

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

Higher Regional Court – Koblenz, Germany
Trial Monitoring Report 47
Hearing Dates: September 29 & 30, 2021

CAUTION: Some testimony includes descriptions of torture.

Summaries/Highlights:¹**Day 94 – September 29, 2021**

Criminal Chief Inspector Deußing from the BKA testified about the questioning of a witness who declined to testify in court. The witness was first questioned by the Swedish Police before being questioned by the BKA. The court further dealt with administrative matters related to the Defense's previous requests to take additional evidence, namely three witnesses and a Google Maps Screenshot.

Day 95 – September 30, 2021

Criminal Chief Investigator Schmidt from the LKA Berlin testified about his questioning of P46. According to Schmidt, P46 told the police that the first time he saw a picture of Raslan and heard his name was when he was with Al-Bunni. In contrast, P46 told the court that he did not talk with Al-Bunni about the Accused and saw Raslan's picture in the media before he met Al-Bunni.

P52, a former Syrian pilot and journalist testified about his detention at Al-Khatib Branch where he also met Raslan with whom he had a friendly conversation. The two also met several times after Raslan's defection and had a conversation about Raslan feeling monitored by the Syrian Intelligence Services in Berlin.

The court further heard requests by the Defense to summons two additional witnesses. The Judges denied the Defense's previous request to obtain access to the Federal Prosecutor General Office's structural investigation into the Syrian conflict.

Trial Day 94 – September 29, 2021

The proceedings began at 9:30AM with four spectators and two journalists in the audience. The prosecution was represented by Prosecutors Klinge and Polz. Plaintiff Counsel Bahns was not present while Plaintiff Counsel Scharmer was substituted by attorney Dr. Stolle. There was only one court interpreter present.

Testimony of CCI Deußing

Presiding Judge Kerber informed Criminal Chief Inspector Deußing from the BKA about his rights and duties as a witness.

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.



Questioning by Judge Kerber

Judge Kerber explained that Deußing was summoned to tell the court about his questioning of [SE5] and asked him to describe why and how SE5 was questioned. Deußing explained that the BKA was informed about SE5's existence by the Swedish Police. Consequently, an EU investigation order was issued to the Swedish Police who only referred to the witness as SE5. SE5 had been questioned by the Swedish Police in August or September 2018. The transcript of this questioning was forwarded to the BKA. The transcript detailed that SE was [REDACTED] and that he was detained at Branch 251. The BKA first wanted to question the witness in Stockholm, but attorney Dr. Kroker contacted the BKA and told them SE5 would be willing to come to Germany, so he was questioned in Berlin on October 31, 2018. Deußing said he conducted the questioning together with his colleague Knappmann and an interpreter.

Judge Kerber asked whether SE5 was informed about his rights and duties. Deußing affirmed, saying he first ensured that SE5 was able to communicate well with the interpreter, then explained to SE5 the subject matter of the case and informed him about his rights and duties.

Kerber said the court would have a particular interest in the content of the questioning and asked Deußing to describe what SE5 told him. Deußing explained that SE5 was born in [REDACTED] but grew up in [REDACTED] where he graduated from high school. He then studied [REDACTED] and conducted further training in [REDACTED].

Kerber intervened, saying the court would be more interested in what SE5 experienced. Deußing went on to explain that starting in 1987, SE5 was politically active and already detained for several days before 2011. From 2011 on, he organized and participated in demonstrations in Damascus and Douma. His name therefore appeared on a wanted list and in [REDACTED] he was arrested at his place of work [REDACTED], by the Political Security. He was transferred to Al-Khatib Branch by bus. Deußing remembered that SE5 told him that although he was blindfolded during the ride, he was able to tell where they were going since he knew the area very well. SE5 also told the BKA that he was beaten on the bus. Regarding SE5's detention periods, Deußing told the court that SE5 was detained at Branch 251 and Branch 285 in [REDACTED] 2011 and continued to be politically active after his release in [REDACTED] 2011. He was therefore again arrested at the [REDACTED] and detained at Branches 251 and 285 as well as Adra prison. He was released at the beginning of [REDACTED].

Judge Kerber intervened, asking whether in light of what was transcribed, it would be possible that SE5 was released in early [REDACTED]. Deußing confirmed, adding that SE5 was detained for one year. Deußing went on to describe how SE5 was shown a photo array in which he recognized the person in picture No. 3. Deußing added in court that this person was not Anwar Raslan but a stand-in. SE5 did not mention a name for the person in picture No. 3, so Deußing asked him about the name Anwar Raslan. SE5 then said that during his first detention, he heard the name [Anwar Raslan] in talks between fellow detainees. SE5 only mentioned the surname and said he did not hear the name in direct talks but in conversations between fellow detainees that he overheard. According to SE5, this person [Raslan] was an interrogation officer. When other detainees were taken for interrogations, the ones who stayed in the cell said they hoped this detainee would not be taken to Raslan who was a brutal beast and actively involved in torture. Deußing explained that SE5 immediately relativized this by explaining that he was not told that directly, but overheard it in conversations between fellow detainees. SE5 did not hear the name during his second detention. Deußing said that during the further course of the questioning, SE5 mentioned that he heard the name Raslan in connection to media reports about a person who defected and joined the opposition.



Deußing also asked SE5 whether he was able to say something regarding uniforms of employees at the Branch. SE5 replied that the first interrogation officer was wearing a sweat suit and no uniform. He said he was able to see that when his blindfolds slightly moved. The interrogation officer was standing behind him but he was able to see the sweat suit.

Deußing further recalled that he asked SE5 to draw a sketch of Branch 251. SE5 first described the location of the Branch, mentioning Baghdad Street, Aleppo Street, Samakeh Park, and the Red Crescent Hospital. SE5 then drew a sketch of the outside and inside of the Branch. According to SE5, the Branch had three underground levels. On the third underground levels were only solitary cells. SE5 was never there himself, he was only at the second underground level. On the first underground level were solitary and community cells, an area for the guards, a kitchen and a shower. SE5 said there were around 20 community cells, but he was not able to estimate the number of solitary cells. According to Deußing, SE5 described that the first underground level was 'for the privileged': disgraced *Shabiha* members or those who were about to be released. The food there was better and one could see the sky. According to SE5, it was impossible to see the sky from the second underground floor. The light there was solely artificial.

Regarding hierarchies, SE5 told the BKA that the guards were subordinate to the interrogation officers. He was able to tell that from the fact that guards addressed interrogation officers calling them "*Sidi*" and that the interrogation officers were very harsh with the guards.

In terms of overall detention situation, SE5 described that the community cell where he was detained was around 4x6 meters with around 50 detainees in it. They had to sleep in shifts and some even slept on some kind of mezzanine above the toilet. According to SE5, the food was good during his first detention. People were usually detained for forty days and got food twice per day.

Regarding interrogations, SE5 told the BKA that he was interrogated three times during his first detention. He was interrogated twice at Al-Khatib and once at Branch 285. Deußing recalled that SE5 first said he did not experience violence at the interrogations but received 'light hits' from a guard on his way to the first interrogation. The interrogation officer the told SE5 that although they would have different opinions, he would 'try to find a way' - SE5 was interrogated about his Facebook account and his activities as part of the opposition. Deußing said that there was apparently a break during SE5's first interrogation, due to the interrogation officer making phone calls. During this break, SE5 had to wait in the hallway where he was beaten and insulted by guards walking by. Deußing added that SE5's second interrogation was similar. It was thematically connected to the first one and SE5 described to the BKA that the interrogation officer 'played psycho-games'. SE5 said the guard pushed him during the interrogation. He was not beaten on his way to the interrogation, but during the breaks. Deußing said SE5 initially told the Swedish Police that he was not subjected to torture but then explained to the BKA that he simply did not consider the beatings to qualify as torture.

Questioning by Judge Wiedner

Judge Wiedner asked Deußing what SE5 meant by 'psycho-games'. Deußing explained that SE5 told him about a situation where he was taken to the interrogation room and the guard hit him. The interrogation officer was rather friendly but SE5 said it was faked. Deußing further explained that regarding the situation of fellow detainees, SE5 told him that it would be normal to hear screams of torture in the cells all around the clock. One could hear them in particular when one was called for interrogation and had to go to the front part of the cell, close to the door. People were tortured in front of the cell, so one could hear them when close to the door inside the cell. SE5 further said he witnessed *Falaqa* and saw a detainee hanging from the ceiling by his wrists.

SE5 added he later saw this detainee when he was green and blue and only wearing underpants. SE5 also heard electro shocks and witnessed arbitrary beatings with a green hose.

Wiedner referred to the BKA's transcript of the questioning according to which SE5 described that when a guard pushed him, the interrogation officer who was present told the guard to leave SE5 alone since they would be friends and surely find a way to cooperate. Deußing confirmed that SE5 told him that.

Regarding torture methods, Wiedner wanted to know if SE5 saw *Shabeh* or was told about it by others. Deußing explained that when they were talking about fellow detainees, SE5 mentioned this method, but Deußing was not sure whether SE5 saw it himself or heard about it.

Wiedner said according to the BKA's transcript, SE5 was asked about torture methods and replied that he saw beatings with the green hose and *Shabeh*. Deußing confirmed.

Wiedner asked how SE5 was able to witness that, how he could see it. Deußing said SE5 explained to the BKA that the detainees were not blindfolded when they were inside the cells. They were only blindfolded when they were outside the cells, in particular on the way to interrogations. When their names were called to take them to interrogation, they had to go to the front area from where they could witness what was happening in front of the cell.

Wiedner confirmed that the transcript of the questioning states the same. He went on to ask Deußing if SE5 met injured detainees. Deußing recalled SE5 describing that he again met the detainee whom he had seen before when he was subjected to *Shabeh*. The detainee asked the guard why he was tortured and the guard hit him on his head, so that the head bumped against a wall and started bleeding.

Wiedner asked if there were assaults inside the cell. Deußing said SE5 told him that guards entered the cell to pour water over the detainees. The guards also arbitrarily beat people inside the cell. *Falaqa* was however mainly used outside the cells.

Wiedner referred to the BKA's transcript according to which SE5 said that detainees were doused with water and arbitrarily beaten. Deußing confirmed.

Wiedner further wanted to know whether SE5 saw corpses, dead bodies, deceased persons. According to Deußing, SE5 did not witness anything like that during his first detention at Al-Khatib Branch.

Regarding SE5's detention periods, Wiedner recalled that SE5 was first arrested in [REDACTED] 2011 and asked Deußing how long SE5 was detained. Deußing said SE5 was detained for 60 days in total. He spent 45-55 days at Al-Khatib Branch before he was taken to Branch 285 where he was detained for around ten days, and then taken to Adra prison.

