 said that the detainees mostly had abscesses and swellings. Rarely, some of them had chronic diseases like diabetes, issues with blood pressure, asthma or other prison diseases.

Kerber asked P36 what were [prison diseases]. P36 said that prison diseases were caused by being in prison. They are things like swellings and abscesses, for example.

#### **Questioning by Judge Wiedner**

Judge Wiedner reminded P36 that he could speak Arabic. He then asked if P36 recalled how he was called into Al-Khatib Branch. Did someone go to P36 and ask him to go to Al-Khatib? P36 explained that armed staff from Al-Khatib in their uniforms went to the Red Crescent to coordinate routine care for the detainees. P36 and the other doctors were then informed that they would go to Al-Khatib every other afternoon after they finished caring for their regular patients in the morning.

Wiedner asked when [they usually went to Al-Khatib]. P36 explained that they usually went to the Branch when they had time in the afternoons, around 2:00PM-4:00PM.

Wiedner asked P36 how he and the doctors went to Al-Khatib Branch. P36 said that staff from Al-Khatib came [to the Red Crescent] and escorted them to the Branch. Al-Khatib consists of multiple buildings with a spacious yard and parking lot. They were always taken to a basement in a specific building. To reach it, they had to enter two doors. Once downstairs, tasks were distributed and the doctors were told what to do. They were told to not be scared, not to speak with patients beyond their [medical issues], and not to provide anything beyond medical treatment. If a patient said that he was abused, he was [beaten].

Wiedner asked [what patients said regarding their abuse]. P36 explained that if he asked a detainee [what caused a medical issue and the detainee cited torture], then the detainee would be smacked on the face.

Wiedner asked if the detainees were beaten with anything other than hands. P36 said that [the staff] did not beat the patients in front of doctors unless the detainees did not obey orders [in which case they were smacked on the face].

Wiedner asked P36 what he spoke about with the patients. P36 said that they spoke about illnesses and about where injuries were located, rather than what caused them.

Wiedner asked P36 to describe what injuries and diseases he saw and how P36 assessed them as a physician. P36 said that the injuries and the diseases were diverse. Some were small, like abscesses on arms and legs. Others were bigger, like extremely swollen arms or toes.

Wiedner asked where the patients were from. P36 explained that the detainees were in Al-Khatib. He knew this because some of the detainees told the doctors that they had been helped before. On one occasion, P36 asked a detainee who told him to take a specific medication. The detainee said that he was told by another doctor who visited the Branch but never returned. Most of the injured were young people which caused the doctors to wonder why young people were imprisoned. The basement did not have windows or air, and the rooms were small. The detainees said that they were abused.

Wiedner asked if P36 saw any trauma. P36 confirmed that he saw trauma and bruises. Detainees explained that their condition was due to mistreatment and they sometimes suffered from infections.

Wiedner asked P36 how injuries were treated. P36 said that pus was drained. One time, he saw a detainee whose arm was so swollen that it was five times larger than normal. P36 and the other doctors filled a bucket with ten liters of pus after they drained the wound, disinfected it, sutured it, and gave antibiotics.

Wiedner asked if patients were admitted to the hospital. P36 said yes. The doctors could admit whoever they determined needed to be taken to the ICU or needed an operation. The [Branch] staff also brought several emergency cases [to the hospital], like a comatose patient and someone shot.

Wiedner asked P36 whether he had discretion on how to treat patients or if he was restricted. P36 explained that he was neither free nor restricted. When the doctors wanted to give patient antibiotics, [the Branch staff] said “no, give him only a tablet.” Sometimes, if the doctors said that a detainee had a fracture, [the Branch staff] said to leave the detainee and that they would take him to the hospital later.

Wiedner recalled P36’s statement during police questioning: “They gave us instructions. They told us not to send patients to the hospital. We were told not to give whole packets of medicine. There were instructions on how I should act as a doctor.”

Böcker interrupted and said that he wanted to ask P36 a question. Kerber denied the request.

Kerber asked P36 [if his statement during questioning was correct]. P36 clarified that he was not instructed on what to do [in terms of treatment], but he was told where to go and what to say.

Widener asked what else P36 observed. P36 said that, as he already [told the police], he saw [conditions] like those in the Caesar photos. The patients were yellowish. Their clothes were torn. Every patient had abscesses, especially their face. All of them were thin. Their diet was not nutritious.

Wiedner asked if doctors were taken to the cells and how the conditions were there. P36 said that treatment was mostly administered in the basement. However, they went inside the cells sometimes when a detainee was unconscious. P36 entered many rooms “like this space” with 30 – 50 detainees inside, if not more. [P36 referred to the space between the judges panel, the witness table, the prosecution, and the defense. It measures approximately 2-3 x 5-7m.]

Wiedner asked about hygiene. P36 said that conditions were unhygienic.

Wiedner quoted P36’s statement during police questioning: “there was no light, only an artificial one. There was no air or windows. The toilet was dirty. The detainees sat directly on the floor without a mattress.” Wiedner asked P36 if that statement was correct. P36 confirmed.

Wiedner asked P36 about the ramifications of these conditions. P36 explained that the conditions led to bad health, like cardiac and renal insufficiency.

Wiedner asked P36 if he reached that conclusion through medical tests. P36 confirmed. The doctors transferred patients to the ICU after doing medical tests which showed acute renal insufficiency without pre-existing conditions. This could happen because of dehydration or alimentionation, for example. Several people died in front of P36.

Wiedner asked if people died inside of Al-Khatib or after they were referred to the hospital. P36 said both.

Wiedner asked for the estimated number of deaths that P36 witnessed. P36 saw around 50 people die [over the time he worked at Al-Khatib].

Wiedner asked P36 about the causes of death. P36 said that illnesses were the cause, such as cardiac or renal insufficiency, due to bad conditions. He knew this because some people died of diseases without having pre-existing conditions, which is abnormal. Such diseases developed suddenly. When someone was dehydrated, the doctors knew based on wrinkles on his skin.

Wiedner asked if there were cases of sepsis. P36 confirmed. Sepsis occurred when toxins from abscesses went into the blood stream.

Wiedner recalled P36’s statement that he saw injury-related deaths, then asked if P36 saw abuse-related deaths. P36 explained that some people had gunshot wounds and were brought to the hospital where they died. There were many cases of abuse, but the abuse was not the immediate cause of death. Beatings often resulted in swelling, abscesses, and fractures.

Wiedner asked about the percentage of people who were admitted to the hospital and died. P36 said approximately 50%.

