



TRIAL OF ANWAR RASLAN

Higher Regional Court – Koblenz, Germany
Trial Monitoring Report 53
Hearing Dates: November 17 & 18, 2021

CAUTION: Some testimony includes descriptions of torture.

Summaries/Highlights:¹

Day 103 – November 17, 2021

P57, a 40-year-old Syrian, testified about his detention at Branch 251 where he was interrogated three times. He told the Court that Raslan was present during one of these interrogations and that he was able to recognize Raslan during a later visit to the Branch based on Raslan's voice.

The Defense had several questions for P57 regarding his connection to Anwar Al-Bunni who was, according to P57, the person who helped him testify in Koblenz. Al-Bunni previously sent the Prosecutors a German-language summary of P57's testimony based on a zoom call he had with P57. However, some aspects of the summary, for example that Raslan threatened P57 to be tortured, were revised by P57 in Court, who said there must have been a translation error. The Defense suggested to hear Al-Bunni again, saying there would be an "Al-Bunni problem" in this trial.

Day 104 – November 18, 2021

Criminal Chief Inspector Alexander Frey from the German Federal Criminal Police Office (BKA) testified about an interview he previously conducted with a former doctor at the Red Crescent Hospital in Damascus. The doctor was initially summoned to testify in Court herself. However, the BKA was unable to reach her, although she was under special witness protection. According to the BKA, the witness left the EU and her current whereabouts are unknown. In her police interview, the witness stated that Al-Khatib Branch treated the hospital like their own and frequently referred detainees there. Many detainees showed signs of beatings, torture, dehydration, and malnutrition. Although the doctor did not see corpses of detainees, she heard about some dying from alleged heart attacks.

The Court also rejected several of the Defense's previous requests to hear additional witnesses. Amongst others, the Court rejected a request to summon Manaf Tlass because he told the Court that he was unwilling to testify as he does not want his statements to be publicly perceived as either incriminating or exculpatory for Raslan. The Judges decided that Tlass would most likely not provide any new and relevant information and therefore refrained from summoning him. In their rejection, the Judges also stated that the period of accepting evidence will probably be closed in early December. In addition, the Judges said they will not follow the defense's suggestion to summon Al-Bunni again.

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.

**Trial Day 103 – November 17, 2021**

The proceedings began at 9:35AM with four spectators and two journalists in the audience. Two cameramen took videos and photos before the start of the session. The prosecution was represented by Prosecutors Klinge and Polz. Plaintiff Counsels Mohammed and Dr. Oehmichen were not present, and Plaintiff Counsel Schulz left after the lunch break.

Testimony of P57

P57 was accompanied by attorney, Dr. Daimagüler, who told the Court that P57 requested to conceal his name and other personal information because P57's brother, a human rights lawyer, was in the hands of the regime or might be dead already, however, one could not say for sure. If P57's name went public, the situation for his brother would be life-threatening. Presiding Judge Kerber asked P57 whether he could confirm what his counsel just said. P57 confirmed. Since there were no objections from the parties, Judge Kerber announced that the Court would allow P57 to conceal his personal information due to the possibly life-threatening situation of one of his close relatives.

Kerber asked if P57 requested Dr. Daimagüler to act as his witness counsel. Daimagüler and P57 confirmed. Kerber announced that Daimagüler was admitted as P57's witness counsel because of P57's posttraumatic stress disorder and due to the fact that P57 would otherwise be unable to exercise his rights.

P57, a 40-year-old Syrian currently living in [REDACTED], was informed about his rights and duties as a witness. He denied being related to the defendant by blood or marriage.

Questioning by Judge Kerber

Presiding Judge Kerber recalled that P57's counsel already sent the Court some of P57's descriptions regarding his detention at Branch 251, and asked P57 to tell the Court "what was going on there." P57 said he first wanted to take the chance to thank the Federal Republic of Germany and the German people for "the opportunity to face the criminal." He would also like to thank the Court for being able to talk about his suffering after seven months.

P57 described that he was arrested on [REDACTED], 2012 at his store. He was sitting in his shop when suddenly around twenty armed people entered and five vehicles arrived. The people put guns against his and his business partner's heads, pulled their t-shirts over their heads, and put them in the cars. P57 added that he and his business partner were put in separate cars. According to P57, "this was when my journey of suffering started." P57 further described that the armed people started beating him and his business partner on their heads with rifle butts. P57 was holding his car key in his hands, which was taken away from him. Some members of the security forces took P57's and his partner's mobile phones from the shop. P57 said they then started a long trip through Damascus before they arrived at Division 40, which he knew very well. P57's name was put on the wanted list by Major Mohammad Abdallah. When P57 and his partner arrived, they were taken to the second or third floor. P57 described that they went upstairs more or less voluntarily; they were basically pushed upstairs. When they arrived upstairs, they received electric shocks and were beaten. P57 told the Court that he had previously heard that sparks flew out of a person's eyes due to electric shocks, but this was the moment when he experienced it himself. He was also beaten at his kidneys. P57 then requested to use the toilet and felt that "something warm was flowing out of me." The guard therefore said to another person "Sidi, he is losing blood." [P57 and the court interpreter sitting next to him had a short discussion after which the interpreter explained that P57 was using a term that he did not know.



The other interpreters helped clarify.] P57 said that the furthest back part of his tongue - the skin in his throat - was stuck inside his throat.

He was then taken to the military hospital in Harasta where he arrived on the seventh floor. His eyes were blindfolded, and pictures were taken of him. He was also beaten at his shoulder. P57 described that he stayed at the seventh floor. He was not allowed to use his name there and was instead given a number. He was number 5 and his business partner was number 12. P57 said they had to stay there for two days, and he noticed that people were being tortured. One guy had a gunshot wound on his leg and was beaten on this wound until he fell unconscious. When they were served food, they were allowed to lift their blindfolds a bit, but only so far as to see the food in front of them. P57 said he once wanted to use the toilet at the hospital. He stepped on a corpse at the toilet. Two days later, a guard called P57's name. P57 told the Court that before that, he was interrogated at Division 40 where he met an officer who stole the identity of an FSA member. This person called P57's name which surprised P57 because they were not allowed to use their names at the hospital.

P57 said that they then went on a long trip through Damascus until they stopped in Al-Baramkeh. P57 expected to be released there because it was only him, the driver, and the officer. However, P57 had to put the blindfolds on again. The officer told him to do so, saying that there was a checkpoint in front of them. They then went to Branch 251. P57 described that when they entered, "we" received a welcoming party which was directed by Abu Ghadab who was known for his brutality and hatred. After P57 was beaten, he was taken to a "recreation room" that was around 10x3.5 meters or 10x4.5 meters big and had a window looking at the cells. "We" could therefore hear the screams from torture. P57 said there were around 200 people inside this room and everyone's smell was awful due to sweat and other things. At the end of the cell, on the right side, was a toilet where people had to sleep. P57 said he once asked for medicine because his kidneys got inflamed, however, he never received any medicine.

Two or three days later, he was taken for interrogation. P57 explained to the Court that he had already been arrested in 2011 when there were pictures of him participating in a demonstration. [Another journalist took a seat in the public gallery]. P57 said, during the interrogation, he was asked questions and he noticed that the interrogation officer was typing. The officer recalled that P57 had already been detained in 2011 at Branch 227. P57 said he confirmed because "they" already knew that and because there were pictures anyway. P57 was admonished to stop attending demonstrations otherwise the officer would "show [him] God himself". One of the accusations against P57 was that he founded a "gang" to abduct security officers. The interrogation officer said P57 led this gang as someone told the officer. P57 denied all accusations. P57 told the Court that, after his denial, he was beaten with a tube, a certain pipe called "Al-Akhdar Al-Ibraheemi". He had to lay down on the floor, hold up his feet, and was beaten on his feet. P57 said "they" also insulted his mother and sister, but he still did not admit anything. The officer then told the guard to take P57 to Abu Ghadab. P57 was taken downstairs to Abu Ghadab who tied P57's hands behind his back and hung P57 at his hands for four hours. Every person who walked by P57 spat on him and called him a traitor. P57 told the Court that one of the employees hit him on his "most sensitive part" of his body. Four hours later, P57 was taken back to the community cell where he had been before. P57 described that he was very exhausted because the beatings had been very harsh.

One week later, P57 was again called for interrogation. It was the same interrogation officer as before. P57 told the Court that this officer pretended to be someone from the FSA. According to P57, someone was hurt at a demonstration and this FSA officer was supposed to take the injured person to Lebanon. However, the injured person disappeared and was never seen again.



The interrogation officer who took the identity of the FSA officer mentioned names of people who P57 knew and who allegedly testified against P57. P57 kept denying. He told the Court that he knew it would be his end if he admitted any of the accusations. In any event, he did not have anything to do with the accusations: he did participate in demonstrations but never established a gang to abduct officers. When the officer had enough, he called one of the guards to take P57 with him. On the way downstairs, P57 was beaten, and his teeth broke. The guard kept beating P57 who started screaming. P57 was taken back to the community cell.

P57 further described that there was a doctor detained in the same cell, who P57 knew. He was from [REDACTED]. There was also a lawyer inside the cell, [REDACTED] who was arrested by Anwar Raslan himself. According to P57, there were also elderly people, one of them was eighty years old and tortured. Inside the cell, the elderly people had to [urinate] right where they were standing. P57 added that another detainee was called [REDACTED] who was one day taken from the cell and never returned. When P57 was released, he went to [REDACTED] family who told P57 that he was missing.

P47 went on to describe that two weeks later, he was again taken for interrogation. This time, there were more people [officers] inside the interrogation room. These people had a conversation about a detainee from [REDACTED] whom they wanted to release. According to P57, one of the people said to his subordinate "Sidi, we cannot release him on my responsibility." P57 said the person who was supposed to be released was supposed to help "them" to arrest others, however, one of the persons inside the room said it could not be his responsibility to release the detainee since he might "go to the mountains and disappear." P57 said one of the people who discussed the matter then left the room while P57 had to kneel. The interrogation officer asked P57 questions and told him that he would soon be confronted with another person. When P57 said this would not be a problem for him, he was beaten by the interrogation officer. P57 started screaming and said he would be willing to just give them his fingerprint or they should "put a bullet in [his] head." The interrogation officer replied to P57: "You traitor, you might wish to get a bullet in your head, but I would rather put a gun in a dog's head than in yours because you went to the streets and demanded freedom." P57 told the court that he was again beaten and taken downstairs. He added that he did not describe all details of the torture but could do so if the court wants him to.

Presiding Judge Kerber said P57's descriptions were "okay for now." P57 recalled that after three or four days he was supposed to be confronted with another person. It was P57's paternal cousin. P57 told the court that when "they" told him they would bring another person, they tried to talk to him in a friendlier way but P57 refused. He was then beaten on his head and forced to put his fingerprint on three sheets of paper. Since he was wearing blindfolds, P57 was unable to see whether there was something written on the papers or if they were blank. He was then taken back downstairs and released after a while. P57 said that, when he was released, a guard took him outside the cell. He added that he experienced many things that he could tell the Court about.

