

TRIAL OF ANWAR RASLAN

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 36

Hearing Dates: May 19 and 20, 2021

CAUTION: Some testimony includes descriptions of torture.

Summaries/Highlights:¹

Trial Day 73 – May 19, 2021

The witness initially summoned for the day declined to testify in open court. The judges announced they will summon the police investigator who previously questioned the witness to testify in court on a later date. Two other witnesses also preferred not to testify in Koblenz. Transcripts and summaries of their prior statements were read out in court instead. Following a request from the defense, the judges also read out the German translation of a Facebook chat between P17, his brother and “Abu Karam”. The latter was allegedly detained with their brother and told them about his death.

Trial Day 74 – May 20, 2021

Before the judges continued to read out the German translation of the above-mentioned Facebook chat, a Scientific Analyst from the German Federal Criminal Police Office (BKA) testified on detention conditions and torture in Branch 251 based on information from more than 50 witnesses interviewed by the office.

Day 73 of Trial – May 19, 2021

The hearing began at 10:35AM with four 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 Counsel Bahns was not present.

Presiding Judge Kerber recalled that the judges did not hear back from the witness, [name redacted], who was summoned for the day. She asked one of the court officers to see if the witness, contrary to expectations, decided to come. In the meantime, she explained that the judges received a response from the [Max Planck Institute regarding the criminal liability of certain acts under Syrian law](#).

Since the witness did not appear, Judge Kerber explained to the parties that the witness was initially summoned for January 6 and 7, 2021. After the summons, Judge Wiedner contacted the witness, followed by an email conversation between the witness and Judge Wiedner. Judge Kerber summarized the conversation:

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.

After the witness received the summons, Judge Wiedner wrote an email to the witness on November 30, 2020, explaining to him in English how the court can help him with travel arrangements and what documents are needed for his testimony. The witness replied on December 8, 2020, thanking Judge Wiedner, and explaining that he already told the BKA after his questioning that he would not be willing to testify in court for personal reasons. Judge Wiedner replied the following day, asking if the witness would not be willing to testify at all, or might be available at a later date. The witness wrote on December 14, 2020, that he might be able available to testify sometime in July. Judge Wiedner replied on December 17, 2020, if the witness would also be willing to testify at the end of May. The witness affirmed on the same day and was officially summoned. Wiedner wrote a follow-up email on December 28, 2020 to offer the witness support regarding travel arrangements. As the witness did not reply, Wiedner wrote another email on May 3, 2021. The witness replied in French on the same day. He explained the reasons why he though the trial would not make a difference and said he felt sorry for Raslan's family. Wiedner again contacted the witness via email on May 11, 2021 and Prosecutor Klinge also wrote an email in French on May 12, 2021 stressing the importance of the trial and the witness' in-court testimony. However, the witness did not reply.

Kerber said that the court will most likely summon Inspector Knappmann to testify on his questioning of the witness. Kerber further explained that two other witnesses declined to testify in court as well. Witness [name redacted] and NW15 will not appear in court. However, [name redacted] agreed that the transcript of his previous questioning would be read out in court. None of the parties made any statements regarding the read-out of [name redacted] transcript.

Regarding NW15, Kerber explained that he was initially summoned for December 9, 2020 via the Norwegian police. Following the official summons, Judge Wiedner again started to follow up. On October 30, 2020 the Norwegian police emailed Judge Wiedner to tell him that they contacted NW15 who declined to testify. The Norwegian police agreed that NW15 was allowed to stay anonymous. He agreed that an anonymized summary of his police questioning can be shared with other European investigation authorities. This is how the summary made its way to the German BKA. However, NW15 said from the beginning that he is not willing to testify in a German court. Wiedner asked the Norwegian police on November 3, 2020, if NW15 would be willing to testify via video link. The police replied the following day that NW15 is not willing to testify in a German court, under any circumstances.

Judge Kerber explained regarding [name redacted] that he was summoned for March 11, 2021. He is residing in France. The court received confirmation that he received the summons, so Judge Wiedner again started to follow up via email. Wiedner wrote the first email on February 17, 2021 offering the witness to support him regarding travel arrangements. The witness replied three days later, using a code name, however, his real name became clear from his email address. He told Judge Wiedner that he would not testify in Koblenz. Judge Wiedner asked him on February 24, 2021, if he would be able to testify on another date. Kerber said the court has so far not received any reply from the witness.

Kerber added that both witnesses already indicated during the investigation phase that they would not be willing to testify in a German court. Criminal Chief Inspector Deußing explained in a note on the case file dated August 14, 2019, that the French Police contacted [name redacted] who told them that he would not be willing to testify in a German proceeding.

Regarding NW15, Deußing noted on August 12, 2019, that it would not be possible for the BKA to question NW15 who was previously summoned by the Norwegian Police in week 12. NW15 did not provide a personal statement to the German authorities, however, he was generally willing to testify at a later point. The Norwegian Police contacted him again when NW15 told them that he would not be willing to testify in a German proceeding.

Presiding Judge Kerber explained that the judges would now read out the respective transcripts of the initial police interviews of [name redacted] and NW15 according to the following chamber decisions:

The transcript of the questioning of [name redacted] by the French Police dated November 2015, will be read out in court according to §251(1) Nr.3 StPO. The witness cannot be heard in court. He said during the investigation that he would not be willing to testify in a German proceeding. After the summons by the court, he was contacted by the judges several times. He first provided a very short answer and then did not reply at all. The court therefore assumes that the witness will not come to testify in court.

The summary of NW15's police questioning including sketches he drew during the questioning will be read out and shown in court according to §251(1) Nr.3 StPO. NW15 was questioned by the Norwegian Police on October 17 and 25, 2018 and December 19, 2019. NW15 said during the investigation that he will under no circumstances testify in a German proceeding. Based on this and the follow-up information provided by the Norwegian Police, the court assumes that NW15 will not appear pursuant to the summons.

Judge Kerber handed over copies of the transcripts to the court interpreters so that it was easier for them to simultaneously translate it as they would be read out in court.

Police Questioning [name redacted] [FR17]

FR17 was questioned by the French Police on [information redacted]. The questioning started at 10:17AM.

FR17 provided his personal details (born [information redacted] 1978 in Damascus) to the French Police and was introduced to the translator. P17 was informed about his rights, and the context of the questioning, as the French Police had already conducted pre-investigations into crimes committed in Syria and received copies of the Caesar Files in 2015.

The investigator asked when FR17 came to France. FR17 said he came to France via Jordan in February 2015 after he was questioned by French authorities in Jordan.

When asked about his work, FR17 said he is a chef.

The investigator wanted to know if FR17 had already testified on another occasion. FR17 explained this questioning was the first time he testified with the police. However, he previously told the OFPRA [French Refugee Office] that he was detained three times between 2011 and 2013.

FR17 was asked when he left Syria. He said he left Syria in March or April 2012 together with his wife and son after he was released.

They went to Jordan where they lived in Irbid for three years. He had a job and a flat and applied for refugee status with the UNHCR. He was told by UNHCR to go to France and learned in August 2014 that he was supposed to go to France. FR17 added that he was questioned by the OFPRA at the end of 2014 when he also got his ID card.

The investigator asked where FR17 lived in Syria. FR17 said he had been living in [information redacted] in Damascus since 2008.

FR17 was asked about his ethnicity and where his parents came from. He explained that he was Muslim, a Sunni. His father was a tailor.

The investigator further wanted to know if FR17 attended university and asked him to describe his career. FR17 explained he did not attend university. He finished his education after primary school and started working at his father's shop in 1987. He worked there for 10 years until he started working in a clothing store in [information redacted] in Damsacus. He worked there until 2007 before he opened a grocery store that he ran until he left Syria.

When asked about affiliation with or membership of political parties, FR17 denied.

The Investigator further wanted to know if FR17 was related to a member of the Syrian government or had any connections to the government. FR17 denied.

FR17 further denied being affiliated with armed groups, security forces or militias. He explained that he officially served mandatory military service, however, he paid an officer, so he did not actually serve in the military. FR17 said he did not even attend the basic military training.

When asked why he left Syria, FR17 explained that after demonstrations in Syria, an armed conflict escalated turning into a civil war. He said he did not want to get arrested again after he was detained for the second or third time.

The investigator asked if FR17 was put on trial after his third arrest. FR17 denied, adding that he was never put on trial, however, he was interrogated many times in Al-Khatib Branch.

FR17 was then asked to describe what changed for him after March 2011. He said that he participated in demonstrations in Damascus, [information redacted], his hometown, because he knew all the escape routes. FR17 explained that he wanted to change his situation, but the protestors were treated like a sect. According to FR17 the protestors were showing banners, shouting slogans, and protesting peacefully but security forces started beating them, using live ammunition and tear gas. He said they were soldiers in uniforms. FR17 said he witnessed several times how security forces tried to arrest everyone they could get ahold of. He also filmed these incidents and sent the material to Al-Jazeera or posted it on Facebook. However, he did not have the memory card anymore. He further explained that he tried to get some distance in June 2011 and moved to Turkey, trying to start a new life. However, it did not work out and FR17 lost \$20,000. Back in Syria, he was arrested in his shop two weeks after his return. FR17 described how twenty members of the security forces entered his shop. He said they were members of Division 40, the division led by Hafez Makhlof. FR17 said they pulled him in a pick-up where other people [detainees] were already waiting. They were taken to Division 40.

FR17 was there for the first time, but he knew that Hafez Makhlouf was the head of the division. When the detainees arrived at the division, they were blindfolded and beaten. Someone hit FR17 with the elbow on his back, FR17 suffered a slipped disk from it.

FR17 went on to describe that he and the other detainees were taken to Al-Khatib Branch the following day. At Al-Khatib he was beaten with fists and cables on his feet. During interrogations he was asked why he participated in demonstrations and if Turkey supported the demonstrations. FR17 said he was interrogated and beaten in the basement again and again for one week. He shared a tiny cell with 50 other detainees. They were unable to sit down, and it was hot inside the cell. They only received some bread, but no water. FR17 explained that since there was no toilet inside the cell, detainees had to wet themselves. Other detainees were tortured as well, as FR17 could see from the signs on their backs and feet. Detainees were only wearing trousers, because they used their shirts as band aid. FR17 described that some detainees had already been at the Branch for several months. He did not see dead bodies. FR17 added that he was interrogated in the hallway. He was blindfolded but could hear people calling the person who interrogated him "Mimati". He was interrogated again ten days after that, but his family paid the interrogator. He had to sign documents to assure that he would not demonstrate again. He was then released after five days in Kafar Souseh.

