

TRIAL OF ANWAR RASLAN

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 32

Hearing Dates: April 7 and 8, 2021

*CAUTION: Some testimony includes descriptions of torture.***Summaries/Highlights:¹****Trial Day 67 – April 7, 2021**

P31 [name redacted], a 34-year-old Syrian journalist testified that a person whom he later identified as Anwar Raslan, slapped him in the face on an open street when security forces were preventing a demonstration in February 2011. According to the witness, this person was also observing the funeral of a prominent movie director and activist, together with subordinate members of the security forces. When the witness was detained and interrogated in Branch 251, the person he identified as Anwar Raslan was present at one of the interrogations, beating the witness with his fist. The witness further told the court about constant torture and bad detention conditions at the Branch which already existed in March 2011.

Trial Day 68 – April 8, 2021

After the witness answered questions from the prosecutors, Raslan’s defense submitted a request to take additional evidence. The defense argued that it would be necessary to hear five new witnesses in order to prove that Raslan was never involved in any “repressive activities” against the opposition outside Branch 251, nor would he have ever beaten an alleged member of the opposition. A response to this submission by the judges will be issued within the next weeks.

Day 67 of Trial – April 7, 2021

The hearing began at 9:35 am with five spectators and two members of the press in the audience. None of the accredited journalists requested access to the Arabic interpretation. The prosecution was represented by prosecutors Klinge and Polz. Plaintiff Counsels Kroker and Bahns were not present. René Kleyer was replacement for attorney Khubaib-Ali Mohammed.

Before Presiding Judge Kerber called the witness, she informed the parties that another witness prefers not to testify in court. She added that the judges would be in contact with the witness regarding protective measures, travel arrangements etc., however, one of the following sessions might be cancelled.

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

Testimony of P31

P31 was accompanied by his witness counsel, Antonia von der Behrens. Before Judge Kerber turned to the witness, she asked von der Behrens whether her client would be comfortable saying his name. Von der Behrens affirmed. Judge Kerber turned to P31, explaining that he is free to adjust the volume of his headphones and make himself comfortable before the questioning starts. Kerber thanked P31 for his willingness to testify in court and read out instructions. P31, a 34-year-old Syrian journalist denied being related to the defendant by blood or marriage.

Judge Kerber's Questioning

Judge Kerber first asked P31 to provide an overview of how he got in conflict with the 'regime', adding that the court already knew that P31 participated in the movement against the regime, and wanted to know more about P31's work and activities. P31 explained that before the start of the revolution, he was working as a journalist in Syria. After the start of the revolution in Tunisia, he participated in demonstrations in front of the Tunisian, Egyptian, and Libyan embassies in Damascus. He said that at this point in time, "it was hard, even crazy to demonstrate", because Damascus was under the control of the security authorities. He said that only a few participated in demonstrations before 2011, although there were some demonstrations. He always hoped to participate in this [demonstrations] and participate in a revolution in Syria. P31 worked for Al-Hayat, a London-based newspaper and later for An-Nahar, a Beirut-based newspaper, that was later banned in Syria. P31 explained that the Syrian regime used to ban certain newspapers, so that either both [Al-Hayat and An-Nahar] or one of them was banned. During his work as a journalist, he received many summonses from the Syrian security agencies. He explained that the agencies often turned to his family when he was still living with them. All summonses were related to his work and he was always questioned about his work.

P31 recalled that there was a call for demonstrations in front of the parliament in February 2011. He was there [in front of the parliament] together with a group of people, however, as there were many members of the security forces, he and the group decided to pretend that they were walking by the parliament, although they actually wanted to demonstrate. P31 explained that they were close to the parliament building, when some of them were stopped by security forces who asked for their IDs and personal information. Two of his friends did not have their IDs with them and when they were stopped by the security forces, they were pulled aside. P31 approached the security forces to ask them why they stopped his friends. He explained that at this time [early February 2011] there were not many demonstrations yet, so people had no experience in dealing with security forces. The security officers beat him and told him to leave. P31 further described that sometime after this incident, he went to the funeral of a prominent movie director to take pictures and videos. He explained that the deceased person was a friend of his and "important for the people in Syria who thought differently."

At the funeral he recognized some of the security officers who beat him at the previous incident. He then decided to film them from further away. P31 said Anwar Raslan was there and he [P31] took a picture of him and saved it on his laptop. According to P31, Raslan was there [near the parliament] when P31 was beaten by Raslan's officers. P31 said he cannot say why, but the picture of Raslan was somehow important to him, so he decided to save it on his laptop. A lot happened in Damascus after the funeral in terms of demonstrations. P31 said in mid-March he was also on TV. On March [information redacted] 2011, security forces entered his home in Damascus.



P31 recalled that he was in shock and thought his life was about to end. Security forces beat him, insulted him, and searched his home. The beatings were very harsh and lasted until the security forces had searched his entire place. After 1, 2 or 3 hours (P31 could not remember exactly) he was bused to Al-Khatib Branch. When he arrived at Al-Khatib Branch he was taken to a “covered” [roofed] yard² where he had to wait. The security officers who searched his place carried many bags, as they took all his belongings: CDs, DVDs, documents, books, as well as his laptop. P31 said that at this point, he did not know what he was accused of. He considered himself a journalist who appeared on TV from time to time. While he had to wait, he tried to imagine what the officers possibly want from him. P31 said he felt like this might help him during an interrogation later on. He was 29 years old at this time and it was his first experience of being at a detention facility.

P31 said he had to wait in the yard for quite some time before he was taken inside where his clothes were stripped, and he was asked questions about things that were taken from his home. P31 explained that they found many banknotes in his home because he and his flat mate collected foreign banknotes as a hobby. The security officers beat him and wanted to know the country of origin for every single banknote. However, he did not know that for every banknote, so he started to just say any country. The officers continued to beat him again and again, until he was taken back to the yard where he had to stand and wait for hours. P31 explained that young Iraqi men who were arrested at a park also had to stand and wait in this yard. Overall, a lot of people arrived at this yard while P31 had to wait there. P31 said it was a longish yard where every new arrival had to wait before one was taken to a cell.