Presiding Judge Kerber explained to P57 that the Judges were going to ask more detailed questions later on, but for now, P57 could just tell them what he wanted. She recalled that P57 was released and asked him if there was a reason for his release and what happened next. P57 said the truth was that when he was outside the Branch and released, he learned that his family had hired an intermediary. Fifteen days after his release, P57 returned to the Branch to get his car back. He went to Al-Khatib Branch together with the intermediary, and they met with a Warrant Officer 3rd Class. When P57 and the intermediary went there, the Warrant Officer 3rd Class asked P57 whether he "wanted to have Bashar [Al-Assad's] job or why [he was] participating in demonstrations." P57 said the Warrant Officer 3rd Class also advised him to be careful and took P57 and the intermediary to Anwar Raslan's office.



P57 said he did not know what the Warrant Officer 3rd Class told Anwar Raslan, but the latter asked him whether there was someone else on his file. When P57 affirmed and said there was his business partner, Raslan sent them to another office. There, P57 demanded to get back his car. The Warrant Officer 3rd Class again asked the same question about an additional person on P57's file and P57 again affirmed. P57 was then told that, when his business partner would be released, P57 would get his car back. P57 replied that it was his car and not someone else's. The Warrant Officer 3rd Class told him to go before he would be sent back downstairs. P57 then left.

When P57 and the intermediary were outside, P57 told the intermediary that he knew "the person" from his voice. P57 added that his memory was still fresh and he was able to remember well. The intermediary replied that "it is him" [P57 presumably meant Raslan but the Trial Monitor was not able to see if P57 was pointing in Raslan's direction]. P57 recalled that other detainees in his cell were interrogated by this person himself. P57 added that after this happened in 2012, he went back to his hometown and never returned to Damascus.

Judge Kerber asked if the intermediary mentioned the name of the person. Defense Counsel Böcker intervened, saying that the intermediary was referring to a person that P57 saw at the office and not the person that P57 is referring to himself. Judge Kerber replied that she understood that both were referring to the same person. Böcker said it was not clear to him. Judge Kerber recalled that P57 and the intermediary were standing at the entrance of an office, and asked P57 if he was able to look inside the office or if the door was closed. P57 said he had a look inside the room.

Kerber asked what it looked like. P57 explained that in this moment, he was paralyzed by fear. He recalled that they left the office of the Warrant Officer 3rd Class and turned to the right where they stopped in front of a door which was on the right side. He did not take explicit note of the office.

Kerber concluded that P57 did see the room but was unable to describe the furniture. P57 said he did not explicitly look at it. He only had a quick look.

Kerber asked if P57 heard the voices of both people. P57 affirmed, adding that immediately when he and the intermediary left the building, he told the intermediary that he recognized the person. The intermediary then told P57 the person's name and said he was the Head of the Interrogation Division.

Kerber wanted to know which name the intermediary mentioned. P57 said he did not focus on the name.

Kerber asked if the name was mentioned. P57 said the intermediary did not mention the name, he only said the person was the Head of the Interrogation Division. From that, P57 learned that it was Anwar Raslan because fellow detainees told him about that before.

Kerber wanted to know how P57 made the connection between rank and name. She asked if one of the detainees explicitly told P57 "Anwar Raslan is in this building" and where that was. P57 said there was a lawyer [in the same cell as P57] and after that lawyer was interrogated, he said that the Head of the Interrogation Division, Anwar Raslan, interrogated him. His name was [REDACTED]. He had to kneel during the interrogation, but Raslan did not beat him and took off his blindfolds.

Kerber concluded that P57 recognized Raslan at his office. She asked P57 whether he personally saw Raslan. P57 said "yes, exactly" Raslan might have even recognized him as well.

After a short discussion with Judge Wiedner, Presiding Judge Kerber said she had an "overview question": P57 mentioned that he was first interrogated at Division 40. She asked P57 how he knew it was Division 40.



P57 explained that he had been at the Division many times in 2006 and 2007 when he met with Major Mohammad Abdallah. At this time, P57 owned a store in Damascus and Mohammad Abdallah often asked him to tell him if he ever noticed something strange. P57 added that he went back and forth for one month and said he did not notice strange things.

Kerber wanted to know where the building of the Division was, in which neighborhood. P57 said it is in Jisr al-Abyad.

Kerber recalled that when P57 was at Harasta Hospital, he always had to wear blindfolds. She said she was wondering how P57 noticed that another person was constantly beaten on the wound on his leg. P57 said he did not see but heard it.

Kerber asked if that person screamed “do not beat me on my wound on my leg again” or what exactly P57 heard. P57 explained that the guards were talking to each other. They said that there was a man from Harasta who was shot in his leg.

Kerber wanted to know how many people were in P57’s room at the hospital. P57 said he did not know because he was blindfolded.

Kerber concluded that P57 did not talk to others and did not know where they came from. P57 confirmed.

Kerber asked how P57 knew that he was at Branch 251. P57 explained that “downstairs, all guards and detainees know”. He said there was a guard who “was alright.” P57 said he preferred not to mention the guard’s name in Court, however, this guard informed P57’s family about his whereabouts after a couple of months.

Kerber concluded that P57 learned from his fellow detainees [that he was at Branch 251]. P57 affirmed.

Kerber further asked what part Abu Ghadab played, recalling that P57 said this person directed P57’s welcoming party. She explained to P57 that the Court did not hear often that detainees arrived at the Branch individually, however, P57 described that he was alone with the officer. She asked P57 if there were no other detainees when he arrived. P57 said that from the moment they were arrested at his store, he did not know what happened to his business partner. At Division 40 they were still together, as well as at the hospital. But from then on, P57 did not hear anything about his business partner anymore. P57 said the interrogation officer told him that his business partner betrayed him.

Kerber asked P57 to describe his arrival at Branch 251. She recalled that P57 left the car and wanted to know what happened after that. P57 said since he was blindfolded his perception was based on his feelings. “We” were taken downstairs where “we” had to undress, were frisked, and beaten.

Kerber asked where that happened, at which part of the building. P57 said it happened downstairs.

Kerber also wanted to know if P57 was beaten before, during, or after he had to undress. P57 said “of course”.

Kerber asked what P57 meant, if he was always beaten while he had to undress. P57 said “we” were perpetually beaten. If one was slow, he would be beaten. He recalled that in 2011, he was wearing a ring. When he was unable to quickly put the ring off his finger, the guard threatened to cut off his finger. P57 added he was not sure if the guard was serious about it. He added that this happened at Military Security.



Kerber again asked P57 about Abu Ghadab and wanted to know how he knew that it was him who was in charge of the welcoming party. P57 said he knew from fellow detainees who told him that Abu Ghadab would “do that.” P57 said a young man who wore a t-shirt with a German phrase on it, told him.

[15-minute break]

Questioning by Judge Wiedner

Judge Wiedner explained to P57 that he would ask P57 individual questions in chronological order. He recalled that P57 previously mentioned he had been arrested and detained before and noted Branch 227 in this regard. Wiedner asked when and where P57 was detained. P57 said it was at the beginning of the Syrian revolution in April.

Wiedner concluded it happened in 2011. P57 affirmed, adding that he was detained for a “good two months.” In 2011 he was also arrested at his store. He said that there was a customer who regularly came to his store. His name was Colonel Munir Al-Hariri. He blindfolded P57 but P57 was able to recognize his voice. P57 said he was taken to Branch 227 where he was tortured as well and had to stay in a solitary cell, cell [REDACTED]. He stayed there for ten or eleven days until he went crazy, started screaming, and knocking on the door of his cell. P57 added that at this point he was not yet told that there were pictures showing him at a demonstration. After 25 days he was interrogated and tortured but did not admit anything. After the interrogation, a TV screen was taken to the room where P57 was held. His blindfolds were taken off and he was shown the pictures of him at a demonstration. P57 said it was clear to “them” that he participated in demonstrations, and he was tortured for his acts.

Wiedner asked if P57 also had been detained at Division 40 and Branch 251 before. P57 denied. He explained that in 2006 and 2007 he was at Division 40 and again in 2012. He said it was State Security of which Division 40 was part.

Wiedner recalled P57 describing that a shirt was pulled over his head when he arrived at Division 40. P57 confirmed.

Wiedner wanted to know how P57 knew he was at Division 40 when he was unable to see. P57 said that first of all, the textile of his shirt was relatively thin, so he could see some things. At the door of Division 40, the shirts were pulled back and “we” were blindfolded. P57 added that he knew the entrance of the Division from earlier.

Wiedner asked if P57 was interrogated already at this Division. P57 affirmed, explaining that the officer who pretended to be from the FSA came. This man told P57 that they had already arrested other people who said that P57 helped his brother to defect from the army. P57 told the court that when he was later told that he would be confronted with another person, he thought it would be his brother, but it turned out to be his paternal cousin.

Wiedner asked if the interrogation took place inside a room and whether accusations were raised during the interrogation. P57 said “of course.” When he was “taken outside” he was beaten and told that they had arrested other people who said that P57 established a gang to abduct officers. P57 told the Court that he denied everything, however, later after so many beatings – including with metal poles – he could not say a word. Blood was running from his nose and face.



His kidneys got inflamed. P57 described that when he was at the toilet, a soldier came and said “Sidi, he is bleeding”. P57 was then taken to the Harasta Hospital by car. P57 remembered that in 2011, a man called [REDACTED] was detained at the same time as P57. This man was accused of having founded an Islamic extremist group although he was Christian.

Wiedner asked if the accusations regarding the foundation of the gang to abduct officers were made at Division 40 or Branch 251. P57 said these accusations were made once at Division 40 and once at Branch 251. He was confronted with that during both interrogations.

Wiedner asked how long P57 stayed at Division 40 until he was taken to Harasta Hospital. P57 told the Court that he was taken from the Division at around 7PM. He arrived at the hospital around midnight.

Wiedner concluded that P57 was taken to the hospital the same day that he arrived at the Division. P57 confirmed.

Wiedner again wanted to know whether the interrogation at Division 40 was conducted only by the alleged FSA officer or if there were others present as well. P57 said “we” were subjected to the beatings of several people. However, the alleged [FSA] officer was the one who said that P57 founded a gang to abduct people. P57’s name was allegedly mentioned by other people who were arrested before that. P57 told the Court that he found out more things later on – many things were happening. P57 mentioned that, for example, a friend of his was injured at a demonstration. A person said he knew a Warrant Officer 3rd Class who could help them to take the injured friend away. The Warrant Officer 3rd Class then took the injured person with him after they agreed to hand him over at a restaurant. It then turned out that the Warrant Officer 3rd Class was an officer “from the other side” who let their friend disappear.

