



TRIAL OF ANWAR RASLAN and EYAD AL GHARIB

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 8

Hearing Dates: August 12 & 13, 2020

CAUTION: Some testimony includes descriptions of torture.

Summaries/Highlights:¹

Trial Day 22 – August 12, 2020

P10, whose identity and personal information were kept confidential, testified on the hierarchical and administrative structures and methods of interrogation in branches 251 and 285. He was working in the Syrian intelligence service for over 20 years and testified that branches 251 and 285 have the worst reputation regarding the treatment of detainees. Torture was a matter of course, but sometimes guards who received orders were “creative” in their techniques. P10 describes the severe conditions in these detention facilities such as insufficient health care, inadequate meals, overcrowded cells, poor sanitation and torture during interrogations. The General Intelligence Directorate had 30,000-50,000 employees in Syria and reported directly to the President; 2,500-3,000 worked in Branch 251. He said that Raslan had less power than an Alawi because he was Sunni and that if he failed to follow orders he would have been prosecuted or killed. Several documents from Branch 285, signed by Raslan, were identified by P10. Corpses of those who died in the Branches were transferred to the hospitals where they were thrown in the hospitals’ garden, since the cooled mortuary was already full. Vegetable refrigerator trucks stored the corpses and when their numbers increased, the corpses were thrown on the ground in the sun to decompose. The public prosecution and the military police prepared false death certificates, indicating death of natural causes. The numbers of corpses and their origins were recorded. Then, the corpses were brought to mass graves. It was very rare that the corpses were handed over to their families. Since P10’s family in Syria was already threatened and the judges found that there are reasonable grounds to believe that he and his family’s lives and safety are at risk, P10 did not need to provide any specific personal information, such as his name, precise occupation in the intelligence services or his date of arrival in Germany, during the hearing. This led to several interruptions of the hearing, during which the judges had to decide on the admissibility of certain questions.

Trial Day 23 – August 13, 2020

P10 questioning was continued, mainly focussing on specific codes for and instances of torture at Branches 251 and 285. P10 also testified that military staff in the intelligence service would not dare to disobey orders or even quit out of fear of being tortured or killed. Contrary to his previous testimonies, P10 stayed rather vague regarding Raslan’s position and career.

Day 22 of Trial – August 12, 2020

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.



Before the witness entered the courtroom, Judge Kerber explained that due to concerns about the witness's safety, he would not reveal any personal information and would appear partially disguised to obscure his identity. The witness then entered the courtroom from another entry than other witnesses before him. He was wearing a wig and a fake beard and was accompanied by his counsel, Mr. Obst (O.). There were also two additional bodyguards in the court room. One was sitting in front of P10 and one was sitting at the back of the room, near the spectators. Mr. Kägebein appeared as replacement for Al Gharib's Defence Counsel Linke. Plaintiff counsel Reiger was not present while plaintiff counsel Mohammed was replaced by Attorney Demirkan.

Testimony of P10 "Z 280716"

P10, for the above-mentioned concerns about his safety and in accordance with §68 (3) StPO,² did not reveal his name, age or any other personal information. For identification purposes he received the number "Z 280716". When Judge Kerber asked whether P10 is related to one of the defendants, Obst said he will not provide any information on this.³ Admonitions were read out and P10 was informed about his rights as a witness.

Judge Kerber's Questioning

Judge Kerber asked if P10 held a position in the administration of the Syrian government. P10 said he worked in the government's intelligence administration for 21 years.

Judge Kerber said that P10 stated in his previous questioning that he worked in the administration. O: N/S.

Judge Kerber asked P10 about his knowledge of Branch 251. P10 said Branch 251 is one of the central branches in Damascus governorate. According to P10 it has multiple names: "Branch 251", "Al-Khatib" and "inner branch". P10 said this security branch is in charge of Damascus and its rural suburbs. P10 stated that this branch has many specialised divisions: e.g. interrogation division, student division, workers division, studies division, economical division, patrols division (anti-terrorism), external division, and detachments located outside the facilities of the branch in more rural areas.

Judge Kerber asked whether the branch and its divisions have prisons. P10 affirmed. Judge Kerber asked where these prisons are located. P10 said they are located within Branch 251 in the interrogation division. There are also temporary detention facilities outside the branch's building.

Judge Kerber asked where these prisons outside the branch were. P10 did not understand the question.

² If there are reasonable grounds to believe that revealing the identity, place of residence or whereabouts of the witness would endanger the witness's or another person's life, limb or liberty, the witness may be permitted to not provide personal information or to provide such information only in respect to a previous identity. However, if this is the case, the witness shall be required to state at the main hearing, in what capacity the facts he/she is came to his/her knowledge.

³ "N/S" (no statement) will be used throughout this report for every instance Obst declared on behalf of P10 that he will not provide information in accordance with the relevant provisions in the German Code of Criminal Procedure.



Judge Kerber said that P10 mentioned the prisons and the temporary detention facilities and asked P10 where they are located (e.g. on which street). P10 said the central prison of Branch 251 is the big one inside the branch. The temporary detention facilities are located in the external divisions.

Judge Kerber asked P10 where the central prison is. P10 said it is on Al-Khatib street in Damascus, close to the Red Crescent hospital.

Judge Kerber asked P10 if he visited and saw the prison of Branch 251. P10 denied.

Judge Kerber asked P10 about his knowledge regarding the conditions in Branch 251. P10 said he could explain in general terms, because the interrogation system is the same in all prisons of the Syrian government. However, the methods of torture⁴ differ according to the branch. P10 added that Branch 251 has one of the worst reputations in Syria.

Judge Kerber asked since when Branch 251 has this reputation. P10 said it is an old reputation, which continued to exist during the incidents [uprising] until “now” [these days].

Kerber asked P10 to talk about the conditions in Branch 251 in general. P10 said it is commonly known that since Mohammad Nasif محمد ناصيف took charge of Branch 251 and was the head of the branch, it was considered to be an independent administration, although it was formally under administration of the central administration – unit 1411. Administratively, it [Branch 251] is subordinate to it [central administration], but it is effectively independent because of the mere power of its head.⁵ P10 added that he thinks that the branch is continuing with the same power, because high-ranking officers take command of it. After the former major general لواء [Nasif] retired, he became the vice-president for the legal issues⁶ and died later. Several officers succeeded him [as head of Branch 251]: Major General لواء Bahjat Soleiman بهجت سليمان, who was later transferred to Jordan as an ambassador. He was directly followed by Tawfiq Younes توفيق يونس, who is still [in command] until “now” [these days]. P10 added that Younes is one of the worst criminal officers in Syria.

Judge Kerber said the judges are concerned with the conditions in the prison of Branch 251. P10 said, as he mentioned previously, all interrogation methods are similar for all prisons.

Judge Kerber asked P10 to briefly describe these methods. P10 said in all countries, it is always the case that the accused is innocent until proven guilty. However, in Syria, the accused’s guilt is rarely actually proven. In Branch 251, there are several methods. First of all, the detainee is usually referred from another area to interrogation at Branch 251 (one does not need to be from the same the area [under administration of the branch]). This is also how Branch 285 works, which usually gets referrals from other provinces. Regarding Branch 285, it is a central branch for interrogation and is centred in Damascus (the administration), but also Branch 251 gets referrals from other provinces like Branch 285. The reason for that (referrals from outside) is because the branch has topics that are also dealt with at other branches e.g. Al-Qamishli القامشلي Branch and the topics of information in Al-Qamishli [at] which [the interrogation] stopped, are similar in Branch 251. Therefore, the interrogation is continued in Branch 251, because it is the “owner” of the information [صاحب المعلومات] and has absolute authority

⁴ P10 explicitly used the word torture.

