

Germany's role in illegal US "anti-terror" activities

By Martin Kreickenbaum
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A number of media reports over the last weeks have served to make clear the complicity of the German government in illegal practices carried out by the US as part of its so-called "war on terror." Not only have the German authorities been aware of instances of kidnapping and the severe abuse of alleged terror suspects since the end of September 2001, they also assisted interrogators by promising to keep silent over US violations of human rights.

At the end of October the British daily paper the *Guardian* reported that the Central Intelligence Agency (CIA) in the US struck an ugly deal with the German government at the end of 2001. Under this arrangement German officials would be allowed access to a German citizen imprisoned in Morocco if the German government used its influence in the European Union to pressure the EU to drop its criticism of human rights violations in that country. This information emerges from a confidential report over the activities of the German Intelligence Service (BND) in the "anti-terror struggle," released by the government to parliamentary deputies in February of this year.

According to the *Guardian* report, following the deal there was a pronounced reduction of criticism by EU countries of those states cooperating with the US and involved in the incarceration of alleged terror suspects. Apparently the German government had accepted the US offer.

In all probability the German citizen involved was Haydar Mohammed Zammar, who was arrested in Morocco in November 2001 and later flown to Syria, where he faces trial and a possible death sentence. The case of Zammar shows that German intelligence and security agencies were involved at an early stage in violations of human rights practised by the US.

Zammar is alleged to have visited training camps in Afghanistan and Pakistan and been friendly with Mohammed Atta, one of the organisers of the September 11 terrorist attack. However, investigations in Germany failed to produce any evidence to justify the arrest or prosecution of Zammar. When Zammar set off for Morocco at the end of 2001, however, the German criminal investigation agency (BKA) immediately informed its colleagues in the CIA. These in turn insured that the Moroccan secret services arrested Zammar.

In December 2001 the CIA transferred Zammar to Syria, where he was incarcerated and severely tortured in the infamous Filastin prison. As is now clear, the German government was informed of these developments from the outset.

Following the deal with the CIA additional bartering with the Syrian government made it possible for a German official to cross-examine Zammar. According to the *Guardian*, Damascus demanded the release of six Syrian intelligence agents held in Germany and accused of plotting against Syrian oppositionists. Germany's former Social Democratic Party (SPD)-Green Party government has denied any involvement in these activities, but it is more than a "coincidence" when five BND and BKA agents were allowed access to Zammar at the very same time the six

accused Syrians were set free.

The purpose of the intervention by the German agents was not to ensure the release of Zammar, to protect him from torture, or to assure his return to Germany. Instead the agents sought information from Zammar and attempted to force a confession out of him. At the time, the police officers involved noted somewhat cynically that although Zammar had clearly lost weight, he appeared "physically and psychologically" healthy. It is obvious that these remarks were primarily aimed at justifying the ongoing interrogation of the "suspect."

Although the SPD-Green government and German security agencies were well aware of, or even actively involved in, the practices of illegal arrests, transferrals and abuse of prisoners, they gave the impression of knowing nothing and thoroughly deceived the public.

The German attorney for Zammar, Gül Pinar, also suffered from this deception. Having made a series of inquiries to the German State Department—headed by the foreign minister at the time, Joschka Fischer (of the Greens)—Pinar was repeatedly informed that the ministry knew nothing about Zammar's situation. This was at a time when German authorities had already maintained extensive contact with Damascus.

The German parliamentary committee of inquiry, which is looking into the secret activities of the BND in the "anti-terror struggle," is also dealing with the case of Zammar. Amongst the details brought to light by the committee is another incident which exposes the hypocritical and lying assertions that German authorities only became aware of the activities of US secret prisons, illegal arrests, transferrals and tortures in Europe through media reports.

The incident concerns the Egyptian-born Munich-based publisher Abdel Halim Khafagy, who journeyed to Bosnia in September 2001 in order to distribute copies of the Koran. On the night of September 24—i.e., two weeks after the terrorist attacks of September 11—Khafagy's hotel room in Sarajevo was stormed by masked men who brutally hit the 69-year-old man and then arrested him along with a Jordanian companion. The two were abducted to the US military Eagle base in Tuzla (Bosnia) and remained at their undisclosed location for several weeks.

Two days after the arrival of the two alleged terror suspects in Tuzla the BND received an order to back up the Americans by sending an interpreter and two criminal investigation officers. The Germans were to assist in interrogations and help examine documents.

The officials arrived in Tuzla on October 2. According to the testimony of one BND to the German television program *Frontal21*, "I can still remember that the majority of . . . seized documents were heavily covered in blood. . . The Americans were obviously proud of the fact that the head wound incurred during the arrest had needed 20 stitches."

The BKA official Klaus Z., who recently gave testimony to the committee of inquiry into the BND, refused at the time to interrogate Khafagy because of the abuse he had received. The German officers also learned of additional cases of arrests and abuse, which led them to break short their mission. According to *Stern* magazine, on their return home via

Sarajevo the BKA officials compared American activity in Tuzla with those crimes “for which the Serbs were being prosecuted by the ICTY in the Hague”—i.e., the war crimes tribunal for former Yugoslavia.