FR17 said he went home to a friend when he was released. He was in pain but did not want to go to a hospital, so he was treated by a friend who was a doctor. He was arrested again two weeks later, at the end of 2011. According to FR17, a cousin of his wife denounced him, claiming he was collaborating with the Free Syrian Army (FSA) and contacted them when he was in Turkey. FR17 explained that the circumstances of this arrest were the same as before: He was arrested by Hafez Makhlouf's division and then transferred to Division 40 and Al-Khatib. However, this time FR17's family reacted quickly. They paid \$20,000 to a General who was sympathizing with the rebels. FR17 was again questioned about the opposition and the FSA for two days. He said he denied everything and was taken to Kafar Souseh three days later. He had to stay there for another twenty-five days but did not experience violence or interrogations.

FR17 described that after he was released, he thought about leaving Syria. In January 2012 he was again arrested, this time in his flat. He described how two officers came to him with an arrest warrant, stole \$300 from the register at his shop, but did not use any violence against him. FR17 was again taken to Hafez Makhlouf's division and transferred to Al-Khatib Branch where he had to stay for two days. On the first day, he was beaten and on the second day, he was interrogated. FR17 said that he was asked the same questions as during his previous detention: about Turkey and his connection to the FSA. His family again bribed someone, paying \$20,000. FR17 explained that his father, although he was a tailor, was rich because he had his own shop and owned some real estate. After two days [in Al-Khatib Branch] FR17 was transferred to Kafar Souseh where he had to stay for thirty-two days without having to endure violence. FR17 said his family paid \$2 per day, so that he did not have to suffer violence.

FR17 went on to describe his second arrest in 2012. He was detained in a collective cell in the basement, together with twenty other detainees who were all waiting for their release. According to FR17, the only "problematic" thing in this cell was the humidity because there was no sun. They also got food in this cell. FR17 was released in March or April 2012.

He went home and seven days later, he went to Jordan. He explained that his parents followed him and three of his brothers and two sisters were already living abroad.

The investigator wanted to know whose decision it was to arrest FR17. FR17 assumed it was Hafez Makhoul, as he was arrested within his purview, however, FR17 never asked whose decision it was.

The investigator further asked if FR17's relatives were informed about his arrests and whereabouts. His family only learned about his arrest through third parties, his employees. FR17 added that it was known in his neighborhood that Quasai, a police Lieutenant was strolling around in the area.

When asked about names of officers at Al-Khatib Branch, Division 40 or Kafar Souseh, FR17 said he did not know any names. The people there were nameless, he was always blindfold.

FR17 was further asked if he knew the names of people who tortured him and used violence. FR17 again denied, adding that he was always blindfolded and unable to see anything.

The investigator asked FR17 if torture was a regular practice. FR17 affirmed, explaining that it was used systematically. Everyone was tortured. FR17 said he talked about it with others. Jamal Halabi could provide more information about torture practices.

When asked if he saw dead bodies, murderers, or executions, FR17 denied. He said he only saw dead bodies at demonstrations.

The investigator asked if FR17 identified people from the Caesar Files. FR17 denied, saying he did not know anyone from the Caesar Files.

When asked about French detainees in Syrian detention facilities, FR17 denied having seen any French detainees.

The investigator further wanted to know if FR17 knew any bi-national French detainees and could provide names. FR17 denied.

FR17 was asked if he knew people responsible for war crimes and crimes against humanity who were present in the EU. FR17 denied.

The investigator wanted to know whether other victims of detentions etc. were present in France. FR17 explained he did not have much contact with others, he knew no one.

The investigator asked if FR17 wanted to add anything he was not yet asked about. FR17 denied, saying he is in a rush because he needs to take his child to the hospital.

The witness questioning ended at 1:30PM and the transcript was re-translated to FR17.



[5-minute break]

Judge Kerber explained that the judges initially wanted to read out the German translation of a Facebook chat as requested by the defense on the following day after hearing the witness summoned for that day. However, they might start reading out the translation on this day already.

Judge Wiedner started reading out the German translation of the summary of NW15’s questioning with the Norwegian police:

Police Questioning NW15

NW15, born in 1990 in Syria, was questioned by the War Crimes Unit of the Norwegian Police on three afternoons. The summary was created afterwards, based on the transcripts, and is divided into thematic areas that the witness covered during the interviews which took place on August 17 and 25, 2018 and December 19, 2018. The witness read through the transcripts after the last hearing and made amendments that were respectively highlighted. Although an interpreter was present at every interview, the witness mainly testified in Norwegian, verifying with the interpreter on only a few occasions. The witness agreed that the anonymized summary can be shared with other investigation authorities in the EU. If his testimony was to be shared in a different format, he requested to specifically consent to this. Name and personal details of NW15 are therefore redacted throughout the summary. The witness was informed about his rights according to the Norwegian code of criminal procedure.

NW15 is from Syria but lived in Beirut. He had to return to Syria to extend his residency permit for Lebanon. Since the revolution in March 2011, he participated in the revolution in Lebanon and had contacts with media agencies. NW15 was arrested at the Syrian border on April [information redacted] 2012 and detained in different facilities until November [information redacted] 2012. His detention periods were the following:

Day after arrest	Duration	Detention Facility
1-4	3 days	Division 40
4-33	30 days	Al-Khatib/Branch 251
33-65	32 days	Branch 248, solitary cell
65-110	45 days	Branch 248, collective cell
110-150	40 days	Al-Qaboun Military Prison
151-217	66 days	Adra Prison

NW15 explained that he had to go back to every facility to “check-out” as a detainee. By the time he was in detention, he did not know that he was in Branches 251 and 248, he only learned that afterwards during the check-out.

When he was released from Adra Prison, he had to go to the military police to check if there were any other pending charges against him. When he was at the border [to Lebanon], he was told to go to Branch 255. NW15 said he was allowed to drive there on his own.

Branch 255 was the main office for documentation, close to the Damascus fire brigade. NW15 went to Branch 255 on November [information redacted] 2012 and showed them a document saying that he was arrested on April [information redacted] 2012 because he tried to leave the country, and should now be checked-out from Branch 255. He was however told that he was never detained in Branch 255 and should go to Division 40 in Al-Jisr Al-Abyad.

Arrest and Division 40

NW15 told the Norwegian Police that he went to Syria by Taxi on April [information redacted] 2012 to get a stamp for his residence permit in Lebanon. In Syria, he had to queue at the border when his name was called and he raised his hand. A person wearing a uniform approached NW15 and told him to come with him. NW15 was beaten on the back of his head and fell unconscious. When he woke up, he was somewhere else, at Division 40. He said he was taken there from the border. NW15 said he had to stay there for three days in a small cell upstairs. The cell was around 3 m² big and 1 m high. It was situated under a staircase. NW15 said he was always alone in this cell. That was also where he woke up [after being hit on the back of his head] and had to lie for a long time until someone came.

He was interrogated three times. On one occasion, he got the order to stand up and face the wall. Although he was wearing a blindfold, he could see the arm of another detainee, showing signs of beatings with a plastic tube. NW15 was also able to see the floor, which had black and white tiles, like a chessboard. He was taken two stairs down to the interrogation room which was probably in the basement. NW15 explained that he was unable to see anything during the interrogation, as he was blindfolded. He had to kneel and was questioned about his job and allegedly financing the opposition. He was further accused of activities opposing the regime and called a nickname because he was detained once when he was younger.

NW15 described that he was detained for four days when he was still in school because he was politically active. During the interrogation [in Division 40] NW15 was supposed to sign a paper to be released. However, NW15 refused to do so and was consequently beaten on his back and neck. He also had to suffer electroshocks that were attached to his fingertips. NW15 explained that because he was studying law at the time, he asked for his right to contact a lawyer. The people at the Division replied, "here is your lawyer" and started beating him. NW15 further explained that he was once interrogated in a different room where there was a computer. He was told to log in to his Facebook account and the guard wrote down his password. NW15 said during the three days he had to stay at Division 40, he was detained alone and interrogated three times. He got food once a day and was allowed to use the toilet once a day. NW15 described that there was a mirror in the toilet, so he could see the bruises on his face and the blood that ran out of his right ear. NW15 said that he suffered a hole in his eardrum. NW15 did not see any guards. Only when he was alone in his cell, was he not blindfolded. NW15 said that this division was led by Hafez Makhoulf and provided a sketch of the facilities to the Norwegian police.

[Due to the very limited time that the sketch was shown and read out in court, the Trial Monitor was unable to recreate the sketch in detail. This is the case for all other sketches drawn by NW15. The sketches will therefore not be included in this report.]

NW15 further described that he was taken to a car on the fourth day of his detention in Division 40. He was alone during the transport, accompanied by guards who were sitting next to him, holding his arms, and pushing his neck and head down. NW15 was blindfolded on the way.

Al-Khatib Branch

NW15 said the same guard who accompanied him to the car in Division 40 was now accompanying him on his way inside Al-Khatib Branch. NW15 was still blindfolded but could see that the guard was carrying a file and a bag with several items in it. The guard said that all items belonged to NW15. NW15 had to provide his fingerprint to confirm that the items belonged to him, although no one checked if any of the items were his. NW15 explained to the Norwegian police that the guards were celebrating a welcome party for every new detainee who arrived at the Branch. The celebration included beating and kicking the detainees. According to NW15, there was a competition amongst the guards for who could beat the hardest. NW15 arrived alone. He was taken to cell No. 2 which was 1x2m and around 4m high. There was a small light on the ceiling and a gap under the door through which he received food. NW15 said he had to stay in this cell for 30 days. He received food twice a day and was allowed to use the toilet once per day. NW15 said it was “psychological torture” that he could constantly hear screams of torture. NW15 was not sure whether the screams were real, or a tape was played.

He was taken for interrogation for the first time after three days. NW15 said he was tortured during interrogations, including *Doulab* and the *German Chair*. He was interrogated several times and had to endure *Doulab* around 19-20 times. NW15 explained that he did not know how long the interrogations lasted, as he fell unconscious many times and was woken up with a bucket of water. He was often tortured with a combination of *Doulab* and the *German Chair* and asked the same questions as in Division 40. NW15 further described that he was interrogated many times, sometimes the interrogators were “friendly” and he was merely told to sign a paper. Other times, he was tortured.

According to NW15 he was not blindfolded in his cell in Al-Khatib. It was not allowed to look in the eyes of the guards. However, sometimes he was able to see them from the side and recognize faces and voices. NW15 told the Norwegian police about two guards in particular. One was very violent. He counted to ten or thirty when NW15 was using the toilet and started to beat him immediately afterwards. The other guard was friendlier and even helped [name redacted/fellow detainee] to write an SMS.

[A sketch of Al-Khatib Branch provided by NW15 was shown in court.]