⁵ P10 later testified that the same is the case for Division 40. It is formally a division within Branch 251 but because of the mere power of its head, it has a special position among the divisions of Branch 251 and in some cases exceeds its formal powers by skipping Branch 251.

⁶ Note from the Trial Monitor: His formal position was Deputy Vice-President for Security Affairs, however P10 said “legal” not “security”.



[صلاحيات مطلقة] and multiple methods.⁷ Usually and before the Syrian revolution, there were interrogation divisions in the branches of the provinces and many detainees were referred from there to the branch [251], even during the revolution, because it [Branch 251] is known for its bad reputation that no one is interested/concerned if somebody died there.

Judge Kerber asked what methods of torture were applied and if there were orders to torture. Böcker interrupted, saying that he does not understand if P10 was talking in general or specifically about Branch 251.⁸ Judge Kerber repeated her question. P10 said there certainly were orders.

Judge Kerber asked P10 who gave the orders. P10 said *عناصر* military staff and *العسكري* prison guards receive their orders from the head of the interrogation division, who in turn receives his orders from the head of his branch. The head of the interrogation division is also the one requesting the detention or referral [of a detainee] to a court or a different detention facility. That request usually comes in the form of a formal printed paper and is made to the head of the branch, who takes the final decision, usually following the request. P10 asked if [the court] would like him to speak about torture methods [Judge Kerber asked him to elaborate on this before Böcker interrupted].

Judge Kerber asked P10 about the interrogation in Branch 285. P10 said he could not hear the question [The technical problem was fixed].

Judge Kerber asked how interrogations were carried out in Branch 285. P10 said Branch 285 is a central interrogation centre in Damascus within the big administration building and has many interrogation offices and interrogators. It has two big prisons: the northern one and the southern one. Many high-ranking officers took command of it. P10 asked whether [the court] would like him to mention names.

Judge Kerber repeated her previous question, asking how interrogations were carried out. P10 said that when prisoners are detained, they are blindfolded. During the interrogation sessions, their hands are cuffed and sometimes the feet as well. In some cases, prisoners are suspended from the ceiling in chains, so that their toes barely touch the floor. There are several methods of interrogation⁹ like *دولاب* [tyre] and *فلقة* Falqa [beatings on the sole of the feet]. Occasionally, electricity was used during interrogations. Interrogators become passionate and creative [يتفنن] when they received orders: using boiling water or putting out cigarettes on the detainee's body. Occasionally, detainees have to wear shoes with nails on the inside and are forced to stand in them. P10 said there are other disgraceful methods, which he was embarrassed to talk about but he would mention them out of necessity: a detainee's penis is tied with a string and the other end [of the string] is tied to a metal bed or a nail. The detainee is then fixed (either cuffed or hung) and forced to drink a lot of water in order to urinate. P10 said the methods are sometimes worse. He says he knows about a person, whose name he does not want to mention, who was raped with a wooden stick.

Judge Kerber asked if this person was a male or a female. P10 said it was a man.

⁷ Note from the Trial Monitor: although P10's example was very vague, he most likely meant that if someone was detained at Al-Qamishli city for threatening the national security, this information is being shared with Branch 251, since it is within their responsibility and the interrogation will be continued at Branch 251.

⁸ The Trial Monitor was not able to note the answer to this question.

⁹ P10 said interrogation, not torture and did not further elaborate on the details of these methods.

Judge Kerber asked if there were attempts to drown people, something like waterboarding which is known from America. P10 said he already mentioned the use of boiling water, in other instances a detainee's head was put in a water barrel.

Judge Kerber asked who was giving orders. P10 said he has to provide some explanation. He explained that when the revolution began, intelligence apparatuses were "released in an absolute manner" and every division's commander and the ranks below began to act on their own consideration, since, following the orders to shoot at demonstrators, it no longer mattered whether somebody died in prison. Regarding the orders, P10 said they were given from the higher to the lower ranks. The head of the regime reinforced martial law in Syria after 2 – 3 months [of the beginning of the uprising]. This law was still in place previously but before that [uprising] claimed to be suspended. When it was reactivated, security and military forces were given an absolute free hand to do whatever they wanted to do to [people] opposing the regime and consequently treated traitors according to martial law.

Judge Kerber asked whether P10 remembers a particular decree on that. P10 said that 3 months or less after the uprising, orders to quell demonstrations by any means were issued, allowing the use of bullets. P10 said that at a certain point (P10 cannot remember when exactly this happened), brigadier general Maher Al-Assad العميد ماهر الأسد gave orders to shoot at anyone who was there [demonstrators]. P10 said the situation worsened, as the whole world knows.

Judge Wiedner intervened asking P10 when the revolution began. P10 said March 2011.

Judge Wiedner asked when the orders were approximately issued. P10 said the orders did not reach him, rather the leaderships and their forces. According to P10 the orders were issued around the end of May 2011.

Judge Kerber asked whether detainees were handcuffed and brought to the interrogation by a guard. P10 affirmed.

Judge Kerber asked if interrogations were conducted by someone other than a guard. P10 said they were conducted by an interrogator.

Böcker asked if P10 himself attended an interrogation. P10 affirmed.

Judge Kerber asked who gave orders to use torture during interrogations. P10 said the head of the interrogation division, according to the established hierarchy.

Judge Kerber asked if the orders were given verbally or by using signs. P10 said verbally.

Judge Kerber recalled P10 saying that the guards received orders from the head of the interrogation either directly [verbally] or using signs. P10 affirmed.

Judge Kerber said that P10 previously stated that "the interrogating officer had a free hand to use any possible means to achieve the goal, which was coded as 'do whatever is necessary'. For the patrol's division and Branch 285, it meant that every means was allowed and the goal was to detain the person". P10 affirmed.

Judge Kerber continued recalling that the orders were either given verbally in person or by phone. P10 affirmed.

Judge Kerber asked whether the same was the case for Branch 251. P10 affirmed again.



Judge Kerber recalled P10 saying that Branch 251 had one of the worst reputations and that there were prisons and interrogations in Branches 251 and 285. Judge Kerber further said the judges heard that detainees were transferred from Branch 251 to 285 and asked why this happened. P10 referred to his previous statement saying that Branch 285 is a central interrogation branch in Damascus at the national Syrian level. P10 stated that for most of the detainees, a summary (of their interrogation) was issued to the director of the general intelligence directorate e.g. Ali Mamlouk علي مملوك previously. If he was not satisfied with the result of the interrogation, he would issue a written order to refer them [detainees] to the central branch [285] in order to proceed with the interrogation.

Böcker asked who this person was. P10 said it was the director of the general intelligence services in Damascus.

Judge Kerber asked about the composition of personnel regarding Sunnis and Alawites. P10 said that usually within the security services and armed forces, 80 – 90% of the personnel are Alawites. This percentage differs from one branch to another. P10 said that he was talking about the officers and employees (volunteers), not the decision makers.

Judge Kerber asked the same question now referring to the high-ranks. P10 said they are Alawites.

Judge Kerber asked if there are only Alawites, or if there are Sunnis too. P10 said there are certainly Sunnis and Christians, however the majority are Alawites.

Judge Kerber asked whether there was tension between the high ranks. P10 said maybe.