Judge Kerber wanted to know whether P31 meant that the yard was “covered” with people or with a roof. P31 said the yard had a corrugated iron roof. There were also windows facing the yard. One could hear screams coming from the direction of the windows. P31 assumed that people were being tortured in the rooms behind the windows. He guessed that these rooms were interrogation rooms. P31 recalled that this situation [waiting in the yard, hearing screams of torture] was the “beginning of the horrors.” He said that one could hear many different screams of torture, one man shouted, ‘Why did you rape my wife?’. After he waited in the yard for one hour, P31 was taken to a solitary cell, measuring 1.5x2 meters. Although solitary cells would usually be used for one person only, P31 said that there was an elderly man inside the cell when P31 arrived. He asked the man how long he had been in the cell and when the man answered ‘15’, P31 got scared because he assumed that he was talking years. However, the elderly man said he had been there for “only” 15 days.

P31 recalled that the first interrogation started the same night after he arrived. His hands were tied behind his back and he was blindfolded. P31 had to lie on the floor with his face and belly facing the floor. P31 was told that he would be in control of how much beating he had to endure, because he would be beaten whenever he was lying. The first questions were about his name, family, and job. He was also asked whether he received money from abroad to organize demonstrations. P31 identified different groups of questions: personal information, family, and activities regarding demonstrations. After that, he was tortured and beaten. According to P31, around three people were present, beating him all over his back and head using a cable. He was then taken back to his cell. One day later, the officers had inspected P31’s laptop and asked him questions about his postings and texts.

² Note from the Trial Monitor: The interpreter used the term “covered” [GER: bedeckt]. Judge Kerber later clarified that P31 meant the Yard was roofed.

P31 said they [employees at Branch 251] wanted to know whether P31 was working with 'hostile' media outlets or other agencies that would be hostile towards the regime. P31 told them that everything he had written, was published in newspapers, and he was not hiding anything. P31 recalled that he was also questioned about the reasons why he published certain pieces in certain newspapers and why he wrote them in the first place. P31 told the court that there were separate sessions [interrogations] dealing with certain things on his laptop. The interrogators went through all the documents on his computer step by step. He was heavily tortured during these interrogations. P31 described how he was put in a "torture seat", lying on the floor with his hands tied and eyes blindfolded when he was beaten with whips all over his body. P31 said this was particularly heavy because the beating lasted for a long time. He assumed that he was beaten by several people, whom he asked to stop many times. However, he was told to stand up, which he was unable to do. He was then told to crawl outside and eventually kicked out and taken back to his cell. Judge Kerber wanted to know where P31's hands were when they were tied. P31 said they were tied behind his back.

Kerber asked how exactly P31 got back to his cell, since he was unable to walk. P31 said he could not remember exactly how he got back to his cell. He remembered that he was kicked out of the room and a guard was called to take him back to his cell. This guard had to make sure that P31 was blindfolded and lowered his head on his way to the cell. P31 explained that the guard took his blindfolds, since P31 was unable to walk. He was so exhausted, he had to crawl all the way back to the cell. P31 remembered a group of guards sitting in a room mid-way on the way back to his cell. The guards were laughing at 'a journalist who is unable to walk.'

Kerber recalled that P31 was not blindfolded on the way back and asked him whether his hands were still tied behind his back, and how exactly he crawled back to his cell. P31 said his hands were untied on the way back to the cell. He was then left alone for a couple of days before he was interrogated again. This time, the interrogation officers wanted to know how and with whom P31 was working. They wanted information about his colleagues. P31 recalled that during one of the following interrogations he was standing in the interrogation room when the person whom he had filmed was present as well. P31's blindfolds were taken off. P31 explained that when the picture [he took of one of the security officers at the funeral] was found on his computer, he was interrogated about it. His blindfolds were taken off and Anwar Raslan was there. P31 said Raslan called him a 'son of a bitch' and started to beat him.

Kerber asked whether it was Anwar Raslan in the photo on P31's laptop. P31 affirmed, adding that when he was asked during the interrogation [at Branch 251] why he took the picture and whether he wanted to hurt the person, he answered that this person beat him [near the parliament building]. P31 told the court that he took the picture because he hoped that one day the person would be held accountable for that. P31 explained he said during the interrogation that he did not know who this person was and that he was working at the Branch. He only recognized him at the funeral standing with other security officers around him and he seemed to be an important person, P31 said he was shocked when he found out that this person was working at the Branch where he was detained. He was afraid of revenge. P31 said he had to endure several interrogations at the Branch. After they [interrogation officers at Branch 251] questioned him about general things, they then wanted to know how exactly P31 was working [as a journalist].



P31 said a couple days later he was taken out of his cell at night and transferred to Kafar Souseh, the State Security Branch. One of the guards there told P31 that he could have become a journalist, but he ruined his own career. The guard then started beating him. P31 added that he was transferred to Kafar Souseh by car. He was alone in the car [only detainee], blindfolded, and his hands were tied behind his back.³ P31 went on to explain that on his arrival at Kafar Souseh, his personal items that were also transferred from Al-Khatib Branch, were registered before he was taken to an underground cell. He said this place was dirty and scary, and the guards there were more brutal than the ones before [at Branch 251]. According to P31, one could hear people screaming from torture all the time. He saw many people coming to the cell who were brutally tortured before. Many of them were arrested at demonstrations in Duma and Damascus. They were injured and covered in blood.

P31 said that even minors, children around the age of 12 to 13 years, were in his cell in Al-Khatib Branch. When P31 arrived at Kafar Souseh, a 16-year-old teenager arrived the same night. P31 said they were both heavily beaten. The guards simply wanted to hear them scream. P31 said the guards hit them with black sticks on their heads and bodies. P31 further recalled that in Kafar Souseh he was beaten on his way from the cell to the toilet, while in Al-Khatib [Branch] he was never beaten on the way to the toilet. In Kafar Souseh, however, guards came into the cell every hour, beating the detainees with batons. Sometimes, they [detainees] were told to stand up, facing the walls. They had to stay in this position for hours. P31 told the court that he was interrogated twice at Kafar Souseh. The interrogators wanted to check his statements from Al-Khatib [Branch]. P31 described that there was “no actual torture” during interrogations at Kafar Souseh. The people there simply wanted to check what he already said in Al-Khatib. Nonetheless, in Kafar Souseh he was beaten in his cell every day, every hour. P31 said it was very scary and he never felt so afraid like in this place [Kafar Souseh]. P31 recalled that one night he and other detainees were taken to a yard, where they all had to stand. There were many people, around 100 persons. They were called traitors and criminals [by the guards] and told that the president issued an amnesty, so all of them were free to leave. P31 said they were supposed to be transported with buses, many people did use the buses, however, P31 decided to take a taxi to one of his friend’s places. He added that ever since he did not return to his flat.

