FEDERAL COURT OF JUSTICE

ORDER
AK 47/19 of 5 Sept. 2019

in the investigative proceedings
against ...

charged with suspected crimes against humanity inter alia....

ECLI:DE:BGH:2019:050919BAK47. 19.0

After hearing the Federal Prosecutor General and the defendant and his defence lawyer, the 3rd Criminal Chamber of the Federal Court of Justice (Bundesgerichtshof, BGH), in accordance with Sections 121 and 122 of the German Code of Criminal Procedure (Strafprozeßordnung, StPO), ordered as follows on 5 September 2019:

The remand detention must be continued.
Any further review of the remand detention required will be carried out by the Federal Court of Justice in three months' time.
Until this time, the review of the remand detention is referred to the competent court under the general provisions.

Reasons: I.

1. On the basis of an arrest warrant issued by the investigating judge of the Federal Court of Justice on 7 February 2019 (4 BGs 21/19), the defendant was arrested on 12 February 2019 and has been in uninterrupted remand detention since the following day.

2. The subject of the arrest warrant is the charge that, during the period from 29 April 2011 to July 2012, in at least four cases, in each case acting jointly and in concomitance, the defendant tortured individuals as part of a systematic attack on the Syrian civilian population by causing them considerable physical and psychological harm and suffering that were not merely the result of sanctions permitted under international law, and physically abused and harmed the health of another person using a dangerous instrument, acting jointly with another, punishable as four acts of crimes against humanity, in each case in concomitance with bodily harm by dangerous means, in accordance with Section 7(1), subparagraph 5 VStGB and Section 223(1), Section 224(1), subparagraphs 2 and 4, Section 25(2) and Sections 52 and 53 StGB. At the time of the offence, the defendant was the head of the 'investigations' unit of Branch 251 of the Syrian General Intelligence Directorate, which was responsible for the interrogations. As part of the crackdown on the protest movement in Syria, actual or alleged civilian opponents of the regime were systematically and ruthlessly tortured under his leadership and responsibility in the prison managed by this branch. Specifically, the three witnesses K., H. and T. were severely mistreated, in some cases repeatedly.

3. On 7 August 2019, the investigating judge of the Federal Court of Justice submitted the files relating to the review of the remand detention.

II.

4. The conditions for ordering remand detention and its continuation exceeding a period of six months have been met.

5. There is a compelling suspicion that the defendant committed the offence with which he was charged by way of the arrest warrant of 7 February 2019, which in any case must be legally assessed as a crime against humanity in concomitance with three concomitant acts of bodily harm by dangerous means and with two concomitant acts of bodily harm (Section 7(1), subparagraph 5 VStGB, Section 223(1), Section 224(1), subparagraphs 2 and 4, Section 25(2) and Section 52 StGB).

6. According to the current status of the investigations, the following facts can be assumed with regard to a compelling suspicion: a compelling suspicion:

7. Since at least 29 April 2011, the Syrian security authorities, on the basis of a central government

order, have been attempting to violently suppress the movement protesting the regime of President Bashar al-Assad that arose as part of the so-called Arab Spring, in order to avert the threat to the stability of the government and its possible overthrow. On this date, government forces killed up to 200 people at a large-scale demonstration in the areas surrounding Daraa. During the period that followed, actual or alleged opponents throughout the country were detained, mistreated, tortured and killed. At the same time, demonstrations throughout the country were attacked and dispersed, including through the use of live firearms against peaceful protesters; demonstrators who fled from this violence were pursued, arrested, imprisoned and often subsequently tortured or even killed by security forces. Sometimes, people who were only suspected of belonging to the opposition or had no involvement whatsoever were arrested, imprisoned and tortured. The aim of this was, on the one hand, to obtain information about other critics of the regime and, on the other, to intimidate the population and thus prevent future protests. The intelligence services played a decisive role in these actions.