Judge Kerber asked whether P10 knew the name Anwar Raslan and his rank. P10 did not want to talk about it, however he said that through his [P10's] service, Raslan's name, rank and duty station are known to him [P10].

Judge Kerber asked what Raslan's last rank was that P10 remembers. P10 said colonel عقيد.

Judge Kerber asked whether it is correct that Raslan worked in Branch 285. P10 did not understand the question.

Judge Kerber asked in which branch Raslan worked. P10 said that to his knowledge, Mr. Raslan¹⁰ worked in branches 285 and 251 for a long time.

Judge Kerber asked P10 to provide a time-frame for that. P10 said he would talk in an approximate manner, not specifying. Raslan began in Branch 251 (he was originally a police officer). After that, he was transferred to the general intelligence directorate [285]. In the beginning, he worked in Branch 251 (P10 remembers one instance in 2006 where Raslan was present at this branch). However, in 2008, as P10 thinks, Mr. Raslan worked in Branch 285 and was later transferred to Branch 251 in 2009 – 2010.

Judge Kerber asked what position Raslan held in Branch 251. P10 said he was the head of the interrogation division.

[15-minute-break]

¹⁰ P10 explicitly said „Mr.“

Judge Weidner's Questioning

Judge Wiedner asked which intelligence services there are in Syria. P10 said there are four: the general intelligence directorate , [إدارة المخابرات العامة], the military intelligence directorate , [شعبة المخابرات العسكرية], the political security directorate [شعبة الأمن السياسي] and the air-force intelligence. P10 said that two of them are official [self-administered]: the general intelligence directorate and military intelligence directorate; actually, three are official [self-administered], including the air-force intelligence. As for the political security directorate, it is under administration of the ministry of interior.

Judge Wiedner wanted to know more about the General Intelligence Directorate. P10 said that it is independent (not administered by any ministry, rather by the republic presidency directly). However, it is called a military unit, although it is independent. It has the number 1411.

Judge Wiedner asked how many employees it contains. P10 asked whether Judge Wiedner meant the directorate as a whole. Judge Wiedner affirmed. P10 said there are approximately 30,000-50,000 employees.

Judge Wiedner asked if this number includes all of Syria. P10 said yes.

Judge Wiedner recalled P10 saying that Ali Mamlouk was the director of the General Intelligence Directorate. P10 affirmed.

Judge Wiedner asked until when this was the case. P10 said that after the bombing of the Central Crisis Management Cell (CCMC) in 2012, the former head of the national security office, major general Hisham Bakhtyar [اللواء هشام بختيا] was killed and Ali Mamlouk was assigned in his position.

Judge Wiedner asked when this happened. P10 said approximately 2012.

Judge Wiedner asked who came after him [Ali Mamlouk]. P10 said someone from Zaytoun زيتون family.¹¹

Judge Wiedner asked if it was Deeb Zaytoun. [ديب زيتون]. P10 affirmed and said he [Deeb Zaytoun ديب زيتون] was the first assistant to Ali Mamlouk.

Judge Wiedner asked if P10 knew about a committee which was founded after the beginning of the uprising. P10 asked whether Judge Wiedner was referring to the administration, or to the country [national] level.

Judge Wiedner said to the Syrian level. P10 said that it was called crisis cell management. [إدارة خلية الأزمة]. [The translator said CCMC].

Judge Wiedner wanted to know if P10 actually said that [CCMC], or if he meant that. Judge Wiedner repeated the question and P10 answered he said crisis cell management.¹²

Judge Wiedner asked who its [the CCMC's] members were. P10 said the head of the national security office, major general Hisham Bakhtyar who was killed, was the head [of the CCMC]. Other members were the heads of the 4 security apparatuses: Ali Mamlouk, Asef Shawkat [أصف شوكت] of the military

¹¹ Note from the Trial Monitor: P10 said "from beyt/bait Zaytoun بيت زيتون", which means "family of Zaytoun" in Syrian dialect. "Beyt" means "house" in standard Arabic. It was translated as "Beyt" and the judges probably thought that the first name was "Beyt". Hence, the following question

¹² Note from the Trial Monitor: P10 said "crisis cell management" but from the context it is clear that he meant the Central Crisis Management Cell (CCMC).



[intelligence], the minister of defence and Jamil Hasan جميل حسن, head of the air-force [intelligence]. P10 added that there are multiple names which he forgot.

Judge Wiedner asked when and why the CCMC was founded. P10 said that it was founded by a presidential decree, in order to manage the crisis. The revolution was considered a crisis and [the cell] was supposed to come up with suggestions on how to eliminate the movement [uprising]. Security committees in other provinces derived from the cell.

Judge Wiedner asked whether the cell gave concrete orders to the intelligence services. P10 said of course.

Judge Wiedner asked P10 to provide further explanation. P10 said that one of the circulated announcements [تعاميم] was issued and publicized through the security apparatuses. The orders were sensitive when they were first issued, ordering to detain all people, [deal with] committees and social media and silence them by any possible means. There was another order in form of a request from the central management. It was directed to the security branches in the provinces, ordering them to summon all dignitaries and merchants (civilians), in order to put them under pressure and therefore, putting pressure on the people around them.

Judge Wiedner asked P10 what he meant by “summon”. P10 said that they [dignitaries and merchants, including religious personalities] were summoned to the security branches. Some of them were personally summoned by Bashar Al-Asad.

Judge Wiedner asked if the cell issued orders to use violence against demonstrations. P10 affirmed.

Judge Wiedner asked P10 to elaborate further. P10 said that he previously mentioned journalists, civilian committees and doctors, who used to help people in field hospitals. [The orders] were to detain and eliminate them (take necessary actions اجراء اللازم) [meaning to do anything].

Judge Wiedner asked how the duties in Branches 251 and 285 changed after March 2011. P10 said there was a big change. These two [branches] had absolute free hand before the incidents [uprising]. After the people’s movement, their powers increased. Within the branch, the number of detainees significantly increased. Everybody on the street (at the time of demonstrations) was detained.

Judge Wiedner asked whether the methods of interrogation changed. P10 affirmed saying that the interrogation “became crazy with these people” [detainees]. Sometimes, a cell measuring 4x4m had more than 200 people inside, who stayed there for several days undergoing torture, but not being questioned.

Judge Wiedner asked in which branch this happened. P10 said that this happened in general.

Judge Wiedner said that P10 however, described a specific cell. P10 did not understand the question. Judge Wiedner asked if the cell P10 described was in Branch 251 or 285. P10 said that prisons in general are similar. There are also solitary detention cells measuring 1x1.5m, which is the general image of overcrowding in all branches in Syria.

Judge Wiedner said that P10 mentioned the conditions in Branch 285 and asked if that counts for Branch 251 as well. P10 said they were roughly the same but Branch 285 was worse to the degree that, in case an interrogator kills someone, it would be considered normal.

Judge Wiedner asked if P10 meant Branch 285 or 251. P10 said that Branch 251 is bad, 285 is worse.



Judge Wiedner recalled P10 saying with regard to interrogations in Branch 251 that “Branch 251 has the most brutal torture methods, the procedure is similar to Branch 285”. P10 affirmed.

Judge Wiedner asked about the differences in torture between branches 251 and 285. P10 said that the methods are nearly the same, but the torture would be more intense in Branch 285.

Judge Wiedner said that P10 previously mentioned that Branch 251 had more freedom to act. P10 said that he mentioned that major general Mohammad Nasif took command [of Branch 251] since he was a first lieutenant ملازم أول or a نقيب captain (a low rank).