[15-minute break]

Judge Kerber explained to P31 that she has no further general questions at the moment, however, Judge Wiedner would now ask more detailed questions.

Judge Wiedner’s Questioning

Judge Wiedner asked when P31 first published articles as a journalist. P31 said he studied at Damascus University before he started working as a journalist in [information redacted]. Around [information redacted] he started working for [information redacted] and in [information redacted].

³ Note from the Trial Monitor: Judge Kerber apologized to P31 for interrupting him, when she warned a member of the audience to wear his COVID-19 mask correctly.

Wiedner asked whether P31's pieces were political from the beginning or only after the beginning of the uprising in Syria. P31 explained his pieces were not political at all. At the beginning of his career, he rather published articles about the arts and the relationship between the arts and society, using the arts as a way of describing society. His work related to corruption and how artists portrayed corruption, and how artists addressed political topics in general.

Wiedner recalled P31 telling the German Federal Criminal Police (BKA) that he published many political contributions after 2010. P31 said this [political contributions] would be a more complicated description, he explained that one could not address political issues directly. Instead, one could only talk about the arts and society. In Syria, one could not directly write about politics. P31 recalled that at university he was told that Annhar, the newspaper he was working for, was a prohibited newspaper, a hostile opposition newspaper.

Wiedner asked what P31 got to know about the security force's reaction to demonstrations when he documented and participated in demonstrations in spring 2011. P31 explained that he participated in demonstrations in Damascus; mostly vigils in public spaces or in front of the Egyptian or Libyan embassies. After March 15, 2011, family members of detainees organized a demonstration in Damascus. *Shabiha* came and started beating demonstrators. Everyone, including P31, had to flee. P31 said he gave several interviews on TV around this time in March 2011. He reported about the demonstrations, amongst others on Al-Jazeera and Al-Arabia. He sometimes used his real name and sometimes used a fake name instead.

Wiedner wanted to know whether one can say that P31 was a prominent person in Syria. P31 said that many TV stations published his name when he was arrested and spoke about his arrest. P31 concluded that he was well known amongst a certain group of people.

Wiedner recalled that P31 connected Anwar Raslan's name to the events he just described and asked whether P31 knew this name already in March 2011. P31 denied, explaining that he saw this person on a public square together with other officers, however, he did not know his name. P31 added that the number of people who participated in demonstrations at that time was relatively small. Demonstrations were peaceful and short. Members of the security forces only picked out a few people from time to time.

Wiedner clarified that he wanted to know whether P31 knew the name Anwar Raslan or the person. P31 said he did not know the person's name.

Wiedner recalled P31 saying that the person he saw at the demonstration was Anwar Raslan. Wiedner asked P31 how he identified this person as Anwar Raslan. P31 explained that there were always security officers or other members of the security forces watching people at this kind of activities [demonstrations, vigils]. P31 had no experience with detention at that time [March 2011] so he did not know any names, he only knew the faces of the security officers. When he filmed and took pictures of this person [later identified as Anwar Raslan] he did not know his name. P31 concluded that this was one of the craziest things that ever happened to him. After he was released from detention, he spoke to his friends about the events. They mentioned the name Anwar Raslan and described his appearance. P31 said in this moment [in court], when he sees this person, he knows it is Anwar Raslan who was there [at the demonstration, funeral and as interrogator at Branch 251].



Wiedner asked whether this person whom P31 identified as Anwar Raslan would be present in the courtroom. P31 affirmed. Wiedner asked P31 who exactly it would be. P31 pointed at the defendant's bench where Anwar Raslan was sitting.

Wiedner wanted to know when and where P31 saw this person for the first time. P31 said it was on February [information redacted], 2011, at a demonstration in front of the parliament building. The demonstration actually never happened due to the presence of many security forces. The group of people instead walked by the parliament to Az-Zahra' Cinema where two of his friends were arrested.

Wiedner asked whether this was the first time P31 saw the person he identified as Anwar Raslan, or if he already saw him before this event. P31 explained that the first time he memorized Raslan's face was at an event where Raslan was standing with a group of employees. P31 and his friends saw Raslan and the group, and they saw P31 and his friends. P31 stressed that this was when he memorized Raslan's face. Later at the funeral he recognized this person and wanted to take a video of him. That was when P31 knew that this person was the reason why his friends were arrested.

Wiedner wanted to know how Raslan was the reason for the arrest of P31's friends and what led P31 to this assumption. P31 recalled that he and a group of people wanted to demonstrate in front of the parliament but instead decided to walk by. They were stopped by security officers and asked for their IDs and personal information. When their data was documented, they were allowed to go home. However, two of his friends did not have their IDs with them, so they were taken to the entrance of a building nearby. There the security officers started beating P31's friend. P31 said they also took the young woman who was with his friend to this entrance. P31 saw this and approached an officer who was not involved in the beating but standing next to the group. P31 stood on the pavement next to the entrance of the building, while his friends were beaten inside the entrance [hallway]. P31 told the officer to not harm his friends and let them go.

Wiedner asked whom exactly P31 approached. P31 said he approached the security officers, Anwar Raslan and another officer who was standing next to Raslan. One of them hit P31 on open street and told him to go away.

Wiedner wanted to know whether P31 spoke to the person he identified as Anwar Raslan. P31 affirmed, explaining that he remembers well that this person was wearing a brown leather jacket.

Wiedner asked what this person told P31. P31 said he told him 'get lost!'