After their return to Germany the BKA agents drew up a detailed report for the next meeting of the intelligence affairs committee in the chancellery. Taking part in the discussions at the time were the head of the chancellery (and current foreign minister) Frank Walter Steinmeier (SPD), the head of the BND and current interior undersecretary of state, August Hanning, as well as Ernst Uhrlau, at that time intelligence service coordinator for the chancellery and today Hanning’s successor as president of the BND.

This means that knowledge of the activities at the US military bases in Bosnia was not limited to the intelligence services but was available at the highest levels of political leadership. Nevertheless, the German government remains adamant that it only became aware of US secret prisons in Europe through media reports. However, what other description fits the US military base Eagle in Tuzla, in which illegally arrested persons were tortured and abused, than a “US secret prison?”

At every opportunity the German authorities sought to cover their tracks. After the family of Khafagy engaged the services of attorney Walter Lechner to investigate the disappearance of the publisher, he confronted a wall of silence from the German authorities. In the course of his telephone enquiries Lechner accidentally made contact in Bosnia with a BND agent, who had intimate knowledge of the kidnapping and abuse of Khafagy. However, the agent then refused to confirm over the telephone that he worked for the BND and had been informed about the abduction.

Lechner recently told *Frontal21*, “If I have been lied to . . . then that would be intolerable. That is something I never could have contemplated at that time. And I can only contemplate it with difficulty today. After all we are not talking about a trifle. It concerns a person who had disappeared, who was in the hands of undisclosed forces, beaten up, kidnapped, and one did not even know whether he was still alive.”

In the event, Khafagy was only released after two months following his transfer to Egypt—a state known for its brutal treatment of prisoners. Lechner can still clearly remember Khafagy’s arrival in Munich. He told *tagesschau.de* that he met a “severely haggard elderly gentleman, who was under heavy shock, his nerves had been shattered and he was not fully aware of what had happened to him.”

According to secret government documents passed on to the press, it is likely that Khafagy, who no longer lives in Germany, had been confused with another person. His lawyer is currently exploring the possibilities of legal action against the German government, which as Lechner maintains must at least be suspected of denying his client any assistance.

The suspicions go further, however, and extend to the accusation that German agents were involved in the interrogations and mishandling carried out at in Tuzla.

The BKA and BND were withdrawn from Tuzla in October 2001 but, according to one report by a BND agent active in Bosnia, members of the Allied Military Intelligence Battalion (AMIB) may have been involved in interrogations carried out at the US Eagle military base. The AMIB is an intelligence unit belonging to NATO, which was also employed in Bosnia and includes officers from the German Military Defence (MAD) as well as a BND official. The BND has refused to reply to newspaper inquiries on this issue, while the German Defence Ministry has merely responded by saying the matter would be looked into. There has been no official denial, however, of the reports.

Criticism of US practices at its military base in Tuzla is not new. In May 2002 the human rights organization Amnesty International drew attention to the fact that SFOR occupation forces in Bosnia under NATO command had repeatedly imprisoned persons without an arrest warrant, abused them and then held them for days at a time without access to a

lawyer.

In another case the so-called “Algerian six,” whose illegal arrest and detention by SFOR troops is currently the subject of a committee of inquiry by the European parliament, were flown via the US Tuzla base and Rammstein base in Germany to Guantánamo. In 2003 the German army had drawn up a detailed report on the “utterly dubious deportations” of the six men from Bosnia. The report was also submitted to the Defence Ministry in Berlin, which now claims that this highly controversial document has disappeared from its archives.

Any mention of the events in Tuzla is also missing from the alleged “comprehensive report” by the German government, which was made to its own parliamentary control committee (PKG) in February 2006.

The events dealt with in the PKG investigation took place primarily within the period in office of Germany’s former Social Democratic Party-Green Party government (1998-2005), but members of that government have been reluctant to speak out over the disclosures. The former interior minister, Otto Schily (SPD), who had declared his ignorance of any untoward practices in December 2005, has refused to make a statement to the press. When asked recently about the US secret prisons the chancellor at the time, Gerhard Schröder (SPD), brusquely declared that he “does not know and knew nothing” about the illegal practices of the CIA and made clear that he is unwilling to broach the topic in future.

It is increasingly evident that public claims by the SPD-Green government aimed at distancing itself from the activities of the US security forces in connection with the “war against terror” were utterly hypocritical. It now seems clear that Berlin was not only informed about illegal US practices in Europe from the very beginning, but also kept quiet on the issue while cooperating with the CIA on a number of fronts. In so doing the German authorities acted as accomplices in the abuses of human rights carried out by Bush administration.

Germany’s current ruling grand coalition of the SPD and conservative parties (Christian Democratic Union, CDU, and Christian Social Union, CSU) has continued the policy of its political predecessor. In December 2005, Interior Minister Wolfgang Schäuble (CDU) declared the readiness of his ministry to continue to use information obtained from interrogations carried out abroad of alleged terrorist suspects, even if confessions had been obtained under torture.

The current committee of inquiry, which is dominated by government parties, has been refused access to documents and statements have been blocked. Deliberations and acknowledgements are restricted to matters that have already been made public via the press. In July this year chancellery minister Thomas de Maizière (CDU) had declared that internal government documents could not be made available because “when in doubt the security of the Federal Republic has priority over any short-term investigative interests.”

His statement must be taken as a serious warning. With his reference to “national security interests” the minister is not only justifying the violation of international law and constitutional principles, but also any right to proper democratic control of the activities of government agencies. His statement amounts to a blank cheque for dictatorial state measures.

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