Judge Wiedner asked P10 to repeat the name. P10 said Mohammad Keir Beik Nasif محمد خير بيك ناصيف or Mohammad Nasif Keir Beik (either way is fine). Regarding his importance to the regime’s head, it derived from his Alawite sect. He, his father and grandfather are Alawi religious people and his religious stand is more powerful than the president of the republic [Syria].

Judge Wiedner mentioned that P10 said earlier that people close to the president took command of Branch 251. P10 affirmed. He added that the head of the branch was the major general [Nasif]. The high-ranking officers were Alawites and from Alawi villages. Previously, Hamad Zayd حمد زيد, an Alawite, was Nasif’s deputy or [Nasif’s] office manager.

Judge Wiedner asked whether Raslan is an Alawite or a Sunni. P10 said he [Raslan] is a Sunni from a village where a massacre happened. Alawites and the regime slaughtered many people there.

Judge Wiedner asked where this happened. P10 said around 2011 – 2012 in Al-Houla الحولة village.

Judge Wiedner asked if being a Sunni affected Raslan’s occupation. P10 said it did. He swore by god that he is convinced that Raslan was not from the absolute important people, because he is a Sunni. P10 does not know what exactly Raslan did, but he was the head of the interrogation division. However, if an Alawite colonel were in his position, he would be more powerful.

Judge Wiedner asked about a hierarchy among guards, interrogators and officers in Branches 251 and 285. P10 asked whether the question was relating to the interrogation division. Judge Wiedner repeated the question. P10 said there is possibly a hierarchy. He said that there is a hierarchy between the head of the branch and his deputy/vice head (who may be the head of a division). According to P10, some divisions are more important than others. Since he is talking about the branch and the interrogation division, P10 concluded: the head of the branch is at the top, superior to the head of the interrogation branch, who is superior to military and civilian interrogators, who are in turn superior to the guards.

Judge Wiedner asked if the head of the branch and his deputy knew what was happening in the branch. P10 said they certainly knew however, there were some secret topics, which only the head of the branch knew. Nonetheless, in general, they knew.

Judge Wiedner asked if they gave orders. P10 said the orders are, of course, from the head of the Branch.

Judge Wiedner mentioned P10 previously said “the head and his vice were informed. They gave green light through known phrases/codes. After the beginning of the riots, officers had more freedom and could partially torture without orders, because the situation was chaotic”. P10 affirmed his statement, adding that this was particularly the case after the outbreak of the Syrian revolution.



Judge Wiedner asked about Division 40. P10 said it is under the administration of the inner branch, 251. It is called the patrol's or anti-terrorism division, previously headed by Hafez Makhlouf حافظ مخلوف. According to P10, it is one of the very bad divisions, especially under Makhlouf's command. It [Division 40] conducted detentions even outside Damascus, in other provinces and had absolute powers, since Makhlouf is the cousin of the president.

Judge Wiedner asked how Branch 251 and Division 40 cooperated in terms of tasks. P10 said that the speciality and duty of this division is patrols within Damascus city. Sometimes, when there is a wanted person for Branch 251, Division 40 detained and delivered him to Branch 251. P10 said he knows that Division 40 went beyond its responsibilities and authority and opened an interrogation division by itself.

Judge Wiedner said that he did not understand. P10 said that Makhlouf is the head of Division 40 and because of his rank and closeness to Bashar, he [Makhlouf] considered himself more important and higher than Tawfiq Younes. Therefore, any wanted person for Branch 251, Division 40 used to detain and torture him, then refer him [to Branch 251]. Occasionally, it exceeded Branch 251 (which Division 40 belongs to) and referred [detainees] to Branch 285.

Judge Wiedner asked how many employees Division 40 has. P10 said that he does not know. However, there were similar divisions (to Division 40) where P10 used to work. Possibly around 150 – 200 persons. The number increased after Makhlouf took its command.

Judge Wiedner asked if Division 40 has offices in Branch 251. P10 said the head of Division 40 has an office at Branch 251.

Judge Wiedner asked if there were dead bodies in branches 251 and 285. P10 said there were many dead bodies. However, P10 did not see [dead bodies] with his own eyes, but rather saw them in the news, after the Caesar Files were revealed. P10 heard from many friends around his place of residence, whose relatives died there [Branches 251 and 285].

Judge Wiedner asked whether Division 40 transferred corpses to Branch 251. P10 assumes this was the case.

Judge Kerber intervened to ask whether corpses were brought to Branch 251. P10 said that this is correct, even though he did not see it. However, the German Federal Criminal Police Office (BKA) showed him photos demanding explanation for the numbers [of corpses], and there were many corpses from that division (P10 affirmed that he meant division 40).

Judge Kerber said it seems strange to transfer corpses to Branch 251 to store them there. P10 said that, as he previously mentioned, Makhlouf considers himself to be more important than Younes. He was not afraid of people dying at his division. However, he considered the corpses as garbage and a responsibility that he rather throws on someone else (He was not afraid, but why take responsibility?).

Judge Wiedner asked what the goal of interrogations in Branch 251 was. P10 said, to be precise, at the time of the beginning of the movement [uprising], the number of the detainees was high. Therefore, the goal was to lock people up like sheep in the farms. The accusations were already prepared before he [a detainee] arrived. When one was detained, his accusation was ready, he just had to sign it: affiliation with foreign parties like Saudi Arabia and Qatar. One was also forced to confess his participation in demonstrations for money. They did not need interrogations, but mere retribution and detention.



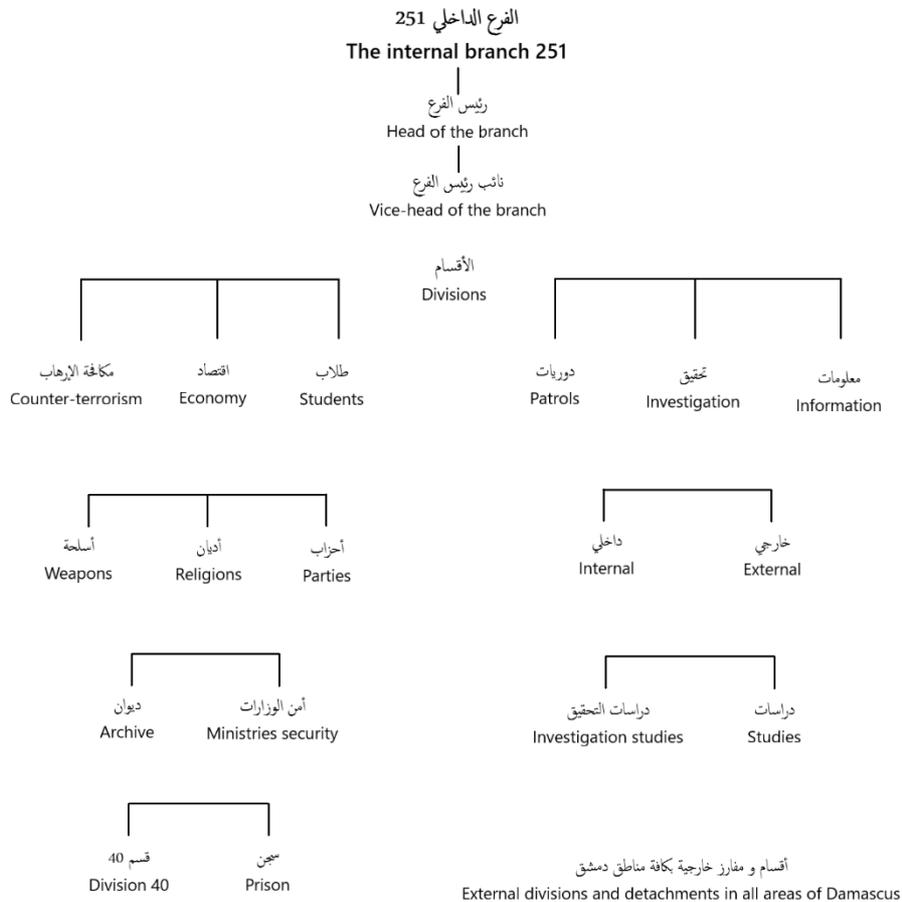
Judge Wiedner reiterated P10’s answer from a previous questioning where P10 stated that e.g. a Christian was forced to confess that he was the leader of an Islamist terrorist army. P10 affirmed, again mentioning that the accusations were already prepared and only had to be signed.

