

German resident incarcerated in Guantanamo Bay for two-and-a-half years

The case of Murat Kurnaz

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It was November or December 2001. Murat Kurnaz was dragged out of a bus in Pakistan by Pakistani security forces. He would have been unable to understand why—he speaks neither Arabic nor English. Kurnaz parents are Turkish citizens, currently residing in Bremen, Germany. Murat Kurnaz, now 23, was born in Germany—and is a legal resident alien of that country—but is a Turkish citizen.

The Pakistanis handed the young man over to American security forces and at the turn of the year 2002 he was flown to the American prison camp in Guantanamo. In Guantanamo, US authorities did not charge him with any crime.

Murat Kurnaz was most likely the victim of so-called bounty hunters, i.e., warlords and police officials who have collected bounty money from the Americans to stock up their own war chests—all as part of the “war against terror.” Alleged Taliban fighters are worth US\$5,000, with the Americans prepared to pay \$20,000 for supposed Al Qaeda members. Those delivered are mainly foreigners, and in Pakistan Murat stood out as such. His eyes are blue, his hair and beard are reddish-brown and his skin is fair.

Murat had arrived in Pakistan just a few weeks earlier, in October 2001. According to his parents, Murat travelled to the country to “see and experience the Koran” and to visit a Koran school. They do not believe he intended to join the Taliban. At the time he was just 19 years old and, as his German lawyer Bernhard Docke informed the newspaper *tageszeitung*, Murat was still wet behind the ears. Lacking any military training or knowledge of languages, he would have been completely useless to the Taliban. He was never in the battle regions of Afghanistan. With his red beard and blue eyes he was regarded as a spy in the Pakistani Koran school—a suitable victim for someone to earn bounty money from the Americans.

He was never involved in any fighting and possessed no information about Al Qaeda or the Taliban that could be of any use. Nevertheless, he remains in captivity in Guantanamo Bay—shut off from the external world. His lawyer is not allowed to visit or speak with him and has received no information from the American authorities. (See “Guantanamo prisoners ‘locked up in a world of shadows’”) The last postcard that his parents received from their son is dated March 2002. Their only consolation is the hope that the authorities would have informed them if their son were no longer alive.

Following the terror attacks of September 11, 2001, the Bush administration invented the concept of the “enemy combatant,” declaring alleged terrorists and Al Qaeda members to be beyond the law. Those incarcerated are not informed of any charges made against them. There are no plans for indictments or courtroom proceedings. Lawyers are not allowed onto the premises of the camps in Guantanamo, Diego Garcia, or Bagram in Afghanistan. Tyranny and police-state measures have taken the

place of the rule of law.

Up until today the names of many of the 600 prisoners in Guantanamo remain unknown. These prisoners have, for all intents, ceased to exist. According to US Defense Secretary Donald Rumsfeld, the prisoners are to remain locked up so long as the war against terror continues, possibly for the rest of their lives—although their cases may never be tried in court. It is known that some of the prisoners are under-age minors.

There is not the slightest basis for regarding Murat Kurnaz as a prototype for the “worst of the worst,” as the American government likes to refer to those incarcerated. And in this respect he is not unique.

Murat’s father emigrated from Turkey to Bremen, Germany, 30 years ago as a casual labourer and works up to the present day as a car worker in the city’s DaimlerChrysler plant. Murat’s mother, Rabiye, came to Germany in 1971 as a 13-year-old. Murat is their oldest child. After completing his schooling in 2000 he began an apprenticeship as a shipping engineer in Bremen and his free time was devoted to hip-hop, dogs and the combat sport studio, where he helped out. He had a wide circle of friends.

His command of German was better than his Turkish and only a small oversight had prevented him from taking German citizenship, which would allow him to avoid carrying out compulsory military training in the Turkish army. He had assembled all the papers necessary for the application for German citizenship.

In the summer of 2001, Murat married his fiancée Nagihan in Turkey. At this time he took up a closer study of Islam and made regular visits to the Abu-Bakr mosque. In Islam he reportedly sought an orientation which he found lacking in society as a whole; he wanted to help the poor and spoke of leading an existence later in life as a simple farmer.