8. The Syrian General Intelligence Directorate had a hierarchical structure and, unlike the two military intelligence services and the technical intelligence service, was directly subordinate to the President. The security of the governorates of Damascus city and the area surrounding Damascus was under the responsibility of Branch 251 of the General Intelligence Directorate, based in Damascus, which was divided into seven units. Apart from monitoring parties and political groups, in particular those with a radical Islamic background, it was tasked with preventing attacks on the government or government institutions. During the unrest, it carried out many of the arrests in Damascus and the surrounding area.

9. Branch 251 of the General Intelligence Directorate employed torture methods that were brutal even by the standards of Syrian intelligence services. In principle, the head of the branch and his deputy ordered the torture through certain written 'codes' and were informed of their deployment. Since the conflict began, the interrogators' room for manoeuvre has become ever greater, which meant that it was also possible from this point on, with the tacit support of their superiors, for them to carry out torture without explicit orders. In Branch 251, there was hardly ever an interrogation which did not involve torture. The conditions in the Branch 251 prison, located on Baghdad Street in Damascus, were altogether inhumane. The prisoners were not able to seek medical treatment.

10. Numerous arrested opponents, demonstrators and civilians who had no involvement whatsoever were taken to Branch 251 of the General Intelligence Directorate during the unrest. The hugely

overcrowded prison in the basement of the building, with the interrogation rooms situated above, largely served to suppress the opposition and intimidate the population. At the behest of the state leadership, the intention was for this to occur by torturing actual or alleged opponents. For this purpose, the prison building had specific rooms containing not only movable torture instruments (such as sticks, cables, belts and tongs), but also, for example, iron rings embedded in the walls.

11. In Branch 251, the 'investigations' unit was responsible for interrogating (alleged) opponents using torture. During the course of the interrogations they carried out, the employees of this unit systematically used various torture methods; in doing so, they severely and ruthlessly mistreated the prisoners. The infliction of severe pain and suffering by an interrogator or prison guard present during the questioning was structurally embedded in the procedures. Torture was in any case used whenever a prisoner gave no answer, or did not give the expected answer, to the interrogator's question.

12. During the period of the offence, from 29 April 2011 to July 2012, the defendant was in charge of the 'investigations' unit of Branch 251 of the General Intelligence Directorate, having the rank of colonel.

13. The defendant's office was on the first floor of Branch 251's prison building, while the interrogators were located on the ground floor – above the prison in the basement. The defendant was in charge of 30 to 40 employees in total, including six or seven interrogators, also recording clerks, as well as the director and the guards of the unit's prison.

14. The torture in the prison building of Branch 251 was carried out under the leadership and responsibility of the defendant. The interrogators were under his command. Owing to the organisational affiliation of the prison, he was also the military superior of its personnel. The defendant assigned the interrogators and prison guards their duties and monitored their activities. He determined the working procedures and thus also the systematic use of the torture methods. The employees carried out his orders and instructions. The defendant thus knowingly and deliberately played a determining role in the systematic and ruthless torture by the interrogators and prison guards.

15. Specifically, during the period of the offence – in addition to many other prisoners – the Syrian citizens K., H. and T. were severely mistreated in the following five cases (K.and H. in each case twice):

16. K. was arrested in May 2011 by Syrian security forces at his workplace at G. in Damascus owing to his political activities and taken by bus – following a temporary stop in Douma – to the prison building of Branch 251. After he was already beaten during the bus journey and the rest of the journey by foot into the underground prison, two interrogations took place during his 35-45 day imprisonment, during which he was mistreated as follows:

17. Even on the way to the interrogation room, each of the guards struck K. Before his first interrogation, he was not allowed to enter the interrogation room immediately, but had to wait outside; there, too, he was struck by passing guards. During both interrogations, he was instructed by the interrogator to leave the room briefly several times. The guards walking along the corridor used these – previously arranged – opportunities to inflict further blows on him. In the corridor, he also had to watch other prisoners being severely mistreated. All this was intended to intimidate him. The prisoner, who was unnerved by the violence he had already experienced and witnessed, was not physically abused in the interrogation room itself. However, he was always aware of what would happen if he failed to give evidence.