Judge Wiedner asked if there were “real” interrogations, where one actually wanted to get information. P10 said that this was the case, explaining that in some instances people were interrogated in order to obtain information about locations, field doctors or medicine (donor of medicine or of the money used to buy medicine).

Judge Wiedner asked whether this information also included opposition members on social media. P10 said that this was of course the case, explaining that he referred to them [opposition] as “committees” at the beginning.

Judge Wiedner asked whether corruption was involved in the release [of detainees]. P10 said yes, in some cases.

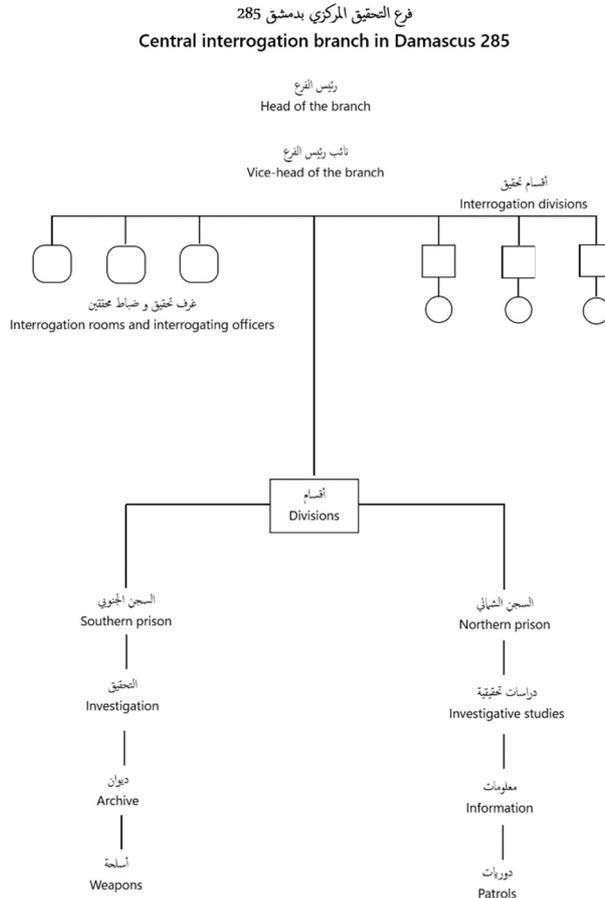
[Below are recreations of sketches made by the witness and shown in the courtroom.]





P10 said that the “studies” division is different from the “investigation studies” division, as the latter studies persons who are to be detained and those already in detention.

Böcker asked if P10’s workplace is not on the organigram. O: N/S.



P10 said that the number of rooms is actually higher than what he drew, since this is only an estimation. He also added that there could be other divisions which he cannot remember.

Böcker asked again if P10’s workplace is not on the organigram. O: N/S.

Böcker wanted to know why Obst replied that an answer to this question could draw conclusions about P10’s identity. Böcker said that in his opinion, the question is admissible. Judge Kerber rejected the question as inadmissible. Böcker demanded a court decision.

[75 minute break in proceedings – lunch/decision on admissibility of Böcker’s question]

Judge Kerber said that the judges did not reach a decision, since it was not clear whether Böcker was referring to his question on Branch 285 or 251. Judge Kerber explained that the witness is not obliged to provide personal information on his occupation in the Syrian government. Böcker depicted the conversation again.



Prosecutor Klinge stated that in accordance with §68(3) StPO, P10 is not obliged to answer questions due to concerns about his and his family's safety. Böcker said that this paragraph would not be applicable.

[20 minute break in proceedings for court decision]

Court decision:

Judge Kerber's decision was upheld by the Bench. P10 does not have to provide personal information and information about his occupation within the Syrian government and his workplace, since this information would permit conclusions on his identity. The requirements of §68 (3) StPO are given. The Syrian intelligence service already threatened P10's family in Syria with detention, should he not return and searched his flat. P10 and the German Federal Criminal Police Office (BKA) take this threat seriously. Should P10 be detained by the Syrian intelligence service, he would be in danger of being abused until death. Böcker's question was clearly enhancing this danger and is consequently inadmissible.

Böcker asked for a transcript of the decision and asked whether it is correct that the information P10 provided today derives from the fact that his workplace is located in the structure of 285. O: N/S. Böcker restated his question, Judge Kerber rejected it. Prosecutor Klinge said that according to the previous court decision, this question does not need to be answered.

[20 minute break in proceedings]

Court decision:

Kerber's decision was upheld by the Bench. Following the previous decision, it is sufficient that P10 described that he got his information from the fact that: he was present in at least one interrogation, saw the prison, worked within the intelligence administration for approximately 20 years. Böcker's question was rejected.

Prosecutor Questioning

Prosecutor Klinge asked how many employees there are in Branch 251. P10 estimates around 3,000-5,000 including external divisions.¹³

Klinge asked about the number of employees in the interrogation division. P10 said that it is a big branch. There are around 50- 100 people who work there in different shifts. The interrogation division has special patrols which are different from the patrol's division. Occasionally, the interrogation division conducts detentions or seeks the assistance of other divisions.

¹³ P10 corrected this number the following day, as you can see from the report below.



Klinge asked whether the interrogations were round-the-clock, due to shifts or if there were fixed interrogation times. P10 said round-the-clock.

Klinge recalled that during his questioning by the police in November 2017, P10 mentioned documents which were signed by Raslan. Klinge asked about the content and date of these documents. P10 said, as far as he remembers, it happened in 2008 – 2009, since he cannot remember very well. Raslan was the deputy of the interrogation division at that time and Mohammad Barakat محمد بركات was the head of the division. When Barakat was transferred to another branch, Raslan might have been the interim head and signed the documents.

Klinge asked what the content of the document was. P10 said they were summoning warrants for investigation/interrogation that were addressed to another branch, ordering the other branch to detain certain people. Maybe they were detainees in Branch 285 and “they” confessed on “them”.¹⁴

An Arabic document was shown (recreated below).¹⁵

يرجى الاطلاع وإقرار ما ترونه مناسباً

Please examine and endorse what you deem appropriate

<p>عميد ركن* رئيس الفرع 285 Brigadier general* Head of branch 285</p>	<p>عقيد أنور رسلان Colonel Anwar Raslan</p>	<p>رائد حسن إسماعيل Major Hasan Isma'il</p>	<p>رائد خلدون الكصيري Major Khalidoun Al-Kusairi</p>	<p>ملازم أول عباس تمام First lieutenant Abbas Tammam</p>
	<p>[توقيع] [Signature]</p>	<p>[توقيع] [Signature]</p>	<p>[توقيع] [Signature]</p>	<p>[توقيع] [Signature]</p>

قرار السيد اللواء مدير إدارة المخابرات العامة

The decision of mister major-general director of general intelligence administration

Klinge asked P10 whether this is the same signature as Raslan’s. P10 said he cannot say anything for sure, since he does not remember very well.