Kerber recalled P36’s statement during police questioning that he saw corpses [in the context of abuse]: “Yes, I did [see corpses]. They escorted me to the corpses and I confirmed death.” [P36 asked the interpreter how to say “forensic doctor” in German. The interpreter told him it is “Gerichtsmediziner.”] P36 noted that the doctors’ role was to provide treatment, not to attest death – they were not forensic doctors.

Kerber asked if P36 nonetheless indicated whether someone died. P36 confirmed.

Kerber asked if P36 could say that some people died from abuse. P36 said that most corpses showed signs of abuse, but he could not say whether abuse was the cause of deaths.

Kerber asked if there were any deaths caused by beating to the head. P36 said no.

Kerber asked if P36 saw corpses with signs of abuse. P36 said that he saw a few cases where people were brought [to the hospital] with signs of punches and beating.

Kerber asked if the signs were caused by beatings with objects. P36 said yes. Objects likely included sticks, hoses, and electric cables.

Kerber asked if P36 said that he saw signs that detainees were hung. P36 said no.

Wiedner asked if P36 saw signs on the body that could have been caused by hanging [hematoma]. P36 did not see these signs of hanging, but there were signs on hands, wrists, and backs.

Wiedner asked if detainees were blindfolded while they received treatment. P36 said that some detainees were blindfolded.

Wiedner asked if P36 heard screams from abuse. P36 confirmed.

Wiedner asked P36 to describe what he heard and where the noise came from. P36 described a case in which hot water was poured on a young man. There were signs on his skin, but they were unclear. The doctors overheard [interrogations]. There were certain rooms from which the doctors heard sounds of abuse, but they were not allowed to go there.

Wiedner asked if P36 consistently heard these sounds. P36 confirmed.

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[10-minute-break]

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Kerber said that the judges found online that Ramadan 2012 was between July 19 and August 18.

Wiedner reminded P36 that he may testify in Arabic. Wiedner then asked for the time period during which P36 worked at the Red Crescent. P36 said between February 14, 2012 to the end of 2013.

Böcker wanted to quote from the police transcript regarding different dates referenced by P36. Kerber said that he could do that later during the defense's questioning.

P36 said that he estimated the dates when he spoke with the police. However, in [REDACTED], he wrote down when he became a member of the medical association and connected that date to the time period when he worked at the Red Crescent.

Wiedner recalled that P36 began working on February 14, 2012. He then asked P36 about the situation at Al-Khatib Branch around this time. P36 clarified that he did not go to Al-Khatib immediately. He worked for the Red Crescent for a few months before the doctors were requested, which was around Ramadan because he remembered that some of the doctors were fasting.

Wiedner noted that Ramadan 2012 was between July 19 and August 18. He asked P36 if that period corresponded to the dates provided by P36.

P36 said that he initially had difficulty remembering because he worked at the Red Crescent for years and met many patients. He was eventually able to narrow the timeframe. He was certain that he treated detainees during Ramadan. But he did not remember if he started seeing them before or during Ramadan.

Wiedner asked about the arrangements to go to Al-Khatib Branch. P36 explained that [Branch personnel] came to the [hospital] administration who then informed the head of the Emergency

Department, Yousef Hammad يوسف حماد, that a group of doctors and nurses were responsible for treating the detainees. The doctors and nurses took medicine, bandages, and [scalpels]. They stayed there for more than two hours and sometimes up to five hours. This was the first time they saw such cases outside of the hospital.

Wiedner asked how many critical cases he saw during his first visit. P36 said two cases.

Wiedner asked if P36 was referring to his first visit to the Branch which was in Ramadan. P36 said that the cases were all the same thing. Detainees were either unconscious, sick, or dead. He saw corpses all the time [at Al-Khatib] and sometimes at [the hospital].

Wiedner asked if P36 could estimate how many deaths there were between July 19 and August 18, 2012. P36 asked if Wiedner meant “in general” or “in front of me.”

Wiedner wanted to know about the cases P36 personally saw. P36 clarified that he likely saw ten cases [in the month of Ramadan], but [this was a guess].

Wiedner asked whether “in front of me” referenced the combined deaths in Al-Khatib and the hospital. P36 said yes. He did not go to Al-Khatib every day or even every other day because the doctors were divided [into groups], so he did not see everything.

Wiedner asked if P36 remembered a special case. P36 said that every patient is a special case to him. There were deaths and gunshot cases. Some people died in the hospital after receiving medicine and treatment due to acute renal insufficiency or abscesses.

Wiedner quoted from the police transcript dated May 19, 2021 when P36 was asked about death during Ramadan: “Three death cases or more. At least three. In the hospital department and in Al-Khatib there were special cases.” P36 said that he was talking about a patient who died in the ICU of acute renal insufficiency. Staff from Al-Khatib called the Red Crescent and said that the doctors were needed because a detainee died. He did not have a pulse. Another detainee died in the [hospital]. A member of the Al-Khatib staff told P36, “this patient is in a coma. Help him. He is not talking.” The detainee was examined in the hospital and was pronounced dead. Most cases were like this.

Wiedner recalled P36’s statement during police questioning that “in the cell on the floor were two dead people and a third person died in the department. Maybe more than three died. He was in the operating room and died due to a lack of medicine and wounds.” P36 confirmed his statement and said that this happened around noon. The doctors could not help the detainee because he was dead. The second person died of renal insufficiency in the ICU. The third person died in the department after a while. The doctors did blood tests, but he unfortunately died.

Wiedner asked P36 if the detainees died of acute or chronic diseases. P36 said that most of them died of acute diseases. If patients had a pre-existing condition, they would have told the doctors about it. Individuals with chronic illnesses died if they remained [in detention] for a long time, including males with hypertension or females with hypotension. Hypotension was a consequence of low liquid intake. Hypotension [hypovolemia] affected the heart, liver, lungs, spleen, etc.

Wiedner asked if the detainees who died were males. P36 confirmed that the dead were usually young men. Rarely was the person elderly. One time, there was a female detainee who was treated by a [female] nurse. Her case was famous because [the doctors wondered why] a female was detained in the basement.

Wiedner wanted to know about the first detainee death. P36 explained that the first dead detainee was a man who laid on his back and did not eat or move. This happened several times.

Wiedner recalled P36's statement during police questioning that "in Ramadan, I saw the first dead person. There were dead people near the stairs and other ones inside the cell." P36 confirmed and noted that treatment was generally administered in the space [outside the cells], but sometimes detainees died in their cell.

Wiedner asked about the circumstances of the dead detainees inside the cells. P36 said that when a detainee did not move, a staff-member from Al-Khatib called the doctors [to examine the detainee]. The doctors and nurses examined the detainee's heart, lungs, and pulse. Usually, the corpse was skinny and pale. It was not the doctors' task to determine the cause of death. P36 was unsure of what happened to the corpses after they were examined.