18. H. was arrested by security forces on 24 October 2011 and, after briefly being held in the premises of unit 40 of Branch 251, was moved to its prison building. There, he was held for at least ten days, together with around 20 to 25 other prisoners, in a cell that measured approximately nine square metres.

19. On 25 October 2011, a guard took H. to an interrogation room where an interrogator was already present. There, H. had to take off his socks and lie on his stomach with his legs bent upwards. Even before the interrogation had begun, the guard struck him with a thick belt around 20 times on his bare soles at the order of the interrogator until the interrogator ordered him to stop. During the subsequent interrogation, H. was not subjected to any further physical abuse. His feet became swollen due to the blows he had received. He was only able to walk back to the cell in severe pain.

20. On the same day or the next, a guard took H. to the interrogation room once again. There, the same interrogator accused him of lying. Once again, he had to lie on the ground with bent legs and received at least 20 blows to his bare soles with a thick belt. When the interrogator was not happy with his answers during the subsequent interrogation, the guard once again hit him several times on his bare feet. This caused H. unbearable pain, so that he was hardly able to stand. During the subsequent period, having been intimidated by the blows and the news that his wife was also imprisoned, he provided extensive information.

21. T. was arrested at the end of June/start of July 2012 during a check carried out in Damascus by armed supporters of the Assad regime and taken to the prison building of Branch 251 together with another 28 persons. Several days after his internment, he was interrogated:

22. A guard took him from the communal cell to the interrogation room. An interrogator and another employee were present in this room. T. had to kneel before the interrogator blindfolded and with his hands tied behind his back, while the other person remained standing behind his back. During the half-hour interrogation, T. was hit on his bare soles and toes by this person using a cable when he did not answer a question to the satisfaction of the interrogator. He attempted to move his feet underneath his body in order to protect them; the employee standing behind him pulled them back out again so it would be easier to hit them. His soles became swollen due to the at least four blows he received in total. On the way back to the cell, T. stumbled, for which reason he was hit by the guard accompanying him. In the overcrowded cell, T. had to remain in a sitting posture due to the lack of space, which caused him further pain.

23. The compelling suspicion arises from the following:

24. The defendant has not admitted to the accusations as such. As a witness, he was interviewed twice by police, on 27 February 2015 and 26 October 2017, after being instructed as to his right to refuse to provide information in accordance with Section 55(2) and the second sentence of Section 163(3) StPO. According to the current status of the investigations, there are no concerns regarding the use of the statements.

25. During these interviews, the defendant stated that he was moved to Branch 251 of the Syrian General Intelligence Directorate in 2008. He assumed control of the 'inquiries' unit and was promoted to colonel in this role on 1 January 2011. It was his task to be personally involved in the interrogations of regime opponents, or at least to attend them. The interrogations were carried out both with the use of violence and in a peaceful manner. There were 'hundreds of interrogations every day'. Therefore, 'it was not always possible to remain civil'. In the case of individuals alleged to have belonged to 'armed groups', 'severe interrogations were carried out'. There was no order to use violence. Ultimately, they wanted to remain peaceful.

26. The specific acts of torture of the three imprisoned Syrian citizens K., H. and T. are confirmed by their detailed witness statements. However, the witnesses did not make any concrete declarations regarding the participation of the defendant in this mistreatment.

27. The position and activities of the defendant within Branch 251 of the General Intelligence Directorate can be inferred in particular from the statements of the witnesses A. and Al. and of the blocked witness ' ', as well as that of the co-defendant Alg. For instance, the witness A. referred to the defendant as 'boss' and testified that he was personally involved in his interrogation. The defendant terminated the questioning due to a mix-up regarding the person to be interrogated; he – the witness – then saw how the prisoner who was originally intended to be questioned was subsequently severely beaten and tortured. The witness also outlined how the interrogators and guards addressed the defendant with the honorific 'Sidi'. The guards also saluted before the defendant.