NW15 said he was alone in his cell except for one day. On day fifteen or sixteen a person called [name redacted] was taken to his cell. He would now [time of the interview] be in Germany. He also participated in a documentary by [name redacted] where he showed the shivers in his body. He got these shivers because his house was bombed. NW15 said that [name redacted] and others got arrested and four of them were taken to Al-Khatib. [name redacted] came to NW15’s cell but he could not hear much, as he was deaf from the explosion. NW15 said [name redacted] was arrested on April [information redacted] 2012 and stayed in NW15’s cell for one day. NW15 further explained that [name redacted] who should now be in Sweden, was detained in Al-Khatib as well. He also lived in Lebanon. He was allegedly involved in the same situation as NW15. NW15 described that he was in an interrogation room where [name redacted] was waiting. NW15 was told to confirm that he knew [name redacted], but he denied. NW15 said he and [name redacted] were separated in Al-Qaboun when NW15 was transferred to Adra Prison. [name redacted] was first detained in a solitary cell in Al-Khatib and later in a collective cell. He was then transferred to Branch 285 and Branch 275 before he came to Al-Qaboun. NW15 said he knew that because after [name redacted] was released in October 2012, they were in contact.

NW15 further told the Norwegian Police that he did not see dead bodies in Al-Khatib. However, there would be a YouTube video showing a room full of corpses. According to NW15, the video was released by a defector.

NW15 said when he was transferred to Branch 248 from Branch 251, he had to take two stairs up and go outside. A car was waiting outside, smaller than the vehicle with which he was taken to Branch 251. He was the only detainee in that car and not informed about the destination. NW15 said this happened on May [information redacted]2012.

Branch 248 – Military Security, solitary cell

NW15 described that when he left the car, he saw a red and brown building, indicating that it was a public building. He could also see spruces and cypresses. When he was taken inside, there was a brown paper bag with several items inside. NW15 was stamped and taken downstairs [two stairs]. When he entered the room, he had to perform a “safety-move” to check that he was not hiding anything. NW15 said he had to strip naked. After that, he again received a “welcome party” before he was taken to his cell. NW15 said there were six cells per “box”. He had to stay in this cell for 56-58 days. During this time, he was beaten with a military belt and beaten on his feet, so-called *Falaqua*. NW15 said he received severe punishment, adding that there is a saying that if one did not suffer *Falaqua*, he was never detained. According to NW15, *Falaqua* and *Doulab* were the two most common torture methods. NW15 further said he was asked the same questions as before.

NW15 said he did not always get something to eat. He rather had to endure *Shabeh*, meaning he was hanged from the ceiling at his wrists, only touching the floor with his toes. He was only taken down to eat. Two dead people were hanging next to him. NW15 said he had to hang there until day 65 when he asked to see an officer. Every time he was taken down to eat, he was beaten after he ate and hanged again. He was also beaten again and again while he was hanging. NW15 summarized that he was simply beaten all the time. When he was taken down to eat, it was almost impossible to move his arms as they were shaking. One time, he was taken down and put on the floor. As he was shaking, one of the officers laughed at him, telling him to eat and then sign a paper.

NW15 was lying on the floor for hours before he got some water and food. When the officer returned, he was smoking a ‘Alhamra’ cigarette. NW15 asked for a cigarette and remembered the bad smell of the officer when he came closer to light NW15’s cigarette. After this incident, NW15 was taken to an interrogation during which he was asked about a person called [name redacted]. NW15 told the Norwegian police that he was asked about this person before. When the officers told him that this person had a shop in [information redacted], NW15 realized that they were talking about his uncle. When he said this person was his uncle, he was beaten, because he denied knowing this person before. He was then told by the officers to write everything down. NW15 was accused of instigating resistance and obstruction of state authority. NW15 was supposed to be transferred to a collective cell afterwards.

Branch 248 – Military Security, collective cell

After the interrogation, NW15 was pulled to the collective cell, which was situated next to the staircase. NW15 said he was pulled downstairs by his legs, so his blindfold fell off, and he was able to see some things around him.

[A sketch of Branch 248 provided by NW15 was shown in court.]



NW15 said the collective cell was so crowded, that the guard who took him there was unable to open the door. The guard started yelling “sons of a bitch”, so the detainees got up, moved away from the door, and the guard was able to open the door to take NW15 inside. NW15 explained that the ceiling of the cell was three or four meters high. However, above the toilet it was only two meters high. There were tubes above the toilet and detainees put blankets on the tubes, so others could sleep on it. One could see some light through the ventilation gap, and the detainees were able to tell day from night. NW15 said there was a *Shawish* among the detainees. He was responsible for organizing the group. According to NW15, the detainees were divided into groups. There were around eight to eleven groups with ten to thirteen detainees each. Each group had a leader who had a plastic plate. Every group leader got a bread which he had to divide between the detainees in his group. NW15 said they had two small plastic buckets in the cell which they could use to scoop water from the toilet. NW15 said [name redacted] and [name redacted], were the *Shawishs* in the cell.

NW15 described that he was no longer tortured in the collective cell. However, the guards came and took people to beat them when there was noise inside the cell. NW15 said he was never taken to be beaten. According to NW15 one person died inside the collective cell. When he returned from the interrogation, he was “branded” and had slime around his mouth. When he fell asleep, he never woke up. NW15 said other detainees were tortured with *Falaqua* but he did not know any of their names.

On day 110 of NW15’s detention, it was the beginning of Ramadan or July 21 or 22, one of the guards opened the hatch in the cell door. He said that Bashar Al-Assad had a gift for the detainees because Ramadan would start the next day. NW15 said the guard then gave an apple for each prisoner through the hatch. Sometime later, one of the guards called NW15’s name. NW15 added that it was normal that detainees were called and taken out of a cell to whatever place. If they were military prisoners, they bribed corrupt guards to get clothes. This time, NW15 was called and taken to a room, the same room as when he arrived at the Branch, where he had to wait alone.

Military Court

NW15 said that he was taken to the court that was behind Kafar Souseh Branch the following morning. One detainee after the other was called to be presented to the judge. NW15 described the inside of the building as bright, it was tiled. The detainees were neither blindfolded nor were their hands tied. NW15 said the guards left and the court guards were corrupt. NW15 had to wait in the court building until 3PM when the court closed and NW15 was taken back to Branch 248. NW15 said he was taken to court again the next morning. He explained that there were three courts, he had to go to the court that had jurisdiction over the North of Syria, because he was from Idlib (Aleppo court).

Al-Qaboun – Military Police Prison

NW15 described how he was put in a van together with other detainees. It was very hot, as it was July. It was during Ramadan. NW15 said the detainees were tied to each other with a chain. When they arrived, they were told how and where to walk, as they were blindfolded. The blindfold was taken off inside. NW15 said that he was in one of three collective cells.

[A sketch of the military prison provided by NW15 was shown in court.]

NW15 further explained to the Norwegian Police that the prison in Al-Qaboun was horrible if one was a civilian detainee. Most of the detainees were members of the military and looked down on the civilian detainees. The detainees inside the collective cell were divided in two groups: civilians and members of the military. Many detainees got mange and lice.



They got an awful smelling creme against the mange. According to NW15, the food for the detainees was served by officers as disciplinary punishment. One could recognize some of them later working as guards. NW15 described that detainees in Al-Qaboun prison were treated differently. They were only waiting to be transferred to a court. The guards were not allowed to beat the detainees.

NW15 said he was waiting to be transferred to Aleppo via Al-Mezzeh, however, there were difficulties. He started banging his head against the cell door out of frustration. Others felt similarly, so the detainees eventually started fighting and riots developed in their cell. NW15 said this was on day 130. His face was bleeding from a fight he got into. One of the guards was worried when he saw NW15's bleeding face, because NW15 was a civilian. The guard called a doctor to check on NW15. NW15 was told by the guard that there were more than 5,000 detainees in this prison, so the guards did not want to risk any disturbances. He told NW15 to take care that the detainees in his cell would calm down. NW15 said they already calmed down when he got back from the doctor.

The following day, the detainees were allowed to go to the roof top in smaller groups to get some fresh air. NW15 wanted to buy a fan on this occasion. He explained that there were sandbags in front of the window, so there was no fresh air in the cell. NW15 and a guard agreed that NW15 was allowed to buy a fan. The guard told NW15 that the prison existed for over 40 years and NW15 was the first to demand a fan. NW15 paid 5,000 Syrian Lira for two fans. He said he had a better status among the detainees afterwards and they even got better food. Detainees were allowed to smoke, buy soap or chat with the guards. NW15 asked the officer whom he contacted first, if they could now be transferred to court since it would be Eid. However, the situation was still difficult. NW15 demanded to write a letter to the Ministry of Justice, so he got paper and a pen. However, he did not receive an answer until Eid. Some days after Eid, NW15 told one of the guards that the judges should simply come to Al-Qaboun instead. Indeed, it was announced via loudspeakers that the judges from Aleppo and Homs would come to the prison. This was on day 148 or 149 of NW15's detention. The name of the officer with whom NW15 spoke at the prison was Ali. NW15 did not know his surname or names of other guards.

NW15 described that three judges came. They were placed in three different rooms and the detainees were called one after the other. According to NW15, military detainees were sent to either Sednaya, Homs, or Palmyra. The civilian detainees were either released or sent to Adra Prison. NW15 was presented to a judge who asked him if NW15 was armed or told someone to take up arms. NW15 denied and was sent to a civil judge in Al-Hamidiya. He was transferred to Al-Hamidiya on day 150 of his detention. The guards told the detainees that all of them would be released. However, NW15's name was not called by 4:30PM. All detainees whose names were not called by that time were either transferred to their home districts or to Adra Prison.

Judge Kerber thanked the court interpreters for their work and ordered a break before reading the rest of NW15's summary.

[1 hour break]

Judge Kerber announced that the judges would finish reading out NW15's summary and start reading out the translation of the Facebook chat until the trial day would end at around 3:15PM.

Judge Wiedner continued reading out NW15's summary:

Adra Prison

On a document that NW15 handed over to the Norwegian police, it says that he arrived at Adra prison on [information redacted]. As a detainee from the northern district, he was handed over to the Welfare Association of Prisoners and their Relatives. NW15 said his hair was cut, he was cleaned, and received new clothes, as the clothes of the new detainees were covered with lice. There was a gym at the prison, one could buy pizza and kebab. NW15 said the prison was clean.

[A sketch of Adra Prison by NW15 was shown in court.]