Wiedner referred to the BKA's transcript according to which SE5 explained that he was detained for 35-35 days at Al-Khatib Branch, then ten to twelve days at Branch 285 and was transferred to Adra prison after that. Wiedner wanted to know how SE5 was released. Deußing said SE5 was transferred to a court in Douma where he had to sign a declaration that he would never participate in demonstration or conduct opposition activities again. He was released after that.

Wiedner asked if there was a trial and a judgment. Deußing denied, recalling that SE5 described it as a mere formality.

Wiedner wanted to know more about SE5's second detention which lasted from late [REDACTED] until [REDACTED]. He asked Deußing about the periods SE5 spent at Al-Khatib Branch during this time. Deußing explained that SE5 was detained at Al-Khatib Branch for around half a year.



However, he was taken back and forth to Branch 285. Deußing said if he remembered correctly, SE5 said he was transferred to Adra prison after five months. Deußing added that according to SE5, his second detention was worse than the first and the first was 'a nice walk' compared to the second detention.

Wiedner asked if [at SE5's second detention] SE5 was detained somewhere else before he was taken to Al-Khatib. Deußing said SE5 was first detained at Division 40 for several days. Deußing remembered SE5 telling him that he was tricked and first stayed at Hafez Makhlouf's Division 40 before he was taken to Al-Khatib Branch.

Wiedner wanted to know if SE5 was put in front of a court at his second detention. Deußing recalled that SE5 was taken to a court during his second detention. When SE5 was at Adra prison, he was taken to a military court in Mezzeh where some kind of indictment was read out, accusing him of supporting and financing terrorists. Deußing said SE5 was irritated when a CD or USB stick was mentioned as main piece of evidence in this indictment, since it never existed according to SE5. Deußing said SE5 was eventually released because his wife paid bribes to *Shabiha* members. These bribes were also the reason why SE5's name was taken off the travel ban list so he could eventually leave Syria.

Wiedner asked if SE5 was an important member of the opposition. Deußing recalled SE5 extensively talking about his activities starting in 1987. SE5 told the BKA that he was working from the undergrounds until 2000 when he joined the [REDACTED]. When the [REDACTED] was prohibited, SE5 was immediately arrested by the Political Security but released thanks to human rights organizations. After the beginning of the conflict, SE5 started organizing and participating in demonstrations. SE5 told the BKA that his name was therefore third on the wanted list.

Wiedner wanted to know more about the subject matter of SE5's interrogations at Branch 251. Deußing recalled SE5 describing how he was called to Tawfiq Younes' office. SE5 said he did not know this person back then but made the connection afterwards. Tawfiq Younes made it clear to SE5 that he should cooperate 'to find a way.' Deußing said "recruiting would probably be the wrong term in this context, however, according to SE5, Tawfiq Younes tried to convince SE5 to work for the government and influence the opposition.

Wiedner asked how SE5 later identified Tawfiq Younes. Deußing said he could not remember what SE5 said in this regard.

Wiedner said according to the BKA transcript, SE5 said he later saw pictures of Tawfiq Younes and recognized him. Deußing confirmed.

Wiedner wanted to know how SE5 described Tawfiq Younes' office. Deußing recalled SE5 saying that it was a big office with a wooden table, a picture of Bashar Al-Assad, and two Syrian flags.

Wiedner again referred to the BKA's transcript, saying that according to SE5 there was a picture of Al-Assad (no first name mentioned in the transcript) hanging in the office with a Syrian flag left and right of it. There was further a bowl with fruits and a big TV. Deußing again confirmed.

Wiedner asked if the office was in the same building or a different building than the cells. Deußing said he asked SE5 about that. SE5 told him that the office was further away from the cells because one could not hear any screams there. SE5 did not know if it was the same building or which floor it was.

Wiedner referred to the BKA's transcript according to which SE5 said he was taken upstairs but could not estimate the distance very well since he was blindfolded. He assumed that the office was in the same building as the cells but did not know exactly. Deußing confirmed.



Wiedner recalled SE5 telling the BKA about *Falaqa* and *Shabeh*, and asked Deußing whether SE5 mentioned other torture methods as well. Deußing said SE5 told him about arbitrary beatings with a green plastic hose and cables. SE5 also said he heard electro shocks.

Wiedner wanted to know more about SE5's arrival at the Branch for his first detention. Deußing said SE5 described to the BKA that he was first taken to the Political Security in Douma to identify his mobile phone. He was then transferred to Al-Khatib with the same bus that was used to arrest him. SE5 was blindfolded, Deußing said he thinks SE5 said a bag was pulled over his head. However, SE5 could see that the bus had curtains because when he was arrested, he was not properly blindfolded, but his shirt was pulled over his head, so that he could still see some things. On the ride to Al-Khatib SE5 and other detainees were beaten and insulted by the guards and forced to praise Al-Assad.

Wiedner intervened, asking Deußing how long SE5's transfer to the Branch took. Deußing recalled that SE5 told him that the was from Douma to Al-Khatib was usually short, but it felt very long to him. It would usually take 15 minutes but to SE5 it felt like 45 minutes.

Wiedner asked Deußing to continue. Deußing said when SE5 was taken off the bus and had to go downstairs, he was beaten by guards, which would be "the classical welcoming party."

Wiedner asked if anyone was informed about SE5's whereabouts. Deußing recalled that no one was informed by official authorities. According to Deußing, SE5 managed to inform his relatives because a guard gave him a pen. SE5 hid the pen and when one of his fellow detainees was released, SE5 wrote the names of the other detainees on the inside of the jeans of the detainee who was about to be released. This person was then released and able to contact some relatives.

Wiedner recalled SE5 mentioning the name Raslan and asked Deußing whether SE5 ever personally met Raslan. Deußing denied, saying that SE5 told him he only knew the name from other detainees' conversations. SE5 never saw this person.

Wiedner asked if SE5 heard concrete descriptions of Raslan from other detainees. Deußing said he does not think that SE5 mentioned something in this regard. SE5 rather told Deußing that the name Raslan was mentioned in the context of interrogations, when others were called for interrogation and those who stayed in the cell said they hoped this person would not be taken to Raslan.

Regarding hierarchies described by SE5, Wiedner wanted to know from Deußing whether SE5 also described hierarchies between guards. Deußing affirmed, saying that according to SE5, the guards who tortured were higher-ranking than those who only supervised detainees.

Wiedner wanted to know more about the general situation at the BKA's questioning of SE5, whether SE5 was cooperating or hesitant. Deußing recalled that SE5 provided particularly extensive information about himself and his political activities. During the entire questioning, SE5 was willing to directly answer concrete questions. There was no equivocation on SE5's side, he tried to directly answer all questions.

Wiedner asked if there were problems in communication. Deußing denied, explaining that as usual, he assured that the witness and the interpreter were communicating well. SE5 affirmed that this was the case. Everything was re-translated to SE5 who signed at the bottom of every page and made one correction to the transcript. Deußing added that the re-translation took more than one hour.

Wiedner confirmed, saying that according to the transcript, the questioning started at 10AM, and the re-translation was done from 5:11PM until 6:39PM.

The Prosecutors did not have any questions for Deußing.

Questioning by the Defense Counsels

Defense Counsel Böcker said he had only a few questions. He first wanted to know what SE5 told CCI Deußing about how easy or difficult it was to find out the names of interrogation officers. Deußing recalled SE5 saying that Al-Khatib Branch was a world of its own where it was hard to find out names. When Deußing asked SE5 how he heard the name Raslan, SE5 told him that he heard it from other detainees. SE5 further said that the name might have been mentioned during other interrogations.

Böcker asked Deußing how he would value the truthfulness of SE5 descriptions, referring to the fact that the cells were in the basement and that according to the transcript, SE5 told the BKA that 'everything was relative' at the cells. Deußing explained that SE5 precisely said that in relation to the name Anwar Raslan. SE5 said he could not confirm if the name was correct since he never saw this person himself.

Böcker concluded SE5 consequently said one would not know what was the truth and what was not. Deußing confirmed.

Böcker asked if SE5 heard that someone was interrogated by Anwar Raslan. Deußing explained that SE5 did not have a direct conversation with others about Raslan. He only heard the name in conversations between other detainees.

Böcker wanted to know if someone told SE5 that he [the other person] was interrogated by Raslan. Deußing denied. Böcker said according to the Transcript, SE5 replied to this question that he was not sure and could not remember.

Böcker recalled Deußing asking SE5 about the course of his two interrogations at Branch 251. Böcker wanted to know how the interrogation officer was acting with SE5 at the first interrogation. Deußing explained that both interrogations happened during SE5's first detention at the Branch. Deußing said he and SE5 did not talk about SE5's second detention in 2012. The interrogation officer at SE5's first interrogation told him that although they would have different opinions, they would surely find a way/solution. SE5 did not have to endure violence during the interrogation, but during the breaks. SE5 described this violence as systematic: he had to wait in a hallway facing the wall. Every guard who walked by beat him.

Böcker wanted to know how SE5 was addressed at the first interrogation. Deußing said he thinks SE5 was called by his name. However, on the way to interrogations, detainees were only addressed with numbers, to make sure that no one would find out who else is detained there by hearing names.

Böcker asked if the interrogation officer was the same for SE5's second interrogation or if it was someone else. Deußing said he thinks it was the same one and SE5 was able to recognize the voice.

Böcker wanted to know whether the content of the second interrogation was following the first and if it was referred to information from the first interrogation. Deußing affirmed, saying he already told the court about that.

Böcker asked if there were orders regarding SE5's blindfolds. Deußing said he thinks that SE5 was told at the first interrogation to take the blindfolds off, but the interrogation officer was standing behind him.

Böcker referred to the BKA's transcript according to which SE5 said that he was allowed to take off his blindfolds at the second interrogation and that an interrogation officer was standing behind him on this occasion. However, according to the transcript SE5 did not see a tracksuit. Deußing said SE5 saw the tracksuit at the first interrogation.



Böcker referred to the ‘psycho-games’ that SE5 mentioned and asked Deußing if SE5 made a timely connection between physical actions and what happened in the interrogation room. Deußing said SE5 was pushed inside the interrogation room by a guard when the interrogation officer told the guard to stop because they would ‘all like to cooperate.’

Böcker asked Deußing what exactly, objectively speaking, was part of the ‘psycho-games’. Böcker referred to the situation when the guard was told to not use violence, however, SE5 said he was then subjected to violence during the interrogation breaks. Böcker asked if this contrast was the ‘psycho-game’. Deußing confirmed that SE5 described the situation as Böcker just recalled it. Deußing added that what exactly made SE5 call a practice ‘psycho-games’ would be transcribed. Deußing further explained that according to SE5 his time in detention was torture. SE5 also said that although the interrogation officer appeared friendly, it was only a fake.

Böcker asked if someone died during SE5’s time in detention. Deußing he already told the court that this was not the case.