Wiedner recalled P36's statement during police questioning: "the condition of the corpse: skinny and pale. There was no pulse or breathing. [We] could not verify the cause of death." P36 confirmed his statement and reiterated that the doctors could not indicate why the person died. When they finished their work, the doctors were thanked by the Branch's staff.

Wiedner asked if P36 knew what happened to the corpses. P36 did not know and they were not allowed to ask.

Wiedner asked if P36 knew what happened to the bodies of people who died in the hospital. P36 explained that normally corpses are kept in the refrigerator until families collect them. But the corpses of detainees were immediately taken and were not kept in the refrigerator. P36 did not know what happened to them. Some people said that the corpses were taken to military hospitals. He did not think the corpses were given to families, but he did not know for certain.

Wiedner asked P36 about the hospital procedures for when a detainee died in the hospital. P36 explained that the doctors wrote down what happened to the person and what diseases they carried. The therapy procedures were documented, but names were anonymous. There was an incident in January 2013 when the head of the department signed that the detainee died with chest pain and nausea.

Wiedner asked P36 if unconscious patients were brought to the hospital from Al-Khatib Branch. P36 confirmed and said that they were brought to the emergency department.

Wiedner mentioned the keyword "unconsciousness" and asked P36 whether that was at Al-Khatib Branch or the hospital. P36 said that happened both at Al-Khatib and [the hospital]. [When the doctors first started treating detainees], unconscious detainees were treated in cells. But as time passed, more patients were brought to the hospital than were treated in the Branch. The doctors noticed that the detainees had hypotension, bad [health] conditions, and had cardiac and renal insufficiency.

Wiedner asked about the hygienic conditions facing detainees. P36 said that the detainees were not allowed to shave [so their beards were unkept]. The detainees also smelled, their skin was unclean, and their clothes were old and worn out.

Wiedner asked about the food and water situation. P36 did not know because no one was offered water in front of him and [he knew that] the nutrition was bad. The detainees looked like they lacked liquids, food, and hygiene. These were the main causes of death.

Wiedner mentioned the keyword "naked." P36 explained that [detainees] were forced to get naked, perhaps because of mistreatment or because they were newcomers.

Kerber asked P36 what he meant by "naked." P36 replied, "completely naked."

Kerber asked if the detainees did not wear underwear as well. P36 confirmed.

Wiedner asked where the offices were and whether P36 visited them. P36 said that there were offices in the basement, but most of the officers' offices were upstairs. [The doctors] were summoned there a few times, such as when there was a special case, the officers wanted to know what happened with a specific detainee in the doctors' care, or the officers wanted to ask about medication prescriptions.

Wiedner asked P36 if he knew the rank of the officer to whom the doctors were summoned. [P36 said something, then Wiedner asked him to say the word to the interpreter in Arabic.] P36 said عميد ["ameed" Brigadier General]. The interpreter explained that the word has two meanings: (1) a dean (in the context of a university) or (2) Brigadier General (in the military context).

Wiedner asked P36 to describe the officers' offices. P36 said that the offices upstairs were better, as if you were in another world with luxurious furniture, windows, and pictures.

Wiedner asked P36 if he heard screams while he was upstairs. P36 said no.

Wiedner asked if P36 heard about detainees from the officers, like information about the fate of detainees or dead people. P36 said sometimes the officers asked the doctors about deaths [that happened in the hospital] since the officers did not come to the hospital.

Wiedner asked P36 if he saw Raslan at the Branch. P36 said that the name [Raslan] was unclear to him. P36's colleagues told him that they knew the name, but P36 did not know it. He did not know [Raslan]. Maybe he unknowingly met Raslan [at the branch].

Wiedner asked if P36 could say whether he saw Raslan. P36 thought that most of the officers were younger [than Raslan].

Wiedner asked if P36 could determine whether the personnel who accompanied the patients and the doctors were officers or guards. P36 said that the people who accompanied the patients were normal personnel who the doctors saw every day. The guards who accompanied the doctors downstairs were normal, low-ranking personnel.

Wiedner asked whether P36 saw high-ranking officers in [areas of] the branch other than their offices. P36 said that the doctors saw various ranking officers in the basement, but the high-ranking officers did not usually go to the basement.

Wiedner asked whether P36 met a high-ranking officer downstairs in the basement. P36 confirmed.

Wiedner asked if he met that high-ranking officer in Ramadan or afterward. P36 did not remember.

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[Lunch break]

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### **Questioning by the Prosecutors**

Polz recalled P36's statement during police questioning. When asked if he saw dead bodies, P36 said "yes, [my] duty was to tell whether the person was dead. Some people were mistreated and some people had pre-existing conditions." Polz then asked if P36 could tell the cause of death of the patients. P36 said that the corpses were divided into groups: (1) those with signs of mistreatment, and (2) those with diseases. Not all diseases [inevitably] caused death. For example, people with diabetes, asthma, or renal disease could live with these conditions or die of them.



Polz asked if P36 meant that patients died of diseases like renal insufficiency. P36 confirmed.

Polz asked if P36 could estimate the number of detainees who died in the hospital during Ramadan. P36 did not know, but the number was documented by the hospital. He guessed five people, but it could have been ten.

Polz asked how many patients P36 treated at Al-Khatib Branch [from July-September 2012]. P36 said that sometimes he treated the same patient several times. There were approximately 200 – 300 patients and more than 1,000 therapy sessions. [There were more therapy sessions than patients.] The patients were mostly the same, but sometimes there were new patients.

Polz recalled that P36 said that 50% of the people who were admitted to the hospital from Al-Khatib Branch died there. Polz asked whether P36 could estimate the number of detainees who died in the hospital during July, August, and September 2012. P36 said approximately 100 people.

Polz asked if it was correct that 200 people were brought from Al-Khatib to the hospital, of whom 100 died. P36 said yes, but that number was an estimate.

Ritscher asked P36 if the corpses were taken back to Al-Khatib. P36 said yes.

Ritscher asked if any of the corpses were handed to their families. P36 said no. They were all given back to the Branch.

Ritscher asked again if all of the corpses were taken back to Al-Khatib. P36 said yes.

Ritscher asked whether P36 knew the causes of death. P36 said that the doctors knew how the hospitalized detainees died.

Ritscher asked why cardiac insufficiency occurred. P36 said this occurred because of the [detention] circumstances.

Ritscher asked if P36 issued death certificates. P36 said that the doctors only wrote certificates when the patient died in the hospital.

Ritscher asked P36 what he wrote. P36 said that he wrote about the diseases, conditions, etc. of the corpse and the cause of death.