NW15 further explained that there were bunk beds on each side of the cell. However, there were more detainees than beds, so some of the detainees had to sleep on mattresses on the floor between the bunk beds. The cell also had a kitchen and two bathrooms. There were no beds for the thirteen new detainees, who consequently had to sleep on the mattresses on the floor. NW15 had to borrow a mattress from another detainee. The *Shawish* ensured that everything was in order, and was in charge of the remote control for the TV that was above the door. The detainees received lunch and dinner. After the dinner, they were allowed to make phone calls. NW15 said this time of the day was always very chaotic. New detainees were the last ones to make their calls. NW15 was only able to reach his grandmother [father's mother] at 4AM and then talk to his father. Because the calls were wiretapped, his father only asked NW15 quickly about his wellbeing and promised to get him out. NW15's father hired a lawyer who met with NW15 in the lobby of the prison and gave him some money, 500 Lira, so NW15 could buy items at the prison shop. The lawyer also wanted to arrange for a judge from Damascus to be transferred to Adra Prison for questioning [with NW15].

NW15 explained to the Norwegian police that he was transferred from division 4 to division 10. NW15 stayed at division 4 for two to three weeks. Division 10, the division where smugglers were detained, was the "5* division". The detainees there had money, were able to bribe the officers, and buy anything. With the help of some connections, NW15 was transferred to this division and not to division 6, where the murderers were detained. NW15 further explained that Adra Prison was led by the civilian police. The detainees were not interrogated, and the guards were friendly. NW15 heard that 10,500 people were detained in Adra Prison. The guards therefore wanted to prevent any riots. The officer even took off their shoes when they entered the cells. NW15 said he did not know any names of guards at Adra Prison, however, he was never blindfolded. There were other divisions as well, for example the Islamist and murder division. When the detainees were allowed to go to the yard, they also met detainees from other divisions. NW15 did not know about division 9 or a division for executions. He described division 10 as a long corridor with multiple cells.

Release

NW15 was told on [information redacted] 2012, that he was supposed to be presented to a judge. He was taken to Al-Hamidiya the following day where he also met his lawyer. However, NW15's name was not called by the time the court closed at 3PM. He was therefore taken back to the prison and supposed to be taken to court again the following day. NW15 said he was released the following day at 5PM. His lawyer prepared him for the judge's questioning. the judge asked NW15 if he knew [name redacted]/a prominent actor who was involved in demonstrations in Lebanon. NW15 replied he knew his name because he was famous, but he preferred another actor. NW15 was also asked if he impeded authorities. NW15 denied. The judge then explained that NW15 was accused of obstruction of authorities, instigation to disobedience, as he confessed in Branch 248. NW15 said that at this point, he was no longer afraid as he had already seen the worst.

He said that he was just a student and had to confess under torture. His lawyer got upset, as they rehearsed what NW15 was supposed to tell the judge. Nonetheless, NW15 was released. Before he was allowed to go, he had to check-out at Adra Prison. He was taken back to the prison to get his belongings from the cell. However, when he had to wait in the waiting area to check his register with the criminal police, there was a power outage and NW15 had to go back to the cell. He was then taken to the building of the criminal police the following day, since the register could not be checked electronically.

Criminal Police

NW15 said he was transferred to the criminal police in Bab Musalla on November [information redacted] 2012, together with a bigger group of detainees. They were called one after the other. When it was NW15's turn, he had to go upstairs in an office where his lawyer and the chief of the police were waiting. His uncle joined as well. NW15 took care of everything, so he was released quickly. After he got his belongings back, he went to his uncle's place. NW15 and his uncle agreed that NW15 would return to Lebanon, so he took a Taxi to the border.

The father's search for his son

NW15's family learned about his arrest by chance. [name redacted], a neighbor of NW15's brother in Lebanon was working as a spy for the Syrian government. When he gave his phone for repair, he received a message which the person in the repair shop read. The message said that NW15 was "with us" [government side] because this spy previously informed the Syrian government officers that NW15 was on his way to Syria. The person in the repair shop understood the message and showed it to NW15's brother who informed their father. NW15 told the Norwegian Police that this happened five days after his father went to Syria. He travelled to Saraqib on March/April when it was liberated. NW15's father contacted an officer in Damascus whom he then visited. He then found out that NW15 was at Division 40, because he was allegedly involved in something big. When NW15's father went to Division 40, he met an officer called Amar who told him that he was too late, NW15 would be in Al-Khatib Branch. NW15's father therefore contacted [brother of NW15's mother] and they went to Al-Khatib Branch together. There they were approached by someone from the supply service who offered to contact someone. However, he also said that NW15's father and uncle should forget about NW15 because he was involved in an assassination attempt against Bashar Al-Assad. They did not learn that NW15 was transferred to Branch 248. NW15's uncle learned that NW15 was there and supposed to be presented to a judge. NW15 said that this was how his father learned about his whereabouts. His uncle helped his father. A fellow detainee from Branch 248 also contacted NW15's family after his release to let them know that NW15 was still alive.

After the release

When NW15 was at Branch 255, he found out that he was first detained at Division 40. He went to Division 40 on November [information redacted] 2012 and asked about Amar, as he previously provided information to NW15's father. Amar came and offered NW15 coffee. NW15 had to wait for thirty minutes until he got the documents he needed. These documents said that he was detained at Division 40 from [information redacted], before he was transferred to Al-Khatib. NW15 consequently went to Al-Khatib and Branch 248, as officers from these Branches had to sign the document as well. When NW15 was at Al-Khatib, he was in a different building than where he was detained. It was rather an external office, outside the building complex. NW15 told the Norwegian Police he did not know if he still had the document.



Caesar Files

NW15 told the Norwegian Police that he knew the Caesar Files, however, he did not recognize anyone in the photos. He explained that relatives of his died in detention, but they were not among the Caesar Files. NW15 further explained that the Syrian regime would now publish lists with persons who died in detention. His cousin allegedly died in detention in 2013, but he might have been arrested in 2012.

NW15 provided several documents to the Norwegian Police, including sketches of Branches 251 and 248, his visa application and the document he was handed over by the judge at the end of his detention.

The transcripts of NW15's interviews with the Norwegian Police were retranslated and approved by NW15.

Presiding Judge Kerber said the judges would now start reading out the Facebook chat while the interpreters would simultaneously check the translation. She told the defense that they should let her know when they think that their request to read the chat in court would be fulfilled. Defense counsel Böcker confirmed. Judge Kerber explicitly asked the Accused Raslan if he understood. He affirmed.

Kerber handed the German translation over to the interpreters, so they could check its correctness.

[5 minute break]

Judge Kerber started reading the Facebook chat between P17, Abu Karam [a nickname], and P17's brother.

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

12/17/21 – 2:09AM	P17's brother	Hello
12/17/21 – 2:09AM	Abu Karam	Hello, brother.
12/17/21 – 2:09AM	P17's brother	All Hail.
12/17/21 – 2:09AM	Abu Karam	I was busy on December 7.
12/17/21 – 2:09AM	P17's brother	How are you?
12/17/21 – 2:09AM	P17	All Hail.
12/17/21 – 2:09AM	P17's brother	Keep talking.
12/17/21 – 2:10AM	Abu Karam	I was in a collective cell [This was initially translated as "parlor" but corrected by the court translators and respectively amended throughout the chat.] No. 29 in Al-Khatib until [information redacted]. On day four or three came a new detainee. I cannot remember exactly, but he was around 180cm tall, had dark hair and a white beard.
12/17/21 – 2:11AM	P17	I'm all ears.
12/17/21 – 2:11AM	Abu Karam	I approached him. I could see that he was gentle. He said he was a cardiologist in a field hospital in [information redacted]. His name was [name redacted].



12/17/21 – 2:13AM	P17	I asked him about his punishment. He said he got three months [imprisonment] because of regime henchmen.
12/17/21 – 2:13AM	Abu Karam	Yes.
		Another detainee hit him, saying that doctors were thieves. I tried to calm him [person who was beaten] down. When it was time for breakfast, he did not wake up. He died two days after his arrest. He was wearing a black pullover and ‘Lagos’ trousers. When he died, I took his clothes. I was told to sign that he died a natural death. He was an award-winning doctor.
12/17/21 – 2:16AM	P17’s brother	Really
12/17/21 – 2:16AM	P17	Did you see him before his death?
12/17/21 – 2:16AM	P17’s brother	Keep talking.
12/17/21 – 2:17AM	Abu Karam	He said you are seven siblings, all doctors. Is that right?
12/17/21 – 2:17AM	P17’s brother	Four siblings.
12/17/21 – 2:17AM	P17	That’s true, but we’re not seven.
12/17/21 – 2:17AM	Abu Karam	There are some gaps in my memory. But one of you is in Darayya, right?
12/17/21 – 2:1AM	P17	Bassem is here to ask about the condition of our little brother.
		Our cousin is in Al-Zabadani.
12/17/21 – 2:19AM	Abu Karam	So, he [person he was talking about] is your brother?
		Did you bribe someone?
12/17/21 – 2:19AM	P17	Yes, brother.
12/17/21 – 2:19AM	Abu Karam	400? [Syrian Pounds]
12/17/21 – 2:19AM	P17	That’s wrong.
		We did not pay any money.
12/17/21 – 2:19AM	Abu Karam	Or 500,000?
12/17/21 – 2:20AM	P17	We did not pay anything.
12/17/21 – 2:20AM	Abu Karam	The nurse who knows your cousin said someone else was a witness [of the situation regarding their cousin/brother] as well. I told him that maybe your brother was not dead but just not moving. But he said that he was dead because he had foam at his mouth.
12/17/21 – 2:22AM	P17’s brother	Keep talking, I’ll ask you afterwards.
12/17/21 – 2:22AM	Abu Karam	The detainees who carried him [P17’s brother] said he was stiff, so he must have been dead for two to three hours.
12/17/21 – 2:24AM	P17	Good. Who beat our cousin?
12/17/21 – 2:24AM	Abu Karam	His kidneys stopped working, he was breathing heavily, and his temperature was rising. Sleep did not help him. [name redacted]. I don’t know if he’s released or not.
12/17/21 – 2:26AM	P17	[name redacted]?
12/17/21 – 2:26AM	Abu Karam	From the family Al-Azzi.
12/17/21 – 2:27AM	P17	Was he [cousin/brother] still alive?
12/17/21 – 2:27AM	Abu Karam	He was unconscious.