28. The further investigations carried out since the Federal Prosecutor General's application for an arrest warrant on 17 January 2019 have strengthened the compelling suspicion that exists in this regard. The following testimonies are of particular importance: The witnesses R. , Alz. And M. provided information, in particular regarding the defendant's position within Branch 251, which

substantiates the suspicion. The blocked witness " testified that the defendant, who was present during his interrogation, ordered his torture. The witness Als. testified that he was deprived of sleep for three days while standing, which he claims the defendant ordered personally. His personal involvement in an interrogation carried out using severe physical violence was reported by the witness Ha. The witness F. testified that the defendant allegedly threatened him, as the victim of torture, during an interrogation saying that he would 'never return to his life again'; he heard other prisoners in his cell talk about how they had been tortured by the defendant.

29. The results of the investigation also demonstrate the systematic use of torture. The witness ' ' and the co-defendant Alg.stated that the use of torture by employees of Branch 251 increased when the conflict broke out, without this having required an individual order in each case.

30. The evidence adduced substantiates the high probability that the systematic torture – as described – was carried out under the leadership and responsibility of the defendant. He himself stated that he was head of the 'inquiries' unit, which the other witnesses referred to as the 'investigations' unit. In this role, the defendant, as reported by the co-defendant Alg., was in charge of the prison of Branch 251. This is confirmed by further testimonies.

31. As a result of this, the defendant is highly likely to have been the superior of the interrogators and the guards in the military hierarchy of the intelligence service. On the basis of the case files, this high-ranking position and the associated responsibility for the interrogators and guards lead to the inevitable conclusion that the defendant determined the working procedures in his branch and thus ordered the systematic torture to be carried out.

32. The fact that the torture of the imprisoned civilians was highly likely to have been part of a systematic and organised procedure to suppress the opposition and intimidate the civilian population is demonstrated by the evidence cited in the arrest warrant of the investigating judge of the Federal Court of Justice of 7 February 2019. The circumstances are confirmed by the expert opinion of ethnologist Th. of 1 June 2019.

33. For more information on the expected furnishing of evidence, reference is additionally made to the statements in the arrest warrant and the Federal Prosecutor General's application of 17 January 2019 on which it was based.

34. From a legal perspective, it follows from the above that the defendant is highly likely to in any case be guilty of a crime against humanity in concomitance with three concomitant acts of bodily harm by dangerous means and with two concomitant acts of bodily harm (Section 7(1), subparagraph 5 VStGB, Section 223(1), Section 224(1), subparagraphs 2 and 4, Section 25(2) and Section 52 StGB). On the basis of the circumstances of which the defendant is strongly suspected, the punishable nature of this offence arises from the following considerations:

35. The violent assaults on the three Syrian citizens K. , H.and T.constitute the offence of crimes against humanity under Section 7(1), subparagraph 5 VStGB.

36. The respective acts of mistreatment were incorporated within the overall offence provided in Section 7(1) VStGB. They were part of an intentional attack on the civilian population which must be classified as both widespread and systematic. The actions of the Assad regime against the opposition in Syria during the so-called Arab Spring – in accordance with sufficiently well-established facts – fulfil these constituent elements of the offence no later than the events that occurred on 29 April 2011 in the areas surrounding Daraa (see in this regard specifically BGH, order of 6 June 2019 - StB 14/19, NJW 2019, 2627 paragraphs 55 et seq.).

37. As part of this attack on the civilian population, the guards belonging to the 'investigations' unit of Branch 251 of the General Intelligence Directorate – who were accountable to the defendant – in at least two cases involving K. and in two cases involving H. and in one case involving T., performed acts that meet the legal requirements of Section 7(1), subparagraph 5 regarding the individual offences.