Wiedner said he would jump to the point in time when P57 was taken from Harasta Hospital. He asked P57 if there was only one person with him or if other detainees or guards were there as well. P57 said that the person who accompanied him knew his name and called him by his name. P57 was afraid and did not dare to react because they were assigned numbers and not allowed to use their names. This person calmed P57 down and told him everything would be fine, and that he would be released. P57 told the Court that he was very surprised and told the person to gift him 50,000 [he did not specify the currency]. He also took off P57’s blindfolds and they took the elevator down to the first floor [German ground floor] where they went into a car, a Peugeot estate car. It was only P57, the driver, and the guard. The latter told P57 he would be released.

Wiedner asked if P57 was blindfolded. P57 denied and added that he was comforted by this circumstance. He was expecting to be let out at any moment. When they arrived at Al-Baramkeh, where people were usually released, P57 thought he would be released as well. However, the guard told P57 to put his blindfolds on again because there was a checkpoint ahead of them. They then continued driving until P57 at some point heard a person who was talking to the guard. They then drove to Branch 251 where P57’s belongings were.

Wiedner said he did not understand what happened with P57’s belongings. P57 said he meant his car, his purse, and his ID card. He added that in this situation he had the chance to run away because there were only two people but he “was so distracted by the words.”

Wiedner asked if P57 was told where they were driving to, and if he was told that they were driving to Branch 251. P57 denied, adding that he was told that he would be released, and that was everything he was told.



Wiedner wanted to know why P57's belongings were at Branch 251 although P57 previously said he was at Division 40 before that. P57 explained that the belongings always followed a detainee. Wherever a detainee went, their belongings did as well.

Wiedner asked when it had been discussed that P57's belongings were at Branch 251. P57 said it was when they were on the road. The guard told him that he had to deal with P57's matters and would then release him.

Wiedner asked how P57 thought he would get his belongings back, and what he had expected to happen. P57 said he of course believed [what the guard told him.] P57 added that usually one would be accompanied by four people in the car. But since there was only the driver and one guard, P57 believed what the guard said.

Wiedner concluded P57 believed that he would get back his belongings and be released. P57 affirmed.

Wiedner asked P57 to describe the situation when he arrived at Branch 251, whether he already knew the Branch. P57 asked Wiedner if he was referring to Branch 251 or Division 40.

Wiedner clarified he meant Branch 251. P57 said he did not know [how he knew the Branch], the Branch was commonly known. He knew about Al-Khatib Branch before but had not been there.

Wiedner asked P57 to describe what happened on his arrival there. P57 said "we" went through a door and down the stairs. Downstairs was a yard, a square, and cells. "We" had to undress and were frisked and then taken through a room on the left and through a long corridor. At the end of the corridor on the right side was another room - what one would call a break room or an "outer room". P57 said he might confuse this situation with Branch 227, however, since there was a similar room.

Wiedner wanted to know what the building looked like from the outside when P57 was arriving by car. P57 said he did not see it due to his blindfolds.

Wiedner asked when P57 had to put his blindfolds on again. P57 said it was in Al-Baramkeh at the checkpoint.

Wiedner asked if P57 was allowed to take off the blindfolds after they had passed the checkpoint. P57 denied.

Wiedner wanted to know if P57 had asked why he had to wear blindfolds again. P57 affirmed that he asked. He said the guard tried to calm him down by saying that he would be released and then give the guard money.

Wiedner asked when P57 was allowed to take off the blindfolds again. P57 said it was after "we" were frisked, at the room where they had to hand in their shoelaces, at the beginning of the corridor. [P57 was showing the space with his hands] This room was full of belts and laces.

Wiedner said P57 would constantly say "we", and asked him if he was not alone, adding that he assumed P57 was alone. P57 said he was alone. He might use the plural form because he is used to talking in the plural form.

Wiedner wanted to know when and where P57 was mistreated for the first time, whether it was on his arrival at Branch 251. P57 said he was tortured in the yard close to the cells and during the interrogations which happened upstairs.

Wiedner asked P57 to describe the frisking that happened downstairs. P57 said he entered and was perpetually beaten and insulted.



Wiedner wanted to know if P57 had to undress outside and was frisked there, or inside. P57 said it was inside the building. “We” had to undress ourselves and while doing that they were beaten with hands, feet, and sticks. “We” then had to do “the security move” meaning to squat several times while being naked. “We” were then taken to the cells. P57 said he was “strung out” by the many beatings but other detainees came towards him and comforted him. They also put wet tissues on his wounds. P57 explained to the Court that they always did that for new detainees. New detainees also had to sleep by the toilet and gradually moved to other sleeping places. P57 said he stayed there until [the Trial Monitor was unable to hear what P57 was saying due to the generally bad acoustics inside the court room.] P57 said they heard screams from torture because the cell had windows showing to he could draw a sketch if the Court wanted him to do so. P57 concluded that he could never forget what he experienced. He tried to abandon the memory but was unable to do so.

Wiedner wanted to know how P57’s fellow detainees were doing, if they were injured, and how their condition was. P57 said that there were of course many people who were close to the end. He recalled that there were people who had been arrested at a mansion. One of them had an open wound on his head. P57 later heard that this person died. All of this person’s teeth were broken because when he was arrested, he was having lunch and “they” put a potato in his mouth and hit it. Fellow detainees further told P57 that one man from [REDACTED] died. There were also people whose bodies were blue. There were elderly people who had to urinate right where they were standing. P57 recalled that one detainee was 85 years old. “They” wanted to arrest his son and the old man stood in front of his son and they arrested him instead. There was also an IT person, [REDACTED]. He was not tortured. P57 recalled that this person was picked up at the airport and before he was released, he was allowed to shower and got dressed. P57 concluded that this person was treated differently because he was working for the UN.

Wiedner wanted to know if there were juveniles or children as well. P57 said “of course.” There was a person from Harasta who was tortured. This man was detained together with his son who was 15 or 16 years old. The son was also tortured in front of his father and vice-versa. Both their feet were massively swollen. P57 concluded that he had seen many horrible things.

Wiedner asked if there were women. P57 explained that there were cells for women, he was able to hear their voices. P57 said this was what hurt him most. It was torture to hear the female screams.

Wiedner wanted to know if the detainees spoke with each other about how they were mistreated and what they had to endure. P57 said they did talk to each other, however not much because there were spies among them. P57 remembered one person called [REDACTED]. P57 assumed that Raslan might know him. This person was killed and P57 later learned that his corpse was taken to Ghouta. However, no one dared to ask about it.

Wiedner asked if there were dead people at the Branch. P57 said he did not see dead people with his own eyes, but he might have touched one and stumbled over corpses.

Wiedner clarified that he was not referring to Harasta Hospital in which regard P57 already mentioned that he stumbled over a corpse at the toilet. Wiedner was instead referring to Al-Khatib Branch, Branch 251. P57 said “of course people died there.” He did not see dead people, but he heard about them. He learned after his detention that one of his fellow detainees, [REDACTED], had been “eliminated.”

Wiedner asked P57 if he did not see anyone die during his detention. P57 said there was an old man. P57 did not know if he was dead or unconscious. Nevertheless, the man was taken outside the cell and did not return. [REDACTED] was also taken from the cell and P57 later learned that he died.

Wiedner wanted to know how many times P57 had been interrogated at Branch 251 in total. P57 said “around 4 times.”

Wiedner asked if it had always been in the same room. P57 described that “we” sat in a room, a kitchen, which had a window toward the street. They had to wait there until the interrogator would call them. P57 concluded that he assumes it was the same room most times.

Wiedner wanted to know who P57 meant by saying “we”, whether there were several people in one interrogation. P57 clarified that he was talking about himself. He added that “my business partner was involved in the same thing.” That might be the reason P57 kept saying “we”.

Wiedner asked on which floor the room was. P57 said it was upstairs, but he did not know which exact floor it was. It was definitely not the basement, because when he raised his head he was able to look below his blindfolds and see the building around him.

Wiedner asked if P57 was able to see the interrogation room the same way. P57 denied. He added that the interrogation officer was cautious that the blindfolds were in place. P57 did not have the chance to see anything, not even the sheets on which he had to put his fingerprint. He was unable to see if they were blank or if there was something written on them.

Wiedner recalled that when P57 earlier described the mistreatment he had to endure, he mentioned that he was beaten on his most sensitive body part. Wiedner asked P57 whether he had experienced other forms of sexualized torture or heard from others about it. P57 said as far as he was concerned, he was beaten and threatened that he would be castrated. The guards told him that someone like him should not have children. P57 said that he ordered a medical examination and report [REDACTED] to document the signs of torture on his body. His Counsel had a picture of him and the signs of torture. This picture was taken one year ago, after that...

Judge Wiedner interrupted, asking whether all mistreatment was related to interrogations and if mistreatment happened in the interrogation room or if P57 was taken to another room to be mistreated. P57 said it happened in the [interrogation] room upstairs.

Wiedner asked if there were orders to beat and torture P57, whether he was able to notice something. P57 said there was once an order for him to be taken downstairs. However, there was constant beating, not to mention the insults.

Wiedner wanted to know how someone could picture the situation of when P57 was asked a question by the interrogator and then beaten. Wiedner asked if the beatings happened in reaction to something. P57 described that when he, for example, said that he had nothing to do with the accusations, he was threatened, and the interrogator told him that he would “show you God himself” and insulted him.

Wiedner asked whether the interrogation officer insulted P57 or someone else. P57 said it was the one who also said “that” [quote above] but he did not know who hit him. P57 once felt that there were multiple persons. People were talking at his third interrogation, saying they wanted to release someone but one of them said he did not want to be responsible for it. This person said that if the [person supposed to be released] would go to the mountains they would never get him back again.

Wiedner asked if it was the same voice or multiple. P57 said he would never forget the voice of his interrogator. Judging from his dialect, he was from Aleppo. P57 said there were multiple voices, but he would never forget the voice of his interrogator.

Wiedner asked if it was always the same person [interrogator]. P57 affirmed.

Wiedner wanted to know if P57's family was informed about his whereabouts. P57 denied, adding that his family did not know anything at all for one and a half months. They thought he was dead. His family then hired an intermediary who knew a Warrant Officer 3rd Class and who wanted money.

Wiedner asked "how much money." P57 explained that it was less about the money. The family had an estate in Syria and "he" got half of it. P57 told the Court that this is all he wanted to say to not endanger his family.

Wiedner asked who was benefitting and receiving a reward for his duties. He told P57 to answer as long as it would not endanger his family. P57 said he could provide the name to the Court, but it should remain "amongst us" and not be mentioned "here." He said that if he mentioned the name, Anwar Raslan would immediately know who he was, although P57 assumed that Raslan already recognized him. [Raslan was laughing.]

Wiedner asked how P57 got to know the name Anwar Raslan. He recalled P57 previously saying that he and the intermediary went to Branch 251 together where the Warrant Officer 3rd Class led them to Raslan's office. Wiedner asked if that was correct. P57 affirmed, summarizing that he went to Anwar Raslan's office together with the Warrant Officer 3rd Class and the intermediary.

Wiedner asked P57 to stop for a second, asking whether he was blindfolded on the way to the office. P57 denied, saying that he entered together with the intermediary and did not wear blindfolds.