12/17/21 – 2:28AM	P17's brother	What did you sign?
12/17/21 – 2:28AM	Abu Karam	They approached me. They thought I'm Christian but actually, I'm Muslim. The First Sergeant told me to come up with a legal formulation, saying he [cousin/brother] was healthy, everything was fine, and he suddenly died.
12/17/21 – 2:31AM	P17's brother	Did you see our cousin in [...]
12/17/21 – 2:31AM	Abu Karam	No, just the nurse.
12/17/21 – 2:32AM	P17's brother	Which Sergeant told you to write those papers?
12/17/21 – 2:32AM	Abu Karam	He said, they would inform [the victim's] family. His name was Abu Shakrem, he was an Alawite. The head of Al-Khatib was present as well.
12/17/21 – 2:33AM	P17's brother	What is his name?
12/17/21 – 2:33AM	Abu Karam	They provided a fan. I don't know his name.
12/17/21 – 2:34AM	P17's brother	How many people were in the collective cell?
12/17/21 – 2:34AM	Abu Karam	Around 200.
12/17/21 – 2:34AM	P17's brother	How big was it?
12/17/21 – 2:34AM	Abu Karam	4x7meters. Seven people died besides [name redacted]. Some went crazy.
12/17/21 – 2:35AM	P17's brother	Were you able to drink water?
12/17/21 – 2:36AM	Abu Karam	Yes, there was a tap in the bathroom of the collective cell. There was nothing good, but the water. Just like al-Fijeh water.
12/17/21 – 2:36AM	P17's brother	What about the food?
12/17/21 – 2:36AM	Abu Karam	We got Bulgur, potatoes, tomatoes, and olives
12/17/21 – 2:36AM	P17	How much food did you get? Was it enough?
12/17/21 – 2:37AM	Abu Karam	We got one bowl per ten people and pears for digestion. We were served two meals, one at 3PM and one at 3AM.
12/17/21 – 2:38AM	P17	Did [name redacted] eat something?
12/17/21 – 2:38AM	Abu Karam	Yes, but I cannot remember exactly.
12/17/21 – 2:39AM	P17	Who told you that we were given a corpse after three months?
12/17/21 – 2:39AM	Abu Karam	The nurse.
12/17/21 – 2:40AM	P17	Good. How many hours were between the beating and when you recognized that he was dead.
12/17/21 – 2:40AM	Abu Karam	Around two hours.
12/17/21 – 2:40AM	P17's brother	Did you see the foam at his mouth?
12/17/21 – 2:40AM	Abu Karam	No. My friend said he was dead because there was foam.
12/17/21 – 2:41AM	P17's brother	What color was the foam?
12/17/21 – 2:41AM	Abu Karam	My friend said it was blue.
12/17/21 – 2:42AM	P17's brother	What about [name redacted] clothes?
12/17/21 – 2:43AM	Abu Karam	He was naked to his underwear because he put his clothes up to dry.



12/17/21 – 2:44AM	P17's brother	What happen to his clothes?
12/17/21 – 2:44AM	Abu Karam	I wore them when I returned home. I feel so sorry about it.
12/17/21 – 2:45AM	P17's brother	So, the clothes are with you?
12/17/21 – 2:45AM	Abu Karam	I do not have them anymore. Maybe they got lost with my home.
12/17/21 – 2:46AM	P17's brother	What about the friend whom [name redacted] saw?
12/17/21 – 2:47AM	Abu Karam	That is difficult. I don't know where he is. We have been displaced.
12/17/21 – 2:47AM	P17's brother	God bless you.
12/17/21 – 2:47AM	Abu Karam	He is from Harasta. I don't know anything about his current whereabouts. May God bless you! I regret it [taking the clothes] so much.
12/17/21 – 2:48AM	P17's brother	Do you know any other names?
12/17/21 – 2:48AM	Abu Karam	I know [name redacted]. Why?
12/17/21 – 2:50AM	P17's brother	Be assured that I and everyone will be cautious about your safety.
12/17/21 – 2:50AM	Abu Karam	I will tell you but
12/17/21 – 2:50AM	P17's brother	I will not take any actions now.
12/17/21 – 2:50AM	Abu Karam	Good. Once it is quiet in Harasta and we're all back.
12/17/21 – 2:51AM	P17's brother	Apologies for asking so many questions. If someone loses a loved one, they just want to know every detail
12/17/21 – 2:51AM	Abu Karam	I will take you to a person who can tell you what happened to him [brother/cousin]
12/17/21 – 2:51AM	P17	Did someone render first aid? What did the guards do?
12/17/21 – 2:51AM	P17's brother	Did they take him to the hospital?
12/17/21 – 2:51AM	Abu Karam	They left him in front of the door of the collective cell.
12/17/21 – 2:52AM	P17	So, he was not taken to a clinic?
12/17/21 – 2:52AM	Abu Karam	He was taken away; I don't know where. My friend, what did they tell you?
12/17/21 – 2:53AM	P17's brother	Nothing. They would not give us the corpse. How is that possible? We were later told to get a corpse.
12/17/21 – 2:54AM	Abu Karam	Corpses are stored in Harasta for more than a year now.
12/17/21 – 2:56AM	P17's brother	How do you know he [cousin/brother] is dead?
12/17/21 – 2:59AM	Abu Karam	Apologies, I did not have reception.
12/17/21 – 2:59AM	P17's brother	Don't worry, that's fine.
12/17/21 – 2:59AM	Abu Karam	[...]
12/17/21 – 2:59AM	P17's brother	We are lucky that the reception is good today.
12/17/21 – 2:59AM	Abu Karam	There are so many detainees piled up in Harasta.
12/17/21 – 3:00AM	P17's brother	We are brothers.
12/17/21 – 3:00AM	Abu Karam	Harasta was always deep into the uprising. Do you know what I was accused of?
12/17/21 – 3:01AM	P17	What?
12/17/21 – 3:01AM	Abu Karam	Rendering first aid for demonstrators pulling them from the streets.

12/17/21 – 3:02AM	P17's brother	Did [name redacted] say that he was a field doctor?
12/17/21 – 3:02AM	Abu Karam	And that he was beaten.
12/17/21 – 3:02AM	P17's brother	Are you sure that he said it like that?
12/17/21 – 3:03AM	Abu Karam	That he is from [information redacted]. He told me he had bad luck and
12/17/21 – 3:03AM	P17's brother	What exactly did he say?
12/17/21 – 3:03AM	Abu Karam	That he will be transferred to either Sednaya or [...] prison. I asked him why he would be transferred there and about his punishment. He said he would get three months [imprisonment] due to a report from the head of the hospital, because a trap was set for him.
12/17/21 – 3:06AM	P17's brother	Did he not say anything else?
12/17/21 – 3:06AM	Abu Karam	He said he hoped everything will be fine, he sat together with Shadi and said all his siblings were doctors.
12/17/21 – 3:09AM	P17's brother	Did he say that he had a fight with a colleague?
12/17/21 – 3:09AM	Abu Karam	[...] his colleague was Alawite and affiliated with the regime.
12/17/21 – 3:10AM	P17's brother	Please, try to remember.
12/17/21 – 3:11AM	Abu Karam	He started complaining about Alawites. A trap was set for him and someone said he allegedly defected.
12/17/21 – 3:12AM	P17's brother	This is what happened. He was no field doctor. He did not know anyone. He had a fight with his colleague.
12/17/21 – 3:14AM	Abu Karam	He said he wanted to kill his colleague for revenge after his release. My colleague told him to calm down. I think this is what happened.
12/17/21 – 3:14AM	P17's brother	He was no [...]
12/17/21 – 3:14AM	Abu Karam	I don't know. He told me he did not trust anyone. I told him to not dishonor his sister. He said the Ishmaelites would support the revolution.
12/17/21 – 3:17AM	P17's brother	What else?
12/17/21 – 3:20AM	Abu Karam	Friends, what I told him was that I'm an author writing short stories.
12/17/21 – 3:21AM	P17's brother	We might have overtaxed you- Please, try to focus. When did he come to the collective cell? At what time?
12/17/21 – 3:23AM	Abu Karam	He told me I found fat prey. I told him
12/17/21 – 3:24AM	P17's brother	Go on
12/17/21 – 3:24AM	Abu Karam	It was more than a breakfast.
12/17/21 – 3:25AM	P17's brother	Did he come to the collective cell for breakfast? When did he come to the cell?
12/17/21 – 3:29AM	Abu Karam	We had no sense of time.
12/17/21 – 3:29AM	P17's brother	Good.
12/17/21 – 3:29AM	Abu Karam	We could not tell day from night for sure. We only got two meals. I was guessing the time.
12/17/21 – 3:30AM	P17's brother	Intention is what is important, not what you do.
12/17/21 – 3:30AM	Abu Karam	This is...



12/17/21 – 3:30AM	P17's brother	Can you explain how [name redacted] beat him? The number of hits and kicks?
12/17/21 – 3:30AM	Abu Karam	...everything.
12/17/21 – 3:30AM	P17's brother	How much time after he came to the cell did [name redacted] beat him?
12/17/21 – 3:31AM	Abu Karam	Two days. He kicked him on his kidney and [...] beat him on his back
12/17/21 – 3:31AM	P17's brother	Is that all? Was he not hit in his face?
	Abu Karam	No. The people from Harasta came for his rescue. They dragged him away, away from [name redacted]. One of the people from Harasta got into a fight. We told [name redacted] he should not beat anyone again because 'we from Harsata would eat him and defecate.'

Presiding Judge Kerber said being mindful of the court officers' working hours, the judges would stop reading the chat for now and continue the following day.

Proceedings adjourned at 3:15PM.

Day 74 of Trial – May 20, 2021

The hearing began at 9:35 am with four 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.

Before starting the session, presiding Judge Kerber apologized to Raslan, as he had to wait for a long time to be taken back to the prison after the session on the previous day. She said that this would not be ideal, however, the prison was currently busy doing many prisoner transfers, so some had to wait a bit longer.

Kerber further explained that [name redacted], who [previously requested to join the proceedings as plaintiff](#), had been questioned by the police and the transcript of the questioning including annexes would now be on the case file.

Testimony of Scientific Analyst Strell

Instructions were read out to Kai Strell, a 37-year old Scientific Analyst with the German Federal Criminal Police Office (BKA).

Judge Kerber's Questioning

Presiding Judge Kerber wanted to know how the BKA obtained the Facebook chat. Strell explained that his colleague, Criminal High Commissioner Okotutsch, questioned P17 as a witness in [information redacted] on [information redacted]. During the questioning, P17 said that his brother [name redacted] was arrested in [information redacted] on [information redacted] and taken to Al-Khatib Branch. [name redacted/Abu Karam] later contacted P17 and told him that he was detained with P17's brother who died in detention. P17 handed an Arabic transcript of a chat over to the BKA. The chat took place in December 2012 and was between P17, one of his brothers, and [name redacted].

CCI Deußing told Strell after the questioning to analyze the German translation of the chat. Strell therefore checked the descriptions of detention conditions with testimonies from other witnesses.

Kerber asked who [name redacted] was. Strell said he used the name Abu Karam in the chat.

Kerber wanted to know how Strell concluded that Abu Karam's real name was [name redacted]. Strell explained that it became clear from the context and content of the conversation in the chat. P17 also mentioned the name during his questioning with the BKA.