38. This variant of the offence is committed by anyone who, as part of the overall
act, tortures a person who is in his custody or otherwise under his control, by inflicting on them considerable physical or psychological harm or suffering that is not merely the consequence of sanctions permitted under international law. The relevance threshold expressly laid down in the statutory provision must be given greater weight than the de minimis limit relevant for bodily harm under Section 223 StGB. Unlike in that provision, not only petty offences are eliminated. Lasting damage to health or extreme pain, by contrast, are not required (see BGH, order of 6 June 2019 - StB 14/19, NJW 2019, 2627 paragraph 63 with further references; also MüKoStGB/Werle, 3rd edition, Section 7 VStGB paragraph 75 [with examples]).

39. The acts of mistreatment of H. and T. carried out by the guards undoubtedly fulfil these conditions. The numerous blows using a thick belt on the bare soles, which led to severe pain as well as swelling, and the repeated blows using a cable on the bare soles and toes, which resulted in noticeable swelling, reach this relevance threshold.

40. For the blows inflicted on K. the relevance arises from the general context on the basis of the file as it stands. It is true that he said he did not experience the – unspecified – blows as torture. He also described those he received on the way to the interrogation room as 'quite light blows'. However, the mere fact that he did not add such a qualifier in respect of the other blows he received indicates that they were of considerable force. Additionally taking into account that he was – by previous arrangement – beaten several times in this way by various guards on the occasion of the interrogations, the mistreatment had already begun previously (during the bus journey and also on the way to the prison building) and he was exposed to an atmosphere of systematic violence in the heavily overcrowded underground prison where he was held for at least 35 days, in this respect, the decision on the continuation of the remand detention must also be based on the infliction of

considerable physical or psychological harm or suffering within the meaning of Section 7(1), subparagraph 5 VStGB.

41. The fact that the harm and/or suffering inflicted on the three victims were not merely the consequence of sanctions permissible under international law requires no explanation.

42. For the purposes of the decision regarding the issue of the remand detention, it is not relevant here to what extent, in accordance with the view represented by the Federal Prosecutor General in the application for the arrest warrant, the blows that were already inflicted on K.on the way to the prison likewise constitute the offence of Section 7(1), subparagraph 5 VStGB and the defendant is suspected of being criminally liable for this. Nor is there any reason to accuse the defendant of the torture of other civilians, which very likely took place during the period of the offence in the prison of Branch 251. The above-described specific mistreatment of the three victims mentioned, as individual offences incorporated within the overall offence, support the continuation of the remand detention.

43. The violent assaults on H. (twice) and T. (once) must also be assessed as acts of bodily harm by dangerous means in accordance with Section 224(1), subparagraphs 2 and 4 StGB. First, the guards used dangerous instruments, namely a thick belt and a cable. Second, they acted jointly with the interrogator, who was present during the beatings, ordered them to take place in each case and would have been able to intervene at any time (see in this regard BGH, judgment of 14 June 2018 - 3 StR 585/17, juris paragraph 46 with further references).

44. By contrast, the acts of mistreatment of K. (on two occasions) are not necessarily acts of bodily harm by dangerous means, but are at least acts of bodily harm in accordance with Section 223(1) StGB. There is no compelling suspicion within the meaning of Section 224(1), subparagraph 2 StGB that a guard used a dangerous instrument to inflict the blows on him in even one of the cases. This is not evident from the testimony of K. with the required degree of suspicion. The question of whether there is a compelling suspicion within the meaning of Section 224(1), subparagraph 4 StGB that the acts of bodily harm against K. were committed jointly by the guard carrying out the act in each case together with another is not relevant for the issue of the remand detention in this case.