Wiedner wanted to know on which floor they were. P56 said it was the second floor as far as he remembered. He had to take some steps, two landings.

Wiedner asked if P57 saw the person inside the room or only heard him. P57 said he heard him, adding that as he already mentioned, he was asked if there was another person on his file. When he affirmed, he was sent to the next office. P57 said he was asking for his car.

Wiedner wanted to know if P57 spoke with the person himself. P56 denied, adding that the person, however, was standing at the door and P57 saw him.

Wiedner asked P57 to explain why he assumed that this person was Anwar Raslan. P57 explained that the intermediary told him that this person was the Head of the Interrogation Division. He did not mention his name, but P57 knew the name already, from one of the detainees who was detained by Raslan himself.

Wiedner asked P57 if he would recognize the person in this courtroom. P57 said "of course." He had been seeing Raslan the entire time. He assumed that Raslan already recognized him as well and he himself already recognized Raslan when he entered the room.

Wiedner asked if Raslan had anything to do with P57 interrogations. P57 said "of course" he did, because P57 was detained at Branch 251. According to P57, Raslan might not kill or torture people, but it happened upon his orders and he would report to the Head...

Wiedner interrupted, asking if P57 himself noticed anything. The Court was not interested in what P57 solely heard from others. P57 said he did not understand the question.

Wiedner asked if P57 saw or heard Raslan while he was detained at Branch 251 or whether he saw him for the first time when he wanted to pick up his belongings. P57 said he only heard [Raslan's] voice, he did not see him. Fifteen days after his release, P57 saw him and when he spoke, P57 recognized his voice. P57 immediately told the intermediary that he recognized the voice and his intermediary said he would know the person, he would be the Head of the Interrogation Division.



Wiedner asked from where P57 recognized the voice. P57 said [he recognized the voice] from the third [interrogation] session when the people were talking about the man whom they wanted to recruit.

Wiedner asked P57 if he only heard the voice in this situation. P57 affirmed.

Wiedner recalled that P57 previously said that he had been interrogated by the same interrogator for all three interrogations, and concluded that the voice therefore did not belong to the interrogation officer who was present during P57's interrogations. P57 said "for 95%, it was the same person."

Wiedner asked whether it was correct that P57 recognized the voice from the third interrogation and did not hear it before. P57 said there was only one person at all other interrogations.

Questioning by the Prosecutors

Klinge first wanted to know how long P57 stayed at Harasta Hospital. P57 said he stayed there for two days.

Klinge further asked P57 to describe the conditions there: if patients were lying in beds, received treatment, what the procedures at the hospital looked like. P57 said he did not know the number of beds because he was blindfolded. However, there were multiple people. From what P57 heard from the guards, there were injured people who were beaten until they fell unconscious. P57 added that he was always blindfolded, even when he got food. This was not to mention the insults and offences.

Klinge wanted to know how the patients were accommodated if they were lying in beds or sitting on chairs. P57 did not understand the question and Klinge repeated it. P57 said he and other patients were lying in beds, handcuffed.

Klinge asked if P57 was alone in his bed. P57 said "yes", there was one person next to him. He was a detainee as well.

Klinge recalled that P57 was first at Division 40, then Harasta Hospital, and after that at Branch 251. Klinge also recalled that P57 mentioned he was interrogated at Division 40. Klinge asked if P57 met someone at Branch 251 who he had already met at Division 40 or elsewhere. P57 said that due to the blindfolds he could not see anything.

Presiding Judge Kerber said she assumed that the Defense's questions would not be done in five minutes and The Court would therefore have a break before that. Defense Counsel Böcker said the assumption was "correct."

[75-minute break]

Questioning by the Defense Counsels

Defense Counsel Böcker explained to the witness that the parties had received several files. He first wanted to know whether it was correct that there is a journalist accompanying P57 for several weeks together with a camera team to make a movie about P57. P57 said there would be a film, but he was not accompanied right now.

Böcker said according to the BKA, a witness called them and told them that P57 wanted to make a movie. P57 said he was not accompanied by anyone at the moment. He added that he was initially summoned for July 28, 2021, however, he did not know what went wrong at the Court.



Böcker said he would talk about this aspect [reasons for rescheduling P57's in-court testimony], however, he had a problem that P57 was working on a public movie while in court, yet he wanted to conceal his name. P57 said his name would not be mentioned in the movie and his face would be censored.

Böcker wanted to know whether the summons that P57 just mentioned, July 28, 2021, would have been a court summons or a summons for a police interview, for example with the BKA. P57 said the summons was for a police interview regarding his witness testimony. However, at that time, he was in [REDACTED] and his documents were not yet complete. When he spoke with his lawyer, his lawyer gave him the police's number and told him to call them. P57 said, before going on an unofficial journey, "we" called the police.

Böcker wanted to know who P57 referred to as "we". P57 said he meant the young men who was supposed to accompany him to the police.

Böcker said he had a BKA summons for P57 laying in front of him. However, the date was July 27, 2019. He asked P57 whether that was a typo or if he was summoned two years ago. P57 said it was a mistake. It was in 2021.

Böcker asked how P57 received the summons. P57 said it was orally through the "Syrian Center for Documentation and Research" [Syrian Center for Legal Studies and Research].

Böcker asked if the Center was in Berlin. P57 affirmed.

Böcker asked about the name of P57's lawyer. P57 said "Anwar Al-Bunni".

Böcker asked P57 what would make him think that Al-Bunni was a lawyer. P57 explained that when he first saw the defendant's picture on the media, he was in [REDACTED]. He already provided a witness testimony in 2018 with [REDACTED]. According to P57, this testimony was documented for "the Americans" and he provided it in [REDACTED]. When P57 learned that Anwar Raslan was in Germany, he called [REDACTED] to ask him "who was the lawyer in charge of testimonies on this matter." [REDACTED] replied that it was attorney Al-Bunni. P57 therefore told Al-Bunni that he wanted to make a witness testimony. Al-Bunni said this would not be a problem and P57 sent Al-Bunni copies of his passport and Syrian ID. However, COVID-19 happened. P57 added that after his testimony in [REDACTED], he was afraid.

Böcker concluded that P57's testimony was from 2018 then. P57 denied, explaining that he was only able to testify with Al-Bunni in 2020. The testimony from 2018 was with [REDACTED].

Böcker said this would answer his question. He continued saying "if we assume that in 2018 you had your first contact with "the Americans"... P57 intervened, saying at that time he was in contact with [REDACTED]. [Böcker complained about the difference in volume between P57 and the interpreter. Several parties intervened and agreed. Judge Kerber asked the interpreter to pull his microphone closer.] P57 asked whether he should repeat his last sentence. He said that he assumed his testimony was for the U.S. Foreign Ministry, but he would not know for sure.

Böcker asked if [REDACTED] said it would be for the U.S. Foreign Ministry. P57 said he thinks so.

Böcker said he wanted to go back to 'the lawyer in charge of testimonies', asking P57 whom he meant. P57 said he did not fully understand the question. Böcker recalled that P57 previously told the Court that he was asking for 'the lawyer in charge' of documentation. Böcker added that given the time, P57 could not have meant his current counsel. Böcker therefore wanted to know to whom P57 was referring.

P57 explained that the first time he documented his witness testimony was in 2018 with [REDACTED] and then with Al-Bunni. “There was nothing official involving a court or something like that.”

Böcker asked if that was all. P57 said that “one month later” I contacted a German lawyer and sent him a letter. However, he replied one and a half months later and “said no.”

Böcker asked when P57 contacted this lawyer. P57 said it was in August 2021.

Böcker said that given that P57 already provided a statement on the human rights situation in Syria back in 2018, he was, according to Böcker, getting involved this trial at a late stage. Böcker asked P57 why he only joined now. P57 said “yes, I am late.”

Böcker asked why. P57 said he could not say what happened at the Court, apparently something went wrong.

Böcker said the Court had, however, not been in trial since 2018 when P57 gave his first testimony. Böcker wanted to know if P57 ever since [2018] was in contact with German authorities, the police or the BKA for example. P57 denied, adding that there was no contact with German authorities at all.

Böcker concluded that P57 was in contact with Al-Bunni but there was nothing official. He asked P57 if there was something official, and if so, what it was. P57 said “it was the content of the communication with Al-Bunni”. The Court said P57 should appear to provide his testimony. P57 said he was supposed “to be here” seven months ago. He did not know what happened.

Judge Kerber intervened, saying “to repair shortcomings” she can say that P57’s current counsel recently sent the Court the email in which P57 contacted Counsel Schulz, who on October 30, 2021 told P57 that he would not take him as a client due to the already well-advanced stage of the proceedings.

Böcker explained that he had two documents lying in front of him that looked like they contained the statements P57 made on what happened to him in Syria. Böcker said both documents were, however, unsigned, nor were they dated. The first document was a two-page document which Böcker assumed P57 created with his current counsel. He asked P57 to have a look at this document and tell the Court whether the statements therein were his, and how the document was created. Judge Kerber asked Böcker how he wanted P57 to inspect the document since it was written in German. Böcker said the interpreter could translate parts of it. P57 having a look at the summarized version was sufficient for Böcker. P57’s Counsel Dr. Daimagüler added that this document was not created in cooperation with him. P57 sent it to him together with the original Arabic-language version. Daimagüler explained that because he could not speak Arabic, he could not translate it, but sent it to the Court. Judge Kerber told Böcker to hand the document to the interpreter so he could quickly go through it together with P57. She further added that this procedure would be treated as a remonstrance [citing from a previous statement of a witness or another document for recollection purposes].

After the interpreter translated the first two or three paragraphs for P57, the latter said “it is the same” document.

Böcker recalled that P57 previously described to the Court how he recognized Anwar Raslan and made the connections: he recognized him in the room at the Branch and then learned the name from the intermediary, however, in the document.... Presiding Judge Kerber intervened, saying that Böcker’s summary was wrong. She clarified that P57 previously said that the intermediary did not mention the name, but that P57 knew the name from a fellow detainee. P57 added that the intermediary did not mention the name but only told him that “he” was the Head of the Interrogation Division. Böcker asked who mentioned the name then. P57 said it was [REDACTED] - one of his fellow detainees.



Böcker explained that in the last paragraph of the document, it says that: ‘one year later in [REDACTED], I saw a picture of Anwar Raslan in the media. It was the same man who I saw at the office and whose voice I heard at my third interrogation.’ P57 intervened, saying he did not see him, but heard his voice.

Böcker said the issue was how exactly P57 saw Raslan or assigned him. According to what P57 said on this very day...Plaintiff Counsel Scharmer intervened, saying he objected to Böcker’s question. According to Scharmer, seeing someone and assigning something were two different things which did not exclude each other. Böcker agreed that they did not exclude each other, however, P57 said in Court that he was told the rank ‘Head of the Interrogation Division’ and heard the name from another person. Böcker asked P57 why he did not deem it necessary to mention this in the document as well. P57 said the document was only a summary.