Plaintiff counsel Scharmer asked Strell to speak slower, so that Scharmer and his colleagues would be able to take notes.

Judge Wiedner's Questioning

Judge Wiedner recalled Strell saying that he compared the content of the chat with other information that was already known to the BKA. He asked Strell if the descriptions of detention conditions and other things in the chat matched with existing information. Strell explained that the main topic of the chat was [name redacted]. There were only a few descriptions about general detention conditions. According to Abu Karam, the cell in Al-Khatib Branch was 4x7meters. Strell said this matches with testimonies from other witnesses. One witness who was detained at Al-Khatib Branch twice told the BKA that there were different areas: one bigger hall and a smaller cell with around 150 detainees. This description aligns with Abu Karam's statement that there were around 200 people in the collective cell. Strell further recalled that another witness told the BKA that there was a cell measuring 5x5meters with around 30 detainees. Other testimonies mentioned cells that were 5x5 meters or 3x5 meters big. Abu Karam also said in the chat that the food was insufficient. Strell explained that this description as well as the kind of food (Bulgur, Potatoes, and tomatoes) that Abu Karam described, would be in line with the descriptions of other witnesses. According to Strell, others told the BKA that they got olives, eggs, and potatoes, most of them adding that it was insufficient.

Wiedner mentioned that in his written analysis, Strell made a comment about 200 people being detained in a cell measuring 4x7 meters. Strell said he found it hard to imagine so many people in such a small room. However, others confirmed it, talking about up to 400 people being detained in a cell measuring 5x5 meters.

Wiedner asked about a responsible person in each cell. Strell said that Abu Karam mentioned a "Kapo". However, the conversation was mostly focusing on [name redacted]. Strell added that the term "Kapo" was used to describe so-called "prisoners functionary" in Nazi concentration camps. These prisoners were tasked to watch and supervise other prisoners in exchange for certain privileges in detention. According to Strell, other witnesses also told the BKA that there were certain prisoners in Al-Khatib who were responsible for taking care that it was quiet in the cells. A witness told the BKA that one time, the responsible detainee was not able to keep his fellow detainees quiet. He was consequently taken out of the cell. The other prisoners heard him scream in the hallway. When he returned to the cell, his hair and beard were removed. Strell added that [Garance Le Caisne](#) also described in her book that the detention facilities in Syria were overcrowded since March 2011. Therefore, detainees were used as "Kapos", so-called called sergeants or forced laborers.

Wiedner wanted to know if deaths from detention conditions were also discussed in the Facebook chat. Strell explained that [Abu Karam] described that the cells were very small with up to 200 people detained in one cell. Abu Karam at one point mentioned that their elbows were against the heads of others. Strell further explained that it was very hot inside the cells.

According to Abu Karam, seven people suffocated, and a fan was placed inside the cell afterwards. Strell added that it was hard for him to imagine that so many people were detained in such a small room, however, it was clear that it was hot inside the cell and detainees at least had trouble breathing. He added that they were talking about July 2011, the hottest month in Syria with average temperatures of around 37.5°C [Judge Wiedner corrected from the case file that the average temperature was 35.8°C].

Wiedner asked Strell to examine the credibility of Abu Karam's descriptions based on the overall context of the BKA's investigations. Strell said that if compared to other witness testimonies and assessed in light of the overall context, Abu Karam's descriptions would be credible. Strell recalled that Abu Karam provided much detailed information about [name redacted]. Information, that one could only know if he knew the person. Abu Karam's descriptions of the detention conditions, food, and overcrowded cells were in line with what other witnesses said. They also mentioned that there was a water tap inside the cell.

The prosecutors had no questions for Strell.

Defense's Questioning

Defense counsel Böcker said Strell received a document from a colleague which would be a letter from [name redacted] dated [information redacted]. Böcker wanted to know if Strell knew the content of the letter. Strell denied.

According to Böcker, the letter detailed that [name redacted] was arrested, and the family did not receive any official information about his whereabouts. Böcker added that Strell's colleague noted that he sent this document to Strell. Böcker asked if Strell contacted this colleague regarding the letter. Strell denied.

Presiding Judge Kerber added that CHC Okotutsch would be summoned for August, and could then be questioned accordingly.

There were no questions from the plaintiff counsels.

Judge Wiedner's Questioning

Judge Wiedner mentioned that Strell created many reports during the investigations. Wiedner asked Strell if, based on the overall context, he could identify certain red threads. Strell explained that regarding Al-Khatib Branch, he created notes based on witness testimonies about torture during interrogations, as part of the overall detention, and about the general detention conditions.

Regarding torture in the general context of detention, Strell detailed that several witnesses described a so-called "welcome party" where detainees were arbitrarily beaten when they entered the Branch. According to Strell, around 19 witnesses provided these descriptions. Others did not mention the term "welcoming party" but told the BKA that they were arbitrarily beaten with tools, a green tube, and kicked upon their arrival at the Branch. Strell added that based on the witness testimonies, one got the impression that detainees at the Branch had to expect to be beaten at any time: When they were allowed to use the toilet, they were beaten on the way there, and afterwards, if they did not finish within 10 seconds; guards also came inside the cells to beat the detainees if they were talking, or without any reason.

Regarding torture as part of the detention, Strell explained that detainees were beaten during interrogations while the interrogation officers were present. They were beaten with or without tools, kicked, electroshocked, tortured with *Falaqa*, *Doulab* or *Shabeh*.

Judge Wiedner wanted to know more about a note that Strell wrote on the “flying carpet”. Strell affirmed he wrote the note, adding that the flying carpet was a torture method where people would be tied to a plank which is then folded in a way that the person’s spine is stretched.

Wiedner went on to ask about sexual violence in Al-Khatib Branch. Strell recalled that one witness told the BKA about torture during an interrogation which included sexualized violence.

Wiedner wanted to know what time frame the BKA was investigating. Strell said they were investigating incidents between January 2011 and December 2012.

Wiedner wanted to know if Strell identified a certain pattern in the general detention conditions and interrogations, asking if the instances were isolated or rather part of a general treatment. Strell said he was under the impression that the treatment of detainees was systematic. He added that an insider witness also told the BKA that the “welcome party” was routine. According to this insider, it was normal that new detainees were treated like that, there were no specific orders. Strell further explained that the witness testimonies were very similar regarding the questions that were asked during interrogations at Al-Khatib and the mistreatment during interrogations. He concluded that based on the testimonies, one could identify a repeating pattern that occurred throughout the entire period from January 2011 until December 2012. According to Strell, many different witnesses provided similar descriptions to the BKA.

Wiedner wanted to know more about a hierarchy and orders in Al-Khatib Branch. Strell said he analyzed around 29 testimonies regarding orders and practice of informing relatives of detainees. He detailed that the term “Sidi” [sir] was used by the detainees to address all employees at the Branch. The guards used the term to address the interrogation officers. The other way around, guards were often insulted by interrogation officers. According to Strell, the prison guards therefore had a lower rank than the interrogation officers. Witnesses further told the BKA that there were two kinds of guards at the Branch: the one who would take detainees to the interrogation, and the ones who would be present during interrogations. However, there was no obvious hierarchy between them.

Defense’s Questioning

Defense Counsel Böcker wanted to know whether Strell would call himself an expert [*Sachverständiger*] for torture techniques and hierarchies within foreign state powers. Strell said that based on how people addressed each other, one could indeed conclude that there was a hierarchy between them.

Böcker again asked if Strell would call himself an expert [*Sachverständiger*]. Strell said he would not know the legal definition of this term.

Böcker wanted to know if Strell was trained to document torture methods or published about torture and hierarchies. Strell denied.

Böcker said he now wanted to mention specific witness testimonies to ask Strell further questions. However, he would be worried to mention names of witnesses who were anonymized. Plaintiff Counsel Dr. Oehmichen intervened, saying that it would strongly depend on who Böcker would refer to. Presiding Judge Kerber said Böcker was only allowed to mention names if there would be no connection to a testimony. Böcker explained that he wanted to mention specific names and ask Strell a question about the name. Judge Kerber wanted to know what exactly Böcker envisioned to achieve with his questions and what exactly he wanted to know from Strell. Böcker said he wanted to know if Strell questioned each of the witnesses he was about to name. Judge Kerber said Böcker could get this information by asking a more general question, and without risking to mention the names of anonymized witnesses.

Böcker clarified that he was referring to a specific note that Strell wrote and wanted to know if Strell personally questioned any of the witnesses cited in this note or if he was rather quoting from transcripts.

Judge Kerber intervened, asking Strell if he was present during interviews by the BKA. Strell affirmed, adding that he started working with the BKA in 2019. He was present at several interviews, around seven.

Böcker said that Strell could have a look at the note, which was 77 pages long, and see if he remembered any of the names. Strell said some names would certainly sound familiar to him.

Prosecutor Klinge intervened, saying that by identifying certain names that sound familiar to Strell, the issue of anonymization would still exist. Klinge therefore requested a short break to identify the names that Böcker was referring to and check if the witnesses were anonymized or not.

Böcker replied that anonymization would not be an issue here. He just wanted to know which parts of the note were based on Strell's own experience and which parts he simply "copied" [from transcripts of witness questionings].

Presiding Judge Kerber asked Strell how many witness testimonies he used for the note in total. Strell said he used information from around 50 witness interviews. He received the transcripts of the interviews from CCI Deußing. He then read all of them from beginning to end and scanned them for detention in the above-mentioned time frame [January 2011 – December 2012]. If there were indicators that a witness was detained in this time frame, he started scanning the transcripts for specific torture methods, detention conditions etc. Strell said he proceeded like that with every transcript, including those where he was present during the interview. He always worked with the transcripts. Strell added that whenever he was present at an interview, he was in charge of transcribing, since he would not be a police officer. He only focused on transcribing every detail during the interviews. Later, he received all interviews in the form of transcripts.

Böcker concluded that Strell "copied" his note based on the existing files. Strell affirmed, explaining that he read and analyzed every single transcript.

Böcker wanted to know if the note should therefore read like "I read that witness xyz said that..." rather than "witness xyz said...". He added that it would be more of a 'statement of a statement'. Strell affirmed.

Judge Kerber asked if the defense's questions had been answered now. Defense counsel Fratzky said he had a few more questions.

Fratzky wanted to know if Strell added any information to his note for interviews during which he was present. Strell denied, saying he only relied on the wording of the transcript.

Fratzky asked if he stuck to the wording even if he realized that the witness said or did anything which was not included in the transcript. Strell denied, explaining that when he was present during interviews, he was only focusing on providing an accurate transcript.

Fratzky asked Strell if he did not add or change anything in cases where the transcript for example said "apple" but Strell remembered that the witness said "pear". Strell denied, repeating that he was only focusing on providing a proper transcript during the interviews and based his notes solely on what one could double-check.