Wiedner wanted to know what exactly this person [whom P31 identified as Raslan] was doing; whether he gave orders or was just standing by. Wiedner asked P31 how he identified this person's rank and function. P31 explained it was obvious that this person had a higher rank, because usually at demonstrations or vigils, officers were standing behind regular security forces who had a different function. At this time [early 2011], officers were usually wearing civilian clothes because all embassies in Damascus were still open. The regime did not want to show violence because they were under surveillance [by foreign diplomats and personnel in the embassies]. P31 recalled that there were dozens of security employees at every demonstration. They always told the protestors to leave the scene. Some demonstrations took longer. For example, there was a demonstration in front of the Libyan embassy where people were standing for around two hours, calling for freedom and justice. P31 added that, however, none of the demonstrations were specifically directed against Bashar al-Assad.

Wiedner asked whether the person whom P31 identified as Anwar Raslan did not wear a uniform at the incident near the parliament. P31 denied, explaining it was normal that members of the security forces wore civilian clothes even inside the detention facilities.

Wiedner asked whether P31 knew the name of this person. P31 denied.

Wiedner asked whether it was correct that P31 saw this person again at the funeral, only a few days after the incident near the parliament. P31 affirmed.

Wiedner wanted to know at which point P31 identified this person as Anwar Raslan. P31 said he contacted the people who participated in demonstrations before March 2011 because he wanted to know the name of this person. These people then told him his name was Anwar Raslan.

Judge Wiedner summarized that P31 knew the person's name from other people. P31 affirmed.

Wiedner cited the transcript of P31's questioning with the BKA where P31 stated that members of the security forces were present at every demonstration or vigil connected to the Arab spring. 'He' [person identified as Raslan] was there as well. Other members of the security forces addressed him as 'Colonel', whereas the group of demonstrators called him 'Raslan'. Wiedner asked P31 whether he could remember this statement. P31 denied, explaining that at the time [of the demonstrations] people called this person "the evil one", and only after he was released, P31 learned the person's name.

Wiedner wanted to know when exactly P31 learned the name of the person, after his detention or earlier during a talk with his friends. P31 said he heard the name from friends. He never witnessed how this person was called by his name. In detention, P31 only saw the person's face, but did not know his name yet.

Wiedner cited the BKA's transcript, saying that P31 saw the person he identified as Anwar Raslan already before the demonstration near the parliament. However, the first interaction with this person was at this attempted demonstration near the parliament. Wiedner asked P31 whether P31 consequently saw Raslan before his detention. P31 said this [situation described in the BKA's transcript] was the situation he was referring to earlier when talking about a vigil in Damascus. He saw this person for the first time at this occasion. The first close direct contact then happened at the [attempted] demonstration and the second contact was in detention.

Judge Kerber intervened, asking whether it was always the same people participating in demonstrations and vigils. P31 affirmed.

Kerber wanted to know about the connection between these people, whether they all had the same job or if there was any other connection or commonalities. P31 said they were all activists, adding that there were only a few of them in Damascus.

Judge Wiedner asked whether P31 had direct contact with the person [identified as Raslan] at the funeral. P31 denied, explaining that he only saw him from a distance.

Wiedner mentioned that the BKA showed P31 several photos and asked P31 whether he recognized anyone from these photos. P31 said he recognized the same person from the photos that he was just talking about in court.

Wiedner asked whether this would be the same person that is also present in the courtroom. P31 affirmed.



Wiedner recalled that after P31's flat was stripped and he was arrested, he was taken to Al-Khatib [Branch]. Wiedner asked P31 how he knew that this place was Al-Khatib [Branch]. P31 explained he did not know right away, because he was blindfolded on the way to the Branch. He only learned from "detainees who were taken there" after him. P31 added that the Branch has a number, however, he did not remember. Some people were summoned by the Branch before they were detained, so they knew where they were and could tell P31.

Wiedner asked P31 to clarify what he meant by "detainees who were taken there." P31 said he called the people fellow detainees because some of them were summoned to the Branch before they were arrested, and others were arrested at demonstrations and recognized the Branch from the way there.

Wiedner asked P31 to describe his arrival at the Branch. P31 explained how he was taken from his flat to the Branch in a bus. He was first taken to a yard before he was taken to a room. The yard had a corrugated iron roof, and he was taken from this yard to the place where he was frisked. He was taken to some kind of kitchen, a room where a lot of bread was stored and with a sink in the middle of the room. He was frisked in this room and had to sign that the personal items he had to hand out belonged to him.

Wiedner asked P31 whether he had to undress. P31 affirmed, adding he was only allowed to leave on his underwear. He then had to squat twice, a typical move that was used by the guards to ensure that a person did not hide any items.

Wiedner wanted to know if P31 was immediately interrogated or first taken to a cell. P31 explained he first had to go back to the longish yard where he had to wait for hours. More and more people arrived there while he had to wait, up to a point where there were dozens of people in the yard. He was then taken to a cell. P31 added that all detainees were photographed in the yard.

Wiedner asked where P31's cell was located: in the basement, ground floor [first floor] or upstairs. P31 described that the yard and the cells were on the same level, the ground floor. There were a few steps leading inside the building, however, one did not go upstairs to another floor. P31 added that there were collective cells in Al-Khatib [Branch] with a hallway in front, leading to solitary cells. P31 recalled that when he was detained in one of the solitary cells and he had to use the toilet, he was taken outside the cell to a room opposite of the solitary cells.

Wiedner wanted to know where the interrogations took place, whether P31 had to go upstairs or downstairs. P31 explained that the interrogation room were located on the same floor. Coming from his solitary cell he had to walk down the hallway, passing the guards' room, and coming to some kind of yard where the interrogation room were located. Sometimes, he had to go upstairs where more interrogation rooms were located. P31 said the moment one is taken from his cell, one cannot feel anything. Right in front of the cell's door, one is being blindfolded and the hands are tied behind one's back. One then had to go to the interrogation room like that [blindfolded and with hands tied behind the back]. P31 added that the blindfolds only allowed one to recognize the way one had to walk, that was the reason why P31 could describe the way. He added that once, when he was tortured so badly that he was unable to walk, his blindfolds were taken off, so he could see the interrogation room and parts of the way between interrogation room and cell.

Wiedner asked if P31 had to walk upstairs or downstairs on the way back to his cell after an interrogation. P31 said it was usually on the same floor, however, sometimes he had to go to a different floor.

Wiedner asked whether the interrogation at which Anwar Raslan was present was also on the same floor as the cells or whether it was somewhere else. P31 said as far as he remembered, he had to use stairs. The interrogation was in a different room than usual.