45. With regard to the basic offence of Section 223(1) StGB, there is indeed no request to prosecute made by K. against the defendant (Section 230(1) StGB), nor has the Federal Prosecutor General expressly confirmed that there is a special public interest in the prosecution. The Chamber also does not fail to recognise that, in the case of an indictment for the qualifying element of the offence under Section 224(1) StGB, this is not necessarily to be understood as an implied confirmation of the special public interest within the meaning of the first sentence of Section 230(1) StGB (see BGH, order of 20 April 2017 - 2 StR 79/17, BGHR StGB first sentence of Section 230(1) special public interest 1 with further references). However, it cannot be doubted in the present circumstances that the Federal Prosecutor General, at least in the current stage of the proceedings, likewise intended to prosecute the acts of mistreatment of K. from the legal viewpoint of (simple) bodily harm. This is all the more true since, in principle, it is only when public charges are preferred (Section 170(1) StPO) that the Public Prosecutor's Office is obliged to comment on the special public interest on the basis of sufficiently well-established facts (see MüKoStGB/Hardtung, 3rd edition, Section 230

paragraph 45). The Chamber therefore does not need to assess under which circumstances in the investigative proceedings remediable procedural impediments could prevent measures being taken to investigate the truth and safeguard the proceedings (cf. – specifically in relation to the special public interest pursuant to the first sentence of Section 230(1) StGB – BeckOK StGB/Eschelbach, Section 230 paragraph 14).

46. The individual acts of torture that the guards carried out in each case on the specific orders of the interrogator present are to be attributed to the defendant on the basis of joint principalship (Section 25(2) StGB, Section 2 VStGB).

47. As the head of the 'investigations' unit, which established the systematic use of the torture methods, he must be seen as a joint principal in accordance with the general principles, even if he was not personally involved at the implementation stage and did not order every single act of torture. He was one of the individuals responsible who was active on site and implemented the central orders of the government in conscious and wilful cooperation with the employees of the unit. In the manner of a 'gang leader', he contributed to the planning and organisation in advance of the respective offences being committed, on the basis of which he was in control of these (see Schönke/Schröder/Heine/Weißer, StGB, 30th edition, Section 25 paragraph 67 with further references). It is therefore not detrimental in this respect that he would not necessarily always have known exactly who was being tortured, when, and using which of the methods provided (cf. also BGH, order of 10 October 1984 - 2 StR 470/84, BGHSt 33, 50, 53).

48. It is therefore not necessary to fall back on the principles of indirect perpetration by virtue of organised power structures.

49. With regard to cumulative offences, there is much to suggest that the defendant only committed one act under substantive law as a joint principal. With regard to the crimes against humanity, a single act constituting an offence is possible, which combines the acts of bodily harm committed at the same time – three acts of bodily harm by dangerous means to the detriment of H. and T. and two acts of (simple) bodily harm to the detriment of K. – into one act violating multiple laws or the same law more than once (Section 52 StGB, Section 2 VStGB). Specifically:

50. In respect of the crime against humanity, in the case of individual offences which are connected in terms of facts, time and location, the functional connection between those individual offences and the same overall offence within the meaning of Section 7(1) VStGB does in principle mean that they are to be assessed as a whole (cf. - with references from the case-law of the international criminal courts - Werle/Jeßberger, *Völkerstrafrecht*, 4th edition, paragraph 1067; MüKoStGB/Werle, 3rd edition, Section 7 VStGB paragraph 141). Under these conditions, the incorporation of the individual offences within the overall offence means that there is only one crime against humanity in respect of which neither real nor ideal cumulation is substantiated (see BGH, order of 6 June 2019 - StB 14/19, NJW 2019, 2627 paragraph 69).

51. The connection in terms of facts and time between the individual offences is in this case evident from the fact that they were essentially acts of commission of the same type within the meaning of Section 7(1), subparagraph 5 VStGB and always took place in the same part of the building. The fact that different victims were involved does not detract from this. By contrast, it is questionable whether there is a connection in terms of time. On the one hand, it must be taken into account that a period of more than three months elapsed between the offence to the detriment of K. and the offence to the detriment of H. and, by the time of the offence to the detriment of T., approximately another eight months had passed. On the other hand, according to the current status of the investigations, the acts of mistreatment were part of the systematic torture that was also employed against many other prisoners in a similar way under the leadership and responsibility of the defendant during the entire period of the offence. This could suggest an approach whereby the unlawfulness and guilt of the individual acts of mistreatment of the three victims mentioned in terms of Section 7 VStGB are not considered in isolation from one another, especially since it would be conceivable for the charge to be extended accordingly.