Judge Wiedner intervened, asking what Tawfiq Younes wanted from SE5. Deußing said Younes wanted to convince SE5 to cooperate and influence the opposition. Wiedner confirmed that according to the transcript, SE5 said he was a longstanding member of the opposition and therefore had a certain influence.

Questioning by the Plaintiff Counsels

Plaintiff Counsel Dr. Anna Oehmichen recalled that SE5’s family did not receive information about him from official authorities. She asked Deußing if SE5 as a member of the opposition was prepared for that. Deußing said that a fellow detainee who was released smuggled names of other detainees out of the prison, because SE5 wrote them on the inside of this detainee’s jeans.

Oehmichen affirmed that Deußing already described this but wanted to know whether SE5 was prepared for this due to being a member of the opposition. Oehmichen referred to the transcript of SE5’s police questioning, according to which SE5 denied that his family was informed about his whereabouts but said that as a member of the opposition he ‘knew what one can do in this case.’ Deußing confirmed that if it was transcribed like that, SE5 said it that way.

Deußing was dismissed as a witness at 10:27AM.

Presiding Judge Kerber announced a 15-minute break for the interpreter to recover.

[15-minute break]

Administrative matters

Kerber announced that the court received an additional expert statement from the Max-Planck-Institute [Kerber did not mention the precise name of the institute] regarding [§240 StGB](#) [coercion]. Regarding the further schedule of the trial day, Kerber explained that the court would now hear two statements, one from the Prosecutors and one from Plaintiff Counsel Dr. Oehmichen and after that maybe visually inspect documents and eventually discuss the further proceedings in the trial without the public being present.

Defense Counsel Böcker said he and his colleague would also need some time to talk to their client. Judge Kerber affirmed that everything would be arranged so they could have thirty minutes.

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

Statement regarding the Defense's request to take evidence dated September 9, 2021 [[TR#46, day 93;PW3](#)].

The Prosecutors object to summons and hear [PW3 93] as a witness

Reasoning:

- I) *PW3_93 is supposed to confirm (i) that Anwar Raslan helped him to be released [from Al-Khatib Branch], (ii) Anwar Raslan's friendly and pro-opposition attitude, (iii) that Anwar Raslan never ordered torture, (iv) that Anwar Raslan and PW3 worked together for the opposition, (v) that members of Division 40 conducted interrogations at Al-Khatib Branch without Anwar Raslan or other employees of the Branch being present.*
- II) *Lacking a proper request to take evidence, the Defense's request is not to be granted. The defense did not submit a request in accordance with § 244 (1) StPO.*
 - 1) *The request is too vague, regarding Anwar Raslan's alleged help for PW3_93 to be released since it remains unclear when and how PW3_93 was arrested and released. The claim is further irrelevant to the question of the Accused's guilt because helping someone in one case does not mean that the Accused did not commit the other crimes he is charged of.*
 - 2) *Attitude and sympathizing opinion of the Accused are mere evaluations by PW3 and not concrete observations.*
 - 3) *It remains unclear how PW3_93 should prove that Anwar Raslan treated certain detainees well and did not torture them. The request is lacking connectivity in this regard. PW3 can only testify about his own experiences, regarding others, PW3_93's testimony would be vague since he can only testify about what he himself witnessed. Since he was not constantly accompanying Anwar Raslan, he could not have witnessed how Anwar Raslan behaved and treated others.*
 - 4) *The Accused's activities for the opposition are irrelevant regarding the question of guilt.*
 - 5) *The same is the case regarding independent interrogations conducted by members of Division 40. The evidence presented and heard so far does not provide any indications that this was the case at all. Even if members of Division 40 independently conducted interrogations at Branch 251, it does not preclude that personnel of Branch 251 did not conduct interrogations and did not torture detainees. Connectivity is also lacking here as it is left open how PW3_93 witnessed such interrogations by Division 40.*
- III) *Ex officio judicial enquiry as provided in § 244 (2) StPO is not applicable here since PW3_93's testimony has no apparent value for examining the truth. With regard to § 244 (5) StPO one must note that after 90 trial days, it is not obligatory to try to summons and hear witnesses based abroad. There is no adequate balance between efforts to hear this witness and findings added to the court proceedings.*

Plaintiff Counsel Dr. Anna Oehmichen read out a statement regarding the Defense's request to visually inspect Google Maps screenshots.

[The following is a recreation of Dr. Oehmichen's statement, based on what the Trial Monitor was able to hear in court.]



Plaintiff Counsel's Statement regarding the Defense's request to visually inspect screenshots from Google Maps, dated September 9, 2021[TR#46, day 93]

Representing P50, the signatory objects to visually inspecting screenshots from Google Maps in court.

The requested evidence is improper and in the sense of § 244 (3) s. 3 StPO unnecessary to establish the truth.

- I) *It shall be proven that P50 was detained at Kafar Souseh and not Al-Khatib Branch. However, the requested evidence is improper if the fact can be established by life experience. The time displayed in Google Maps varies based on the traffic situation: For the day of P50's arrest at 8AM Google Maps determined a 20–24-minute drive from P50's place of arrest to Al-Khatib Branch. For 8PM on the same day, a 22–28-minute drive was determined. The requested evidence is therefore no proof of how long the drive should have taken.*

P50 estimated that the drive took ten minutes. However, this was only a guess and P50 explicitly stated that he was in shock and time might have passed quicker. In addition, vehicles of the intelligence services are not bound by speed limits like regular vehicles. They are therefore faster. P50 further said that there were no stops on the way. Google Maps, however, calculates the time based on current situation of traffic and necessary stops like for example check points.

The place where P50 was arrested is located in an area which is heavily destroyed nowadays. A calculation based on today's circumstances cannot provide information about how long the ride would have taken back then.

- II) *The requested evidence is not necessary to determine the truth because it does not reasonably contribute to establishing the facts. It becomes clear from P50's testimony that he was detained at Al-Khatib Branch, because he was told by fellow detainees that they were at Al-Khatib Branch. Further, most of his fellow detainees were from Harasta and Douma which is the area that Al-Khatib Branch was in charge of. P50's descriptions of the place are also similar to what other witnesses told the court in terms of size of the solitary cell and the TV for the guards.*

The visual inspection of the Google Maps Screenshot from September 9, 2021 is therefore not necessary to determine the truth and further unsuited to do so.

Defense Counsel Böcker said he wanted to make a statement replying to Oehmichen's statement. Böcker said it would be obvious that Oehmichen's statement was only made to provide evidence in her own favor. Oehmichen replied, saying she wants to defend herself against such accusations. She only made this statement because the defense accused her client [P50] of providing contradictory information. Her statement was therefore only in regard to her client's credibility and in no way to establish her own evidence.

The court interpreter agreed to Judge Kerber's request to continue without a break.

Kerber read out a decision by the Judges regarding the Defense's request to get access to the GBA's structural investigation.

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

Court Decision regarding the Defense's request dated September 1 and August 26, 2021.

The Defense's request to obtain access to the Federal Prosecutor General Office's file of the structural investigation is denied.



The Judges refer to their reasoning previously provided in their decision dated [August 26, 2021](#). In light of the scope of the file, only limited access would be relevant to the present case.

There is no support for the allegation that there was a delay in disclosing transcripts.

Regarding [P36](#): he was interviewed by the BAMF on [REDACTED]. The LKA [REDACTED] then questioned him on [REDACTED] and [REDACTED]. The transcripts of the questionings were transferred to the court by the GBA on [REDACTED]. P36 stated that as a doctor he was called to the Air Force Intelligence. In the following police questioning, P36 spoke about his perceptions of the Syrian conflict, the use of poison gas, explosions, the work of doctors, and hierarchies at the intelligence services. The transcript was heavily redacted regarding names of patients and other sensitive information. P36 further mentioned that he worked at the basement of the intelligence service in a building next to the Red Crescent Hospital. He was then specifically asked about this and mentioned Al-Khatib Branch for the first time. The procedure for the questioning and the immediate transfer of information cannot be criticized. There was no apparent delay and no indications that the structural investigation contains other information relevant to the present trial.

Before closing the trial session for the day, Judge Kerber thanked the court interpreter.

The proceedings were adjourned at 11:10AM.

Trial Day 95 – September 30, 2021

The proceedings began at 9:30AM with three spectators and two journalists in the audience. As on the previous day, only one court interpreter was present. The prosecution was represented by Prosecutors Klinge and Polz. Plaintiff Counsel Scharmer was substituted by Dr. Stolle.

Testimony of Mr. Schmidt

Criminal Chief Inspector Björn Schmidt from the LKA Berlin was informed of his rights and duties as a witness and denied being related to the defendant by blood or marriage.

Questioning by Judge Kerber

Presiding Judge Kerber told Schmidt that there were certain discrepancies between P46's testimonies. She wanted to know how Schmidt's questioning of P46 went, how the re-translation was conducted, how P46 behaved, and how they were able to communicate. Schmidt explained that the date for the questioning of P46 was arranged with P46's counsel Dr. Stolle who was present during the questioning. There was further an Arabic language interpreter present. However, P46 said at the very beginning that he speaks German very well and did not need an interpreter. According to Schmidt, P46's German is very good indeed. Schmidt informed P46 about his rights and duties and started the questioning at around 9:30AM. It lasted until 4:30PM.

Kerber asked if the transcript of the questioning was translated and read out to P46. Schmidt explained to the court that whenever P46 needed clarification or certain terms or did not know some words, he consulted the interpreter. However, he did not consult the interpreter during the re-translation of the transcript.

Kerber wanted to know if P46 read the transcript. Schmidt confirmed.

Kerber asked if P46 made any corrections to the transcript. Schmidt said he does not know.



Kerber further wanted to know if P46 mentioned Mr. Anwar Al-Bunni. Schmidt affirmed and explained that P46 mentioned the name at the beginning of the questioning, saying Al-Bunni was an acquaintance of his; a Syrian lawyer and human rights activist who is collecting witness testimonies. According to Schmidt, P46 was in contact with Al-Bunni because P46 wanted to make a movie about him.

Kerber asked about pictures of Anwar Raslan. Schmidt said he presented a photo array to P46 who immediately identified Anwar Raslan. Schmidt said he was perplexed by how fast P46 identified the Accused. He therefore asked P46 whether Raslan was often present in the media and whether P46 knew Raslan's picture from the media or from his own experiences in detention in Syria. P46 said he could not exactly say, because his shirt was pulled over his head so that he could not clearly see the guards and interrogation officers. However, when his blindfolds were taken off, he saw a man with a striking birthmark on the left side of his face. This man was also wearing glasses and had thin hair. P46 added that the person in the picture whom he identified as Anwar Raslan also had a birthmark. However, P46 also said that before he saw Raslan's picture in the media, he was in contact with Anwar Al-Bunni. That was when he saw the picture and recognized Raslan.