Judge Kerber asked if Strell ever noted discrepancies between the transcript and his memory. Strell denied, adding that whenever he identified discrepancies within one testimony, he highlighted that.



Prosecutors’ Questioning

Prosecutor Klinge asked Strell about the form/appearance of his notes. Strell said he wrote status reports [*Sachstandsberichte*], but they called them notes [*Vermerke*].

Klinge wanted to know if Strell was familiar with the term evaluation note [*Auswertungsvermerk*]. Strell said they usually used the abbreviation “note”.

Scientific Analyst Strell was dismissed as a witness.

[10-minute break]

The judges continued to read out the second half of the Facebook chat.

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

12/17/21 – 3:31AM	P17’s brother	Good. Did [name redacted] tell you about an interrogation he had before he was taken to the collective cell?
12/17/21 – 3:34AM	Abu Karam	No, he was not interrogated.
12/17/21 – 3:34AM	P17	What did [name redacted] tell you after he was beaten? What did he do?
12/17/21 – 3:34AM	Abu Karam	He thanked Abu Khaled. We considered the issue to be solved. He slept and did not wake up.
12/17/21 – 3:35AM	P17’s brother	Was he in pain from the beating?
12/17/21 – 3:35AM	Abu Karam	Yes, but he was upset and despondent. He did not suffer a lot of pain, I swear.
12/17/21 – 3:36AM	P17’s brother	Did any of the responsible people [at the Branch] order [name redacted] to beat [name redacted] [correction/continuation of sentence, see below]?
12/17/21 – 3:37AM	Abu Karam	Yes,
12/17/21 – 3:37AM	P17’s brother	[name redacted] [see above]
12/17/21 – 3:37AM	Abu Karam	They were whispering and [name redacted] was pointing at him
12/17/21 – 3:37AM	P17’s brother	Did he beat him right after that or later?
12/17/21 – 3:38AM	Abu Karam	He waited. I think he beat him later. I don’t know what they said or ordered.
12/17/21 – 3:39AM	P17’s brother	Why was [name redacted] detained?
12/17/21 – 3:39AM	Abu Karam	Yes because...
12/17/21 – 3:39AM	P17’s brother	Why did they arrest him?
12/17/21 – 3:39AM	Abu Karam	...he said he seceded the government. He allegedly came to an agreement.
12/17/21 – 3:39AM	P17’s brother	So, you don’t know why he was arrested?
12/17/21 – 3:39AM	Abu Karam	He approached the authorities on his own. He turned himself in. His brother is an investigator.



12/17/21 – 3:39AM	P17’s brother	And did he listen to your conversations?
12/17/21 – 3:39AM	Abu Karam	Yes, amongst others. I did not know because he was not sitting close.
12/17/21 – 3:40AM	P17’s brother	Did he hear everything [name redacted] said?
12/17/21 – 3:40AM	Abu Karam	Because we are from Harasta, we showed him his boundaries.
12/17/21 – 3:40AM		I don’t think so. He was far away, and it was loud.
12/17/21 – 3:40AM	Abu Karam	You said seven people died. Did they all die in the collective cell or in different cells?
12/17/21 – 3:41AM	P17	No, they all died in our collective cell.
12/17/21 – 3:41AM	Abu Karam	And all of them [died] while you were there?
		One of them was from the [name redacted] family. [name redacted] from [information redacted], yes. And one from [information redacted] quarter. [name redacted] and one from [information redacted] was affected as well. Two more did as well. They took pills when they were arrested. When they arrived at the cell, they were hallucinating. One of them died immediately, the other one died the following day.
12/17/21 – 3:43AM	P17’s brother	How old is [name redacted]?
12/17/21 – 3:44AM	Abu Karam	He was 34.
12/17/21 – 3:44AM	P17’s brother	Is he from Rukneddine?
12/17/21 – 3:45AM	Abu Karam	No, he is from [information redacted]. He lived opposite of the bakery.
12/17/21 – 3:45AM	P17’s brother	Did he beat anyone else except from [name redacted]?
12/17/21 – 3:45AM	Abu Karam	Yes, [he beat] many. But he did not beat me. I did not acquiesce to it. I “kicked him in his balls” and the people from Harasta attacked him. He was rescued by the security guards.
12/17/21 – 3:46AM	P17’s brother	[...]
12/17/21 – 3:46AM	Abu Karam	He wrapped a pullover around a piece of soap and used it like a slingshot.
12/17/21 – 3:48AM	P17’s brother	Did he beat two times or more often?
12/17/21 – 3:48AM	P17’s brother	And [name redacted] did not [...]
12/17/21 – 3:48AM	Abu Karam	No. [name redacted] hit [name redacted] and then the people from Harasta started beating him. He hit me later.
12/17/21 – 3:50AM	P17’s brother	How were you able to sleep in such a cramped cell?
12/17/21 – 3:51AM	Abu Karam	Head [at] elbows, and knees.
12/17/21 – 3:51AM	P17’s brother	Go on.
12/17/21 – 3:52AM	Abu Karam	I am an activist since the beginning. After I was released I got even more radical, as I’m no longer afraid of anything.
12/17/21 – 3:52AM	P17’s brother	May God bless you.
12/17/21 – 3:52AM	Abu Karam	Yes.



12/17/21 – 3:53AM	P17's brother	If God pleases, we will be brothers for eternity. Maybe we can meet soon. You were the last person to be in contact with [name redacted].
12/17/21 – 3:53AM	Abu Karam	May you live long, doctor. I'm afraid [...]
12/17/21 – 3:54AM	P17's brother	That's enough to be one of us.
12/17/21 – 3:55AM	Abu Karam	That's comforting me. I'm so happy.
12/17/21 – 3:55AM	P17's brother	My apologies.
12/17/21 – 3:55AM	Abu Karam	Why?
12/17/21 – 3:55AM	P17's brother	Apologies for bothering you and taking your sleep today. And for asking you more questions. If a loved one dies, one just wants to know everything. [name redacted] was raised by us. I'm 15 years older than him. He was like a son to me.
12/17/21 – 3:58AM	Abu Karam	You're right.
12/17/21 – 3:58AM	P17's brother	I hope you understand.
12/17/21 – 3:58AM	Abu Karam	I'm sorry for being a witness of such evil.
12/17/21 – 3:58AM	P17's brother	Apologies for being so stubborn.
12/17/21 – 3:59AM	Abu Karam	Apologies.
12/17/21 – 3:59AM	P17's brother	No, quite the contrary.
12/17/21 – 3:59AM	Abu Karam	We're brothers for eternity.
12/17/21 – 3:59AM	P17's brother	You are such a benefactor. Without you, we would never learn anything [about their brother's death]
12/17/21 – 3:59AM	Abu Karam	I consider you brothers.
12/17/21 – 3:59AM	P17's brother	As God pleases.
12/17/21 – 4:00AM	Abu Karam	God...
12/17/21 – 4:00AM	P17's brother	We as well [consider you a brother]
12/17/21 – 4:00AM	Abu Karam	...was the one who brought us together.
12/17/21 – 4:00AM	P17's brother	You got to know [name redacted] and made your personal picture.
12/17/21 – 4:00AM	Abu Karam	He was a good person.
12/17/21 – 4:00AM	P17's brother	You have the same core.
12/17/21 – 4:00AM	Abu Karam	He was human. May God [...]
12/17/21 – 4:01AM	P17's brother	If you want, we can get to know each other better. [...]
12/17/21 – 4:01AM	Abu Karam	I'm praying for it.
12/17/21 – 4:01AM	P17's brother	I want to add something.
12/17/21 – 4:01AM	Abu Karam	Rosy times will come.
12/17/21 – 4:02AM	P17's brother	Something that might please you.
12/17/21 – 4:02AM	Abu Karam	Yes, say it.
12/17/21 – 4:02AM	P17's brother	We are hopeful that [name redacted] is still alive.
12/17/21 – 4:02AM	Abu Karam	As God pleases. I pray for it.
12/17/21 – 4:02AM	P17's brother	We're hopeful that he was not dead when you saw him.
12/17/21 – 4:02AM	Abu Karam	God [...]
12/17/21 – 4:03AM	P17's brother	Maybe he received first aid. But we're not sure.
12/17/21 – 4:03AM	Abu Karam	I pray for it.
12/17/21 – 4:03AM	P17's brother	There are indications.
12/17/21 – 4:03AM	Abu Karam	To that ...



12/17/21 – 4:03AM	P17's brother	But it is not confirmed.
12/17/21 – 4:03AM	Abu Karam	...your instinct is not wrong.
12/17/21 – 4:03AM	P17's brother	That's how people hold on to hope.
12/17/21 – 4:04AM	Abu Karam	Yes, of course!
12/17/21 – 4:04AM	P17's brother	That is why you are our new brother.
12/17/21 – 4:04AM	Abu Karam	Doctor.
12/17/21 – 4:04AM	P17's brother	We want you to be one of us and [...] Don't tell anyone a word about it.
12/17/21 – 4:04AM	Abu Karam	We will, as God pleases. I swear. Your wish is my demand.
12/17/21 – 4:05AM	P17's brother	If he is alive, it [talking about it] could endanger him.
12/17/21 – 4:05AM	Abu Karam	You're right. I did not know...
12/17/21 – 4:05AM	P17's brother	You think that he is dead.
12/17/21 – 4:05AM	Abu Karam	...that [name redacted] would publish it immediately.
12/17/21 – 4:05AM	P17's brother	You're thinking that for a reason.
12/17/21 – 4:06AM	Abu Karam	Exactly.
12/17/21 – 4:06AM	P17's brother	We're not reproaching you, quite the contrary. This is how we could communicate.
12/17/21 – 4:06AM	Abu Karam	After I was released, I saw [name redacted]. Yes.
12/17/21 – 4:06AM	P17's brother	It was important he spread the word.
12/17/21 – 4:06AM	Abu Karam	Right.
12/17/21 – 4:07AM	P17's brother	You cannot imagine how grateful we are.
12/17/21 – 4:07AM	P17	What did [name redacted] say after you were released?
12/17/21 – 4:07AM	Abu Karam	I said 'are you sure that [name redacted] was totally exhausted?' He said he wiped foam off his mouth. I said I didn't see any foam. This is why until today I am not a 100% convinced of his death. There are still 10% doubts.
12/17/21 – 4:09AM	P17's brother	What was his temperature when he would not wake up?
12/17/21 – 4:10AM	Abu Karam	Average.
12/17/21 – 4:10AM	P17	You said it [body temperature] increased after the beating. Did you touch him?
12/17/21 – 4:12AM	Abu Karam	It did increase after the beating. When I woke up, I saw how [name redacted] wetted his pullover and put it on [name redacted] body.
12/17/21 – 4:13AM	P17's brother	Did he have bruises on his back?
12/17/21 – 4:13AM	Abu Karam	Not there [back]. He had red signs. When I put my ear on his heart, I could not hear a heartbeat. Maybe it was because it was loud and I'm not an expert.
12/17/21 – 4:15AM	P17	But you signed the piece of paper?
12/17/21 – 4:15AM	Abu Karam	Yes
12/17/21 – 4:15AM	P17's brother	When [did you sign the paper] after he was taken away?
12/17/21 – 4:15AM	Abu Karam	I had to write that he was OK.
12/17/21 – 4:16AM	P17's brother	After two or three hours Did someone say that he died?