A second document was shown (recreated below).

¹⁴ P10 meant that detainees at Branch 251 mentioned detainees from another branch during their interrogation, as to why Branch 251 sent for them.

¹⁵ Note from the Trial Monitor: the German translation was: “Stabsbrigadegeneral”, however there is no accurate translation”, i.e. staff brigadier general, which is not accurate, because “Rukn ركن” has no accurate translation (even in English).

Klinge asked what happened to the corpses. P10 said that he told the police about locations of mass graves, where they were buried. Of course, the corpses were transferred from the security branches to the hospitals. They [corpses] were thrown in the hospitals' garden, since the cooled mortuary was already full. Most of the hospitals used vegetable refrigerator trucks to store the corpses and when their numbers increased, the corpses were thrown on the ground in the sun to decompose. Then the public prosecution and the military police got involved by preparing false death certificates, saying that it was a natural death, and writing the number [of the corpses] in tables along with numbers indicating where they came from. They [also] wrote these numbers on stickers and put them on the corpses. Then, the corpses are brought to the mass graves. It was very rare that the corpses were handed over to their families.

Klinge asked if P10 knows the locations of the mass graves. P10 said that he knows, but unfortunately, if he discloses this, it would draw conclusions on the location of his work place.

Defence Counsel Böcker's questioning

Böcker recalled P10 saying that one can have problems if not following orders and asked what trouble a Sunni would get in. P10 said that if a Sunni officer or a non-commissioned officer would reject orders from Alawite commanders, even illegal ones or personal favours, or if he was asked to do something (e.g. if he is a head of a security intelligence apparatus and his boss asked him to release a detainee), he could be referred to the army, a decree to transfer him to the army could be issued, or a decree to transfer him to another unwanted remote location, or if the person [the Sunni] was weak [in regard to his rank], he would be fired.

Böcker asked whether that would put this person or his family in danger. P10 said that before the revolution and because this procedure was routine, there was no danger on the family. However, after the revolution, if one does not abide by the instructions, one and his family would be accused of treason.

Böcker gave an example: if one was told to sign a document and refused, what would happen? P10 said that it depends on the severity [خطورة] of the situation and the subject [topic]. For example, if one is a goods smuggler... Böcker interrupted saying that he did not mean a smuggler but a member of the Free Syrian Army or a terrorist organization. Obst said that it should be the witness's wording. P10 said that certainly, if the accused belongs to a terrorist organization or Al-Qaeda, he would certainly not dare and could not reject signing. Or regarding our case (the Syrian revolution), the whole nation was accused of being terrorists. A regime accused its people of being Al-Qaeda.

Böcker asked if an individual case would be of high relevance. P10 said of course.

Böcker asked whether the document had to be signed, otherwise, the person would be accused of treason. P10 affirmed.

Böcker recalled P10 saying that he was present during an interrogation in Branch 285 and asked if it was only once or several times. O: N/S.

Böcker asked on what right P10 is relying on in not answering. O: N/S.



Böcker asked whether it was to §55 StPO.¹⁷ O: N/S.

Klinge said that P10 does not need to answer the question.

Böcker asked for what reasons it was possible for P10 to be present during an interrogation. O: N/S.

Böcker asked how P10 knew that the head of Division 40 had an office in Branch 251. Obst asked for a break to counsel his client.

Böcker said he had a general question: Where did P10 get his information which he illustrated today from? O: N/S

Kerber said that the witness could leave, but was not yet dismissed. The questioning would continue the following day.

[5 minute break in proceedings]

Klinge's assistant, Mrs. Holz/Holtz read out [for about 40 minutes] a statement responding to Raslan's testimony in which he suggested certain people to testify as witnesses in his case. It was said that these were not formal requests to present evidence, but rather suggestions. Raslan named people who supported him or whom he had supported and "could be" summoned as witnesses. His request was not obvious and specific, therefore the judicial procedural requirements of a formal request to present evidence are not met. The testimonies of those people from previous hearings also confirm systematic torture. The proposed witnesses should not be summoned to testify in this case. Every one of them was mentioned with an explanation on why they are not required to testify in this case [names redacted].

Böcker confirmed that Raslan did not formally request to present evidence, they will give a statement on that in the future.

The proceedings were adjourned at 4:15 p.m.

The next hearing will be on 13 August 2020 at 9:30 a.m.

Day 23 of Trial – August 13, 2020

Hearing began at 9:30 am with about 6 spectators and 2 individuals from the media present. Witness Deußing [German police inspector heard on day 7, 27 May] was summoned for 1pm but did not need to appear since there were no questions. Mr. Kägebein appeared as replacement for Defence Counsel Linke. There were again two additional bodyguards, one sitting in front of P10, one at the back of the room, close to the spectators.

¹⁷ Right to withhold information in cases where it would lead to criminal investigations against witness himself or one of his relatives.

P10 wanted to make a statement: He made a mistake regarding the number of the employees in Branch 251 the previous day. There are 2,500-3,000, not 3,000 – 5,000 as he said the day before.

Defence Counsel Böcker's Questioning

Böcker asked about P10's request for counselling that was mentioned the previous day. O: N/S. Böcker asked why P10 would not answer. O: N/S.

Böcker recalled P10 saying that "Tawfiq Younes is one of the worst criminal officers in Syria" and asked how he arrived at that conclusion. P10 said he can give an example of this brigadier general's practices without specifying the location. To prevent further questions, P10 said he did not work in that place [where Younes was working]. P10 recalled that there was a joint mission between Younes's duty station and the place P10 was working. P10 witnessed how Younes conducted the interrogation with a detainee during the mission, which [the interrogation] took place in the woods. When Younes did not get an answer from that person, he shot him in the leg to force him to speak.

Böcker asked if blindfolds and handcuffs were used regularly. P10 said in most cases.

Böcker asked if there were orders to do that and if so, who issued these orders. P10 said the use of blindfolds and handcuffs was the regular system. The interrogated person should not see the face of the interrogator.

Böcker asked where these orders came from. P10 said he does not know. P10 served there for 21 years and that [use of blindfolds and handcuffs] was always the usual way of interrogation.

Böcker summarised that it is consequently a rule "cast in stone" and nobody knows why. P10 affirmed.

Böcker recalled P10 saying that after the revolution, every officer could do what he wanted. Böcker then asked how P10 knew this. P10 apologised and clarified that he did not say that any "small" employee could do what he wanted, but rather that after the revolution, there were some employees who committed transgressions during the martial law period.

Böcker asked how P10 knew that. P10 said he was there and saw it.

Böcker summarised that martial law was mandated, deactivated and then reactivated. He then asked what the juristic starting point was. P10 referred to his previous answer and said that during Hafez Al-Assad's time, the country was governed by martial law. After that, in a way or another and to give the impression that Bashar's regime was democratic and new [حديث العهد], there was a decree to suspend¹⁸ martial law in the country. However, it was only on paper and the practices from the previous regime continued.

Böcker asked when and by whom the decree of the repeal was issued. P10 said the ones issuing such decrees are the president and the national security office. P10 did not know when exactly the decree was issued.