Kerber asked if that was also when P46 heard Raslan's name. Schmidt confirmed that P46 learned the name Anwar Raslan from Anwar Al-Bunni.

Questioning by Judge Wiedner

Wiedner told Schmidt that the court is precisely interested in this issue: P46 said something different in court. Wiedner asked Schmidt what exactly he remembered P46 saying regarding the picture: from whom he got it, where he first saw it, and how he recognized the person. Schmidt said P46 told him that he first saw a picture of Anwar Raslan when he was with Al-Bunni. That was before he saw the picture in the media. P46 told Al-Bunni that he knows the person and made the connection between this man and his own experiences.

Wiedner referred to the LKA's transcript of the questioning, according to which P46 said that before he saw Anwar Raslan's picture in the media, he was in contact with Anwar Al-Bunni, a Syrian lawyer and human rights activist who is collecting witness testimonies. Schmidt confirmed.

Wiedner further recalled P46 telling the LKA that he wanted to make a movie about Al-Bunni. He saw a picture of Anwar Raslan in this context and realized that he somehow knew this person. Schmidt confirmed again.

Wiedner continued citing from the LKA's transcript, saying that when asked whether P46 knows Raslan from his own experiences or from Anwar Al-Bunni, P46 said he had to lower his eyes and was afraid [during detention]. He was not sure if he recognized the person from his detention or not. Schmidt confirmed that P46 said that.

Wiedner said P46 told the court that the transcript was wrong. Schmidt replied that Dr. Stolle was also present at the questioning and could confirm what happened. Wiedner said the court would now ask Schmidt and not Dr. Stolle. Defense Counsel Böcker intervened saying he would think about [calling Dr. Stolle as a witness in this regard].

Questioning by the Prosecutors

Prosecutor Klinge asked Schmidt about his impression of P46, if he was cooperative, nervous, nice, or opposing. Schmidt said he cannot say anything negative about P46. P46 was very interested in resolving the matter and describing his experiences. He did not behave strangely.



Klinge wanted to know whether P46 tried to remember or started fantasizing at one point. Schmidt said no, he was under the impression that P46 described how he experienced things.

Questioning by the Defense Counsels

Defense Counsel Böcker referred to his notes of P46's in-court testimony, according to which P46 said he did not see a picture of Anwar Raslan when he was with Anwar Al-Bunni. Böcker asked Schmidt if he understood that differently during the questioning of P46. Schmidt said he understood that during the preparations of the movie [about Anwar Al-Bunni] Anwar Al-Bunni showed P46 a picture of Anwar Raslan.

Böcker asked if it would be correct that the name Anwar Raslan was mentioned between P46 and Anwar Al-Bunni. Schmidt affirmed.

Schmidt was dismissed as a witness.

Administrative Matters

Since the next witness was not yet at the court, Presiding Judge Kerber announced that the Court would now visually inspect two Google Maps screenshots and the information provided therein would be read out.

[two screenshots dated September 9, 2021 were shown in court and the information was read out. For purposes of witness protection, the screenshots will not be included in this report and sensitive information is redacted.]

Information from screenshot No. 1:

FROM: [REDACTED], Syria TO: Tahrir Square, Damascus, Syria BY: Car

Based on current traffic situation [9/9/2021]

Route 1: 27 minutes, 15.9 km

Route 2: 31 minutes, 13.1 km

Information from screenshot No. 2:

FROM: [REDACTED], Syria TO: Al-Mezzeh, Syria BY: Car

Based on current traffic situation [9/9/2021]

Route 1: 15 minutes, 8.6 km

Route 2: 23 minutes, 11.6 km

Defense Counsel Böcker confirmed upon Judge Kerber's query that the Defense's request for visual inspection would now be fulfilled.

Defense Counsel Böcker further announced that the Defense had two additional requests to take evidence which he and his colleague would now read out in court.

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



Request to summons [PW1_95], living in [REDACTED] (contact information provided by the Accused Raslan)

- 1) PW1_95 held the rank of a [REDACTED] in Syria before his defection at the end of 2012. From 2011 until 2012 he was working as [REDACTED] and head [REDACTED].

In summer 2011 PW1_95 called Anwar Raslan to tell him that members of a subdivision of Branch 251 were invading in Sayyidah Zaynab and robbed the safe of a shop-owner. They also tortured and arrested the shop-owner. PW1_95 called Anwar Raslan to ask for help since some of the men were from Division 40. Raslan, however, told PW1_95 that he could not do anything because the men would be subordinate to Hafez Makhoul, therefore others [than Raslan] would have the power.

- 2) The decision dated [July 21, 2021](#) makes it necessary to hear PW1_95, since the decision holds Raslan responsible for almost everything that happened at Al-Khatib Branch. However, the torture at the Branch cannot be attributed to him since he never ordered or exercised torture. He had no organizational or actual authority and within the margin of what he was able to do, he tried to help others, but could often not help.
- 3) The hurdles for required reachability of witnesses living aboard have to be set low for the purpose of this trial. Since this trial deals with acts committed abroad, has an international character, and is internationally recognized, the Court's efforts in determining the truth must be higher regarding such witnesses. Other forms of summoning such as telephone calls or email are possible and have been applied in the past. PW1_95 is a [REDACTED] citizen and confirmed his ability to immediately travel to Koblenz to testify in court.

Request to summons [PW2_95], living in [REDACTED].

- 1) PW2_95 is a defected pilot of the Syrian Army who is living in Turkey and France. He, together with [REDACTED] and [REDACTED], helped Anwar Raslan escape Syria. PW2_95 had connections to the FSA who sent people to get Raslan out of Syria.

PW2_95 and Anwar Raslan met at the Syrian-Jordanian border and rented a flat for Raslan in Amman. PW2_95 can testify on Raslan's positive attitude towards the opposition based on the many conversations and the frequent contact the two had with each other. One to two months after the start of the uprising, Raslan was opposing the regime. Based, amongst others, on his critical attitude towards the regime, Raslan was limited in his powers. In summer 2011, Anwar Raslan told PW2_95 that he wanted to leave Syria, however, at this point it would have only been possible for him to leave the country without his family. Raslan therefore stayed and waited for a later escape, together with his family. This was only possible in fall of 2012 when Raslan immediately left the country.

- 2) The decision dated [July 21, 2021](#) makes it necessary to hear PW2_95, since the decision holds Raslan responsible for almost everything that happened at Al-Khatib Branch. The decision further lacks a legal analysis of the issue of aiding and abetting. Raslan was doing his service as a Sunni and tried to help. He defected as soon as his family was safe. The torture that happened at the Branch cannot be attributed to Raslan since he had no influence on the acts of others at the Branch. His critical attitude towards the regime also leads to conclusions about his behavior at the Branch where he tried to help people.



3) *The hurdles for required reachability of witnesses living abroad have to be set low for the purpose of this trial. Since this trial deals with acts committed abroad, has an international character, and is internationally recognized, the Court's efforts in determining the truth must be higher regarding such witnesses. Other forms of summoning such as telephone calls or email are possible and have been applied in the past. In the case of P52 who will testify shortly, it was possible to summon and hear the witness in a very short time. PW2_95 confirmed that he is willing and able to travel and that he will appear in court.*

[Another spectator took a seat in the public gallery.]

Presiding Judge Kerber wanted to know whether the Defense knew PW2_95 's address in [REDACTED]. Defense Counsel Fratzky said they would not have it yet.

Judge Kerber explained that after the court interpreter explained the technical aspects to P52 and how they would translate everything with only one court interpreter, there would be a short break before P52's testimony.

[10-minute break]

Testimony of P52

P52, a 46-year-old Syrian journalist and author and former [REDACTED], now living in [REDACTED] was informed of his rights and duties as a witness. He denied being related to the Accused by blood or marriage.

Questioning by Judge Kerber

Presiding Judge Kerber recalled that P52 would already know the topic for the day from his summons. She told P52 to first tell the Court who he is, how he and Anwar Raslan made contact, about P52's detention in 2011, and provide general information about Anwar Raslan, whatever he would know about him. P52 started to explain that at the beginning of 2011, when demonstrations started in Egypt and Tunisia, he and other activists also organized demonstrations in Syria to support the demonstrations abroad. They decided to have a demonstration in front of the Syrian Parliament on [REDACTED], 2011. But they decided to change the topic of the demonstration to now protest against the state of emergency which had been in place for half a century. P52 and his friends met at [REDACTED]. However, the security forces [Mukhabarat] were already informed and the place was crowded with security forces. P52 and his friends therefore decided to leave in pairs of two. P52 left together with a colleague, a journalist, when they noticed that security forces occupied the entire area. They took P52's ID and he and his friends were not allowed to go to the street leading to the Parliament, so they decided to go in a different direction. P52 told the Court that he and his friend agreed beforehand that in case they would not be able to demonstrate in front of the Parliament, they would instead meet in front of the [REDACTED] building. This company belonged to a cousin of Bashar Al-Assad. However, the *Mukhabarat* also occupied this area. One member of the security forces who was dressed in civilian clothes approached P52. He introduced himself to P52 and said he was [REDACTED]. This person told P52 that he was a friend of P52's late brother. P52 explained to the Court that his brother was a police officer, but died before 2011. This person further told P52 that he knew his brother well and because they were friends, he wanted to let P52 know that it is better to leave.



P52 told the Court that this person was apparently leading one of the divisions at the scene. However, P52 did not listen to his advice. He instead went to another place in the center of Damascus, [REDACTED]. He had been at this place before. When P52 was at this place, a colleague of his, a journalist called [REDACTED], called P52 on the phone to tell him that she left the scene as well but was traced by *Shabiha*. P52's colleague told him where she was and since it was close by, P52 went to pick her up. He saw how three *Shabiha* tried to beat her up. P52 and his colleague then went to the place where P52 was before but were surrounded by civilian-dressed security forces. This was when P31 met with P52 and his colleagues. P52 said that security forces approached P31 to tell him they would know where his friends were. P52 and the rest of the group therefore went to the hotel. P52 was told by a man that [security forces] would come, so P31 left and around thirty minutes later, [REDACTED] took a taxi home. Then P52 and his colleague left as well. However, as soon as they stepped outside, they were attacked by security forces and blindfolded. P52 said he was pushed inside a car where he had to sit in the middle of the backseat with guards left and right of him. P52 had to lower his head to a point where his head almost touched the floor. After a certain time, they arrived somewhere and P52 was blindfolded and had to leave the car. When he left the car, someone slapped P52 in the face and called him a traitor who conspired against the state.

P52 said he had to go upstairs on narrow, probably iron, stairs. When he arrived at a hallway, he had to stand there, facing the wall with his hands tied behind his back. P52 told the court he did not know how long he had to wait in this position, but it felt to him like an eternity. After a while, P52 noticed that the security officer started moving quickly and acting with a certain degree of caution. P52 said "there was something in the air" when one of the security officers yelled that "the Colonel, the head of the Branch, arrived." P52 told the Court that this was the moment he realized that he was at Hafez Makhlouf's Division 40. According to P52, this Division is special because it was led by a Colonel. Usually, such Divisions' head would have a higher rank like Lieutenant General.