Ritscher asked if P36 documented the nutritional state of corpses. P36 said that the doctors documented why detainees were brought to the hospital and the causes of death. They did not document the nutritional state.

Ritscher asked whether the patients were anonymous. P36 said yes. However, on occasion, they knew names.

Ritscher asked if numbers were assigned to the anonymous patients who died in the hospital. P36 said no. The doctors wrote either “from Al-Khatib branch” or “anonymous.” The officers asked later what happened to [the patient].

Ritscher asked where P36 got the names. P36 said from the personnel.

Ritscher asked if P36 was referring to personnel from Al-Khatib. P36 said yes. “They told us to write this or that.”

#### **Questioning by the Defense Counsels**

Böcker said that P36 was asked during police questioning when he started and finished working for the Red Crescent. He asked the same question to P36 now. P36 said approximately from 2012 to the end of 2013.

Böcker confirmed that P36 provided the same answer. Böcker then noted that P36 was asked about Tawfiq Younes, and P36 answered that he did not know Younes. Finally, Böcker said that P36 was asked when he first saw a corpse at Al-Khatib. P36 said that he first saw a corpse in July or August.

Böcker said that P36 answered during the police questioning: “certainly in 2012. Between June and December.” P36 confirmed his statement.

Böcker said that P36 was asked whether he recalled another death case and that P36 mentioned a person who laid on his back in the cell. P36 confirmed.

Böcker asked P36 how he responded to the police when they asked him to specify when [he saw the person on his back in the cell]. P36 thought that he said August, but maybe it was “between June and December, but in Ramadan.”

Böcker said that P36 stated during police questioning: “[I can] hardly specify that case, but it was in summer, because of deficiency of fluids.” P36 confirmed his statement.

Fratzky recalled P36’s statement that he and his colleagues worked at the Red Crescent and were sent to Al-Khatib Branch. Fratzky asked how far the hospital was from the Branch. P36 said that the hospital was opposite Al-Khatib, less than 100 meters.

Fratzky asked P36 if there were other security branches close to the hospital. P36 said that there were others, but he did not know them.

Fratzky asked if there was a chance that the security branch that he went to was not Al-Khatib. P36 explained that, even before [he started to care for detainees from Al-Khatib], he knew that [the building was Al-Khatib]. He lived ten-minutes away and his friend was detained there for five months even though he was a blacksmith who did nothing wrong.

Fratzky asked P36 if he could say for certain that the Branch was Al-Khatib. P36 said yes, one can see it on Google Maps.

Böcker recalled P36’s statement at the beginning of this session that Al-Khatib Branch belongs to the Air Force Intelligence. P36 did not know the word in German, but he said in Arabic “جوية [jawwiyyeh]”. [The interpreter confirmed and said “Luftwaffe [Air Force]” in German.]

Böcker recalled P36’s statement that he and the other doctors went from the hospital to Al-Khatib where they stayed for two to five hours. Böcker noted that P36 was the only witness to mention that such medical treatment was provided in Al-Khatib. He then asked if P36 maintains his statements. P36 said that he wanted to clarify that many of his colleagues are too afraid [for their names to be publicized] and they say that [the situation was different].

Kerber said that P36 was shown a satellite image of Al-Khatib Branch during the police questioning on May 19, 2021. Kerber asked P36 to point to Al-Khatib and the Red Crescent Hospital.



P36 said that the image was zoomed out too much. Kerber suggested that she point to a structure, then P36 could identify it. Kerber pointed at [\*]. P36 said that this is Al-Abbasiyeen Stadium. Kerber pointed at [!]. P36 said that this could be Al-Khatib's garden.

Kerber asked P36 to go to the projector and look closely [she did not want to move the image because the labels on the map provided by P36 during police questioning were covered].

P36 identified Al-Khatib's garden. He said that the doctors used to go to the building [#] opposite of the Red Crescent. He did not know if [?] belonged to the Branch. He showed the old [O] and the new [N] Red Crescent buildings.

Kerber asked if P36 wrote the labels himself. P36 confirmed.

Kerber showed the labels and said that they were as P36 described.



P36 explained that the blue [~] was the roof of the parking lot for cars at the Branch. [C] was the ceiling of the yard in front of the branch.

Kerber asked about X. P36 said that it was Al-Khatib Branch, in addition to the building opposite of the Red Crescent.

Oehmichen said that P36 was asked during police questioning on May 19, 2021: “what happened when the Branch’s opinion conflicted with [your] medical opinions?” Oehmichen asked P36 if he remembers his answer. P36 said that the Branch went with [its own] opinion.

#### **Questioning by the Plaintiff Counsels**

Kroker said that P36 was asked about “nudity” and mentioned a certain case. Kroker asked if P36 recalled that case. P36 said that there were several cases and it was a drop in the ocean.

Kroker asked P36 to describe that incident. P36 said that there was a situation when detainees were in garden and they were ordered to take off their clothes.

Kroker noted a case in the basement. P36 said yes, the naked [detainees] were gathered there several times. He did not know why.

Kroker quoted P36’s statement during police questioning: “in the basement yard, the detainees were ordered to get naked. The detainees asked the guards to stop, but they refused. There was mistreatment and they went on to the cells.” P36 confirmed his statement.

Reiger asked if P36 saw injured genitalia. P36 said that the doctors only saw genitalia to insert urine catheters.

Reiger asked if P36 saw injuries in the vertebral column. P36 said that the doctors saw injuries to the skin, but not deep ones nor fractures.

Scharmer asked P36 in which branch the patients were treated. P36 said in Al-Khatib Branch.

Kroker said that the detainees tried to communicate with the doctors sometimes. Kroker asked if they attempted to ask if P36 could contact the patient’s family. P36 said that the patients sometimes tried to say something to the doctors, but they would immediately receive a blow.

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[A break was issued because the defense wanted to discuss.]

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#### **Questioning by the Defence Counsels**

Böcker asked how P36’s career looked to the regime. P36 said that he was alright at the Red Crescent. But the doctors saw the injustices facing patients in the basement of Al-Khatib daily. “[Syrians] have been in the same situation for 40 years and we cannot do anything. Everyone is afraid. [The other doctors and I] tried to help the patients, but [we did not] contact their families because our situation was difficult and we were under surveillance. We spoke with our colleagues [and decided to] treat patients in the hospital, but we could not help the people in the basement.” P36 went on to say that Syrians lived without rights for 40 years. A friend of his from the Red Crescent died of COVID-19 because people in Syria do not believe in the virus. [P36 spoke in a low, sad voice.] The head of the clinical hospital was detained for a week. He tried to resist, but he could not. P36 asked [the Court] “Do you have any idea for us?” [what could we do?].