Wiedner asked P31 to describe the room [where the interrogation with Raslan happened]. P31 said he could only remember that there was a desk. He was so exhausted at that time that he was not able to memorize more details. He assumed that there was a window, and the desk was wooden and there were chairs as well.

Wiedner wanted to know how many people were present at this interrogation in addition to P31. P31 said he was the only detainee at this interrogation and at least three guards were present, one of them had accompanied P31 to the room.

Wiedner asked P31 to describe the situation and how the person he identified as Anwar Raslan was behaving. P31 said he was taken to a room where he had to stand. Usually, he had to kneel or lie on his belly during interrogations. Shortly after P31 entered the room, someone asked him whose picture P31 had saved on his laptop. When P31 said he did not know, his blindfolds were taken off and someone hit him with his fist.

Wiedner wanted to know who hit P31. P31 said it was the same person, Anwar Raslan. P31 then had to kneel.

Wiedner asked where P31 was hit. P31 said he was hit in his face. He was then questioned why he took the picture and other things related to the photo. P31 said in this moment, he felt as if his life was in danger, because the person from the photo was sitting right in front of him and was free to do whatever he wanted to do. P31 said this person wanted to know everything about the photo. He was questioned again about the photo the following day, however, by a different interrogator.

Raslan's defense counsel Böcker intervened, saying he had a question regarding who exactly was the one hitting P31 with his fist, and who took off P31's blindfolds. Judge Wiedner said that this would actually not be the time for Böcker to ask questions, however, Wiedner was about to ask similar questions anyway. Wiedner asked P31 who took off his blindfolds. P31 said it was the same person who hit him with his fist. This person first asked whose photo P31 saved on his computer, then took off his blindfolds and hit him in the face. Wiedner asked whether it was Anwar Raslan. P31 affirmed.

Wiedner wanted to know whether there was more beating during this interrogation. P31 affirmed, explaining that several people started beating him when he was blindfolded again and told to kneel. In this interrogation session, P31 was told not to lie. P31 added that usually, he was simply severely tortured during interrogations and threaten to be killed or cut into pieces.

Wiedner asked whether P31 was threatened during this interrogation as well. P31 affirmed.

Wiedner wanted to know if P31 recognized the rank of the person he identified as Anwar Raslan, compared to the other people present at this interrogation. P31 said the other people addressed Raslan as "Sidi" [dear Sir], so it was obvious that Raslan was higher-ranking, because this term is only used between different ranks.

Wiedner asked whether Raslan gave orders. P31 could not remember, adding that he sat or knelt on the floor while he was beaten by several people from several directions. That was why he could not tell who said what.

Wiedner recalled that P31 told the BKA about another person whom he could not pigeonhole. P31 said there was the interrogation officer, whose voice P31 still remembers well. There were also one or two people who usually carried whips. P31 said he was sitting or even lying on the floor and could hear steps and people whispering, because they did not want P31 to hear what they were talking about.

Wiedner cited the BKA's transcript, saying that P31's video [from the funeral] showed another person who was in the room [interrogation] as well. This person was between forty and fifty years old, had dark hair, a mustache, and a brown leather jacket. P31 told the BKA that he did not know this person's name. P31 confirmed this to the court.

Wiedner asked if and what this person did during the interrogation. P31 explained that this was the same person who took off P31's blindfolds and hit him in the face. P31 clarified he was referring to the person that he took a picture of, and who then hit him.

Wiedner recalled that P31 told the BKA that Raslan was the person who hit him in the face and that there were one or two other people in the video who were also in the interrogation room with P31. P31 explained that he meant there was more than one person in the interrogation room: One who hit him, two carrying whips and one guard who accompanied P31 to the room.

Wiedner said he understood from P31's previous descriptions that the video P31 made at the funeral showed one person whom he identified as Raslan and met again during the interrogation, and that there was another person in this video who was also present at the interrogation. P31 said the interrogation was about his work, postings, and activities during the revolution. He was also questioned about the video and photos.

Wiedner recalled P31 telling the BKA that Raslan was very angry. Wiedner wanted to know what exactly Raslan did, and if he raised his voice. P31 said he hit him in the face. According to P31, this would be enough to describe such a person.

Wiedner said P31 previously described that he continuously heard other people screaming from torture, and asked P31 whether he could also hear these screams in the interrogation rooms. P31 said one could always hear these screams, even inside the cells. However, during interrogations he focused on himself, trying to find ways to reduce beatings. P31 said he could still hear voices of people being tortured, something that was audible everywhere.

[1 hour break]

Judge Wiedner said he wanted to know more about the general detention condition in Al-Khatib Branch and had some brief questions about condition in Kafar Souseh at a later point. Wiedner's first question was about the cells in Al-Khatib and how many people were in the same cell as P31. P31 said at the beginning there was one other person, an elderly man. P31 was later transferred to another cell.

Wiedner recalled P31 telling the BKA that there were three people, including P31, in one cell. P31 clarified that on his first day, there was one other person, an elderly man. The third person came on the second day. When P31 was transferred to another cell, he shared the cell with many other people. P31 said there was a lot of movement regarding new arrivals and transfers. Depending on how many new detainees were taken to the same cell, others were transferred.

P31 said he did not stay in the collective cell for a long time. Overall, he did not stay there for years or months, and due to many changing images, he could not remember all the details. P31 concluded he remembered certain things better than others.

Wiedner asked how long P31 stayed in Al-Khatib before he was transferred. P31 said he stayed there for around twelve to thirteen days. He was arrested on March 28, however, he did not remember the exact date he was released. He explained he knew that he was transferred after 12 days, although he lost his sense of time.

Wiedner said P31 told the BKA that he stayed in Al-Khatib from [information redacted], and asked P31 to confirm. P31 explained that he lost his sense of time. He was able to tell night and day, however, he lost his general sense of time, so he assumes that the timeframe he gave the BKA was calculated. P31 confirmed when Judge Wiedner asked whether he was talking about the year 2011.

Wiedner asked how big the collective cell was and how many people were there. P31 said he was in more than one cell. The number of people varied. Sometimes there were twenty people, sometimes thirty, before some of them were transferred. P31 said people were “piled up” in these cells. They had to sleep in shifts. However, the exact number of people was depending on the day.