P52 went on to describe that he was then taken to a person of whom he thought that he was Hafez Makhlouf. This person wanted to know general information about P52, like personal information and his job. The man then asked P52 about his service at the Air Force. P52 explained to the Court that when he was working for the Syrian Air Force, he was interrogated several times. The man asked P52 about these interrogations and how it was possible that P52 was allowed to leave without any consequences. The man also asked P52 about [REDACTED] and why this person did not do anything about P52. The man further asked P52 about his participation in demonstrations. P52 explained to him that the demonstrations were in support of Tunisia and Egypt. The person then stopped talking and P52 was under the impression that the person got up. Indeed, the person was coming towards P52 and told him to open his mouth. P52 said the man put something in his mouth, presumably a gun barrel. He called P52 a liar and foreign agent, and said P52 organized demonstrations to force a situation like in Tunisia and Egypt where people overthrew the government. He said P52 and his friend wanted to start the same in Syria. However, according to this person the government was in control of everything and if someone tried to overthrow the government and say something against "Mister President" [security forces] would know about it and "cut your throat." P52 said the man told him that he had to stay where he was and if someone went to the streets, he would cut P52's throat. He also said to P52 that "just because you tried to save [P52's female colleague], you think you're tough guy. I show you your real value!" P52 told the Court that this was when the man ordered the guard to 'finish' P52.

The guard started beating P52 and continued kicking him when P52 was already lying on the floor. The guard was then told to drag P52 out of the room. P52 was taken back to the hallway where people were walking by. P52 had to stay there for some time before the guard was told to take P52 back to the man [whom P52 assumed it was Hafez Makhlouf].



The man told P52 that he would be released on the same day but had to leave his phone and ID card at the Division. The man explained to P52 that they had their own ways of contacting P52 to tell him what to do. P52 got back home late at night on that day. On the next morning, security forces called P52's female colleague on her phone to tell her that P52 should call them back using a public phone. P52 told the Court that when he called back, a friendly person explained him that he could come and pick up his belongings. He told P52 to come to the police station close to the building of Turkish Airlines in Damascus at 11AM sharp. P52 said after the call, he and a friend of him went to see a lawyer, Khaleel Ma'touq to get his advice. He told P52 to be cautious, it would be a dangerous situation, and P52's female colleague should stay away and watch P52.

P52 said he went to the place where he was supposed to go, but already arrived at 10:30AM. There was a young and friendly looking police officer in a stall [check-point]. P52 told the police officer that he was supposed to pick up his belongings. Because the officer did not know about P52, he made a phone call to get clarification. P52 told the Court that when the officer came back from the call, he was pale and told P52 he would not know anything about inquiry and told P52 to go away. P52 went to a nearby café from where he could watch the area. Then P52 saw a bus arriving. The bus usually had space for thirty to forty people. P52 said the bus stopped around 100 meters from where P52 was and thirty to forty people left the bus. They were carrying Syrian flags. P52 explained to the court that shortly before this instance, he learned that *Shabiha* were allegedly taking people to demonstrations, pretending to be demonstrators so that they could beat up others in the streets. One would recognize them by the Syrian flag they were carrying, using shovels.

Judge Kerber intervened, asking P52 who told him [about *Shabiha* participating in demonstrations with flags tied to shovels.] P52 said a colleague of his who organized demonstrations told him about that but P52 did not know how his colleague knew about it. P52 went on to describe how he thought he would be beaten up as soon as he saw *Shabiha* getting off the bus. P52 said it was on a Friday when streets were empty and it was raining. He said he then, together with his female colleague, went back to [the lawyer] who told them that it would indeed be possible [that *Shabiha* were trying to beat people up by pretending to be protestors.] [The lawyer] told them that this was a special strategy by the security forces, because in light of Arab Spring, they were afraid to simply arrest people on open streets.

P52 went on to tell the court that after this instance, he received the same phone call as before. When he was asked why he did not appear at the initial meeting, he told the person on the phone what he saw earlier. The person started laughing and telling P52 that he had a vivid imagination. He assured P52 that there was nothing and he should come and pick up his belongings. P52 said he decided to go get his belongings because he now knew that the people there were aware that he knew what happened before. P52 said when he arrived, there was a young, good-looking police officer who did not look like he was a bad person. P52 immediately told this officer what he was thinking but the officer assured that they would never do such things. After a short, friendly conversation, the officer told P52 to come inside to pick up his things and confirm receipt. P52 described to the Court how he was taken to a neighborhood with small, narrow streets. It was an old neighborhood. It felt suspicious to P52 that he was taken through this area. After a while, they arrived at a vehicle. P52 was told his papers would be inside the vehicle and when he went there he was pulled inside the vehicle. He was taken to the same Division as before. At the division, someone questioned him about [REDACTED]. P52 was beaten and asked who took pictures. P52 said he did not know what was going on, he assumed that there [at demonstrations] were people filming for TV. He was beaten even more but did not say anything. He was also again beaten in the hallway.



Later that day, at night, he was taken to a different place, downstairs in the basement. He was thoroughly frisked and had to take off all his clothes. P52 said he was able to see that he was inside a “simple room” with three other people. Torture tools like 4-wired-cables, batons, and other items were hanging on the walls. After P52 was frisked, his phone and ID were passed along from the previous Division to the new place. P52 had to confirm that it belonged to him. He then had to leave the room, was again blindfolded and taken to a small cell. The cell [*zenzana* – solitary cell] was located in a hallway with cells left and right. P52 was told that when someone would knock on his door, he had to turn around and put his hands behind his back. P52 said there was a small hatch in the cell door which could be opened and closed. Days passed by with P52 being taken out of the cell once or twice a day. P52 told the Court that when he had to leave the cell, he had to take off his shoes and socks, face the wall, put his hands behind his back, and was blindfolded.

He was then always taken to a room where someone was waiting for him and asking the same questions over and over again. P52 told the court he could not remember any specific occasions, except for once when there was an apparently educated person. This person was not a member of the *Mukhabarat* nor an officer. The person interrogated P52 while P52 had to sit on a chair. P52 told the court that he usually had to kneel during interrogations with his hand tied behind his back. However, this person spoke differently. He was an educated man, unlike the others. He asked P52 about his opinion on Syrian-Iranian relations and Syria’s relationship with Hezbollah. P52 described the conversation as “objective and pleasant.” The man told P52 that he saw in the media that P52 had an agreement with [REDACTED]. P52 replied that he did not have an agreement. When asked about why he would no longer have that agreement, P52 explained to the interrogator that he was no longer convinced of the agreement.

Judge Kerber intervened, asking whether this agreement was related to P52’s service at the Air Force. P52 said no, it was not about the Air Force but [REDACTED]. P52 said he told the interrogator that he was no longer convinced of the joint project. The interrogator then asked that P52 would, however, get good money for cooperation, which he would need. He asked P52 if it was correct that P52 would get \$100,000 from the project. P52 affirmed and the interrogator told him that if he changed his opinion [and wanted to cooperate with [REDACTED] again] they [intelligence services] could contact him. P52 declined. The interrogator remained silent for a short moment before he told P52 that it would be obvious that P52 had a better source for money: he would sell Air Force secrets to Israel. P52 was dragged to the floor, beaten and insulted. The interrogator told P52 he should stay there [prison/Branch] until he would die.

Upon Judge Kerber’s request, P52 continued to describe what happened next. According to P52, he was then taken back to his cell. P52 said he was beaten all the time and his hair was shaved. He also had an injury on his head. P52 said things went on like that until [REDACTED] when he had to undergo the same procedure as usual and was taken to an interrogation room in the evening. P52 said when he took two steps inside the room, he heard a voice asking where P52’s shoes and socks are, as P52 could not be barefoot. When the guard said P52’s shoes and socks were in his cell, the person told the guard to get them. The guard was also told to take off P52’s handcuffs and blindfold. That was when P52 saw a man sitting in front of him. The man was around fifty-years-old, wearing glasses and a suit. He reached his hand to P52 and introduced himself as Colonel Anwar Raslan, head of the Interrogation Division at the Inner Security. P52 said he was allowed to put on his shoes and offered tea. Raslan also offered him a cigarette (the white ones) but P52 declined since he quit smoking. P52 said Raslan spoke about general things, for example about P52’s new novel which was banned. P52 said he was surprised that Raslan read it. They discussed the characters and spoke about the novel. From the way Raslan was talking, P52 noticed that he was educated. Raslan told P52 that he wanted to become an author as well but the way of life led him to where he was then.



P52 said they chatted for a relatively long time, around fifteen or twenty minutes. Raslan told P52 about his life: he studied law and went to the police academy. P52 told the Court that he was familiar with this curriculum vitae because his late brother's was similar. Raslan further told P52 that he became a Major and trainer at the police academy. However, he did not know P52's brother because Raslan was re-posted to State Security before P52's brother joined the police academy. Raslan then told another person 'We are ready, Sidi.' P52's hands were tied again, but he did not have to wear blindfolds. He was taken upstairs to a small square, then upstairs again for a few steps and to an office where someone was waiting. Someone said 'the Master' was waiting and a security officer took off P52's handcuffs. P51 said he immediately recognized the person waiting in the office: it was Tawfiq Younes, the head of Inner Security/Al-Khatib Branch. P52 told the court he previously saw Younes at demonstrations.

Judge Kerber intervened, asking if Tawfiq Younes himself was present at demonstrations. P52 affirmed, saying he was the head of the Branch. P52 said someone [at a demonstration] told him that it was Tawfiq Younes, he is a tall and noticeable person. P52 went on to describe that Tawfiq Younes tried to calm P52 by telling him they would only gather to protect P52 from the Muslim Brothers who tried to kill people on open streets to start a campaign against the *Mukhabarat* and force a revolution like in Tunisia and Egypt. P52 said in this moment, he remembered the situation from the previous day and believed Tawfiq Younes. However, P52 showed him his injuries and asked if this is what it looks like when they tried to protect someone. Younes asked Raslan who did that [to P52] and Raslan replied that Younes would know how the guards were behaving from time to time. P52 explained to the Court that he was under the impression that Tawfiq Younes was hesitant: he started a sentence only to stop talking. It seemed to P52 as if Younes did not know what to tell him. Younes then told P52 that he would be released on the same day, however, they would stay in touch to further discuss the reasons for the demonstrations. When P52 was taken outside the room, Raslan was told to stay. P52's hands were tied again. When Raslan came a couple minutes later, he pulled P52 with him, telling him he should be grateful. Raslan was surprised that P52 was wearing handcuffs and he told the guard to take them off, since P52 would be free. The guard gave Raslan the keys and told him to do it [untie P52's hands] in his office. Raslan felt uncomfortable and again told the guard to take off P52's handcuffs. The guard gave Raslan a sign and said "do it in your office, Sidi." Raslan took P52 with him and they went downstairs. Raslan took P52 by his arm and told him that the Brigadier General told Raslan to let P52 know that he was released upon an order of the President. Raslan added that now, no one in Syria was allowed to say anything to P52. P52 showed Raslan his handcuffs and asked him to remove them. Raslan told P52 to be silent.