The 9/11 attacks represented a further turning point in Murat’s life. By some accounts, he regarded the terror attacks to be an expression of “Allah’s will.” Together with his friend Selcuk Bilgin he decided to go to Pakistan to undertake an intensive study of the Koran. He secretly left his parents’ house on October 3. Selcuk Bilgin was stopped at the passport control at the Frankfurt airport. He had neglected to pay a fine and was being sought by the police. Murat flew alone to his destination.

In November his mother received a final telephone call from him in Pakistan. Murat said he was attending a Koran school and planned to stay another month. The next news his parents heard was that he was being held as prisoner by the American military in Afghanistan. Murat had been imprisoned as an “enemy combatant.”

It was likely that the family were only informed that son had been taken to Guantanamo because the US authorities initially thought Murat was a German citizen.

In the meantime, the security authorities in Germany had become active. After the arrests of Selcuk Bilgin investigations commenced—in his

absence—against Murat Kurnaz, on suspicion of “criminal conspiracy.” The mosques in Bremer were subjected to investigation and the German intelligence agencies took up the case. The investigations, however, came to nothing and were eventually wound down. Even the attorney general’s office is of the opinion today that Murat had no contact with extremist forces. His only qualification to be treated as an “enemy combatant” is that he was in the wrong place at the wrong time. However, in Guantanamo, no one is interested in such “details.”

Shortly after hearing of the internment of her son, Murat’s mother turned in desperation to the German government to intervene on his behalf. However, the German government denied any responsibility in the case. The fate of her son was of course regrettable, they stated, but the American authorities were not prepared to negotiate with their German colleagues, because Murat Kurnaz was a Turkish citizen.

For its part, the Turkish government initially said it was not prepared to intervene because it regarded Murat as German. As a result there was nobody prepared to take up the issue of Murat’s release. Only after pressure from the family and their lawyer, Bernhard Docke, did the Turkish side agree to take up the case. Even Murat’s attorney is unable to assess how serious these efforts have been.

The excuses made by the German government are hypocritical to the extreme. While publicly emphasising that they are “critical regarding Guantanamo”—as German Interior Minister Otto Schily recently declared in an interview with the *Süddeutschen Zeitung*—German authorities have in fact established good informal working relations with their American colleagues.

German intelligence service (BND) officials had already visited Guantanamo in September 2002 in order to question, amongst others, Murat Kurnaz and the Mauritanian Ould Slahi, who had temporarily lived in the German city of Duisburg. Officially such a visit has been neither confirmed nor denied, but the news magazine *Spiegel* received information on the trip. According to these sources, what took place were “informal talks,” with the German authorities continuing to reject the methods used by the Americans in Guantanamo.

These talks are alleged to have continued over a period of 12 hours. A gaunt and thin Murat Kurnaz was brought to a interrogation container in foot restraints. During questioning his head was stretched back to prevent him from moving. He reported on his arrest in Pakistan and the considerable problems he was having resulting from the conditions of his internment.

The prisoners are incarcerated in narrow cells measuring 2 by 2.5 metres, in which they are exposed to heat, cold, rats, snakes and scorpions. They are allowed to leave the cells for just a few minutes a day. The International Red Cross has documented a total of 32 attempted suicides. British prisoners who were freed in March have recently given their own accounts of the systematic torture they suffered, including sleep deprivation as well as brutal physical abuse.

As the *Washington Post* reported May 9, torture methods in the course of interrogation were officially ordered and sanctioned by the Pentagon in April 2003. The commander of the camp at that time, Major General Geoffrey Miller, had made the request for permission to be granted for such measures and met with approval in the Pentagon. Mark Jacobson from the US Department of Defense was quoted by the *Washington Post* saying: “I really believe we are not aggressive enough. We are too timid.”