Böcker said [unfortunately] no. He asked P36 if he treated injured people who were not from Al-Khatib and who came from somewhere else, like demonstrations. P36 said yes, there were four people who were beaten in front of the [hospital] and who were brought inside.

Böcker asked if P36 attempted to help [these people]. P36 said that [a doctor's] duty is like [a soldier's] duty; it is compulsory. But they did not have much capacity. There was stress on the doctors.

Böcker asked if someone could simply resign or say that he did not want to work. P36 said that, one time, an emergency doctor said that he could not work and wanted to resign, but "they" refused and told him that he had to work.

Böcker asked if there were people who refused to work because they did not want to [deal with patients in the branch]. P36 said [that people did this indirectly]. For example, someone might say that he needs a break after dealing with the detainees the day before.

Böcker asked if someone could directly say that he did not want to work. P36 said no, because they took an oath. If someone said no, then he would be transferred to a village, so they were scared.

Fratzky asked P36 if he knew the names of Branch personnel who accompanied patients to the hospital. P36 only knew "Abu Nidal" أبو نضال about whom he told the police.

[The witness was dismissed.]

Scharmer stated that P36's testimony was important because 50% of the patients [admitted to the Red Crescent died]. P36 worked in Al-Khatib between June and September 2012 approximately, and many witnesses who testified in court were detained at a different period of time.

Böcker asked if a plaintiff [REDACTED] was still planning to testify. Kerber confirmed that he was scheduled for June 30.

The proceedings were adjourned at 3:50PM.

The next trial day will be on June 24, 2021 at 9:30AM.

### **Trial Day 78 – June 24, 2021**

The proceedings began at 9:30AM with four spectators and two members of the press in the audience. The prosecution was represented by Ritscher and Polz.

Judge Kerber said that the Federal Criminal Police Office (BKA) sent [the Court] a transcript of the witness's interrogation regarding [REDACTED]. Copies of the transcript would be distributed to the parties once they were prepared. Plaintiff Counsel Scharmer said that the witness was not told that he was going to be questioned [at this Court session] about that specific interrogation, and the witness should have been informed.

P37 was informed of his rights and duties as a witness.

#### **Testimony of P37**

Judge Kerber asked P37 if he is related to the accused by blood or marriage. P37 said no.

#### **Questioning by Judge Kerber**

Kerber noted that P37 was questioned by the BKA several times and that the court had two of those transcripts: one about P37's opposition to the Syrian government and a second about Raslan.



Kerber asked P37 to tell the Court about himself. P37 explained that he joined the police college when he finished law school. He gradually rose up the ranks. He was promoted to [REDACTED]. When the “incidents” [uprising] began, P37 was the head of the [REDACTED] Police Department. He refused [to commit acts of] violence and tried to enforce the law regarding demonstrations. The regime dismissed him from his job after they asked him to use violence and he refused. He went to Egypt with his family for around a year. He was followed to Egypt by “groups” from the regime who tried to provoke him. Eventually, he went to the German embassy and applied for Asylum on behalf of himself and his family. They then immigrated to Germany in mid-September 2013. They tried to integrate into “the beautiful German social life” and live a dignified life. P27 had three children who study in Germany. His wife died three years ago. He retired four years ago. He always wanted to be “a witness against the unwanted figures [in Germany],” so he applied to work in counter-terrorism. But his fluency in German was insufficient and he was too old. He was ready for any service that benefits the country where he lives and [the country] that dignified him.

Kerber stated that P37 knew Raslan in Syria. She asked P37 to speak about this. P37 explained that he and Raslan became acquainted when P37 was an officer at the Immigration and Passport Department. At the time, Raslan worked in one of the divisions as a First-Class Warrant Officer and was studying law. Raslan needed vacation days to travel from Aleppo to Damascus to take his law exams. Raslan thought P37 would be tolerant and issue the vacation time, so he approached P37.

P37 continued. He explained that he granted Raslan’s request. The situation was around 30 years ago around 1988-1990. When Raslan graduated from law school, he joined the Damascus Police Department, which was his dream. Raslan distributed sweets to [P37’s department] to celebrate [his accomplishments]. P37 never saw Raslan again because they were in different departments. P37 learned this information five or six years ago when Raslan attended a language institute in Berlin with P37’s son. Raslan told P37’s son that he knew P37 and that P37 did him a favour [by issuing his vacation days]. P37 then met Raslan in a café in Berlin. There, Raslan told P37 the story of his defection from the regime. He told the story with discretion, as was his nature.

Kerber asked if P37 knew the circumstances surrounding Raslan’s defection. P37 said that Raslan resided in Al-Houla الحولة. Most people from Al-Houla defected from the regime. It appeared that Raslan sided with the majority of his family and people.

Kerber asked P37 if Raslan told him about the Al-Houla massacre. P37 said that he heard about it even before speaking with Raslan. P37 was under house arrest around the time of the revolution, so he heard about Al-Houla and the tanks. But, of course, P37 did not personally see anything.

Kerber asked P37 if Raslan cited [the massacre] as one of his reasons for defecting. P37 thought so.

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[35-minute break to distribute and review copies of a transcript.]

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Kerber reaffirmed P37 of his rights as a witness.

#### **Questioning by Judge Wiedner**

Wiedner recalled P37’s statement that he was “dismissed” from his job in Syria. Wiedner asked P37 what happened and what he meant by “dismissed.” P37 explained that his department was asked to suppress demonstrations, purportedly without using weapons. But the oral instructions were to suppress the demonstration by any means necessary without the outside world knowing. He tried to

deal with the demonstrators in a civilized way through understanding, dialogue, and water [cannons used to control riots]. Apparently, the regime knew that he dealt with the demonstrators according to the law, and [the regime] did not like that. P37 wanted to clarify something that he said earlier. He said that he was transferred to Damascus and was under house arrest. In fact, he went to the “Studies Office” where officers who did not execute their orders were referred to for an [investigation and a decision on the matter]. The Office accused him of dealing with the demonstrators. They then decided to dismiss P37, put him under house arrest in Damascus, and ordered him to retire early. He was also banned from travel, and a case was filed against him at the military courts. P37 could leave Syria through the Aleppo airport with the help of some friends. When he sought refuge in Germany, [he was put on the Syrian wanted list by the Syrian government].

Wiedner asked P37 when he left Syria for Egypt. P37 said that he went to Egypt in mid-2012.

Wiedner asked P37 if he knew other officers in [REDACTED] who went through a similar situation. P37 said that all of his assistant officers were transferred to insignificant positions, then were [dismissed]. One of them was [REDACTED].