12/17/21 – 4:17AM	Abu Karam	No. I asked what happened and they told me it was none of my business. I was told to write that I saw him, that he was not hurt, and that he did not wake up.
12/17/21 – 4:17AM	P17's brother	How exactly did you formulate it?
12/17/21 – 4:17AM	Abu Karam	Yes, I signed it.
12/17/21 – 4:18AM	P17's brother	Could you repeat the exact wording?
12/17/21 – 4:20AM	Abu Karam	I confirmed that the above-mentioned detainee died. I confirmed that I saw him. He did not suffer, he was not hurt. Everything was fine until he fell asleep. He slept until he started to feel sick, his condition worsened. We informed the relevant authority. That's what was written on the paper. I did not [...]
12/17/21 – 4:21AM	P17's brother	No officer said he was dead?
12/17/21 – 4:21AM	Abu Karam	We did not discuss such things [...]
12/17/21 – 4:24AM	P17	Thank you, brother. Maybe we could stay in touch and set a date for tomorrow to [...]
12/17/21 – 4:25AM	Abu Karam	Whenever you want.
12/17/21 – 4:25AM	P17	Good night.
12/17/21 – 4:25AM	P17's brother	Thank you.
12/17/21 – 4:25AM	Abu Karam	You're welcome.
12/17/21 – 4:25AM	P17's brother	Good night.
12/17/21 – 4:25AM	Abu Karam	Doctor, I want to ask a favor.
12/17/21 – 4:25AM	P17	It depends on the electricity.
12/17/21 – 4:25AM	Abu Karam	Please. Yes.
12/17/21 – 4:25AM	P17's brother	Go on.
12/17/21 – 4:26AM	Abu Karam	Doctor [name redacted], I suffer from drumstick fingers, and I don't have medicine. Could you help me?
12/17/21 – 4:26AM	P17's brother	[...] it is normal when you [...]
12/17/21 – 4:27AM	Abu Karam	I swear.
12/17/21 – 4:27AM	P17's brother	It is no sickness.
12/17/21 – 4:27AM	Abu Karam	<i>This message has preliminary been deleted as the account of the sender needs to be verified.</i>
12/17/21 – 4:27AM	P17's brother	It is no sickness.
12/17/21 – 4:27AM	Abu Karam	<i>This message has preliminary been deleted as the account of the sender needs to be verified.</i>
12/17/21 – 4:27AM	P17's brother	<i>This message has preliminary been deleted as the account of the sender needs to be verified.</i>
12/17/21 – 4:28AM	P17's brother	It's normal.
12/17/21 – 4:28AM	Abu Karam	<i>This message has preliminary been deleted as the account of the sender needs to be verified.</i>
12/17/21 – 4:28AM	P17	I will ask you questions about your body at another time.
12/17/21 – 4:28AM	Abu Karam	<i>This message has preliminary been deleted as the account of the sender needs to be verified</i>
12/17/21 – 4:29AM	P17's brother	Good night.



12/17/21 – 4:29AM	Abu Karam	<i>This message has preliminary been deleted as the account of the sender needs to be verified.</i>
		<i>This message has preliminary been deleted as the account of the sender needs to be verified.</i>
12/17/21 – 4:29AM	P17's brother	May peace be with you.
12/17/21 – 4:29AM	P17	May peace be with you. Take care.
12/17/21 – 4:29AM	P17's brother	Brother, take care.
12/17/21 – 4:30AM	Abu Karam	<i>This message has preliminary been deleted as the account of the sender needs to be verified.</i>

Presiding Judge Kerber asked the Accused and the defense counsels whether they would now consider their relevant request to take additional evidence as fulfilled. All three affirmed.

Kerber announced that she would now read out a decision of the chamber regarding a [further request from the defense to take additional evidence](#) [trial day 68]. She added that copies of the decision would be handed over to the court interpreters to ease simultaneous interpretation.

[The following is a recreation of the chamber's decision, based on what the trial monitor was able to hear in court.]

1) *On April 8, 2021, defense counsels Böcker and Fratzky requested to take additional evidence in the form of: visually inspecting diagrams from the German Intelligence Service (BND) detailing the structure of the Syrian General Intelligence Directorate, and reading the relevant notes on the structure.*

The diagrams as well as the notes were already read out and visually inspected on [November 4, 2020](#). The right to repeat the inspection and read out is not given. The counsels did not demonstrate any reasons for a repetition, nor are such reasons apparent.

2) *On April 8, 2021, defense counsels Böcker and Fratzky requested to take additional evidence in the form of: hearing [name redacted] and [name redacted] from the BND as witnesses. This request was rejected.*

a) *One could only conclude that [P31's](#) testimony needs to be excluded because he did not tell the truth, if the above-mentioned witnesses could confirm that it was the sole responsibility of Division 40 to batter demonstrations. They would need to confirm that no Division or Branch other than Division 40 was involved in quelling demonstrations.*

b) *The present request cannot be considered a request to take additional evidence according to §244 (3) s.1 StPO, as it is lacking connectivity.*

Both witnesses are BND officers who are responsible for the report on the Syrian Intelligence Services provided by the office. This report states that the general mandate for all intelligence services was the "fight against terrorism". There were overlaps of authority and it was often not possible to identify an individual service which was in charge. However, the report also states that certain focuses of work were visual. Anwar Raslan was involved in investigations at Branch 251 of the General Intelligence Service. This Branch was generally responsible for fighting terrorism, equipped with certain executive functions, and supported by Division 40, the so-called "quick reaction force". The BND report also states that all services were involved in the fight against terrorism. There was not a division of mandates, solely certain areas of focus, including many overlaps in authority.



It is not obvious what the above-mentioned witnesses would know to contradict their previous findings.

- c) The court already fulfilled its obligation to establish the truth (§244 (2) StPO) by reading out the BND report and visually inspecting the attached diagrams. There are no indications that the state of knowledge changed.*
- d) If one was to treat the present request as a request to take additional evidence, it would be void (§ 244 (3) s. 2 StPO). The conclusion that Anwar Raslan was not present at the demonstration and the funeral, and that [P31](#) consequently did not tell the truth is mere circumstantial evidence and not relevant for the judgments.*

Even if Division 40 was formally speaking the only division tasked to quell demonstrations, reality does not exclude that tasks were exercised differently. Such a constellation seems extremely likely due to the limited availability of intelligence staff during the time in question. This was also confirmed by the experts [Thurmann](#) and [Al-Bunni](#) who testified that several intelligence services worked together. Eyad Al-Gharib also told the BKA that at a demonstration in September or October 2011, members of General Intelligence Branch 251 were present. Experts [Engels](#), [Al-Bunni](#), [Darwish](#), and [Thurmann](#) further added that the Syrian regime was collecting information about critics prior to and after the Arab Spring. It is therefore plausible that higher-ranking officers were involved in field operations as well.

3) The request to hear [name redacted] and two other witnesses was rejected.

- a) All three witnesses are present abroad, two of them in Turkey and one in Saudi Arabia. In determining the request, the court needs to consider this fact, according to applicable law.*
- b) The hearing of these witnesses residing abroad is consequently to be denied. All of them are former employees of Branch 251. [name redacted] was a prison guard. However, the position of the other two witnesses is unknown. According to the defense, all three witnesses are supposed to testify that Anwar Raslan was never outside of Branch 251, was solely working an office job, and that beating a person would be against his character.*
 - aa) In hearing the above-mentioned three witnesses, the defense seeks to confirm that Anwar Raslan was not present at the demonstration and to shatter the credibility of P31's testimony [Kerber quickly recalled that P31 said Raslan was present at a demonstration, at a funeral, and slapped his face during an interrogation at Branch 251]. The request insofar relates to the behavior of the Accused which P31 described in his testimony.*
 - bb) The value of [P31's](#) testimony [regarding Raslan's character] is low but not essential. Many other witnesses also told the court about interrogations or conversations with Raslan. They described his position and location, which was also confirmed by insider witnesses. [P31](#) only described one single punch resulting from enragement. If his testimony would be omitted a lead indicating that the violent treatment of detainees was not foreign to Raslan himself would get lost.*

Evidence so far confirmed that Raslan was mainly serving an office job inside the Branch. However, it would also be possible that he was working outside as well in his capacity as a Colonel. There is a considerably marginal possibility that any of the requested witnesses would testify something else. To do so, they would need to exclude that Raslan was not outside the Branch for half a day only. However, this is very unlikely. The defense's request is lacking connectivity here.

Almost every previous witness testified that Raslan's office was upstairs. Based on the evidence so far, [name redacted] was, however, working downstairs in the basement, as he was working as a prison guard. He was therefore two levels apart from Raslan. The position of the other two requested witnesses is unclear, however, it is not apparent that they worked closely with Raslan.

- cc) The same reasoning applies with regards to Raslan's character and his attitude towards the opposition. There is no averment and a connection to how the witnesses would know about Raslan's character does not become apparent from the request. [P31](#) merely described an impulse.*
- dd) In its overall determination, the chamber further must consider that all three witnesses would have to provide extensive – possibly self-incriminating – information. All three would have the right to refuse testimony and to consult a witness counsel. They would most likely make use of their right to refuse testimony. All three witnesses are further present outside of the EU. A relevant request for legal assistance would take around four months until the witnesses could be questioned via video. This would prolong the trial.*

Overall, it is not necessary to hear the three proposed witnesses. Further clarification of facts is not to be expected from their testimonies.

- c) The present request cannot be considered as a request to take additional evidence according to §244 (3) s.1 StPO as it does not become apparent how the proposed witnesses should have a certain knowledge. There is consequently no need to hear these witnesses in light of §244 (2) StPO.*

Before closing the session, Presiding Judge Kerber announced that one of the court interpreters [he previously worked for Eyad Al-Gharib] requested to be released from his duties at the court. Kerber said the court now found an adequate replacement and thanked the interpreter for his services.

The proceedings were adjourned at 12:00 AM.

The next session will be on June 16, 2021.