Böcker concluded that P57 did not deem this detail to be relevant. P57 affirmed, adding that he was supposed to testify in Court as well, anyway.

Böcker went on to explain that there was another document which also contained names. Böcker said the document was from the Syrian Center for Legal Studies and Research and titled “Testimony Against Anwar Raslan and Hafez Makhlof”. As “name” the document stated two letters, Böcker said they matched P57’s first and second name and he therefore assumed that P57 was referred to here. The document also included a date and a statement provided in the first-person-singular-perspective, but was not signed. Böcker again asked P57 to have a look at the document and explain how this was drafted. Presiding Judge Kerber said this would be handled as a remonstrations and asked Böcker to simply show the document to P57. She added that the document included names which she did not want to be shown in court through visual inspection. Böcker asked P57 to have a thorough look at the document and then describe what he was able to say about it. P57 added that the document included the name of his business partner which he did not want to be shown in court. Kerber assured P57 that the name would not be shown or mentioned and that for this particular reason, only P57 would be able to see the document.

[After P57 and the interpreter went through the document together, P57 consulted his Counsel.]

Böcker explained that according to the Court’s files, the Syrian Center for Legal Studies and Research, namely Anwar Al-Bunni, sent this document as a one-page pdf file. The file name said “Testimony Against Anwar Raslan and Hafez Makhlof” and also featured P57’s initials. The document itself featured the date and place of birth of P57 and stated “mandate to interview.” Böcker asked P57 what this document was. P57 said it was also a summary of his statements that “we” created through a zoom call in early June.

Böcker asked if P57 meant this year. P57 affirmed, saying it might have been later [than early June].

Böcker also wanted to know who P57 meant by saying “we”. P57 said he and Al-Bunni documented that.

Böcker summarized that there had been a zoom call between P57 and Al-Bunni. Böcker wanted to know whether P57 had ever been interrogated by Hafez Makhlof between the date of his arrest and the date of his release in Syria. P57 explained that he never saw Hafez Makhlof, however, he was in his office when the soldier said “Sidi, he is urinating blood.” P57 added that the soldier was Warrant Officer 3rd Class, Moussa Al-Khateeb. He was a regular customer at P57’s store but actually worked for the *Mukhabarat*, the Air Force Intelligence.

Böcker asked if P57 had ever been interrogated by Hafez Makhlof. P57 affirmed.



Böcker asked if P57 was interrogated by Hafez Makhlouf. P57 affirmed, adding that he did not see [Makhlouf] himself, but later learned this from fellow detainees.

Böcker concluded that P57 was interrogated at an office when a soldier said that he was urinating blood. P57 was not able to see the interrogator but fellow detainees later told him that it was Hafez Makhlouf. Böcker asked P57 whether this was correct. P57 confirmed.

Böcker said the document, contrary to what P57 said in Court on this very day, provided the following summary: 'While Anwar Raslan was present, I was beaten and mistreated in various ways. Anwar Raslan threatened to take me in a torture room and hang me.' [P57 wanted to say something] Böcker asked P57 if these were his words. P57 said that he remembered, however, there might be a translation mistake: Raslan was present at P57's third interrogation.

Böcker said "OK" and went on to explain that the document stated that, after two days, P57 was transferred from Division 40 to Branch 251 where P57 was beaten and mistreated in different ways while Anwar Raslan was present. Böcker wanted to know whether this was consequently be wrong. P57 said it was a mistake. He never said that Raslan personally tortured him.

Böcker said "OK", asking P57 whether Raslan threatened P57 and ordered to hang him in a torture room. P57 said this was the interrogation officer at his first interrogation. P57 added that he never said that Anwar Raslan said that.

Böcker asked if P57 could explain how these two sentences, that were not from P57 and were wrong, could be part of the statement from Anwar Al-Bunni and the Syrian Center for Legal Studies and Research. P57's Witness Counsel Dr. Daimagüler intervened, saying he objected to this question because his client already said that there could have been a translation mistake. Daimagüler added that one should rather ask the person who drafted the document about that.

Böcker said this would actually be a good idea, and asked P57 whether he could say something about how these two sentences got into the statement: yes or no. P57 said he could not answer and will not answer.

Böcker wanted to know if P57 was unable or unwilling to answer. P57 said he already answered by saying that if these two sentences are part of the document, there must have been a translation error. P57 added that Böcker should ask the person who drafted the document, instead.

Böcker further recalled that P57 mentioned [REDACTED] and wanted to know where he was currently residing. P57 said it was correct that he mentioned this person. P57 could provide the information to the Court "but not to you."

Böcker explained that he would also get the information if P56 would provide it to the Court and acknowledged that P57 might be uncomfortable sharing it in public. Böcker asked P57 to provide this information to the Court in due time. Presiding Judge Kerber intervened, asking P57 if he would be able to let the Court know on this very day. She asked P57 to write the information down on a sheet of paper, using the pen and notepad in front of the interpreter.

Defense Counsel Böcker said he would then have some more questions later this day. Judge Kerber denied, asking Böcker to complete his questioning right away. P57 added that as far as he remembered, [REDACTED] denied appearing in Court.

Böcker asked P57 if he wrote down the address and if it was correct that this person is currently living in [REDACTED]. He further wanted to know how [REDACTED] was released from his detention. P57 described that [REDACTED] had not been released directly but was transferred to Kafar Souseh.



Böcker asked if he was released from there or was still there. P57 clarified that he was not talking about Branch 285 which was in Najha.

Böcker concluded that [REDACTED] was released and left Syria. P57 confirmed.

Böcker asked if [REDACTED] had a brother called Mohammad who was the head of a hospital. P57 denied, saying [REDACTED] did not have a brother called Mohammad.

Böcker asked whether he had brothers at all. P57 said [REDACTED] was an only child.

Böcker said regarding the document, he would like to know whether Al-Bunni ever told P57 that he submitted it. P57 said of course Al-Bunni told him that he wanted to forward it.

Böcker asked if P57 read it before that. P57 denied.

Defense Counsel Fratzky recalled that when asked by the Prosecutors whether he saw people at Al-Khatib Branch whom he had seen at another Branch before, P57 replied that he was blindfolded. Fratzky therefore wanted to know whether P57 was able to recognize someone from Division 40 at Al-Khatib Branch based on their voice. P57 asked whether Fratzky meant the person in charge.

Fratzky said he meant the interrogating person, guards, and people like that. P57 denied, adding that "it has nothing to do" with each other. Division 40 and Al-Khatib Branch had nothing to do with each other according to P57.

Fratzky further recalled P57 describing to the Court that he was holding his car key when he was arrested and later returned [to the Branch] to get his car back. Fratzky said he understood from P57's story that he was not taken to the Branch in his own car. P57 explained that usually when someone is arrested, his car gets confiscated. When he was arrested, he was asked if his car was there and they then took it with them.

Fratzky asked if he understood correctly that the intermediary paid bribes to the Warrant Officer 3rd Class equivalent to half a house. P57 affirmed, adding that he and his family would however not know who exactly was paid how much. It was the intermediary who had the contacts.

Fratzky wanted to know to what exact value P57 was referring when he talked about half a building. P57 explained that he did not know any details because the intermediary agreed on the details with P57's brother. P57 said that his family owned a "mantiquh bina" [meaning building in Arabic but according to the interpreter meaning building site in Syria]. The intermediary was given that ground and built a house on it.

Fratzky asked if this was a comparison or if the intermediary actually received half a building site. P57 said he received half a building site. It was transferred to the name of the intermediary.

Fratzky wanted to know where the site was. P57 said it of course belonged to "us."

Fratzky asked if it was P57's site. P57 said he must be careful here because he does not want to unveil too much.

Fratzky wanted to know who transferred the site to whom, and who "he" was. P57 explained that his brother transferred half of the site to the name of the intermediary. P57's brother had been arrested in 2013.

Fratzky asked why the intermediary received the site although he was not the one who released anyone. P57 said this person would simply be an intermediary with connections. According to P57, all of Syria "lived like that." One could get everything for money.

Fratzky concluded that the intermediary did his intermediary work for half a site. P57 affirmed, saying that this was what he was told. The intermediary said he wanted something to get P57 released. P57 said he did not say anything [during the interrogations] and they had nothing against him. During the revolution, people often made use of such situations.

Fratzky asked who the intermediary was and whether P57 could identify him. P57 said he could not mention his name.

Fratzky asked P57 to provide some context, if for example the intermediary belonged to Al-Khatib Branch. P57 said he was a civil engineer.

Fratzky concluded that he was not an employee of Al-Khatib Branch. P57 confirmed.

Fratzky further summarized that when the intermediary facilitated P57's release and received half a building site for that, there must have been another person involved. Fratzky wanted to know if "anything else flew there" [if more bribes were paid]. P57 said he did not know who the intermediary paid or not. All he knew was that he facilitated P57's release.

Fratzky concluded that P57 did not know what the intermediary paid to Al-Khatib Branch. Fratzky said he did not believe P57 in this regard. P57's counsel Dr. Daimagüler intervened, saying he objected to this question. According to Daimagüler, what Fratzky believed or not was his private matter. In any event, P57 already answered the question regarding who received bribes. Daimagüler concluded that it was the very nature of an intermediary to be paid and to pay others.

Fratzky said he did not believe P57 and recalled again that P57 said he did not know what the intermediary paid to Al-Khatib Branch. Plaintiff Counsel Scharmer intervened, saying that this question has just been objected to. Presiding Judge Kerber intervened, saying that Fratzky might not believe P57, nonetheless, P57 already answered this question.

Defense Counsel Böcker wanted to know how P57 knew that it was the intermediary who facilitated his release. He asked P57 if he had any clues from the intermediary's statements. P57 said he did not know, but it was certainly the intermediary who facilitated his release. After all, it was the intermediary who accompanied him to the Branch after his release and met with the Warrant Officer 3rd Class.

Böcker asked how it could be that P57 was not sure whether someone has been paid. P57 said he did not know how [people were paid/how exactly his release was facilitated].

P57 was dismissed as a witness at 2:07PM.

Presiding Judge Kerber thanked P57 for his testimony and for being able to come to the Court on short notice, which was not normal, as Kerber concluded.

Defense Counsel Böcker announced that the Defense suggested to again summon Anwar Al-Bunni. According to Böcker, it was a mere suggestion for the moment, but the Defense considered submitting a request in writing. Böcker concluded that P57's witness counsel Dr. Daimagüler correctly stated that one should ask Al-Bunni [the drafter].

Presiding Judge Kerber wanted to know what exactly the defense wanted to ask Al-Bunni. Böcker explained that the Defense would like to hear Al-Bunni as a witness and ask him what parts of Annex I derived from P57 and how the annex was drafted in light of the fact that it included "extremely incriminating statements" with regard to Anwar Raslan, however, "no word of it was true."

The Defense would further question Al-Bunni about his interactions with P57. Böcker concluded that all this information would be necessary, not only for his closing statement, but with regard to the existing “Al-Bunni problem.”