Wiedner asked P37 what happened with [his assistant officers] after they were removed from the police service. P37 said that they were fired from their job.

Wiedner asked if they were detained. P37 could not remember.

Wiedner asked if P37 first met Raslan around 1988/1989. P37 thought so based on Raslan’s age, and when Raslan graduated from the police [college] and was promoted to colonel.

Wiedner asked where Raslan was at that time. P37 [assumed that] Raslan was in Aleppo visiting his family in Al-Houla [the customary practice around the holiday]. [P37 was never told this by Raslan.]

Wiedner asked P37 if he knew Raslan when the latter was still studying. P37 said that [Raslan] was a First-Class Warrant Officer who worked on travel visas and passports. He was ambitious and his dream was to rise up the ranks. After Raslan distributed sweets, P37 never saw him again.

Wiedner asked P37 if Raslan worked while studying law. P37 confirmed. He noted that, in Syria, people did not need to attend class every day to graduate; they just needed to take the final exam. Also, a police officer cannot be promoted unless he graduates from law school.

Wiedner asked P37 if he knows what Raslan did after leaving Syria. P37 said no. He did not see Raslan or hear about him. P37 thought that Raslan went to another department, other than the police.

Wiedner asked P37 if he and Raslan talked about the circumstances surrounding Raslan’s defection when they met in Berlin. P37 said that they met every month or so at a café in Tegel [a district in Berlin] for an hour or two. Other people also joined them, including “our friends from back in Syria.” They tried not to talk about their careers [for security reasons]. Raslan was reserved [because of his career] and because he was afraid to be followed. Once, Raslan told the group that he was followed by a car [for the purpose of abducting him] on his way to the dentist. P37 told Raslan to go to the police, but P37 did not know what happened after that. Raslan spoke about the future and his children. Raslan knew that the regime was pursuing him and [expressed his concerns to P37]. He told P37 how he defected, went to Jordan, then worked with the [opposition] coalition. Through a connection from the coalition to the German embassy, Raslan and his family went to Germany.

Wiedner asked P37 if they talked about Raslan’s work in Syria. P37 said that he was well-known because of his position, so Raslan probably knew of him. But as an officer at the intelligence services, Raslan was unknown.

Wiedner asked P37 if Raslan told him about his work in Syria. P37 said no, but he heard that Raslan was an officer at a security branch in Damascus who was one of the top graduates of the police college and was chosen for the intelligence services. One time, Raslan slipped his tongue and said, “I wish I was wearing a police uniform.”

Wiedner quoted from the transcript of P37’s questioning by the police in 2019: “did Raslan talk about the conflict in Syria? You answered: I was a higher rank than him. He was embellishing things and acknowledged that there was death.” Wiedner asked P37 if the statement was correct. P37 asked if the question could be broken down and repeated.

Wiedner repeated “I was a higher ranked than him. He was embellishing and acknowledged that there was death.” P37 clarified that Raslan did not embellish. The first part was correct, but P37 did not think the second part was correct. P37 and Raslan talked about the regime’s crimes, and of course P37 is against any Syrian who supports criminality, killing, and violence – whether Raslan or someone else.

Wiedner asked P37 about his impression of Raslan when Raslan was working for the regime. Was Raslan pro-regime or opposition? P37 said that Raslan would not have defected if he was content with the regime. Rather, he would have carried on [in his position of power] with cars and high social status. But this was just P37’s [assumption] because he did not know the circumstances surrounding Raslan’s defection. P37 noted that Raslan had a video of his defection statement.

Wiedner asked P37 if they talked about the reason for Raslan’s defection. P37 said that [because he swore an oath to tell the truth before the Court], [he will admit] that there was talk that Raslan defected because of the pressure on Al-Houla and violence against Raslan’s family. But there could be other reasons that P37 did not know.

Wiedner asked if Raslan told P37 any information about what he did after he defected, such as that Raslan joined the opposition. P37 confirmed but added that he did not remember all the details. Members of the Free Syrian Army helped Raslan flee from Damascus to an area near the Jordanian border where he stayed for a day or two. Then Raslan entered Jordan, declared himself an oppositionist, and helped the coalition. Raslan told P37 that he was unhappy with the “unfortunate acts of the coalition (in Raslan’s words).” That is why Raslan sought refuge in [Germany] for the future of his children. P37 did not know when Raslan arrived to Germany. P37’s son met Raslan at a German language course.

Wiedner quoted from the transcript of P37’s questioning by the police in 2019: “Raslan became a political activist after his defection. [I] knew that Raslan was in Turkey for 4-5 months.” P37 said that Raslan went from Jordan to Turkey, and then from Turkey to Germany after he defected.

Wiedner quoted again from the transcript of P37’s questioning by the police: “there was an opposition figure, Riyadh Saif, to whom Raslan sent documents to help him go to Germany.” P37 confirmed.

Wiedner asked P37 if Raslan told him about the subject-matter of the documents. P37 said no.

Wiedner recalled P37’s statement that Raslan worked in security [in Germany]. P37 said that Raslan passed a security course in Berlin. Then he was assigned as a security guard. [Raslan’s] work was difficult, so P37 did not see him again.

Wiedner asked P37 if Raslan talked about his work. P37 said that Raslan told him that he became a security guard for a company and he had 12-hour-long shifts. One time, Raslan was at work when he had an attack [either diabetes or blood pressure, but P37 did not specify]. P37 asked the court to excuse him because he did not care much about [Raslan]; he was just trying to recall information for the court.





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[5-minute-break]

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### **Questioning by the Prosecutors**

Prosecutor Polz asked if P37 ever entered the prison as [REDACTED]. P37 said that he was a member of the security committee in [REDACTED], which consisted of the [REDACTED]. As [REDACTED], P37 was distanced [from the security branches]; he only saw civilians or criminals convicted of murder, tax evasion, etc. One day, a demonstrator was detained and referred to the judiciary, so P37 went to the Military Security Branch [regarding the matter]. “There was nothing that pleases [at the Branch].” P37 did not see anything when he met with the Branch’s head, but his driver saw “unsatisfactory” sights.

Polz asked P37 if he was imprisoned after 2011. P37 said no, never.

Polz asked P37 if he remembers being questioned by the police in 2014. P37 recalled saying that torture was performed in prisons and that the Syrian regime is dictatorial and totalitarian which is known to all Syrians and, unfortunately, the whole world.