Böcker asked for an approximate time. P10 said at the end of the reign of Hafez Al-Assad.

Böcker summarised that the decree was only on paper, however not implemented and then activated. P10 affirmed.

¹⁸ Note from the Trial Monitor: P10 said رفع but most likely meant "repeal".

Böcker asked when and how martial law was reactivated. P10 said on the 1st day a person went to a demonstration [started demonstrating].

Böcker asked whether P10 is talking about mid-March 2011 and how the intelligence services knew that martial law was reactivated. P10 said it was reactivated by circulars and orders from the administration and the directorates of the intelligence services, the national security office and the presidential palace. Sometimes, they came as individual orders from the brigadier general Maher Al-Assad to quell the demonstrations by any means, even using gun-fire.

Böcker asked about P10's education/training. O: N/S.

Böcker asked when P10 came to Germany. O: N/S.

[Böcker then started to mention random words like "asylum" and "Federal Criminal Police Office" (BKA) without formulating a question. Witness counsel Obst always said: N/S.]

Fratzki said that P10 mentioned that Younes shot someone in the leg and whether P10 heard that and was nearby. O: N/S.

Fratzki said he understood that P10 was standing next to Younes and asked if that was correct. O: N/S.

Fratzki said the question is admissible in his opinion. Obst replied that it could cause problems for his client.

Fratzki asked if Obst meant §55 StPO¹⁹. O: N/S.

Fratzki said that he would count it as §55 StPO. Obst said that everything has been said.

[Böcker mentioned technical tools which might be necessary to hear the shot, however the exact question remained unclear to the Trial Monitor] O: N/S.

Böcker said that probably to a much later time, he would like Deußing [German police inspector heard on day 7, 27 May] to testify on it if he is allowed to testify on this subject.

Plaintiff Counsels' Questioning

Scharmer cited Raslan saying that "one cannot stay polite during the interrogations. Some went peacefully and some with violence. Armed groups were interrogated strictly". Scharmer referred to "codes" that P10 mentioned the previous day and asked whether it is a code when the colonel said "strict". P10 wanted to ask a question himself. Scharmer said usually he cannot, but if P10 did not understand the question, he can ask to clarify. P10 then asked whether the accused referred to a specific instance where certain methods were used, because they [the interrogated persons] were armed groups. Scharmer said that it was complicated. Böcker intervened, saying the witness should know that "No" was the correct answer. Scharmer said that this was his question and he himself wanted to communicate with the witness.

Scharmer said Raslan mentioned "strict interrogations" in his previous questioning by the German police and wanted to know if this term would be considered a code by a colonel. Scharmer asked P10 whether the question was clear. P10 said that "rough methods" [صارمة وحاددة] means to use any

¹⁹ Right to withhold information in cases where it would lead to criminal investigations against the witness himself or one of his relatives.



available means to cause death [of the interrogated person]. P10 had a comment on the previous question on “armed groups”: During that period, there were no armed groups until 2012, according to P10, even “the criminal president Bashar Al-Assad” admitted that.

Kroker asked about the treatment of detainees in Branches 251 and 285, if “welcoming party” was a household term. P10 affirmed, explaining that it meant that from the time someone gets arrested on the streets or from his house, he gets hit by hand or a rifle’s butt and kicked until he arrives at the branch. When he gets off the car, going to the interrogation division, he gets beaten and receives insults from the lowest to the highest employee. The person is forced to take off everything [clothes] and gets beaten until reaching the cell. By doing this, they [employees at the branch] have not even started yet. That was only their “Hello”.

Kroker asked how the detainees were frisked and if that was done while being naked. P10 said usually, the detainee is ordered to take off his clothes. If he has a belt, it would be taken away. Rings and personal belongings were stolen (and the shoes). This was the practice before the revolution (during the revolution, it was worse). The shoelaces are also taken away. The detainee gets dressed after the body inspection. Any sharp objects, money or gold are confiscated. The detainee is then put in the cell by different means, depending on the case.

Kroker asked if body openings were searched for hidden objects. P10 said it would depend on the case of the detainee. P10 gave an example: If someone was detained because of drugs or if someone is known to be aggressive and is suspected of hiding sharp objects like a razor blade in his anus, then it is possible [that body openings are searched]. At his [P10’s] duty station [عنا] they used to “play” with the anus using a broomstick. This method was used later during the revolution to humiliate detainees without inspection.

Kroker recalled P10 saying that there are methods which he is ashamed to mention, like tying up the penises of two detainees and force them to drink water. Kroker then asked whether P10 knows other methods. Obst objected saying that his client did not say “two penises” and the translation was wrong.

Kroker asked whether there were other violent abuses of the detainee’s genitals. Böcker intervened, saying that this question has already been asked. Kroker said he wants to know if there were different cases in that regard. P10 said he can give an example of his relative who was detained in Branch 285, without mentioning names [P10 sighed]. They used the same previous method that P10 already mentioned and cut a piece of his [relative’s] penis using pliers.

Schulz mentioned a report about infiltrated members of the intelligence services in 251 and asked whether they were in the cells to watch detainees. P10 affirmed.

Schulz asked P10 to provide more detail. P10 said that when it was concerning a political figure, a big opposition figure, or a person related to external organizations for example, then, officers and non-commissioned officers could enter the cell [disguised] to build a relationship with these people in order to get information.

Schulz asked whether some detainees were turned over [changed sides] by that. P10 said this was certainly the case.

Böcker asked whether P10 made assumptions or knows this for a fact. P10 said he wants to answer this question against his counsel’s advice, in order to show the filth of the intelligence services: When the regime wants to recruit a person, especially when he has a clean background [sheet] e.g. a political oppositionist, they would make up random accusations to find an opportunity to get him in prison. There, they pressure him with obscene photos, accusations of foreign affiliations, or threaten him with



his family [threaten to injure/kill the family]. They could inveigle a detainee's children to prison (using drugs [frame them with drugs]) to pressure him. These are the methods of the regime, yet one finds many people who love to deal with the regime [work for them] in exchange for services or material goods.

Böcker wanted to clarify whether "turned over" and "certainly detainees too" means that detainees spied on each other. P10 said that he already explained how [detainees were spied on]. It did not happen to all detainees, but rather to specific people, in whom they [the regime] are interested.

Böcker then asked what was used to pressure people. P10 said they pressure a detainee with something like a printed paper which is called a "link-up letter (a contract) كتاب ارتباط (عقد) which is a declaration made by this person (as a threat) that he is linked to them [the Syrian government]. The person gets a number and becomes an agent مندوب to that apparatus, with a personal photo, signature, monthly salary and rewards. This paper was like a sword on the person's neck and they would expose him [if he does not abide].

Böcker asked if they [people being blackmailed] were detainees. P10 said some of them were detainees, others were put under pressure with "temporary accusations" (like affiliation with a specific political or terrorist organization).

Böcker asked if this happened to already detained people, meaning that they signed the paper in detention. P10 affirmed

Böcker asked how P10 knew. O: N/S.

Böcker referred to P10's previous statements on "strict interrogations" and people being tortured to death, because they belonged to armed groups, but that there were no armed groups at that time. Scharmer interrupted Böcker and said these were false allegations. Judge Kerber clarified that P10 saying that "there were no armed groups" referred to something that Al-Assad said.