The proceedings were adjourned at 2:12PM.

Trial Day 104 – November 18, 2021

The proceedings began at 9:30AM with three spectators and two journalists in the audience. The prosecution was represented by Prosecutors Klinge and Polz. Plaintiff Counsels Dr. Oehmichen and Mohammed were not present. Defense Counsel Böcker was not present either.

Administrative Matters

Presiding Judge Kerber announced that she would read out a Judges’ Decision before the witness, a BKA officer, would be called.

Decision rejecting the Defense’s request dated [October 27, 2021](#) to summon female witness Z121020528

The Senate finds that the request submitted by the Defense does not constitute a proper request to take evidence as outlined in [§ 244 \(3\) s.1 StPO](#) since there is no concrete claim as to which facts the requested evidence is supposed to prove. There is further no obligation to investigate on the side of the Court regarding the requested witness.

The witness was supposed to be summoned, however, received witness protection from the German Federal Criminal Police Office (BKA). The Court therefore tried to summon the witness through the BKA to appear in Court on November, 18, 2021. However, the BKA was unable to contact the witness and found that the witness left the EU. Her current whereabouts are unknown. The Judges therefore summoned the BKA officer who led the police interview of the witness.

In case one would consider the Defense’s request a proper request to take evidence, it was rejected pursuant to [§ 244 \(3\) s. 3 no. 5 StPO](#), given that the witness cannot be contacted.

Testimony of Criminal Chief Inspector Frey

Criminal Chief Inspector (CCI) Alexander Frey from the German Federal Criminal Police Office (BKA) was informed about his rights and duties as a witness. He denied being related to the defendant by blood or marriage.

Questioning by Judge Kerber

Presiding Judge Kerber first wanted to know how the interview of the witness² came about, whether she was informed about her rights and duties, and what she told the BKA. CCI Frey explained that CCI Deußing told him that there was a witness who had previously worked at the Red Crescent Hospital in Damascus. Since Frey had previously conducted an interview with another doctor from this hospital, Deußing tasked him to interview this witness as well. Frey told the Court that he and his colleague Strell of course informed her of her rights and duties as a witness. They also ensured that the witness's communication with the interpreter was smooth. According to Frey, the witness was also informed about her rights under § 55 StPO [right to refuse an answer in case of incrimination for oneself or close relatives]. Frey further told the Court that the witness was concerned about her relatives' safety at a relatively early stage of the interview. Frey therefore contacted Prosecutor Klinge regarding anonymization of the witness which was granted.

In terms of the witness' career, she told the BKA that she had studied medicine and worked as a doctor at a hospital which was close to Al-Khatib Branch. The witness stated that this hospital was treated by Al-Khatib Branch as if it belonged to the Branch. The Branch's employees went there to get treated themselves. Since the beginning of the conflict, detainees from the Branch were transferred to the hospital. The witness said this started at the end of 2011 or even June 2011. The witness further told Frey that the detainees were mostly "relatively bad" cases, however, added that she probably did not see the really bad cases. Starting in mid 2012, hospital staff also had to go inside Al-Khatib Branch and the witness heard that detainees from this Branch were taken to military hospitals. According to Frey, the witness saw fifteen to twenty detainees herself. She particularly remembered a young woman who was sixteen or seventeen years old. Her upper body was completely blue due to the many bruises. However, the witness was not able to examine her from close up. The witness further told Frey that she could imagine that there were corpses coming from the Branch, but she did not see any herself. She knew about the mortuary, however, never had been there herself.

Kerber wanted to know about the diagnoses that the witness made and her findings. Frey explained that the witness mostly found that the patients were dehydrated, malnourished, and showed signs of beatings caused by sticks and metal poles. Dehydration was the most common finding and the cause of death was mostly cardiac failure.

Kerber asked if that [cardiac failure] was what was stated in the death certificate. Frey said the witness did not fill in any death certificates but heard about this cause of death.

Questioning by Judge Wiedner

Judge Wiedner first wanted to know whether the witness said anything about the possibilities of treatment regarding the fifteen to twenty patients she saw from Branch 251. He added that he was aware that the witness was unable to say much in this regard due to her anonymity. Frey said that the people who the witness saw or treated herself must have been more. They mostly only stayed for one night or were transferred to another station.

Wiedner asked in which period the witness saw the fifteen to twenty patients. Frey said it was from 2011 until mid 2012. He added that it was since the beginning of the conflict.

² For the purposes of this report, the term "witness" refers to the woman (Z121020528) who was previously interviewed by the BKA. The person who appeared in Court as a witness for this day, CCI Frey, will be referred to by his name and/or title.

Wiedner wanted to know whether the witness said anything about surveillance and guards in terms of possibilities to treat people. Frey affirmed, adding that according to the witness, all detainees were accompanied by intelligence employees who ensured that the detainees would not flee and who monitored the treatment. The witness described that the detainees were not handcuffed and did not wear blindfolds during the medical examination. However, the opportunities for conversations were limited to medical aspects. Frey added that in the case of the young woman, the witness was not allowed to make a blood examination because Al-Khatib Branch would have to pay for that.

Wiedner asked if there was the chance to have conversations with patients beyond medical matters. Frey said neither the witness nor the patients dared to do that.

Wiedner wanted to know more about the condition and injuries of the patients. He added that according to the BKA's transcript, the witness often illustrated what the patients looked like. Frey recalled that the witness told him that the patients showed signs of torture that were very well visible. On the surface, the patients showed bruises, signs of beatings, and abrasions on their wrists. However, the witness was not able to closely examine the abrasions to determine whether they were caused by fixations, because the guard threatened her.

Wiedner cited from the BKA's transcript of the witness' interview according to which, when asked about injuries and methods of torture, the witness stated that she saw signs of beatings, superficial injuries, inflammations of wounds. But that she was unable to tell what exactly had happened. Frey confirmed that the witness said that.

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

Wiedner recalled that Frey already told the Court that the witness did not see any corpses. Nonetheless, Wiedner wanted to know what the witness said about corpses in terms of hearsay, what she heard from others. Frey recalled that the witness noticed that normally when patients died, the corpses were handed over to their families. Regarding detainees, they were often handed to their relatives shortly before they died. The witness assumed that this happened when the families paid money or had connections, so that the detainees could die at home. Frey concluded that the witness said she did not see anything but could imagine that these things actually happened.

Wiedner wanted to know more about the witness' experience regarding causes of death of detainees. Frey said that in the end, cardiac failure was noted as cause of death.

Wiedner asked about the actual cause of death. Frey said the witness stated it was often kidney failure and dehydration. Frey added that the witness mentioned a medical term in this regard that he was unable to remember.

Wiedner cited from the BKA's transcript according to which the witness stated that she did not witness it herself, but that detainees died of disseminated intravascular coagulation (DIC). Frey said this sounded like the term that the witness mentioned, however, he would not know whether this was the correct terminology.

Wiedner recalled that according to the BKA's transcript, the witness was asked whether deaths were avoidable. He asked Frey what the witness replied here. Frey said the witness denied this question. She explained to him that the patients were already in such a bad condition that it was impossible to prevent their death. Frey recalled that when he asked the witness if the deaths could have been prevented by earlier treatment, the witness affirmed and added that they were all strong, young men.



Wiedner asked if the witness said how the patients were normally treated. Frey said according to the witness, they were usually given hydration and in one case a patient received antibiotics.

Wiedner wanted to know how long the detainees usually stayed at the hospital. Frey said they normally stayed for one day or night, and some of them stayed even shorter.

Wiedner asked how the witness was able to determine that certain patients came from Al-Khatib Branch. Frey explained that the witness often assumed it, saying that 90% of the patients came from Al-Khatib Branch due to the proximity [between Branch and hospital]. However, the witness was unable to make a direct connection because the head of the hospital announced every time an intelligence patient arrived, however, it was never said which patient was from the Intelligence. Nonetheless, the faces of Al-Khatib Branch staff were familiar to the witness due to the fact that many of them were patients at the hospital themselves. This was how she was able to determine which patients were from the Branch.

Wiedner asked if the witness said anything about the arms carried by the intelligence employees who accompanied the patients. Frey said the witness told him that she was not familiar with arms but could say that the weapons they carried were bigger than a pistol.

Wiedner recalled that Frey told the Court that according to the witness, Al-Khatib Branch treated the hospital as if it belonged to the Branch. Wiedner wanted to know what the witnesses said in terms of medical treatment of Branch employees. Frey said according to the witness, the employees went to the hospital when they were sick to receive medical care.

Wiedner asked how exactly that happened. Frey said he could not remember what the witness said in this regard and asked Wiedner to cite from the transcript.

Wiedner said according to the BKA's transcript, the witness said that the employees simply appeared at the hospital, requested favored treatment and were ruthless toward other patients. Frey confirmed that the witness described that.

Wiedner asked Frey whether he remembered what the witness said regarding delivery and retrieval of corpses that initially came from Al-Khatib Branch. Frey recalled the witness telling him that she did not witness anything herself, because it happened at night. However, she stated that there was a hearse and that corpses were transported by ambulance. Frey added that this was, however, hearsay.

Since none of the parties had questions for Frey, he was dismissed as a witness.

Administrative Matters

Presiding Judge Kerber said that the Judges would now read out a number of Judges Decisions. She added that the Judges would not follow the Defense's suggestion to summon Al-Bunni again.

Rejection of the Defense's request to summon [PW4 100] as a witness

- 1) *PW4_100 is allegedly residing in the [REDACTED]. The Defense's requests merely states [REDACTED] as current place of living alongside a phone number and e-mail address. PW4_100 allegedly worked as an interrogation officer at Al-Khatib Branch for two years until 2011, together with the defendant Anwar Raslan. PW4_100 supposedly knows that until this point in time, no one died at the Branch. He is further supposed to know that before March 2011 and after that, members of Division 40 conducted interrogations, mistreated and tortured people at Al-Khatib Branch.*



PW4_100 also supposedly knows that the defendant Anwar Raslan was the head of the Interrogation Division, but was unable to intervene in this matter between March and May 2011. However, the defendant was allegedly able to help detainees by releasing them as part of his daily transcript work.

According to the Defense's request, officers from Division 40 were active at Al-Khatib Branch where they allegedly interrogated detainees and created their own transcripts. The request further states that the Division 40 officers therefore used Al-Khatib guards and other personnel. PW4_100 is supposed to provide statements regarding the person in charge of arrests and the circumstance that Anwar Raslan had no more competencies from as late as May 2011.

II)

- a. The Defense's submission does not qualify as a request to take evidence pursuant to [§ 244 \(3\) s.1 StPO](#) regarding various aspects.