Polz quoted from the transcript of P37’s questioning by the police in 2014: “regarding the situation in the Intelligence Services, the conditions are difficult. When one enters, one sees hundreds of detainees, dead people, and mistreatment. The detainees were beaten with sticks and their limbs became swollen for days.” P37 said that he heard all these things and they were correct. He noted that he never entered a prison of a security branch. But he did see “solitary prisons” from outside. There is a Political Security Branch in almost every city that has a police service. The head of the Branch overrides the police, even though he has a lower rank [than P37 had]. But the Branch is with the regime and implements the regime’s policies which sometimes deviate from the law. P37 visited that branch and spoke about the problem. [It was unclear as to which problem P37 was referring.]

Polz asked P37 if he was talking about the Political Security Branch or the intelligence services generally. P37 said that all branches worked this way. However, one could find both a lenient officer and difficult officer [in the same branch]. [Officers with good morals were lenient.] The [problem is when someone acts on their morality and is then blamed for their leniency], which happened to P37 when he refused orders. To tell the truth to the world, the Syrian regime is dictatorial and violent.

Polz asked P37 if officers had the chance [not to execute orders based on their] morals. Böcker expanded on Polz’s question and asked P37 if going to Germany with one’s family is an example [of getting the chance not to execute orders]. P37 said that he could [gauge whether] high-ranking officials had the same morals as he did because of his connections, rank, and [communication] with the higher-ups. [For example], P37 plays piano and writes poetry, and officers in Syria know that Major General Mahmoud is an artist. P37 explained the three types of officers in the Immigration and Passports Department: (1) the officer who is moral and is open to citizens, (2) the officer who requires bribes, (3) the officer who enjoys being harsh and making people cry. All three officers work within the one chaotic [system]. These same types of officers [operate] the Political Intelligence Branch which summoned P37 and told him that he must stop playing music and writing poetry or else he would be dismissed. There was: (1) an officer who preferred using psychological pressure over torture, (2) an officer who was distressed by his wife and let steam off on people, and (3) an officer who was silent and only hit. “It is a state of chaos! The most important thing [to people] is that they stay in power.”

Polz clarified that her question was whether an officer could leave or relocate after 2011. P37 said maybe [before] 2012. He was fired before 2012. But he thought that, after 2012, if an officer did not execute an order, then he would have had a field trial and been executed.

Polz asked P37 if Raslan could do what he did [and work with people who had similar morals] or could leave his job. P37 said that he wanted to give some [hypothetical] examples of how someone might try to evade [immoral] orders. [Let's say that] someone faked [having a heart problem] and coordinated with his cardiologist friend [who agreed to say that the person had a heart problem so he could be excused from work], but then the Intelligence Services might summon the doctor and interrogate him to verify that the person was actually sick and not simply trying to escape his job. Or imagine that an officer vocalized that he could not complete his mission ("is there anything more beautiful than honesty?"), and was consequently punished, imprisoned, or terminated. How could anyone tell [officials] that he does not want to work for them? P37 recalled his own situation. In July 2011, the American ambassador in France came to Syria. The Syrian Minister of Interior instructed P37 to prevent the ambassador from [witnessing the demonstrations] and to confiscate the ambassador's passport. P37 knew that these orders were illegal, so he demanded that the minister send him a warrant. He knew that the minister would never do that though because the world's eye was watching [Syria]. [By taking this approach,] P37 was able to protect the ambassador, which was his job. Perhaps someone else in the same position would not have done the same thing. [The point is that,] when it comes to [carrying out] orders, much depends on [an officer's] morals. Likewise, an officer deals with a prisoner based on the officer's morals.

#### **Questioning by the Defence Counsels**

Böcker asked P37 if Raslan did the same thing that he did [and acted according to his morals]. P37 pointed out that there is a difference between police and intelligence. Intelligence officers cannot afford to be [as moral as police officers] because they have to [follow orders more closely when quelling demonstrations].

Böcker asked P37 about the difference between what he and Raslan did. P37 said that he did not want to compare situations.

Böcker asked P37 if an intelligence officer could behave the way P37 did. P37 said that "police officer" [must be distinguished] from "intelligence officer." Police [do not execute political orders – they implement the law]. [On the other hand,] the intelligence services execute political orders. Police officers hide behind the law, while intelligence officers dedicate their lives to their careers. Police officers have a hundred ways to run away and can even submit a resignation. They were not required to quell demonstrations [until later, at which point Syrian law said that demonstrators could be released on bail for twenty Syrian Lira]. If demonstrators were detained by the intelligence services, then [there would be a] "problem." [P37 said "problem" in English.]

Böcker asked if [the transcripts that were distributed earlier] were about [REDACTED]. P37 confirmed.

Böcker said that P37 was asked during police questioning if Raslan talked about methods of torture, and P37 answered that Raslan interrogated people and they talked good about him. Böcker asked P37 who said that about Raslan [when P37 never met anyone who was interrogated by Raslan] and if P37 could share their names and addresses. [P37 paused.]

Böcker asked if he should repeat the question. P37 said no. He understood the question, but paused because he had to go back 20 years in his memory. Sometimes, civilians had problems with the intelligence services and Raslan helped them. P37 heard this from civilians [but he never kept track of who they were because he had no idea that he would testify in the future]. P37 heard from Riyad Saif

that he was detained at Raslan's [branch] and was treated well by Raslan. "Maybe you can ask Riyad. Even Riyad helped [Raslan] later."

Böcker said that Saif was asked if Raslan [treated people well], but he denied this, which is why he wanted to ask P37 now. [P37 appeared irritated.] P37 said, "Do not say 'I asked you.' Instead say, 'I asked.'"

Böcker asked what was said about Riyad Said. P37 explained that, when Raslan came to Germany five years ago, "we" asked him how he came to Germany. P37 recalled that Raslan (or another member of their friend group) said that Riyad Saif helped Raslan. Raslan said that Saif was detained at Al-Khatib and that Raslan paid respect to Saif because of Saif's illness. Saif reciprocated by being good to Raslan.

Fratzky recalled P37's statement that he and Raslan used to meet at a café in Tegel. Fratzky asked who else met with them. P37 thought that Fratzky knew one of them: [REDACTED]. P37 previously provided [REDACTED] phone number to the police and told them to summon [REDACTED] to testify. P37 told [REDACTED] that he made this suggestion and [REDACTED] said that he did not have a problem with this.

Fratzky asked if other people met at the café with them. P37 said no, just four or five people who had insignificant roles, namely elderly people who had been in Germany for around 20 years and [who forgot anything said at the table]. P37 was the youngest person among them.

Fratzky asked P37 what he could tell the court about Hafez Makhlof. حافظ مخلوف [P37 paused, then he said,] "a war criminal."

Fratzky asked P37 to elaborate and explain where Makhlof works. P37 said that Makhlof interferes in all Syrian [affairs]. He is a member of the ruling family and the maternal cousin of the president ابن خال الرئيس.