Wiedner wanted to know if they were woken up at night. P31 said a lot happened inside the cells. Sometimes the detainees were not allowed to sleep. They had to stand in line, facing the wall. P31 described this as mental torture.

Wiedner clarified that all his questions relate to Al-Khatib Branch, referring to P31’s statements with the BKA, according to which people were often woken up at night and forced to face the wall, so that it was impossible to get enough sleep. P31 confirmed, adding that this is what he meant when talking about physical and mental torture.

Wiedner asked if the food was sufficient. P31 said food was not good but they got three meals per day, in the morning, at noon and in the evening. In the evening, they were given eggs, lentil soup and bread. They also got food at noon. P31 said the food was enough but disgusting. He further described that the amount of food was dependent on the cell. In collective cells, they got one portion for all detainees, so one person often did not get a lot of food, while in solitary cells every detainee got his own portion, so the amount was sufficient.

Regarding hygienic conditions at the Branch, Wiedner asked P31 whether there were sanitary facilities at all, if they were clean, and if people were allowed to use them. P31 said one was allowed to use the toilet, however, you only had one minute to go there and leave it again. If one took longer, the guards opened the door and screamed at the person to leave. There was no option to take a shower or bath. P31 did not remember whether there was soap at all. He was allowed to use the toilet up to three times per day, but the smell there was horrible. P31 explained that there were a lot of people, none of them could wash themselves, so that there was a strong smell. P31 said that this disgusting smell of people who did not wash for days, burnt into his memory.

Wiedner asked whether there was medical treatment at Al-Khatib Branch. P31 said some detainees received pills and medicine. He heard such stories relating to diabetes. He also heard people asking the guards for medicine. P31 himself did not need any pills or medicine, so he never asked for it.

Wiedner wanted to know whether P31 saw injured or sick detainees who would have been in need of medical treatment. P31 said there were different groups of sick people: high blood pressure, diabetes, and heart-related issues. These people asked for specific pills, however, P31 did not notice whether they received them or not. P31 also saw people, mainly from Duma and Damascus suburbs, who suffered fractures. Some wore bandages. P31 added that they were covered in blood and bleeding from their heads as well. They apparently had to endure severe beating.

Wiedner asked whether these people received medical treatment or were just left alone. P31 said they wore bandages. However, they were in pain. He added that people with chronic sickness asked for medicine. P31 said he does not know whether the bandages qualified as proper medical treatment. He further witnessed people who obviously “went crazy.” They were screaming they had hard issues when guards came and started beating them. However, P31 could not tell whether these people were actually sick or not. He also did not see any doctors. P31 concluded that although he saw some people receiving pills and others wearing bandages, he did not see a doctor at Al-Khatib Branch.

Wiedner wanted to know if P31 witnessed other detainees being tortured and what torture methods were applied at the Branch. P31 described how he saw detainees returning to the cell after an interrogation with hematomas all over their bodies. They were beaten with cables and their entire bodies were red. P31 recalled a fellow detainee from Jordan. He had darker skin than P31 and was heavily beaten. The guards told this person that he could bear a lot. P31 recalled other “crazy situations” when people from Duma arrived at the cell, who obviously had to endure severe beating before that. P31 said he and other detainees “tried to put them back on their feet.” P31 further explained that he himself witnessed on his way to the toilet how detainees were handcuffed to their cell doors, so they could not sit down. P31 concluded that the aim was to mentally break people.

Wiedner asked whether this was in Al-Khatib. P31 affirmed, explaining that later in Kafar Souseh one of the people he shared a cell with was tortured like that [handcuffed to the cell’s door] in Al-Khatib. When P31 was in Al-Khatib he saw himself how people were handcuffed to the doors of their solitary cells.

Wiedner wanted to know what exactly was done to these people. P31 explained that the iron doors of the solitary cells had small windows that were used by the guards to watch the detainees from outside or to let some air inside the cell. These windows were barred, and the detainees’ handcuffs were attached to the bars. This was done so that people could not sit down. P31 said he later understood that this was used as punishment. However, when he was still in Al-Khatib no fellow detainee in his cell was tortured like that, so he could not ask anyone and only found out later.

Wiedner asked at what height the people were handcuffed to the window bars, whether they had to stand up. P31 said the windows were at eye level. In his solitary cell, one had to stand up to look through the window. P31 guessed the windows were at a height of 160 to 170 centimeters. He added that the function of these windows was for guards to open them and watch the detainees.

Wiedner wanted to know if P31 knew about other torture methods like electroshocks or *Doulab*. P31 affirmed that electroshocks and *Doulab* were applied and used to threaten people. P31 said he witnessed people being whipped and tortured with the *Flying Carpet*. P31 explained he was once put in a *Doulab* and beaten. Another time he was threatened that electroshocks would be applied to certain parts of his body so he would “no longer be able to have children.” On Judge Wiedner’s request, P31 affirmed that this happened in Al-Khatib Branch.

Wiedner asked P31 to describe the situation when he was tortured using *Doulab*. P31 explained that this happened during the interrogation after which he was unable to stand or walk. He was put in a *Doulab* [tire] and beaten twice or three times. However, this would not have been as intense as the regular use of these methods. P31 said he was sometimes also threatened that two metal sticks would be attached to his body to impose electroshocks.

Wiedner asked whether P31's family was informed about his whereabouts. P31 denied.

Wiedner further wanted to know if P31 was beaten on the way to interrogations. P31 said he was beaten on the way in Al-Khatib. One could not say that these beatings were systematic. One was [arbitrarily] beaten against his head with sticks or one's head was smashed against the wall. P31 said this was not as intense as the torture and beatings that followed later [in Kafar Souseh]. P31 said the way from his cell to the toilet was very long in Kafar Souseh and one was massively beaten on the way.

Regarding Al-Khatib Branch, Wiedner wanted to know if P31 could say anything about the hierarchy between guards and interrogators. P31 said as a detainee in this Branch he would be beaten by the guards on a daily basis. They were the only people that the detainees had contact with either on the way to the toilet or when they got food. According to P31 there were also people working in human resources or at the exhibit department where the detainee's personal items were registered and stored. The latter asked P31 about his father and other relatives. P31 added that there were also interrogators and transcript writers.

