

# Guantánamo prisoner released

## Role of Germany's former SPD-Green government in Murat Kurnaz's detention

**Peter Schwarz**  
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Murat Kurnaz, from the German city of Bremen, is free. Following four-and-a-half years in detention, he was transferred last Thursday evening from the Guantánamo camp to the US military base at Ramstein, handed over to the German authorities, and released immediately.

The torment suffered by Kurnaz underscores the utter arbitrariness, unlawfulness and brutality of the US government's so-called war against terror. It also exposes the duplicity of Germany's former Social Democratic Party (SPD)-Green Party government, which publicly declared its opposition to the Iraq war and criticised the Bush administration while cooperating with Washington and supporting its illegal activities behind the scenes.

It has now been revealed that Kurnaz could have been a free man in 2002 if the German government had agreed to his release. The SPD-Green government, however, decided to keep Kurnaz in prison.

Murat Kurnaz was born in the port city of Bremen in 1982, the son of Turkish immigrants. In his hometown, he completed an apprenticeship in shipbuilding. Although he spent his entire life in Germany, he never applied for a German passport.

In October 2001, he travelled to Pakistan with the intention of visiting a Koran school. However, on his way to the school, he was arrested by Pakistani security forces and sold for bounty money to the US armed forces in Afghanistan. He was tortured and abused by US army personnel before being finally transferred to Guantánamo Bay in January 2002.

In the same year, both the American and German authorities concluded that Kurnaz had done nothing illegal and did not represent any sort of danger. This was clear from the relevant documents, as Kurnaz's lawyers—American law professor Baher Azmy and Bremen attorney Bernhard Docke—explained at a public meeting held Saturday evening in Berlin.

Nevertheless, Kurnaz spent a further four years in prison in subhuman conditions. Subject to complete isolation in a tiny cage, he was under constant observation. The neon light in the cage remained on around the clock.

Responsibility for the appalling suffering inflicted on Kurnaz is shared by the US and German governments.

Docke said that in 2002 he had remained in constant contact with the German Foreign Office, urging the latter to intervene on behalf of his client. His appeals were repeatedly rejected in letters that

were either personally signed or authorised by the German foreign minister, Joschka Fischer, the leader of the Green Party.

The same argument was used on each occasion: "He has Turkish nationality. The Americans are not prepared to negotiate. They will not address the topic, even if we want them to. We regret the situation in Guantánamo, but if the Americans behave in such a way we cannot effectively help. Please apply instead to Turkey."

For its part, the Turkish government refused to show any interest in a citizen who had been born and raised in Germany.

Docke described his astonishment when, at the start of this year, he was able to see details of a confidential report drawn up by the German government for its parliamentary control commission. The information made clear that the SPD-Green government had not only had an extensive exchange of information with the US authorities on Kurnaz, but had turned down an American offer for his release and transfer to Germany.

Docke told the meeting: "Having tried for years to urge the German government to undertake its diplomatic responsibility and intervene in behalf of the human rights of Kurnaz, you can imagine how unbelievably disappointed and shocked I was to learn that we had been double-crossed. It was implied to me that 'we would like to do something, but we cannot,' while behind the scenes an extensive exchange was taking place."

The *Süddeutsche Zeitung* has published the relevant passages from last year's confidential report to the parliamentary control commission.

They explain that at the end of September 2002, Kurnaz was interrogated in Guantánamo by officials from the German Federal Information Service (BND) and the Federal Office for Protection of the Constitution (BfV), who concluded that the prisoner was "simply in the wrong place at the wrong time and had nothing to do with terrorism, let alone with Al Qaeda."

The presence of German officials at Guantánamo has been known for some time, and is the subject of investigations currently being carried out into the affairs of the BND.

The confidential documents from the control commission reveal that Washington had declared its readiness to release Kurnaz a short time after he had been questioned by the German authorities. The Pentagon made inquiries in Berlin as to where Kurnaz could be deported.

As a result, a discussion was held in the chancellor's office,

which, according to the documents, reads: “October 29, 2002: The BND pleads for deportation to Turkey and a ban on entering Germany. Chancellorship department manager and undersecretary of state for the Interior Ministry share this opinion.”

The office of then-Chancellor Gerhard Schröder (SPD), headed by Germany’s current foreign minister, Frank-Walter Steinmeier (SPD), then-Interior Minister Otto Schily (SPD) and the BND chief August Hanning (currently undersecretary of state in the Interior Ministry), all agreed to impose an entry ban on the Guantánamo prisoner. The Foreign Ministry, headed by Joschka Fischer, was not directly involved at this stage, but it is utterly improbable that he was not informed about the decision.