P52 told the Court that he was indeed released. His father was in coma at a hospital in [REDACTED] with a brain hemorrhage. P52 took his father to [REDACTED] for surgery. That was when Raslan called P52 to tell him he should come see him. P52 explained the situation with his father and the hospital to Raslan. Raslan asked P52 where exactly he was and told him he would come to P52, but he did not come. He then called again, asked about P52's father and told P52 he should come whenever he has time. P52 said he went there and the meeting took around thirty minutes. Raslan asked P52 how things [with the demonstration] were and P52 explained to him that he spent his entire time with his father. P52 told the court that after this meeting, he took his father back to [REDACTED] and did not see Raslan again before he left Syria. P52 said he left Syria to go to [REDACTED].

P52 went on to tell the court that after that, a friend of his, a female artist told him that Raslan would be in Jordan, and that he asked for P52's number. P52 agreed to give him his numbers and the two then had contact with each other. Raslan told P52 that he tried to reach P52 but he obviously changed his number. He also told P52 that he had been trying to defect for a longer time but he did not know anyone in the FSA, so he tried to contact P52 because he was a former officer.



P52 told the court that they then had no contact until 2014. However, at the time when P52 was in contact with Raslan, P52 kept telling Raslan that he should [publicly] speak about the victims and all the torture. But Raslan said he did not like the media and did not want to appear on the media. Raslan said he preferred to work instead of giving interviews. However, he said that one day he would write a book about everything and P52 should help him with that.

At the end of 2013 or early 2014 – it was winter - Raslan called P52 who was in [REDACTED] at the time. P52 said Raslan was on a business trip with others who wanted to establish a ‘security apparatus’ for the opposition. P52 met with Raslan but did not ask him who he was working with. P52 said he was an author, not...

Judge Kerber intervened, asking if Raslan told P52 what this ‘apparatus’ should look like. P52 denied, adding that Raslan was reserved. He mentioned a few keywords but no details to P52. Around one week later, Raslan called P52 again and asked him whether he could come to [REDACTED]. P52 went there and saw Raslan waiting in the rain with a suitcase. Raslan quickly explained his situation to P52: Raslan and his colleagues were invited to [REDACTED] to establish the apparatus for the opposition. They stayed at a hotel but the person who invited them did not cover their expenses and disappeared. Raslan and his colleagues waited for one week but when they did not hear back from this person, they decided to go home. They were surprised that the hotel bill was not covered, so they had to use all their money to pay the hotel. Raslan was therefore bankrupt and on the streets. He asked P52 if he could stay with him until he found a solution. P52 agreed that Raslan could stay with him. At the same time, P52 had a visitor from [REDACTED]. Raslan then managed to get money to buy a ticket back to Jordan where his family was.

P52 told the court that the next time he heard about Raslan, was when Raslan applied for Asylum in Germany. The two met for the last time in Turkey in early 2015. Meanwhile Raslan was granted asylum in Germany. However, he was concerned and said he felt under surveillance and that the [Syrian] regime tried to abduct him from Germany. Raslan told P52 about an incident in Berlin at his doctor’s medical practice. Raslan described that the last time he went to see his doctor, the appointment was deliberately rescheduled to a later time of the day. When Raslan looked outside the window [at his doctor’s practice], he was worried because he saw two men dressed in white standing next to an ambulance. Raslan concluded that the doctor postponed his appointment to anesthetize him, so that the two men could take him with them. When P52 asked Raslan why he assumed that, Raslan did not explain but said he did not do anything. P52 told the court he then went to [REDACTED] and did not see or hear from Raslan again until he was arrested in Germany.

Judge Kerber announce that the court would have a break soon, particularly for the interpreter to rest. Before that she wanted to know if Raslan met with P52 in [REDACTED] just to talk about him about being monitored in Germany. P52 explained that before he moved to [REDACTED], he lived in [REDACTED]. He lived in Turkey for three months. When Raslan visited Turkey, he also came to where P52 was living. They had each other’s’ number and when Raslan came to town, he visited P52 and they spent an evening together. From what Raslan told P52, P52 felt like Raslan felt safer in Turkey. P52 said he thinks Raslan’s daughter lived there as well, but he would not be sure.

[70-minute break]



Questioning by Judge Wiedner

Wiedner asked if it was correct that the detention that P52 described to the court happened from [REDACTED], 2011. P52 clarified that he was arrested on [REDACTED] for three hours before he was allowed to leave in the middle of the night. On the next day, the incident with the men happened at 11AM and P52 was arrested again until [REDACTED], 2011 [around 8 days].

Wiedner recalled P52 telling the court that he was detained at Hafez Makhlouf's Division 40 and interrogated by Hafez Makhlouf himself. He wanted to know if P52 was blindfolded and how he was able to see this person. P52 said as he already described, there was a certain business at the place he was detained at when someone said the head of the Division, a Colonel would come. Makhlouf is the only person at the intelligence services who has the rank of a Colonel and is the head of a division.

Wiedner wanted to know if [Makhlouf's] name was mentioned or if he introduced himself. P52 said neither was the case, he only assumed it. When he later met Raslan, he told P52 that he was at Division 40.

Wiedner asked when Raslan told P52 that. P52 said it was in Turkey, after Raslan defected.

Wiedner concluded that P52 met Raslan at a different place [other than Division 40]. Wiedner wanted to know if P52 saw other detainees and people being interrogated and whether he was mistreated at the prison or during interrogations at this place [where P52 met Raslan]. P52 said of course, he was beaten on every occasion, whenever he moved and injured his head.

Wiedner recalled another interrogation/meeting with a person who P52 described as 'educated' but who suddenly went angry. Wiedner asked if P52 was blindfolded at this occasion. P52 said he was blindfolded, adding that as he mentioned earlier, one would always be blindfolded at Al-Khatib Branch. P52 said he could not see who interrogated him on this occasion, he would not know who the person was.

Wiedner wanted to know if it was not Raslan then, or if it could have been Raslan as well. P52 said he was not sure. The person was very upset and beat him.

Wiedner recalled P52 mentioning 'Al-Khatib' and asked P52 whether he knew that he was at Al-Khatib when he was there. P52 denied, adding that he only knew after Anwar Raslan introduced himself as the Head of Investigations at Al-Khatib Branch.

Wiedner asked if Raslan said that they were at Al-Khatib Branch. P52 affirmed.

Wiedner said P52 already described to the court what his first conversation with Raslan, amongst others, was about. Wiedner wanted to know if Raslan, apart from his curriculum vitae, said anything else about himself, for example his political attitude. P52 said Raslan did not say anything about [his political opinion]. He avoided to ask P52 why he and his friends were demonstrating. He only asked P52 questions about P52.

Wiedner explained that P52 was summoned to testify because he could allegedly say something about Anwar Raslan's critical position towards the Syrian regime. Wiedner asked P52 what he could say in this regard. P52 explained that during their first conversation, they did not talk about anything like that but P52 was under the impression that Raslan was not particularly supportive of the regime. However, they spoke about personal things and Raslan's dream to become an author. Raslan indirectly tried to explain to P52 why he was working for the intelligence services. P52 told the court that one must say in this regard that anyone who joined the intelligence services enjoyed a certain trust by the regime.



According to P52, Raslan was selected because of his good performance, because of his excellent performance during his studies. P52 said he assumed this was an indirect message from Raslan to let P52 know that it was not his wish [to work for the intelligence services]. P53 concluded it was an indirect hint.

Wiedner wanted to know if P52 knew Raslan's name before his detention. P52 denied.

Wiedner asked if P52 would recognize Raslan somewhere in the court room. P52 said of course.

Wiedner asked whom he would recognize. [P52 pointed at Anwar Raslan] saying he was sitting over there.

Wiedner recalled that Raslan took P52 to Tawfiq Younes. Wiedner said not every detainee would necessarily receive such a treatment and wanted to know from P52 what he thinks was the reason for this meeting. P52 explained that it was a very confusing situation at the beginning of the Arab Spring, the beginning of the revolution. [The Syrian government] did not know what to do if similar things would happen in Syria. Eleven days after P52 was arrested in Syria, his name was all over the media. When he was released, he saw his name on every news channel, in every news banner on TV. P52 told the Court that he thinks it would have been unfortunate to hide him for a longer time. He added that there was some truth behind the statement that he was released upon Bashar Al-Assad's order.

P52 recalled that he earlier mentioned his work and thinking about a project with a Syrian director, a friend of Bashar Al-Assad who later became [REDACTED]. This person would also be the one deciding how Bashar Al-Assad would present himself on the media. P52 concluded that this person might have mentioned P52's name to Bashar Al-Assad.

Wiedner asked P52 if he was a prominent person by the time he was arrested. P52 affirmed, adding that in [REDACTED]. In 2008 [REDACTED]. He was also working for certain Arabic newspapers, amongst others [REDACTED], and gave many interviews. [REDACTED] wanted to work on a project with P52.

Wiedner asked what Anwar Raslan wanted from P52 when he first contacted him after his defection; why he contacted him. P52 said that he himself was some kind of a spokesperson of the opposition. He assumed that Raslan wanted to let him know that he defected and was pro-opposition. He wanted to emphasize that if it would have been possible for him, he would have defected and contacted P52 earlier. P52 told the court he thinks that Raslan thought P52 would play a big role in the events because he was a former officer. However, P52 had to deny that.

Questioning by the Prosecutors

Prosecutor Klinge said there would be several reports on the role of intelligence services in Syria before and after the revolution. Defense Counsel Böcker asked Klinge to repeat what he just said because Böcker could not hear him well. Klinge repeated the sentence and asked P52 about his take on that. P52 explained that he was born in 1975 and ever since he could remember, intelligence services would rule Syria using torture and disappearances. Not only the immediately affected persons would suffer from that, but everyone close to them.

Klinge wanted to know since when torture was used, if there was a certain development, and what kind of torture was exactly used. P52 said he did not know if there was a development but he would be sure that although the spying method might have changed, the torture stayed the same.

Klinge asked when the Syrian intelligence services started using torture in Syria. P52 said since he was five years old, since he was able to remember. His father was arrested and tortured. He kept telling his story until he died a year ago.