Wiedner wanted to know whether people acted in a certain way so P31 was able to tell if there was some kind of hierarchy. P31 said he was not familiar with ranks. However, some people addressed others with "sidi" [dear sir]. P31 explained that as a detainee his only contacts were with the guards.

Wiedner recalled P31 telling the BKA that the interrogators were in charge of ordering interrogations or deciding that nothing would happen to the detainee. P31 further told the BKA that it seemed like the treatment was already agreed on before and the aim the interrogators had in mind decided about the detainee's fate. P31 told the court that this is what he meant when describing that the guards addressed the interrogation officers with "sidi" [dear sir]. The guard who accompanied the detainees from the cells to the interrogation rooms had a lower rank than the interrogation officers.

Wiedner said P31 further told the BKA about hierarchies that higher ranking people used a harsh note towards lower ranking personnel; they exercised their power verbally. P31 told the judges that he was referring to this when talking about the term "sidi". He only used this term to make conclusions about the ranks of people.

Wiedner said the court was particularly interested in P31's experiences in Al-Khatib Branch and asked him to tell whether Al-Khatib was worst or if other intelligence branches were worse. P31 said that each experience [Branch] was bad. He said he was beaten most and had to endure the greatest pain in his life when he was in Al-Khatib Branch. Later in Kafar Souseh, he was also beaten and insulted by guards, however, "that was part of it." P31 explained that at his second arrest months later, he was taken to Branch 215. His hand was injured and a doctor was called to put on bandages. He had to stay at this Branch for 60 days.

Presiding Judge Kerber asked P31 if he needed a break. P31 said he had a headache and a hard time remembering things, so he would like to have a break.

Raslan's defense counsel Böcker intervened, saying that he and his colleague would not have any questions for the witness, because they needed to talk to their client first.

Since the prosecutors indicated that they only had a few questions, Judge Kerber ordered a short break before the session would be closed after the prosecutors' questions.

[10 minute break]

Presiding Judge Kerber said P31's counsel told her that P31's headache got worse. Kerber therefore decided to close the session for the day and continue with the prosecutors' and the defense's questions the following day.

Proceedings adjourned at 2:15PM.

Day 68 of Trial – April 8, 2021

The hearing began at 9:30 am with six spectators and two members of the press in the audience. None of the accredited journalists requested access to the Arabic interpretation. The prosecution was represented by prosecutors Klinge and Polz. Plaintiff Counsels Kroker and Mohammed were not present.

Presiding Judge Kerber read out instructions to P31 again before she handed over to the Prosecutors.

Prosecutors' Questioning

Prosecutor Klinge referred to demonstrations and vigils in early 2011 and asked P31 whether it was known that certain people there belonged to the security forces. P31 affirmed, explaining that one could tell that they were members of the security forces because they were always on the phone. He added that "one knew how they were acting." P31 said that some of the activists participating in these demonstrations were already summoned by the Intelligence Services, so they knew some of the people. A common term for these summons and general questionings would be "to get a cup of coffee."

Klinge asked if it was also known to which agencies they belonged: General Intelligence, Military Intelligence, Air Force Intelligence or Political Security. P31 said he wanted to talk about his personal story: he had already been [in early 2011] invited [summoned] by the Political Security and Palestine Branches. He therefore knew some of the people there. Friends of his were also summoned and knew some of the Intelligence employees as well. In addition, one had to bear in mind that the security forces in Syria are not hiding. Their approach would be to control everything. That was why P31 and his friends were afraid.

Klinge referred to the [attempted] demonstration on February [information redacted], 2011 and asked P31 whether he knew to which Intelligence Agency the people belonged. P31 explained that on this day, a group of people wanted to gather in front of the parliament building in Damascus. Around twenty to thirty people therefore met at [information redacted]. A person came into the café and took P31 outside, asked for P31's ID, documented his data and sent him back inside.

P31 did not know to which agency this person belonged, he did not wear a batch or anything else to identify him. After P31 and the group left the café, some of P31's friends were stopped and asked for their personal data as well. Many buses were waiting outside the café on both sides of the street. P31 said he and his friends knew that the young men in the buses were *Shabiha*. The café is close to the parliament, around 30 meters down the road. However, P31 and the group were so scared due to all the buses and officers, that they decided to keep walking and not do the demonstration as planned. Some of the security forces asked people for their IDs and data, others were waiting in the buses. The group kept walking until they reached Az Zahra' Cinema, around 100 meters further down the road. They checked whether they could do their demonstration there but decided not to do so. P31 explained that they were not walking as one big group but in pairs or small groups of three people. Two of his friends were stopped at the corner of the street and taken to the entrance of a nearby building. P31 went in their direction. P31 said there were so many people dressed in civilian clothes, it was impossible to identify to which Branch they belonged, unless one was summoned by that Branch before and therefore knew some of the faces.

Klinge asked about the name of the movie director at who's funeral P31 took pictures and made a video. P31 said his name was [information redacted].

Klinge further wanted to know whether P31 saved video or picture files on his computer and with which device he took the pictures/videos. P31 said at the funeral he filmed with a Sony video camera, a so-called hand camera. He filmed the funeral procession carrying the coffin and people walking behind it. P31 said many people attended the funeral: artists, politicians, as well as security forces. He shot a video of the events and while he was filming, he recognized the person who beat him on an open street before. He therefore took a picture of this person. Later, when P31 was at home, he saved the picture file on his computer. He told the court that he was afraid and nervous in this moment because his mere presence at the funeral was problematic. In addition, he also filmed security forces, something that was not easy in Syria.

Klinge asked if P31 consequently took a screenshot of this particular person from the video file. P31 denied, explaining that he used his camera to zoom in on the person. He stopped the video and took a picture. P31 added that the camera allowed to shoot a video and take pictures at the same time.

Klinge wanted to know whether P31 zoomed in and took the picture at the funeral. P31 affirmed.

Klinge asked if Anwar Raslan was clearly visible. P31 affirmed.