It is not apparent how PW4_100 obtained the alleged knowledge. It is merely stated that he worked at Al-Khatib Branch in an unspecified position until the outbreak of the revolution. Relying on the expert testimony previously heard in this trial, the start of the revolution can be dated early- or mid-March 2011, which was also mentioned in the request. However, it remains unclear what PW4_100 did at this time. The Judges therefore assume that PW4_100 only worked with Anwar Raslan until March 2011 and cannot make any statements as to the defendant's obligation to act after that time. Due to PW4_100's unknown ranks, it cannot be assumed that he will be able to testify about the defendant's deprivation of competencies, releases and activities of Division 40. Previous witnesses such as [P10](#), [P21](#) and others rather told the Court that they only received limited information as to the activities of others. The Judges consider this a tool of the government's exercise of power in Syria.

The Judges do not see any indications in the request for an obligation to investigate.

- b. The circumstances regarding competencies are not concretely described in the request. The request is therefore not a proper request to take evidence as described in [§ 244 \(3\) s.1 StPO](#). The request does not describe the defendant's competencies before they were allegedly taken, how they were taken and what they looked like after that. The same can be said regarding the allegation that "Division 40 ruled over Al-Khatib Branch". The Judges do not see any indications of an obligation to investigate this matter.
- c. Precautionarily assuming that the entire request would constitute a proper request to take evidence, the Judges reject the request pursuant to [§ 244 \(5\) s.2 StPO](#) which provides that witnesses living abroad do not have to be summoned if the Judges consider that their testimony is not relevant to establish the truth.

- aa. The expected evidentiary value of PW4_100's testimony is not high regarding cases of death that allegedly did not occur at Al-Khatib Branch until March 2011. The taking of evidence so far rather showed that at least since end of April 2011, arrests and brutality increased. State repressions drastically worsened at this point in terms of quality and quantity, leading to an increase in the number of victims.

Regarding the activities of Division 40, it is unlikely that PW4_100 made any concrete observations in this regard. The Judges are aware that there has been informal influence by Hafez Makhlof at Al-Khatib Branch. However, there have not been any indications so far pointing at a direct interference. Regarding Anwar Raslan's work it is further irrelevant who conducted interrogations.



In terms of the defendant's alleged inability to intervene, it remains questionable whether PW4_100 can provide any information. The indictment period ranges from April 29, 2011 until December 7, 2012 but PW4_100's position during this period remain unclear. The same is applicable in terms of deprivation of competencies which further contradicts alleged releases by the defendant.

The fact of who conducted arrests has almost no relevance for the present trial since the defendant is not accused of involvement in arrests and a potential evidentiary value is not visible.

bb. Efforts to summon PW4_100 are high and seem to be unsuccessful.

- 1. [REDACTED] is a non-EU country. Therefore, a formal legal assistance request would be required. The Defense's request states that he would be willing to testify by video conference. However, the witness' postal address is not detailed. The Judges could contact PW4_100 via phone and ask for his postal address. Should the witness be willing to provide his address and testify, formal summons would still be required. There is no treaty between Germany and [REDACTED] regulating legal assistance. It must therefore be requested through diplomatic channels as there is also no legal basis to question the witness in [REDACTED].*
- 2. According to an oral information, the Ministry of Justice of Rhineland-Palatine has no experience with requests for legal assistance with [REDACTED]. Two previous requests have not been replied to. In 2003, a request for a witness interview had been issued. After a request to extend the deadline, the request remained unaddressed as of October 2006. A request for extradition in 2019 did not receive any reaction until 2020. It was eventually said, after one and a half years that the documents were lost, and the request has remained unanswered for two and a half years. The German Foreign Office stated that they had a "mixed picture" in terms of legal assistance requests in criminal matters. Some requests were addressed after a short time while others remained unaddressed. Official letters often arrive at the wrong address or are not delivered at all. Requests for assistance that have an intelligence or political background are first examined regarding potential prosecution in the country of destination and after that often remain unanswered.*
- 3. Efforts to summon PW4_100 are therefore afflicted with uncertainties. First, the postal address of PW4_100 must be determined, if he is willing to share that at all. If PW4_100 is only willing to provide an audio-visual testimony, the authorities in [REDACTED] must be willing and capable to support this. In any event, an official request for legal assistance must be granted.
*The taking of evidence in this trial will most likely be concluded at the beginning of December 2021, a summons of PW4_100 would therefore considerably delay the proceedings. One must calculate nine months for the summons, after which it still remains unlikely that PW4_100 would actually testify.**



It is uncertain whether the [REDACTED] authorities would be willing to permit a request without any legal basis or regulations. The summons of PW4_100 would require a lot of time, be complex, and a success is unlikely

- cc. In an overall weighting, summons of PW_100 is not demanded in terms of judicial obligation to establish the truth. The summons will likely be unsuccessful, delay the trial, and the testimony will not deliver any new insights. The summon is therefore not demanded. The same can be said regarding an audio-visual testimony, through which the evidentiary value would be further limited due the Court being unable to immediately observe PW4_100's reactions and behavior.*

Rejection of the Defense's request to summon Manaf Tlass [PW6 100] as a witness

- I) Manaf Tlass cannot be reached. The request is therefore rejected pursuant to § 244 (3) s. 3 no. 5 StPO. The postal address of Tlass in [REDACTED] is known to the Court. He could therefore be summoned. Nonetheless, the Judges know for sure that the former Brigadier General would not follow the summons. One of the Judges had contact with Tlass via e-mail regarding his willingness to testify in Court.*
- Tlass first vividly told the court interpreter via phone that he would not appear as a witness and not testify in Court. He said he was not involved in anything relevant to the case and that he would not want to contribute anything to the trial which could be publicly perceived as incriminating or exculpatory for the defendant, because he would like to return to Syria one day. Upon request by Judge Wiedner, Tlass confirmed these statements, saying that he would not be willing to testify as a witness in this case. It was further stated that formal summons would be dangerous. Although a detailed explanation is missing in this regard, the Judges found that the simple informal summons was already not convincing.*
- II) The Court can further refrain from summoning Manaf Tlass pursuant to § 244(5) s. 2 StPO [rejection of a request to summons a witness abroad in case the testimony would not contribute to establishing the truth].*
- The Defense's request merely states general facts. The fact that Hafez Makhlouf had a close relationship to Bashar Al-Assad given their family relation had already been proven. The same can be said for the request's general statements regarding Hafez Makhlouf's position within the Intelligence Services. Manaf Tlass further told the Judges that he could only provide general information and that he knew 'no person' and would like to have 'no connection' to this trial. The expected evidentiary value is therefore low and lacking willingness of the witness to testify, his summons is not demanded to establish the truth.*

Rejection of the Defense's request to summon [PW5 100] as a witness

- I) The witness cannot be reached. The request is therefore rejected pursuant to § 244 (3) s. 3 no. 5 StPO. The Defense's request merely stated PW5_100's name and that he is currently residing in [REDACTED]. Other measures to reach PW5_100 such as phone number or e-mail address as included in other requests are not detailed in this request. The Judges contacted the BKA and asked them to investigate PW5_100's current whereabouts. The BKA in turn contacted the Criminal Police in [REDACTED] on October 29, 2021. However, PW5_100's name is not contained in the residents register in [REDACTED]. The criminal police only found one person with the same last name. However, this person is an Algerian national who is currently not residing in [REDACTED]. It is therefore impossible that this person is PW5_100.*

Rejection of the Defense's request to summon [PW2_97/PW2_100] as a witness

- I) *The Defense's request does not state PW2_97/PW2_100's address or place of living. PW2_97/PW2_100's phone number was provided by a previous witness. The Defense filed a previous request on October 13, 2021 regarding the same witness. However, his place of living was only provided in the current request and the phone number was recently provided to the Court by another witness.*

According to the request, PW2_97/PW2_100 was living in Damascus suburbs and acted as an intermediary between his town and Al-Khatib Branch. He is supposed to testify that one or two weeks after the beginning of the revolution, he met Anwar Raslan in Raslan's office. Further, PW2_97/PW2_100 supposedly knows that from March until summer 2011, Raslan released thirty to forty detainees every ten days. In order to do so, Raslan allegedly had to consult Tawfiq Younes and argue that these detainees were unarmed civilians and unlawfully arrested. PW2_97/PW2_100 is also supposed to testify that Abdel Na'saan took over Raslan's responsibilities and that Raslan was consequently no longer able to do much. Nonetheless, Raslan allegedly released a person called [REDACTED] who was released after two or three hours once PW2_97/PW2_100 contacted Raslan. [...] PW2_97/PW2_100 is also supposed to testify that he spoke with Raslan about the attacks on their respective hometowns, and that Raslan told him about his plans to defect, his critical position towards the regime, and his sympathy for the revolution. During this conversation Raslan allegedly also told PW2_97/PW2_100 how sad he was about the government attacks on his hometown that were carried out with heavy artillery.

The aim of the Defense's request is to find that Raslan had no decision-making and organizational power at Al-Khatib Branch and that he cannot be held liable for what went on at Branch 251 and the torture that happened there. The request argues that Raslan's attitude leads to conclusions about his work as an intelligence employee.

- II) *It can be left unaddressed whether the request is actually a request to investigate, since a postal address to summon PW2_97/PW2_100 is not detailed and, in this case, must be investigated first. The request neither makes any claims as to PW2_97/PW2_100's willingness to testify as a witness in this trial. Efforts to investigate PW2_97/PW2_100's address must be assessed in light of §§ 244 (2), 244 (5) s. 2 StPO, according to which all evidence that contributes to establishing the truth must be taken into account. However, the required efforts to investigate PW2_97/PW2_100's address and to eventually summon him are not demanded with regard to the Court's obligation to establish the truth.*

a. *The expected value of PW2_97/PW2_100's testimony is not very high, neither in terms of the question of guilt, nor in terms of legal consequences [sentencing].*

aa. *Defendant Anwar Raslan is accused of having been the Head of Investigations at Branch 251 between April 29, 2011 and December 7, 2012. His critical position [towards the Syrian government] does not affect this accusation and does not allow for conclusions about his activities as far as he did not critically evaluate his own activities at Branch 251 starting in 2011 and did not oppose the torture there. Intent or base motives do not play a role here [...] the evidence so far, as well as the defendant's own statements, rather point at a liability due to his superior position and the overall situation in Syria. He was aware of the reasons for the events happening in Syria at this time because the overall situation was already emerging during the time when Hafez Al-Assad was still in power. The overall picture rather indicates that Raslan overlooked his own doubts and put his work at Branch 251 and the aim of this work above.*



The same can be said in terms of his plans to escape. One can merely find that his escape was foreseeable, however, it cannot be said whether there had been an actual opportunity to defect or not.