Miller, who since then has taken over command at the Abu Ghraib prison in Baghdad—scene of the horrific abuse of Iraqi prisoners—maintains, however, that the prisoners at Guantanamo were treated in a thoroughly humane fashion. In reality, the internees were deprived of every basic human right. One freed prisoner, Jamal al-Harith, told the British newspaper *Daily Mirror* that after a while he had given up hope of being treated like a human and wanted to be treated at least with the same respect as an animal: “My cell in Camp X-Ray was directly next to a

kennel housing an Alsatian. The dog had a wooden hut with acclimatisation and grass. “I want the same rights as him,” he said to warders. Their response was to assert that “the dog was a member of the American army.”

This form of degradation and humiliation as “sub-humans” can only be compared with the treatment handed out in concentration and prisoner of war camps under the Nazis. Nevertheless, the German government has sought to strengthen the hand of the US administration. Foreign Minister Joseph Fischer has recently evoked the moral right of leadership on the part of the US all over the world. Otto Schily enjoys the best of relations with the US Attorney General John Ashcroft.

There are good reasons for this currying of favour. Currently in Germany a debate is taking place regarding the issue of torture, and whether Germany should abandon its ban on the practice. Abroad, however, German army forces are not so finicky. The interrogations in Guantanamo are just one aspect in this respect. It is known, for example, that German KSK elite troops in Afghanistan have turned prisoners over to the American army knowing full well the measures employed by their US partners.

Germany also remained an active partner of the US following new protocols produced by the American secret services regarding statements made, most probably under torture, by Ramzi Binalshibh or Chalid Scheich Mohammed—as reported in the *Spiegel* news magazine of April 2003. The article also described how members of the German secret intelligence service travelled to Damascus where the German-Syrian citizen, Mohammed Haydar Zammar, was being held, following his kidnapping in Morocco by American intelligence agencies.

Following his previous arrest in the German city of Hamburg, Zammar had refused to make any statement and was allowed to go free. Zammar is regarded to be an important informant for the Hamburg group led by Mohammed Atta. Although the German authorities knew that Zammar had been subjected to severe torture, not only did they gratefully undertake their own careful study of his statements, they also made use of the opportunity to conduct their own interrogation of Zammar.

In an interview given to the *Süddeutschen Zeitung* on March 19, Otto Schily had not only expressed his understanding of the reasons for the interment of “enemy combatants” in Guantanamo, but had also described American actions as a role model for the “struggle against terror” in Europe.

In the same interview Schily declared so-called extremists and suspected terrorists to be beyond the rule of law, and also beyond the reach of the Geneva Conventions: he referred to a “band of criminals” for whom “normal rules no longer apply.” They were not prisoners of war and criminal law would also not be applicable for them, he claimed. Referring to a “minimum of humanity and legality” which should be respected, he immediately went on to qualify his statement and impose further restrictions, declaring priority for the “right of a society to protect itself”.

In the *Spiegel* of April 26, Schily, who is an attorney, raised the possibility of illegal executions by threatening: “whoever loves death, can have it.” The planned extradition of foreigners solely on the basis of suspicions, which have not been verified by a court; an unlimited period in prison without a sentence for so-called extremists and their supporters who cannot be extradited; these policies prompted journalist and jurist Heribert Prantl to warn in the *Süddeutschen Zeitung* of the “Guantanamoisation of German immigration policy.”

The German government is also a signatory to a solidarity clause applying to EU countries allowing for the domestic employment of the army. In this case, the concept of “terror” has been left vague enough to include public protests. The real question at stake is: who is protecting whom?

Against this background one can only assume that the German government was relieved when the American authorities declared they were

not prepared to discuss the case of Murat Kurnaz—after all, the last thing the German foreign office wants is conflict with its transatlantic partner. The defence of democratic rights can only be secured by a broad movement of working people, which decisively rejects the tacit support by the German government for the inhuman conditions prevailing at Guantanamo Bay and other international prisons operated by the US. The call must be raised for the immediate release of Murat Kurnaz and all other prisoners incarcerated in such facilities.



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