Klinge wanted to know if P52 knew Al-Khatib Branch before he was arrested there. P52 said of course he knew the Branch, it would be very/relatively known among Syrian intellectuals. According to P52, the Branch would be in charge of spying on educated people and the cultural scene. It would be the brain of the State Security, so to say.

Klinge asked if P52 knew that before his detention or if he only heard about the reputation [of the Branch] after his detention. P52 said Al-Khatib was already known before his detention. Its role was particularly known among intellectuals.

Klinge wanted to know if on [REDACTED] 2011 when P52 was taken to Branch, everything was like P52 expected it based on the reputation and rumors. P52 said he wanted to clarify that he was taken to Al-Khatib [one day later than Klinge said]. But everything was like he imagined it.

Klinge asked how exactly it was. How the hierarchies, hygienic condition, and detention situation were. P52 said he could only describe his personal view: he was allowed to use the toilet twice a day. He got food three times a day. The food usually consisted of potatoes or an egg and only once did they get a tomato. According to P52, he never got fruits.

Klinge asked if the food was enough. P52 denied.

Klinge recalled that P52 was detained in a solitary cell and asked him whether he was still able to see other detainees. P52 said he did not see others, but was able to hear them in their cells. He said the next cell was only two meters away, opposite his cell.

Klinge asked if he was able to communicate with other detainees. P52 denied.

Klinge wanted to know if there were also communal cells or only solitary cells. P52 said he assumes that there were only solitary cells in the area where his cell was, because every time a person was called from the cell, only one detainee reacted to the call.

Klinge asked if P52 witnessed interrogations of other detainees. P52 said he heard voices and noises from a place outside of where he was. He heard the voices of people who were beaten, particularly around midnight and late at night. P52 once saw a person who was tortured but other than that, he only heard people being tortured.

Klinge wanted to know if P52 heard voices or rather screams. P52 said of course he heard how people were begging.

Klinge asked what they begged for. P52 explained to the court that the detainees said that they already said everything they knew but the beating continued. P52 said he was under the impression that torture stopped regardless of what one was saying. He also felt that detainees who were interrogated on the previous day were taken to be tortured again and again, and worse, in order to get more information, even if they would not know more.

Klinge wanted to know what the screams felt like to P52. P52 said he expected it to be like that, so it did not have a big impact on him but the situation he described...

Klinge intervened, asking if P52 was not afraid to be next. P52 said of course he was.

Klinge further wanted to know how P52 would explain that he was not tortured like that. P52 said because he was famous, they were afraid that the media would find out and make a big deal of it. He said this was even more the case, since the incidents surrounding the Arab Spring were very similar. P52 added that the person he saw who had been tortured, was tortured like hell.



Klinge said he could unfortunately not spare P52 of describing the situation. P52 said it happened on [REDACTED]. There was a young man who was tortured every night. He was screaming very loudly and P52 could hear him scream at night, although the room [where this person was tortured] was in a different area. P52 recalled that the young man managed to get out of that room and was running through the hallway. The guards were running behind him, beating him. P52 told the Court that he saw this scenery because it happened at night, and the hatch in his cell's door was usually opened at night to let in some fresh air and check on the detainees inside the cell. When P52 heard the young man, he looked through the hatch, although the detainees were actually not allowed to look. The young man was wearing long cotton underpants and his hands were tied behind his back. Two security guards were running behind him and beat him with a four-wired cable. The man was shouting for help. Suddenly, P52 heard one saying "*shilah!*" which means "take it away/pick it up". The young man replied he would do it but asked the guards not to beat him during that. P52 said he first did not know what was going on, when the man fell on his face. P52 then noticed that the man pooped in his pants and because his hands were tied, he started 'picking up' the feces by licking it. When he was done, the two guards returned and started beating him. The man did not swallow and spit the feces at the wall. P52 said the man therefore had to lick the wall as well.

Klinge asked P52 to describe the room with the torture tools where P52 had to undress. P52 told the Court that there was a four-wired cable (four cables twisted into one) in this room, as well as batons. P52 said this was everything he saw in the short time he was in this room. It was rather an office, no torture room. There was a space for files on the wall. P52's items were packed in a bag, sealed, stamped and put in a cupboard.

Klinge wanted to know if there was an application to hang people. P52 said he did not see one. He was then blindfolded and not tortured like that, and did not see anything like that.

Klinge said there was a system of torture in Syria that existed for centuries. He asked P52 what one had to do to get promoted within this system, to get a higher position in the hierarchy. P52 told the Court that there would be two ways. The first one would be to be very loyal to the regime, this would be the main way. The other way would be for people with a particularly good performance. These people would be chosen to get the work done because the people who are loyal only had very limited intellectual capacities.

Klinge wanted to know what kind of performance was required at the intelligence services. P52 explained that in this case, one had to be intelligent and have a good record at uni. One should not have a clear political opinion, neither pro nor contra regime. As soon as one would be on "their" side, one would get certain privileges to secure loyalty. P52 said the same would be the case at other places, like the Center for Scientific Research. P52 said the center recruited scientists to produce weapons and step by step they would become part of the regime.

Klinge asked what P52 thought the head of the interrogation division at Al-Khatib was required to do. P52 said this person was required to be knowledgeable and intelligent. P52 said in case of Colonel Anwar Raslan he could provide an example: the head of the Branch is a very loyal person who had more capable subordinates that got the work done. The head was incapable but loyal, and working for the government. But the more capable person would not be involved in bigger strategic issues. P52 said another, better example would be a scientist who produced a weapon but was not involved in the planning of where and how the weapon would be used. This would be decided by the loyal people.



Klinge said a scientist producing a weapon and an intelligence officer working at a Branch where people were brutally tortured were two different things. P52 said it would be the same for him, because both served the regime.

Klinge asked P52 if he could imagine that Raslan did not know about the conditions in the basement of Al-Khatib Branch. P52 said he could not say that with certainty, but Anwar Raslan knew what was going on for 99.9%.

Klinge said P52 and Raslan also spoke about that. Klinge wanted to know if P52 did not ask Raslan why he participated in all that and why he did not publicly speak about what happened. P52 said Raslan only often mentioned that he wanted to write a book about it and P52 should help him once the time had come.

Klinge recalled that at the meeting P52 had with Tawfiq Younes and Anwar Raslan, Younes told P52 that he wanted to protect him from the Muslim Brothers. Klinge asked P52 'if he seriously believed that'. P52 said of course he did not believe it. When he asked Younes and Raslan if that [P52's hand being tied and his head injury] was how they would protect people, Raslan and Younes looked at each other and smiled. Younes then said something funny: 'What happened to you was all legal, because you were only detained for three days.' When P52 flagged to Younes that he was detained for ten days, Younes asked P52 if he had a watch or was able to see the sun rise and go down to know that he was there for ten days. Younes was making fun and told P52 that he was detained for three days only.

Klinge wanted to know why Younes played this kind of game. P52 said he assumed that at the beginning [of the Syrian revolution] they wanted to keep a low profile and not make it public that they arrested demonstrators. They were afraid that the media would find out and therefore told P52 to stay in touch and tried to control him.

Klinge asked if P52 was not allowed to talk to the media. P52 said he was asked to keep them [intelligence services] up to date and told him there would be no reason to talk to anyone.

Klinge asked if P52 was under the impression that Tawfiq Younes and Anwar Raslan were able to moderately influence the opposition. P52 said he does not think that a strategy like that existed because no one knew what was going to happen. At first thirty to fifty people demonstrated but there were more and more people every day. People started taking pictures and filming. However, no one could prohibit the demonstrations because they were not about Syria at the time. However, they could neither allow the atmosphere in Syria to change.

Klinge recalled that Tawfiq Younes and Anwar Raslan wanted to stay in touch with P52. Klinge asked P52 if he felt that these two tried to win him over as a spy. P52 denied, adding that it was meant as a way to monitor P52 and call him.

Klinge asked if he was afraid that his calls would be monitored. P52 said every person in Syria would be afraid of that. Everyone was afraid to be monitored. P52 said this was particularly the case with mobile phones, since the leading cell service agency belonged to a cousin of Bashar Al-Assad. The latter was therefore in a position to easily spy upon people.

Klinge said that not every person in Syria was, however, as prominent as P52 and luckily not every Syrian was detained at Al-Khatib. Klinge concluded that P52 was more likely to be monitored by Rami Makhoul than others. P52 denied, adding that in Syria everyone would be the same and everyone would be monitored.



Klinge wanted to know if P52 was in contact with Raslan's family during the last few months. P52 said the family approached him to tell him that Raslan's counsel wanted to know if P52 was willing to testify as a witness.

Klinge asked how P52 knew the family. P52 said he would not know the family and never met anyone of them. He did not know where they got his number from.

Klinge concluded that the family called P52. P52 affirmed, adding that he thinks Raslan's son Mohammad called him.

Klinge wanted to know when the family approximately called P52. P52 said it was two years ago.

Klinge asked when they were in contact for the last time. P52 said it was two weeks ago. The family wanted to assure that the Court contacted P52.

Klinge wanted to know if P52 and Raslan's family also spoke about the incident with the doctor in Berlin. P52 denied, adding that they did not talk about that during the call.

Klinge wanted to know how P52 was able to remember details from a conversation he had in Turkey in 2015 and remember precise details as to the threatening situation. P52 said the situation was important after all. [Raslan] was very concerned, afraid, and upset. P52 said this story, if it is true, would scare all opponents of the regime. If Raslan fantasized, P52 wanted to understand why he was thinking like that. P52 added that of course he could remember the details, he would be an author after all.

Klinge said the story was of course very important to P52. However, Klinge did not believe that P52 was able to precisely recall that Raslan saw two men dressed in white standing next to an ambulance, based on a conversation he had six years ago. One could not remember such details after such a long time. Defense Counsel Böcker intervened, saying Klinge's question would be inadmissible; it would be Klinge's subjective opinion. Böcker said he would not object to that. He himself would not be too happy with the witness's testimony but would still believe him more than other witnesses. Böcker directly addressed P52 to tell him that he thinks he is credible. Klinge replied that one should never have too high hopes regarding witnesses. Presiding Judge Kerber concluded that this conversation was a skirmish between the defense and the Prosecutor. She asked Klinge if he had a concrete question for P52.

Klinge asked P52 how he could explain that he was able to remember details about the number and appearance of people and where they were standing, based on descriptions he received from Raslan back in 2015. P52 said he had no clue and asked if the question was a joke.

Presiding Judge Kerber intervened, saying that one has to be careful now. What happened before was a skirmish between the parties, but that would be over now. All questions asked are important and P52 should not answer them by asking questions himself. P52 explained that he was impressed by the overall situation. It seemed to him as if Raslan was slowly becoming paranoid. P52 recalled that he even asked Raslan how he would know that the two men would be members of the intelligence services. Raslan replied to him that they looked like members of the intelligence services. P52 said it would be natural to him that people would remember such details and that such details would burn in one's memory because they had such far-reaching implications. P52 said he thinks he answered the question and added that if one thinks that Raslan's family provided instructions to him, one would be wrong.