Böcker asked for P10's opinion on this statement. P10 said regarding Raslan's statement about strict interrogation methods with armed groups, there were no armed groups (he said he means back then until 2012). However, until 2012 and according to the statements of "the criminal regime", there was none. Of course, Bashar Al-Assad said in interviews with foreign media, that "There is nothing happening in Syria, we only have evil striplings". صبيان صايعيين. On the other hand, he was shelling people with tanks and throwing barrels on them.

Böcker said that he was asking about P10's knowledge, not what Al-Assad said. Böcker asked whether P10 was saying that there were no armed groups in 2012. P10 affirmed, there were no armed groups in 2012.

Böcker asked what was after that [2012]. P10 said "Dear Sir, people wanted to get rid of the regime, after how much they bear."

Böcker asked P10 to explain that statement. P10 said his answer would be sufficient.

Böcker asked what that means. Obst said that Böcker can ask questions if he has some.

Fratzki asked whether there were no armed groups in 2011. P10 said that in 2011, there were no armed groups.

[10 minute break in proceedings]

Judge Kerber told that a video hearing from Berlin was announced, which will be streamed in Koblenz. Böcker [information redacted] asked if the defence lawyers were not allowed to be present in Berlin, Judge Kerber affirmed.

Judge Wiedner asked P10 whether it was possible that an officer who did not agree with his work, is able to quit or be transferred. P10 said when officers ignore or refuse to follow orders, they would be transferred to remote places.

Judge Wiedner said that he was referring to someone's own wish. P10 said that if one was an intelligence officer, he would definitely not dare to say so [ask to be transferred]. If one wants to submit a resignation due to health problems or in exchange for a civilian work, one could apply for that and his request could be accepted or not.

Defence Counsel Questioning

During the break, Fratzki did some research on armed groups and described an armed storming of a government-held checkpoint in June 2011 in Jisr Ash-Shoghour with 80 (or 120) deaths. Fratzki asked if that is correct and known. (On P10 request, Fratzki specified the location, saying it happened in Jisr Ash-Shoghour) P10 said that it is a smuggling area, where one could pass through Aleppo or Lattakia. They [the attacking group] could be *shabiha* [smugglers] from the regime (from Al-Assad family). That was an old term, not a recent one. The news might have mentioned that they were such smugglers [i.e. armed], so that the regime claims them to be terrorists and people attacked it [the place].

Fratzki asked P10 whether he knew armed groups in 2011. P10 said that he has no knowledge of the existence of armed groups in June 2011.

Fratzki summarised that P10 worked in the intelligence services for 21 years and yet does not know about 120 deaths. P10 replied that Fratzki understood him correctly and that there were no armed groups in June 2011.

Fratzki asked when the first battalion was formed. P10 said he does neither remember nor know.

Fratzki asked if it was on 9 September 2011. P10 said he does not remember.

Fratzki asked when the incident regarding cutting off someone's genitalia happened. P10 said he could give an estimate time. It happened to one of his relatives, a peaceful demonstrator with a wife and 2 daughters, in September 2011.

Böcker referred to Judge Wiedner's question and asked P10 to explain what he meant by "does not dare to submit his resignation". P10 said that if someone was in the official army, all changes are possible. One could submit a normal resignation, or request a transfer to a place close to his family.

Böcker said he was referring to an intelligence services officer, not an army officer. P10 referred to his previous statement, saying that one does not dare and he is sure that no one in the intelligence submits such a request, since all of them are beneficiaries and want to work [there], due the privileges that one gets working in the intelligence services, privileges that even a prime minister in Europe does not get.

Böcker asked P10 to explain what he means by “does not dare”. P10 said it means someone, in one way or another not disagreeing with the ruling system of the regime.

Böcker asked: then what? P10 asked Böcker to clarify. Böcker asked, in case someone no longer want to work with the regime, would it have negative consequences and put this person in danger. P10 said that one would be endangered. If one was either a military person in the army or in the intelligence, he would be interrogated and asked why he wants to quit and so on, except if one is “supported” [is backed by important people مدعوم], then positive reasons would be noted. P10 wanted to emphasize that due to the benefits, no intelligence officer requests to resign, unless one has the attributes of prophets.

Böcker said: “or he is suicidal”. P10 said during his long-standing service, he did not see a single official resignation, but only cases of transfers to army or police. Usually it happens if “his smell emerged” [طلعت ريحتو] and he couldn’t be covered, then he would be relegated.

Böcker asked whether it would be worse if a Sunni wanted to resign. P10 said that if one was a Sunni, they dispense with him [they don’t care about him]; it is a minus one. However, he would be subject to prosecution [يتعرض للمساءلة] and be accused of treason. P10 provided another example: any member of Al-Ba’ath party in Syria (a civilian, not an officer or a military person) who deactivates his membership, would be subject to prosecution [يتعرض للمساءلة] by the security and intelligence services and his documents [file] would be referred to them.

Böcker asked if that was a comparison between Al-Ba’ath party and the Sunni, who would be subject to prosecution [يتعرض للمساءلة]. P10 affirmed, saying that if one is a Sunni, they would prefer to dispense with him, but he would still be subject to prosecution [يتعرض للمساءلة].

Follow-up Questioning

Scharmer asked P10 whether he knows about cases where an officer was promoted although he was not loyal to the regime, *e.g.* a colonel. Böcker said that the question is not fair, but he will not complain. Scharmer replied that if he does not want to complain, he should let him move on with the question. Böcker complained and said that in “our” case [Raslan’s case], there was no promotion. Judge Kerber allowed the question. Scharmer recalled P5 [day 16, 2 July] saying that Raslan was promoted to the rank of a brigadier general and repeated his question. P10 apologised and mentioned that the question was incorrect: How would a colonel in the regime not be loyal? P10 said even he himself had to show loyalty when he was working, otherwise, P10’s “neck would fly” [would be killed].

Oehmichen asked whether it is realistic, when a colonel describes that he already disagreed with the regime in June 2011 and was therefore reported. (Oehmichen had to repeat the question on P10’s request) Oehmichen explained: Given the case someone was not loyal to the regime, releasing detainees, being from Al-Houla is it realistic to say that there would be complaints to the head of the branch (Younes) about the release of detainees. P10 said if he [the person releasing detainees] was suicidal and valiant, he would release them. P10 is convinced that Younes would refer him [person releasing detainees] to Branch 285, because he would be suspended from work immediately due to rejecting orders. P10 said to be precise, after he [the person] would be suspended, humiliated and accused, he could be referred to interrogation and could be let off unpunished [forgiven], but they would ask something in return for that (more work). There were two options, we could consider the 2nd one [give the person the benefit of a doubt], although it would be dangerous [to release detainees/ignore orders].

Klinge quoted Raslan saying that in June 2011 he fell from favor because he was not on the regime’s line, he was deprived of his responsibilities, but stayed in the same position. Klinge asked whether this

would be possible. P10 said, assuming they forgave him for his behaviour and left him as a head of the interrogation division, they would probably assign him as an officer subordinate to the head of the branch, that is to say a minion [position with no importance].²⁰ لا شغلة ولا عملة. Because how would the head of the interrogation division have statements of the interrogation passing him, without signing them.

Scharmer asked if it was officially known that Raslan was promoted to a brigadier general at the end. P10 denied.

Böcker asked how P10 would have known if that was the case or not. O: N/S.

Witness P10 was dismissed.

The proceedings were adjourned at 11:40 a.m.

The next trial will be on 19 August 2020 at 09:30 a.m.

²⁰ Note from the Trial Monitor: P10 did not mention Raslan's name while giving this example.