There could be no more compelling evidence of the complicity of the SPD-Green government in the illegal activities centred at Guantánamo. A ban was imposed on Kurnaz, a young man who had grown up in Germany, where his parents and brothers and sisters lived, although he had an unlimited permit to live in the country, and despite the fact that no charges had been made against him. In his Guantánamo isolation he was unable to do anything about this decision and was not even informed about it.

According to the confidential report and information provided by the BND to the German government, the decision in the case of Kurnaz led to irritation and surprise in the US. The document states: “The decision by the German government, whereby Kurnaz is not to be deported to Germany, has met with incomprehension on the part of the US.” The document continues: “Release was planned because of non ascertainable guilt and as a sign of good cooperation with the German authorities.”

Parallel to the decision of the German government, the city of Bremen decided to withdraw a residency permit for Kurnaz. It took this step with the sort of bureaucratic petty-mindedness and meanness that one associates with Carl Zuckmayer’s play “The Captain of Köpenick.” Kurnaz, who had been left to rot in Guantánamo, had failed by one month to prolong his residency permit. It took a court decision to reverse this ludicrous abuse of bureaucratic power.

It required a change of government in Berlin to establish conditions whereby Kurnaz could finally be released. During a meeting in January this year with President Bush, Chancellor Angela Merkel (Christian Democratic Union) finally raised the case that the Schröder government had evaded, setting in motion the negotiations that eventually led to his release.

Kurnaz has made no public appearance since his return to Germany. Nevertheless, the details revealed by his lawyers are sufficient to illustrate the barbaric character of the Guantánamo system, which contravenes legal principles established since the Enlightenment. Not only was Kurnaz held illegally for four-and-a-half years without being charged or convicted, his prison conditions in every respect meet the criteria associated with physical and psychological torture.

In Afghanistan, where Kurnaz landed in the hands of the US army just a few weeks after the September 11 attacks, his torture took brutal physical forms, according to his US lawyer Baher Azmy, who was the only person able to visit the prisoner on a handful of occasions in Guantánamo.

“He suffered brutal physical conditions and violence. I think at

the time in Afghanistan the US soldiers there were angry, disorganised and vengeful. And so he was pushed around regularly, he lived outside in the freezing cold without adequate clothing, his life was threatened, and his head was pushed under water. They put electrodes to his feet and joked that it would make him warm. He went without food. Just a system of chaotic violence.”

Azmy related that Kurnaz had been interrogated regarding links to Mohammed Atta, one of the hijackers involved in the September 11 attacks. The questioning, however, was completely speculative, based merely on Kurnaz’s German origin (Atta had studied in Germany) and his journey to Pakistan. There was no other basis for a connection, and the exchange did not even find its way into the official files compiled on Kurnaz. Nevertheless, this became the basis for Kurnaz’s transfer to Guantánamo.

In Guantánamo his abuse continued. Azmy continued: “In Guantánamo the abuse was less violent but more systematic. Guantánamo is designed as an interrogation camp. Techniques were developed, tested and repeated on the detainees that were aimed at breaking them. The point of Guantánamo is to create conditions of total despair and hopelessness, so there is utter isolation from humanity, family, the outside world.

“They believe that this is the best way to make the detainees succumb to their interrogator and communicate. This is not a system to find out guilt. At the time it was designed, they thought they could avoid courts of law, create prisons beyond the law, in utter secrecy, where they could conduct experiments in interrogation and do what they pleased.”

Even when his release had been agreed on, the abusive treatment of Kurnaz continued. He was flown back to Germany in a military transport that had to be refuelled on two occasions over the Atlantic. Guarded by 15 soldiers, he sat for 10 hours with his hands and feet secured to the floor of the plane and his eyes covered. Azmy reported that even the experienced German diplomats who received Kurnaz at Ramstein were thoroughly shocked over such treatment.

The US lawyer sees this case as “a metaphor for the United States’ ‘war on terrorism,’ a gross overreaction to a conceived threat; the military protocol is so disproportionate to reality.”

The details given by Bernhard Docke enable one to imagine the effects of such torture on the personality of someone who, at the age of 19, became enmeshed in the cogs of this vicious machine. Docke related that Murat’s younger brothers were hardly able to recognise him, and described how Murat stepped out on the motorway to look up at a starlit sky for the first time in five years, as well as his fascination with something he had never seen—a mobile phone with a display.



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