[15-minute-break]

Questioning by the Defense Counsels

Defense Counsel Böcker recalled P52 mentioning a demonstration in front of the Parliament and asked P52 if it happened [REDACTED]. P52 confirmed.

Böcker further recalled P52 mentioning P31 [P52 corrected Böcker's spelling and confirmed that he mentioned P31]. Böcker wanted to know if P52 also mentioned someone called [REDACTED]. P52 confirmed again. Plaintiff Counsel Mohamed intervened, saying Böcker would only check his notes with P52 and not ask actual questions. Presiding Judge Kerber said Böcker's questions would be okay so far.

Böcker went on to ask if [REDACTED] was a Major or First Lieutenant. P52 said he was not sure but he was in the same class [at the police academy] as P52's brother so he was either Major or First Lieutenant. P52 said he would not know for sure.

Böcker asked what this person's task was on [REDACTED] [at the demonstration that P52 organized and was arrested]. P52 said he would not know exactly. He led a group of security officers dressed in civilian clothes. P52 said that was all he knew.

Böcker wanted to know if P52 saw Raslan at the scene on this day. P52 denied, adding that he met Raslan once at the Branch.

Böcker asked if P52 can say something about [REDACTED] clothes. P52 said he remembered well that he was wearing a leather jacket. It was casual, rather functional clothes not like a usual officer.

Böcker asked about the color of the leather jacket. P52 said it was black.

Böcker recalled that P31 previously told the court that he saw Anwar Raslan, leading security officers on [REDACTED] [demonstration that P52 organized and was arrested at]. According to P31, Raslan was dressed in civilian clothes, amongst others a brown leather jacket. P52 asked who was wearing a brown leather jacket. Böcker said it was Anwar Raslan, leading security officers. P31 identified Raslan like that. P52 said he did not see Raslan at the scene but there were several divisions and groups.

Böcker thanked P52, saying this was already more than he hoped for. Regarding P52's contact with Raslan's family, Böcker wanted to know if P52 since he left Syria and was in Germany ever had contact with the police, Prosecutors or counsels. P52 said not at all, this very day would be the first time in a court room for him.

Böcker said P52 would be someone who knows a lot, has a lot to say, and has a lot of contacts. He wanted to know if P52 did not want to talk to authorities or was never contacted by anyone. P52 told the court that regarding Syria, he only spoke about it with OFPRA. Böcker asked what OFPRA would be. Klinge said it is the French equivalent to the German BAMF [Office for Migration and Refugees]. Böcker asked how P52 got into contact with OFPRA, whether they called or wrote him. P52 denied, explaining that it would be the official way to have one's asylum interview in France with this office. Böcker concluded it was a personal conversation then. P52 said of course, he had to explain his asylum request at this meeting.



Böcker said the procedure would be similar in Germany. He asked P52 if he was asked at this meeting to describe what he saw and experienced in Syria. P52 said of course. They also requested proof that he was detained in Syria. P52 then told them to simply check the media. Böcker asked P52 to leave the media out of it. P52 said this would, however, be what he told the OFPRA.

Böcker referred to the proof that P52 just mentioned, asking him what kind of proof that was and if he was able to deliver it. P52 said he referred to publications [about his detention]. He said he was interviewed by a human rights organization and BBC and Al-Jazeera also reported on it.

Böcker wanted to know if P52 told them [OFPRA] that he was detained at Division 40 and Branch 251. P52 said he could not remember if he mentioned the numbers or if they knew the numbers. However, he mentioned State Security which would be Division 40 and Al-Khatib.

Böcker asked if P52 also mentioned the year [of his detention]. P52 said of course he did, it would be an important event in his life after all.

Böcker concluded that P52 told the OFPRA what he also said in court on this very day. P52 said he thinks so.

Böcker asked if one of the offices that P52 saw during his detention was the one of Anwar Raslan. P52 said he only saw Raslan's office when he was arrested the second time and taken to his office.

Böcker wanted to know if P52 was taken 'to' or 'inside' Raslan's office. P52 explained that after he was released for the first time, Anwar Raslan called him and told him to come to the Branch, to his office. Böcker asked what happened then. P52 said the first time, he told Raslan that he was at the hospital and when he called the second time, P52 went.

Böcker asked if P52 was inside Raslan's office. P52 said he was there once. Böcker asked P52 to describe the office. P52 said it was relatively small, full of files and had a small table that was not a proper desk. There were several phones and some chairs. P52 said one could notice that it was a place to work. According to P52, the office was different from Tawfiq Younes' office which was very spacious. Raslan's office had a cupboard with many files in it.

Böcker asked if there were pictures on the walls of Raslan's office. P52 said he was not sure but there would be not a single office in Syria that does not have a picture of Al-Assad.

Böcker asked P52 if he could say something about this topic. P52 did not understand the question. Böcker asked if there was a picture of Bashar or Hafez Al-Assad.

P52 explained that at the Branch itself, he saw many pictures of Bashar Al-Assad. However, he could not say if there was one at Raslan's office. What he could say is that it is not surprising that there was a picture of Al-Assad. According to P52, these pictures were everywhere in Syria, even at public toilets.

Böcker wanted to know if P52 was able to notice a certain relationship between Tawfiq Younes and Anwar Raslan and how the two interacted. P52 said it was a professional relationship. "He" entered... Böcker intervened asking who P52 was referring to. P52 said Anwar Raslan entered the room and greeted Tawfiq Younes calling him 'Sidi'. Raslan never said anything while Tawfiq Younes was speaking. It was a military interaction. P52 said he would know that because he was an officer himself. It was an officer and his supervisor.

Defense Counsel Fratzky recalled P52 saying he remembered Raslan's story about the two men dressed in white who allegedly tried to abduct him. Fratzky said P52 also mentioned Raslan possibly being paranoid. He asked P52 if he himself was scared when he heard that story. P52 affirmed and explained that he had two feelings. First, he thought that the story could indeed be true.



The second feeling was that Raslan might only be fantasizing. P52 said he was impressed by both possibilities. It would be impressive if the regime would be able to do something like that. If it only existed in Raslan's mind, it would be a "psychological question."

Fratzky asked if it had an impact on P52 if the regime was indeed capable of doing something like that. P52 affirmed.

Fratzky wanted to know what this impact looked like. P52 said he tried to ask if the story was true but he realized it was not...

Fratzky interrupted P52, referring to Anwar Raslan's position at Al-Khatib Branch. Fratzky recalled P52 mentioning that Raslan and Younes acted like supervisor and subordinate. He asked P52 if he was able to notice a similar relationship at another situation as well. P52 said he only saw the two together at one occasion. But there would be another issue: Raslan is a Colonel and Younes is a Brigadier General, and therefore higher in rank than Raslan. It would be commonly known that Tawfiq Younes is the head of Al-Khatib Branch. P52 said when Raslan said that he was the head of a Division within the Branch, it was obvious that there were others with higher ranks.

Fratzky asked if P52 saw the two [Raslan and Younes] together on another occasion. P52 said he only saw them together once, but he saw Younes on the street.

Fratzky asked if Anwar Raslan himself told P52 anything about his relationship to Tawfiq Younes. P52 denied, saying they did not talk about that. According to P52, Raslan was generally reserved. P52 kept telling [Raslan] that he should say something [about what happened at the Branch] but Raslan kept telling P52 that he would talk about it when the time was right, but "now is the time to work, not to talk."

Questioning by the Plaintiff Counsels

Plaintiff Counsel Dr. Oehmichen recalled that P52 mentioned that Raslan wanted to write a book. She asked P52 if there was already a draft or manuscript. P52 denied, adding that Raslan did not say anything about the book other than he intended to write a book and P52 should help him.

Dr. Oehmichen asked if Raslan said anything about the content of the book. P52 explained that when he asked Raslan about his years of service and all the people that were interrogated at the Branch, Raslan replied everything would have its time.

Questioning by the Defense Counsels

Defense Counsel Fratzky wanted to know if P52 knew a person called [REDACTED]. P52 said there was a Colonel [REDACTED], however, P52 never met him. He might have met him at an opposition event once but P52 said he thinks he did not speak with him. However, he saw him in the media.

Fratzky concluded that P52 was not in contact with this person. P52 denied.

Presiding Judge Kerber asked if she understood correctly that P52 tried to avoid this person, or if she just did not get it right acoustically. The interpreter clarified that P52 said he knew this person from the media and might have crossed paths with him at an event. Judge Kerber thanked the interpreter.

P52 was dismissed as a witness.

Plaintiff Counsel Bahns left.



Administrative Matters

Plaintiff Counsel Mohamed said he wanted to read out a request to take evidence on behalf of his client P1 [Firas Fayyad].

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

Plaintiff Counsel's Request to visually inspect pencil sketches of the crime scene

Anwar Raslan is the alleged head of the Investigation Division and the prison at Al-Khatib Branch where at least 4,000 people were tortured from April 2011 until September 2012.

Many witnesses testified on the prison area and the conditions there. However, these are all reports. There is no visual material existing. These accounts are therefore rather abstract and one cannot know what detainees are thinking when they are alone in their cells, blindfolded. Firas Fayaad captured all that: his arrest, torture, interrogations and other experiences in detention. These sketches provide an authentic impression of the crime scene.

Fayyad is further willing to testify on these sketches, if the Judges would request him to do so.

Signed by Counsels Schulz, Rieger and Mohamed

Defense Counsel Böcker said he wanted to reserve his right to make a statement on this at a later point. Böcker further announced that the Defense had another request to read out in court as well.

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

Defense Request to make an inquiry with the federal Prosecutor General Office to ask if a transcript of P52's interview with the OFPRA is part of the structural investigation, and add it to the case file if it is part of the structural investigation.

- 1) *P52 said in court today, that he told the OFPRA about his detention at Al-Khatib Branch in 2011 and 2012. P52 testified today for more than four hours in court. The Defense requests to know from the BKA if they are in possession of a transcript of P52's interview with the OFPRA as part of the structural investigation.*
- 2) *This is yet another aspect of the structural investigation to which the parties to this trial have no access.*

Prosecutor Klinge said he wanted to make a statement on this request: The transcript of P52's interview with OFPRA is not part of the structural investigation. If it was, the Prosecutors would of course have forwarded it.

Kerber asked if the Defense wanted to uphold their request, nevertheless. Defense Counsel Böcker said yes. Once the request was copied and added to the trial transcript, Defense Counsel Böcker announced that the request would no longer be needed.

Presiding Judge Kerber reminded the Plaintiff Counsels to agree on an order for the closing statements.

The proceedings were adjourned at 2:55AM.

The trial will resume on October 13, at 9:30AM in room 128 in the Regional Court's building.