Fratzky asked P37 where Makhlof works and his rank. P37 said that they [some officers/family members] take ranks just like that [i.e. some ranks were formalities, not the source of actual power].

Fratzky asked about Makhlof's rank. P37 said that Makhlof was maybe a Colonel عقيد. But when P37 does not like a person, he does not care about him. [All of] Syria hates [Makhlof] and even he hates himself.

Fratzky asked P37 why. P37 said that Makhlof ordered the governor and every human being in his area to use violence, murder, and loot. The talk about him does not end.

Fratzky asked P37 if he knows where Makhlof works. P37 thought that Makhlof works in Dar'a درعا.

Fratzky asked P37 if he knows about Division 40. P37 replied, "what is Division 40?" There are dozens of branches in Syria—a branch every 100 meters.

Fratzky asked P37 if he could tell the court about Tawfiq Younes توفيق يونس. P37 said that [Younes] is no different than Hafez Makhlof.

Fratzky asked P37 where Younes works. P37 thought that [Younes] was a Brigadier General in 2010 and was responsible for one of the state security branches in Damascus.

Fratzky asked P37 if he knows Abduljabbar Al-Aqeydi عبد الجبار العكيدي. P37 asked if he could ask a question. Fratzky said no. P37 asked, "are you a judge or an attorney? [Only] the judge can ask me this question."

Judge Kerber explained that the defence has the right to ask questions, however, P37 does not have to answer. P37 said that the letter he received [from the Court] was regarding Raslan, not others. He only wanted to be asked about this case.

[Böcker uttered inaudible words and was visibly upset.]

Kerber asked the defence to relate their question to the case and to tell the court why he asked about this figure.

Fratzky said that this person worked with Raslan, so he wanted to know what P37 could tell [the Court] about him. P37 said that Al-Aqeydi was an officer in the Syrian Army and declared his defection in a video. Al-Aqeydi criticized some of Turkey's policies regarding the armed opposition. After that, he was outraged by the rebels [pro-opposition], because he became a peace-dove swaying to the right and the left according to his interests, like all those who played with the fate of the people.

Fratzky asked P37 if he knows Al-Aqeydi. P37 said no.

Fratzky asked P37 if he [knows if] Al-Aqeydi lives in Germany. P37 said no.

Fratzky asked if P37 knows [REDACTED]. P37 said yes.

Fratzky asked P37 what he could tell the court about him. P37 said [addressing the judges] “[why] does [Fratzky] want [to know about] him? He should specify to me what he wants [to know about]. Whether he prefers men or women?” [the last sentence was not translated.]

Fratzky asked about [REDACTED] job. P37 said that he knew a person named [REDACTED] (perhaps their names were just similar). He was a Lieutenant Colonel at the police. Before he [was transferred] to P37 in [REDACTED], he was an [intelligence officer] officer in prison.

Fratzky asked P37 if he knows in which intelligence branch [REDACTED] worked. P37 said State Security, but was not certain.

Fratzky asked P37 when [REDACTED] came to the police. P37 did not know. These were difficult questions and Fratzky was supposed to respect P37's age and the oppression [that he endured].

Fratzky said that he respects P37, then asked him to remember as much as he can. [P37 was silent for a moment.] He said that he needs time to remember.

Kerber asked P37 if he needed a break. [P37 paused.] He said in 2010.

Fratzky asked if P37 still has contact with [REDACTED]. P37 said that 4-5 years ago, [REDACTED] called P37 from a small European country next to Germany [P37 was trying to remember which country].

Fratzky asked if it was [REDACTED]. P37 said maybe. [REDACTED] thanked P37 for his good treatment, his work, and his position in regards to the regime. P37 thought that [REDACTED] visited him 5-6 years ago to send his condolences because P37's wife was ill.

Fratzky asked if P37 has [REDACTED] phone number. P37 said that he needs to check his mobile phone.

Fratzky asked P37 if he could share [REDACTED] phone number and address privately with the Court. P37 said that he would if he was requested to do so.

[Two-minute break to get P37's mobile phone.]

Kerber said that P37 gave the court the phone number. P37 said that judging by the phone number, [REDACTED] is not in Germany. Kerber said that the court has [REDACTED] number now and could contact him.

### Questioning by Plaintiff Counsels

Schulz recalled P37's statement that he watched a video in which Raslan defected. P37 said that he did not watch it, but [he knew about it from Raslan and his acquaintances]. [Raslan shook his head].

Schulz said that P37 was questioned as a witness in 2014 and 2019. He asked P37 if [he was questioned any other time]. P37 thought that [this was classified information] for security [reasons]. Some of the security departments were the ones who [requested that he] testify regarding a number of personae non grata. That was P37's duty because he is lives "here." However, P37 could not say that he testified about so-and-so.

Schulz asked P37 if he met or talked with President Al-Assad. P37 replied, "I talked with Al-Assad?!"

Schulz noted that the police transcript said [that P37 spoke to President Al-Assad]. P37 said that Al-Assad used to send "us" letters and talk to "us" through instructions notices.

P37 wanted to know [who Schulz represents]. Kerber clarified that Schulz represents the plaintiffs.

Schulz recalled P37's statement during police questioning: "the Shabiha said 'Al-Assad or we burn the country.' If I am in [REDACTED], then I do not want Shabiha to come in. I told that personally to Al-Assad." P37 said he did not mean that he told this statement to Al-Assad personally. P37 sent a written note to the Ministry of Interior, to the Presidential Palace. [The note] said that, but P37 did not say that directly to Al-Assad.

Oehmichen recalled P37's statement during police questioning in 2019 regarding the intelligence services: "the one who enters is missing and the one who comes out is born." P37 confirmed.

Oehmichen asked if P37 could explain what that means. P37 did not want to explain.

Kerber asked P37 if he could explain what he meant in a few sentences. P37 said that it explains itself.

Kerber said that [the fact that the statement explains itself might only be true for someone who has enough background].

Oehmichen said "thanks" [in Arabic]. P37 clarified what he meant by the statement. When a place is bad, anyone who enters it goes missing. If he comes out from it safely, it is as if he was reborn.

Kerber asked Oehmichen if P37's answer was sufficient. Oehmichen said yes, "thanks" [in Arabic].

[The witness was dismissed.]

P37 thanked the court and the attorneys, and he apologized if he was harsh with them.

Böcker asked Wiedner if he knew anything about Deußing's statement in 2014. Wiedner said yes. He talked with the BKA.

Kerber said that the witness scheduled for July 2 could not come to Court, therefore that day of trial is cancelled.

The proceedings were adjourned at 2:00PM.

The next trial will be June 30, 2021 at 10:30AM.