- bb. The release of certain detainees does not indicate a willingness on Raslan's side to oppose the regime. [...] it is therefore possible that Raslan initiated the release due to PW2_97/PW2_100's personal relation with him or because the release was scheduled anyway since the aim of the detention had already been achieved. In this regard, the Court notes that the aim of detentions included obtaining information, scaring the population, and intimidating opponents. Detainees were sometimes released after one of these aims had been achieved. It is further noted that Raslan had to get approval from Tawfiq Younes to release detainees and did not do so on his own. The early release of [REDACTED] seems to have been a favor rather than being motivated by altruistic motives. It is further not apparent how he would know the actual reasons for the releases and Raslan's own motives and internal workings at the Branch. The claims are rather based on assumptions and do not affect Raslan's work at Branch 251 and the treatment of other detainees at this Branch. The Defense's request is further limited regarding claims that were inaccessible for PW2_97/PW2_100: the circumstances under which the Head of Branch 251 was involved in detention issues. In addition, PW2_97/PW2_100 only heard about the change of powers at the Branch from Anwar Raslan himself. The correctness of these claims can barely be assessed.*
- b. Efforts to investigate the whereabouts of PW2_97/PW2_100 and to summon him are very high while the success of these efforts will probably be low. Since PW2_97/PW2_100 is living in [REDACTED], he can only be summoned through an official legal assistance request. While the Judges could indeed contact the witness via phone to investigate his address and ask him about his general willingness to testify as a witness, his summons would still require the official way through a legal assistance request, if PW2_97/PW2_100 was at all willing to testify.*
- The Judges have information from the Ministry of Justice of Rhineland-Palatine that legal assistance requests with this country are generally difficult and require considerable time. A request from 2017 remained unanswered until this day, while a request for referral of a case file dated 2015 was only answered after one year. Another request from 2011 was taken back after six months since it could no longer be considered in the relevant proceedings.*
- An agreement regulating audio-visual testimonies is nonexistent between Germany and this country. The German embassy in [REDACTED] told the Judges that legal assistance requests with this country are generally difficult, particularly regarding the delivery of summons. According to their experience, the quickest requests took four to six months, however, one should usually calculate at least one year or more, while an answer is not guaranteed. Requests for legal assistance are particularly difficult in cases with a critical political or intelligence background due to the veto right of the [REDACTED] Intelligence Services that can block a request entirely. The Judges must calculate one year to summon PW2_97/PW2_100. Having him testify in court would take even longer, while the success of the summons remains questionable. At the same time, the taking of evidence in this trial will most likely be concluded at the beginning of December 2021.*

- c. *In an overall weighing, the summoning of PW2_97/PW2_100 is not required under the Court's duty to establish the truth due to the questionable success of a required legal assistance request which would most likely be unsuccessful. PW2_97/PW2_100's summoning and testimony would further considerably delay the trial while it would not provide new insights. The summoning is therefore not required.*
- III) *An attempt for audio-visual questioning is not demanded since the expected success is the same as with the general summons detailed above. It is further questionable if the [REDACTED] authorities have the required organizational and personnel capacities to conduct such a testimony. It would further lower the evidentiary value of PW2_97/PW2_100's testimony.*

Rejection of the Defense's request to summon [PW3_97] as a witness

- I) *PW3_97 is allegedly residing in [REDACTED] and is supposed to testify that he was detained at Al-Khatib for four days at an unspecified time. During his detention, Raslan allegedly treated PW3_97 well and facilitated his release. PW3_97 further supposedly knows that Raslan asked other employees at the Branch why they kept arresting innocent civilians. PW3_97's testimony is supposed to prove that Raslan had no decision-making and organizational power at the Branch and rather tried to help detainees. PW3_97 also supposedly knows that [P31's](#) parents brought him food to the Branch which P32 was allowed to eat at Raslan's office. PW3_97's testimony is aimed at questioning P31's credibility and convince the Court that the alleged violent attacks from Raslan against P31 are not credible.*
- II) *The Defense's request to summon PW3_97 must be rejected.*
- a. *Regarding P31, the Defense's request is not a request to take evidence as it does not fulfill the criteria of § 244 (3) s. 1 StPO because it does not specify how PW3_97 is supposed to have the alleged knowledge.*
- aa. *Regarding P31 allegedly eating food that his parents brought him in Raslan's office, it remains entirely unclear how PW3_97 knew about that. It is unclear how he was able to learn about that directly or indirectly. The request does not state whether he was detained at the Branch at the same time as P31 or not. It is also unlikely that P31's parents told PW3_97 about it.*
The evidence taken so far rather indicates that the detainees were mainly in the prison at the basement and only taken upstairs for interrogations to rooms where they were individually tortured and mistreated. It is therefore unclear how PW3_97 obtained the relevant alleged knowledge. The request only states that PW3_97 knows P31, however, it remains unclear how he would have been able to witness the alleged scenery and recognize P31 in an office upstairs. It is also unlikely that PW3_97 made his own conclusions. In his testimony in Court, P31 provided detailed descriptions of Branch 251 as well as the distribution of food in the prison area. No other witness, apart from what he is supposed to testify, ever told the Court about a privilege to receive food in one of the offices upstairs. [...]
- bb. *The same can be said about PW3_97's perceptions of Anwar Raslan's comments regarding arrests of civilians. It remains unclear how PW3_97 is supposed to have heard that comment during the arrival of new detainees. The evidence taken so far indicates that new detainees arrived at the yard while the detainees were in the underground prison of close-by buildings.*
- cc. *PW3_97's insights therefore remain unclear and do not demand his summons.*



- b. *As far as the Defense's request claims that PW3_97 is able to testify about his own detention and in relation to Anwar Raslan, it is irrelevant whether the request is considered to be a request to take evidence pursuant to § 244 (3) s. 1 StPO, since it must be assessed in accordance with § 244 (5) s. 2 StPO. However, according to that, the expected evidentiary value of PW3_97 is so low that his summons is not demanded. The description of the requested evidence is weak, and it is not detailed whether PW3_97 was detained during the indictment period or not. The reasons for PW3_97's detention and release are unclear as well, so is Anwar Raslan's alleged involvement in this matter. [...] The 'good treatment' is not further specified in the request. Overall, the request is not a sufficient foundation to assume that PW3_97 would provide additional insights regarding the treatment of detainees by Anwar Raslan. Although summons of witnesses living in [REDACTED] are relatively uncomplicated, the expected evidentiary value is without reasonable relation to the delay that the summons would still cause. In addition, PW3_97's appearance in Court is not granted.*
- c. *The request is also rejected with regard to other evidentiary claims pursuant to § 244 (5) s. 2 StPO. Regarding these other claims, the request does not provide any sources of PW3_97's alleged knowledge which further seems unlikely. It is therefore not demanded to make further assessments.*

Rejection of the Defense's request to summon Ahmad Al-Jarba [PW1_97] as a witness

- I) *The Defense's request does not state PW1_97's address, however, the phone number that was given to the Judges indicates an [REDACTED] country code, the country that was also stated in the request. The request further stated that PW1_97 was willing to provide his testimony via phone. PW1_97 supposedly knows that Anwar Raslan was working at Branch 285 between 1996 and 1998, at the time when Hafez Al-Assad was still in power. PW1_97 is also supposed to testify that Anwar Raslan treated PW1_97's brother well during his detention. PW1_97 further allegedly learned from his brother that Anwar Raslan was the one who facilitated their release back then, arguing that there was allegedly no evidence against them. PW1_97 is also supposed to testify about Raslan's activities for the Syrian National Coalition between June 2013 and June 2014, and that Raslan was standing alongside the opposition, opposing the regime, and working with the opposition. The defense's request lists several of Raslan's alleged activities for the opposition: distributing passports, creating black-and-white lists, and unveiling the activities of certain journalists.*
- II) *It is left open whether the request is a request to take evidence or a request to investigate evidence. An assessment in favor of the latter conclusion is supported by the fact that the request does not provide PW1_97's place of residence and that his address is unknown and must be investigated first. It is also unclear whether PW1_97 is willing to testify at all. Even if one was to consider the request a proper request according to § 244 (2) StPO, it would still be overruled pursuant to § 244 (5) s. 2 StPO which says that the summons of a witness aboard can be rejected in case the Court finds after careful consideration that the testimony of the witness is not necessary to establish the truth.*
- a. *The expected value of PW1_97's testimony regarding the question of guilt in this trial is low. Regarding the question of legal consequences [sentencing] the expected value of PW1_97's testimony is not high.*
- aa. *The request is irrelevant regarding the release and treatment of PW1_97 by Anwar Raslan since this happened eleven to thirteen years before the indictment period, at a different branch, within a different political framework during the time of Hafez Al-Assad, and before the escalation of the revolution and repressive measures.*



It is further unclear if the treatment happened according to official duty since it is known that sometimes, prominent people like PW1_97 received different treatment during their detention and did not experience the same violence as other detainees.

bb. The same can be said for Anwar Raslan's activities for the opposition. The Judges are familiar with the fact that Anwar Raslan was active with the opposition in 2013 and 2014, this was already mentioned in court. Regarding precise activities as claimed in the request, efforts to summon PW1_97's are not justified as these claims do not provide particularly valuable insights. For example, it is unknown what precise impact the above-mentioned lists actually made. The Judges acknowledge that PW1_97 might be able to provide more detailed information regarding Anwar Raslan's activities for the opposition, however, this happened after the charged acts and therefore has only limited effect on this trial. PW1_97's willingness to testify is also questionable.

b. The Defense's request would require official summons of PW1_97 in [REDACTED] by a legal assistance request which must be issued through diplomatic channels. While the Judges could indeed contact the witness via phone to investigate his address and ask him about his general willingness to testify as a witness, his summoning would still be required through official channels via a legal assistance request, if PW1_97 was at all willing to testify. An informal questioning of PW1_97 would violate [REDACTED] sovereignty.

The Judges have information from the Ministry of Justice of Rhineland-Palatine that legal assistance requests with this country are generally difficult and require considerable time. A request from 2017 remained unanswered until this day, while a request for referral of a case file dated 2015 was only answered after one year. Another request from 2011 was taken back after six months since it could no longer be considered in the relevant proceedings. An agreement regulating audio-visual testimonies is not existent between Germany and this country. The German embassy in [REDACTED] told the Judges that legal assistance requests with this country are generally difficult, particularly regarding the delivery of summons. According to their experience, the quickest requests took four to six months, however, one should usually calculate at least one year or more, while an answer is not guaranteed. Requests for legal assistance are particularly difficult in cases with a critical political or intelligence background due to the veto right of the [REDACTED] Intelligence Services that can block a request entirely. The Judges must calculate one year to summon PW1_97. Having him testify in court would take even longer, while the success of the summons remains questionable. At the same time, the taking of evidence in this trial will most likely be concluded at the beginning of December 2021.

c. Considering all aspects, it is not required to summon PW1_97 in order to establish the truth. The success of the summons as well as PW1_97's willingness to testify remain questionable. Considering that it would delay the proceedings and not add new insights, the request to summon PW1_97 must be rejected.

III) An attempt to have PW1_97 testify via audio-visual questioning is not demanded for the same reasons. It is further questionable if the [REDACTED] authorities have the required organizational and personnel capacities to conduct such a testimony. It would further lower the evidentiary value of PW1_97's testimony.



Presiding Judge Kerber explained that another request by the Defense to take an additional expert report was pending and would be decided soon.

The proceedings were adjourned at 11:03AM.

The Trial will resume on December 1, 2021 at 9:30AM