

# The case of Murat Kurnaz: German complicity in US war crimes

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German authorities and agencies are much more involved in the illegal practices carried out by the US within the context of the so-called “war on terror” than has been publicly admitted.

A committee of inquiry set up by the German parliament has for some time been investigating the activities of the German intelligence service (BND). One of the cases under review concerns the German citizen Khalid al-Masri, who was kidnapped by the CIA and taken to Afghanistan.

Other cases concern the presence of German agents at interrogations of German prisoners in a Syrian torture prison and the US detention camp at Guantánamo. Already in January this year reports emerged that two German intelligence agents had operated in Baghdad collecting information which was then passed on to the US occupation forces.

Now it has been revealed that German Army special forces (KSK) have been actively supporting the international chain of illegal prisons run by the US. In the southern Afghan city of Kandahar, KSK soldiers guarded prisoners who were later flown to Guantánamo. Among these detainees was Murat Kurnaz, a Turkish citizen who was born and grew up in Germany.

Kurnaz was arrested in the autumn of 2001 in Pakistan and sold for a bounty to the US forces in Afghanistan. In January 2002, he was transferred to Guantánamo, where he remained imprisoned for four-and-a-half years until his recent release, although both the German and American governments knew he was innocent within a few months of his incarceration.

The real nature of the activities of the KSK in Kandahar has come to light only as a result of statements by Kurnaz, who returned to Germany this August. Kurnaz reported that soldiers speaking perfect German and with German flags on their uniforms pulled his hair and smashed his head against the floor. He also said German secret service agents sought to enlist him as an informer.

In the initial interrogations he was confronted with details which indicated knowledge of his background: where he purchased his digital camera before setting off for Pakistan, to whom he sold his cell phone, etc. “I had no doubt they were cooperating with German authorities,” Kurnaz declared.

Two weeks later he was directly questioned by Germans. “I was informed that two German soldiers wanted to see me,” he notes. They were clothed in such a fashion as to hide their identities.

Kurnaz was forced to lie on the floor with his hands tied behind his back. When recently asked by the German magazine *Stern* whether the men involved were KSK soldiers, Kurnaz answered:

“It could be. They bashed my head against the floor, something the Americans found amusing.”

Over the past few weeks, the German Defence Ministry has been at pains to present Kurnaz as a confused person making fantastic claims, while denying any contact between him and German soldiers. Then two weeks ago the ministry suddenly conceded that KSK units were involved in guarding the camp in Kandahar, following a request from the US, and that they had met with Kurnaz.

During their “briefing on guard duty” the Germans were informed that the prisoners included a man with whom they could speak in German. Thereupon there was “contact with a German-speaking prisoner,” according to a Defence Ministry spokesperson. Soldiers had informed the German Defence Ministry about the presence of the prisoner on January 3, 2002, but the defence minister at the time, Rudolf Scharping (Social Democratic Party—SPD), was allegedly not personally informed.

The Defence Ministry denies that KSK soldiers abused Kurnaz. According to the parliamentary defence undersecretary, Christian Schmidt (Christian Social Union—CSU), there was only verbal and no “physical” contact. There were no “clues,” he said, to indicate that Kurnaz’s statements were correct. This was because none of the soldiers present in Kandahar had responded to written requests that they respond to Kurnaz’s version of events.

In the meantime, the defence committee of the German parliament (Bundestag) has assumed the role of a full committee of inquiry to clarify “immediately and without reserve” the claims made by Kurnaz. The committee, however, is pledged to secrecy, so that little can be expected in the way of clarification. Its real task is to guarantee an extension of the mandate of the KSK in Afghanistan, which runs out in November and must be extended by the Bundestag.

The efforts of the committee—and of the media—have concentrated on two issues: whether Kurnaz was physically abused or only “verbally” dealt with by German forces, and why the information regarding his apprehension was not passed on to the head of the Defence Ministry. These are important, but secondary, issues in comparison to the more fundamental question, i.e., the overall role of the KSK in Afghanistan.

The KSK elite unit was created 10 years ago to meet—according to the Internet site of the German Army—the “new challenges and tasks ... which cannot, or cannot adequately, be dealt with by conventional forces.” The web site boasts that the KSK is

deployed worldwide and “usually unnoticed by the public.”