Klinge further wanted to know whether P31 was standing aside or amongst the crowd. P31 said he was in the crowd, adding that the previous day - after his testimony in court - he tried to find the picture file somewhere in his emails. However, his computer was confiscated when he was arrested in 2011. However, he did not find the file. P31 further explained that back then in Syria, it was dangerous to save any files because at every arrest one was questioned about social media accounts and passwords for all devices and accounts. P31 said he did not get his computer back after he was released, adding that he would have preferred to find the file as it would have explained a lot.

Klinge said P31 just answered his next question and went on to ask P31 where in the hierarchy at Al-Khatib he would rank Anwar Raslan. P31 said he had the feeling that this person [Anwar Raslan] was higher-ranking. The office where he was interrogated when this person was present was not the usual interrogation room. It was obvious to P31 that the person had a higher rank than the interrogation officers and guards. P31 explained that this also became obvious to him when he saw the person outside the Branch; standing there surrounded by security officers, and from the way this person interacted with them.

Klinge wanted to know if P31 noticed any orders coming from this person [Anwar Raslan]. P31 said he already described different situations inside the Branch when Raslan was addressed as “sidi”. However, P31 was so afraid that he did not notice if Raslan gave any orders.

Klinge asked whether a higher-ranking person gave orders to the person P31 identified as Raslan. P31 explained that during the interrogation there was only an interrogator and one or two guards present. They all addressed Raslan as “sidi”.

Klinge wanted to clarify whether all three people at the interrogation had lower ranks than Raslan. P31 affirmed.

Klinge asked P31 if he would be a witness or victim of sexual violence at Al-Khatib Branch. P31 denied, adding that he saw how detainees were forced to undress, and witnessed threats that one would be sterilized by electroshocks.

Klinge recalled that P31’s detention in Al-Khatib Branch was at a relatively early point in time, asking if P31 witnessed people dying inside the Branch or saw corpses there. P31 denied.

Klinge last wanted to know if P31 suffered from any physical or mental consequences of his detentions. P31 denied.

Neither defense nor plaintiff counsels had any questions.

P31 was dismissed as a witness.

Presiding Judge Kerber was about to close the session when defense counsel Böcker requested to read out a request to take additional evidence. He explained that the request was just submitted to the court in writing. Kerber permitted Böcker to continue. Plaintiff counsel Scharmer mentioned that none of the parties to the case knew about Böcker’s request, nor did they get a copy beforehand. Böcker apologized, explaining that due to limited resources, the defense was not able to send a copy to all parties before the trial day, however, everyone should have received a relevant email by now.

[The following is recreation of the defense’s request, based on what the Trial Monitor was able to hear in court when the request was read out.]

Following P31’s testimony in court, the defense requests the court to take additional evidence in the form of five witness testimonies and the visual inspection of two diagrams.

1) The defense requests to hear two employees of the German Intelligence Agency (BND) as experts, and to visually inspect two diagrams that were attached as annexes to an agency-report that the two witnesses drafted.

To be heard as experts:

- *[name redacted]*
- *[name redacted]*

To be visually inspected:

- *Diagram dated June 16, 2016, visualizing the structure of the Syrian General Intelligence Service.*
- *Additional annexes of the relevant report drafted by the BND.*

II) *The defense requests the court to summon and hear three additional witnesses.*

- *[name redacted], currently based in Turkey*
- *[name redacted], currently based in Turkey*
- *Witness “Z080421” who wishes to remain anonymous*

Reasoning:

I) *[name redacted] who works at the department for self-protection measures at the BND drafted an agency-report detailing the structures of the Syrian Intelligence Services. This report was sent to [now] Criminal Chief Inspector Deußing at the BKA. [name redacted], was involved in drafting this report as a clerk.*

The report details the structures of the Syrian Intelligence Services and assigned Division 40 as a sub-division of Branch 271. It also details that Division 40 was tasked to surveil demonstrations, hostile movements, and members of the movements who were opposing the regime. This mandate was also confirmed by several witnesses during the present trial: [CCI Deußing testified on April 24, 2020](#) that Division 40 was a decentralized subdivision of the General Intelligence; [Anwar Al-Bunni testified on June 4, 2020](#) that Division 40 was acting in Damascus only; [P5 testified on July 2, 2020](#) how Division 40 went to demonstrations to surveil and quell them.

The defense deems it necessary to hear the abovementioned experts and read out the relevant annexes of the abovementioned report because P31 testified on April 7, 2021 how he allegedly met Anwar Raslan – employee of Branch 251 - at a demonstration in front of the Parliament in Damascus and later at a funeral. P31’s testimony in court also showed several inconsistencies in relation to his previous statements with the BKA dated [information redacted]. It is impossible that P31 saw Anwar Raslan at a demonstration, due to a lack of competency on Raslan’s side in this regard. The present request to take evidence is therefor of immense value as P31 could not have seen Raslan at the demonstration and later recognized him.

II) *[name redacted] worked as a prison guard at Branch 251 from at least February 2011 until April 2011. He will be able to testify that Raslan – neither before nor after this time – was ever outside the Branch, nor present at any demonstrations. He can further testify that Raslan was serving indoor service solely and never participated in any state-led repressive activities or similar activities against demonstrators outside the Branch.*

[name redacted] was working at Branch 251 at least since the beginning of February 2011. He will be able to testify that Raslan – neither before nor after this time – was ever outside the Branch, nor present at any demonstrations. He can further testify that Raslan was serving indoor service solely and never participated in any state-led repressive activities or similar activities against demonstrators outside the Branch.

“Z080421” worked at Branch 251 in early 2011. He will be able to testify that Raslan – neither before nor after this time – was ever outside the Branch, nor present at any demonstrations. He can further testify that Raslan was serving indoor service solely and never participated in any state-led repressive activities or similar activities against demonstrators outside the Branch.

The defense points out that P31 falsely identified Anwar Raslan and was unable to recognize his face. The interrogation situation that P31 described on April 7, 2021, is incompatible with Raslan’s character and his opinion towards the opposition.



Presiding Judge Kerber asked the defense if “Z080421” would be present in Germany or abroad. Böcker explained this person would be present in the middle east, however, neither Turkey nor Syria. Böcker added that the judges can find further information about this in the emails that the defense just sent the court.

Proceedings adjourned at 10:15AM.

The next session will be on April 14, 2021.