52. If it is assumed that there is only one crime against humanity, this and the five acts of bodily harm are considered to be one act violating multiple laws or the same law more than once owing to the identical nature of the acts constituting commission of the offence. If an offender, through his actions, fulfils the elements of offences under the Code of Crimes against International Law and general criminal law, the general rules governing cumulative offences shall apply (cf. BGH, order of 17 June 2010 - AK 3/10, BGHSt 55, 157 paragraph 50). Added to this is the fact that the defendant is not strongly suspected of having made an individual contribution to every single act of mistreatment; instead, he very likely played a decisive role at organisational level by making many contributions spanning individual acts.

53. German criminal law is applicable. For the crimes against humanity, this is apparent from the first sentence of Section 1 VStGB, for the acts of bodily harm committed concomitantly, which are likewise punishable in Syria (see Articles 540 to 542 of the Syrian Criminal Code), in any case from a competence ancillary to the universal jurisdiction provided for in that provision (see BGH, order of 6 June 2019 - StB 14/19, NJW 2019, 2627 paragraph 71).

54. In addition to the compelling suspicion, the other general conditions for ordering and enforcing the remand detention have been met.

55. The ground for arrest of a flight risk under Section 112(2), subparagraph 2 StPO exists.

56. In the event of his conviction, the defendant can expect a high overall prison sentence, whereby the standard sentencing range for the offence provided for in Section 7(1), subparagraph 5 VStGB envisages a prison sentence of 5 to 15 years. There are no circumstances that would prevent flight and be capable of counteracting the temptation to abscond arising from this expected punishment. The defendant has only lived in Germany for a few years and has many connections abroad.

57. A suspension of execution of the arrest warrant (Section 116(1) StPO) is not likely to be effective in the present circumstances.

58. The continued enforcement of the remand detention is not disproportionate to the importance of the case or to the anticipated penalty in the event of conviction (the first sentence of Section 120(1) StPO).

59. Likewise, the specific conditions for the continuation of the remand detention beyond six months (Section 121(1) StPO) have been met.

60. The large scope and particular complexity of the investigations mean that a judgment has not yet been possible and justify the continued enforcement of the remand detention. Since 12 February 2019, the investigative proceedings have been conducted in a manner satisfying the requirement for expediency.

61. Following the arrest of the defendant on this date, extensive additional investigations have been carried out. The Federal Criminal Police Office has since questioned 27 witnesses throughout Germany and other European countries. For instance, numerous interviews have been carried out in Norway and France. In addition, a large number of written documents and electronic storage media were secured during the search of the defendant's home carried out on the date of the arrest, for example a ring binder in Arabic and a notebook, a smartphone, USB sticks and CD-ROMs. Most of these exhibits have already been evaluated. Following the arrest, requests were also sent to the International Commission of Inquiry on the Syrian Arab Republic (CoI) and two non-governmental organisations (NGOs) for information on Branches 251 and 285 of the Syrian General Intelligence Directorate and specifically the defendant. Whereas the comprehensive response from the CoI in English and Arabic has been was translated into German by 12 July 2019, the responses from the NGOs are still outstanding. Finally, the Federal Prosecutor General already tasked the ethnologist Th. before the arrest with preparing an expert opinion on the situation in Syria in 2011 and 2012, which has been available since 7 June 2019. The Federal Prosecutor General has now also received expert legal advice on Syrian criminal law, prepared by the private lecturer Dr Ko. who works at the Max Planck Institute in Freiburg.

62. It is clear that the Federal Prosecutor General continues to strive for the expeditious progress and conclusion of the investigations. He has stated, for example, that the additional witness hearings that are still outstanding will likely be concluded in mid-September '2018' (should read: 2019) and that the evaluation of the exhibits is expected to be completed by the end of September 2019.