In November of 2001, the government at the time—a coalition of the Social Democratic Party (SPD) and Green Party—sent the KSK to Afghanistan with a blank cheque. While units of the German army are active in the Afghan capital and the north of the country as part of the UN-sanctioned ISAF force, KSK units operate all over the country as part of the US-led operation “Enduring Freedom” against Al Qaeda fighters and the Taliban.

The clandestine activities of this special unit, comprising approximately 100 men, are considered highly classified. In the *Die Welt* newspaper, the Free Democratic Party (FDP) deputy Werner Hoyer complained that the foreign affairs committee of the parliament had received no information on the KSK for the past 13 months. “I am deeply troubled by the secretiveness of the Ministry of Defence. I do not know concretely what the KSK is up to in Afghanistan, what orders it has had,” he declared.

With US military and media sources continually dispensing information about large numbers of killed “Taliban fighters”—in the absence of witnesses or proof of their identity as fighters—it must be assumed that the KSK is involved in such actions, operating with a license to kill.

So far there is no hard evidence, apart from the victim’s statements, to prove that the KSK abused Kurnaz, but official denials are already proving threadbare. According to one high-ranking KSK officer, speaking to *Stern* magazine: “We had already seen how the Americans kicked and struck prisoners in the camp. It was simply mean.”

The fact that the KSK was (and perhaps still is) active in Afghanistan, guarding US prisoners who are being held under conditions that violate international law, reveals the complete hypocrisy of the German government in formally condemning such prison camps. The newspaper *Die Welt* has cited a former KSK member who claims that the order for KSK members to guard prisoners held by US armed forces in Kandahar came directly from the Ministry of Defence in Berlin.

It also appears that the German government was better informed about the case of Kurnaz than it chooses to admit. The German intelligence service had already informed the chancellor’s office in December 2001 that the “German-born Turkish citizen MK” was imprisoned in a camp in Kandahar and would shortly be transferred to Guantánamo.

According to a confidential report by the government to the parliamentary control committee for the intelligence service (PKG) released by the media, the service wrote: “There is the possibility for German authorities to question MK—possibly even in Afghanistan.”

The Defence Ministry had received the KSK report on Kurnaz some days previously. It is probable that this report was the source of the information passed on by the intelligence service directly to the chancellery, which was headed at the time by the current foreign minister, Frank-Walter Steinmeier (SPD). It is also known that in October 2002 the German government turned down an offer from the US to release Kurnaz and return him to Germany.

The case of Kurnaz exposes the enormous dangers in the turn to militarism. The creation of the KSK has established a secret force that operates free from any effective control, while the German

intelligence service is directly implicated in the illegal machinations of the US secret services.

The German grand coalition government between the conservative parties (Christian Democratic Union and Christian Social Union) and the SPD is determined to maintain this course. Bearing in mind that coalition parties dominate the current parliamentary committees of inquiry, little can be expected in the way of any real clarification of the role of these agencies.

The parliamentary committee of inquiry into the intelligence service has explicitly justified the practice of interrogations carried out in illegal prison camps. The committee’s final report declares euphemistically that the German government accepted “offers from abroad to question terrorist suspects even if arrest and prison conditions did not exactly correspond to international legal and human rights criteria.” Therefore, the questioning of Kurnaz in Guantánamo on the basis of unsubstantiated “indications” of a “Bremen cell” of Al Qaeda was necessary.

The draft White Paper on German security policy drawn up by Defence Minister Franz Josef Jung (CDU) declares the “fight against international terrorism” to be the central task of the German armed forces. With regard to the activities of the KSK and other special forces, the White Paper states: “The spectrum of action by special forces includes extracting key information, the protection of its own forces from a distance, the defence and rescue from terrorist threats, as well as combat missions in hostile territory.”

The White Paper also emphasises the significance of interdepartmental collaboration in “security decisions on a national and international level.” On this basis, the collaboration had already been intensified between the intelligence service (BND) and military intelligence. In other words, the military forces overseen by the Defence Ministry increasingly consider themselves responsible for upholding domestic security—something strictly banned by the German constitution.

In the past, the German intelligence service BND, although it is exclusively responsible for espionage activities abroad, spied on journalists inside Germany itself, thereby flagrantly violating the freedom of the press. These activities of the BND were revealed last spring in the “Schäfer Report.”

But what about the KSK? If it can act abroad free from control, then why not also at home—in line with the political campaign to enable the armed forces to intervene on the domestic front in the name of the “war on terror”? The emergence of a powerful elite corps that acts free of any legal or public control represents a clear threat to democracy.



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