

# Germany's former SPD-Green government blocked release of Guantánamo prisoner Murat Kurnaz

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The Social Democratic-Green coalition government led by Gerhard Schröder (SPD) not only refused to assist German-born Murat Kurnaz while he was subjected to four years of detention in the US prison camp at Guantánamo Bay, Cuba, but it also worked energetically to block his release and to keep the public in the dark about his case. This is what has clearly emerged from new revelations made in the course of Kurnaz's testimony last week before two parliamentary committees of inquiry.

According to the new information presented at these hearings, at the end of October 2005, having lost the national elections, the SPD-Green government sought to prevent Kurnaz's release and return to Germany. This was despite the fact that Berlin had known for three years that Kurnaz was innocent and was likewise well aware of the criminal abuse of detainees held in the Guantánamo camp.

While the SPD-Green government publicly criticised Guantánamo for its "complete state of illegality" (Interior Minister Otto Schily in July 2004) and assured Kurnaz's lawyer in writing that it had expressed "its concern and surprise to the US at a high level regarding the unresolved legal situation and the ongoing treatment of prisoners of Guantánamo" (Foreign Office, February 2004), behind the scenes it exerted immense pressure to ensure that Kurnaz remained in detention.

Involved in the conspiracy against Kurnaz was the Interior Ministry led by Schily (SPD), the Foreign Office headed by Joschka Fischer (the Greens) and the chancellery headed by Frank-Walter Steinmeier (SPD), who is now foreign minister in Germany's current grand coalition government (SPD-Christian Democratic Union-Christian Social Union). The key role in these intrigues was played by Steinmeier, who acted as liaison between the government and Germany's secret services. On no less than eight separate occasions, the case of Kurnaz was discussed at meetings between government and intelligence officers held at the chancellery between January 2002 and January 2006.

The Schröder government thus acted as an accomplice and shares responsibility for the torture carried out by the US—and not just at Guantánamo. It has also been revealed that German soldiers of the elite KSK unit participated in the guarding and abuse of prisoners and other illegally held prisoners in Afghanistan.

Nineteen-year-old Murat Kurnaz, grew up in the city of Bremen, but had retained his Turkish passport. Shortly after the terror attacks of September 11, 2001, he flew to Pakistan to begin the study of the Koran. In Pakistan, he was arrested by the police and sold for bounty money to the US. This was the beginning of four years of suffering and torture for the young man.

Kurnaz was initially held and tortured in the US prison in Kandahar, Afghanistan. The prisoners were confined to a small cage and were forced in icy cold weather to sleep either naked or dressed only in a thin pair of overalls. They were subjected to beatings and electric shock treatment,

and their heads were plunged into water to simulate drowning. Kurnaz told the parliamentary committees that he had been suspended for several days by chains, and was then examined by a US doctor to testify to his "capacity to take torture."

After several weeks, Kurnaz was flown to the prison camp at Guantánamo, where he was cross-examined in September 2002 by three German secret service officers—two agents of the Federal Intelligence Service (BfV) and one from the Agency for Constitutional Protection (BfV). By this time, if not well before, German government agencies were well aware of the miserable prison conditions and the obvious innocence of Kurnaz.

According to the report by Germany's secret agents, "with a probability bordering on certainty," Kurnaz represented "no potential danger with regard to German, American or Israeli security interests."

Kurnaz had complained about the heat, bad food and the "rare opportunity to walk in the yard"—15 minutes, twice a week. During an interrogation in "in an air-conditioned interrogation container," his feet were fastened to the floor with "an iron ring," the agents reported. "On the request of the German delegation," only his handcuffs were removed.

In his testimony to the committees of inquiry last week, Kurnaz described his prison conditions in far more graphic terms. He was held in a metal cage, prevented from sleeping and, as punishment, had to lie motionless in chains for as long as 10 to 12 hours. If he failed to make the required confession in the course of interrogation, then he was confined to an isolation cell. The temperature in the cell was regulated from outside and could be varied from freezing cold to intolerably hot—or it was also possible to turn off the air supply until the prisoner passed out.

Following repeated interrogations under torture, the American authorities also eventually concluded that the 19-year-old Kurnaz had no connection to terrorism and did not represent any sort of threat. In October 2002, the US authorities informed the German government that they were prepared to free Kurnaz to return to Germany.

On October 29, 2002, the heads of the German security authorities discussed the US offer and decided, with the agreement of the Interior Ministry and the German chancellery, to bar Kurnaz's return. They thus extended Kurnaz's suffering by nearly four more years.

All of the information regarding Kurnaz's ordeal had been revealed last summer. What is new is that the SPD-Green government had systematically sought to prevent his return to Germany from October 2002 on.

Beginning on October 30, 2002, the Interior Ministry worked out a five-point plan to prevent Kurnaz from entering Germany. This information is revealed in government documents, which are in the possession of the *Süddeutsche Zeitung*. The chancellery also approved the plan.

The Bremen immigration authority was selected to play a leading role

and thereby assist in covering up the tracks of central government agencies. The Bremen immigration authority was requested to withdraw Kurnaz's residency permit on the grounds that he had been abroad for longer than six months and had failed to return. For this purpose, the Ministry decided to "establish contact with the city of Bremen" and, should the city authorities prove uncooperative, to impose an "instruction." Officials warned, however, that should such an "instruction" be given, ultimate political responsibility would lie with the ministry. This would be "a unique procedure."

Public reaction was also taken into account. To ease political pressure on the ministry, it was decided to blame Kurnaz's attorney for failing to renew his client's residency permit.

The Bremen immigration office duly withdrew Kurnaz's residency permit, and the government issued an order barring him from re-entering the country in May 2004. In late November 2005, however, the German Administrative Court overruled the decision by the Bremen authorities.

The government did not back down, however. Since Kurnaz's Turkish passport with his German residency permit was being kept by the American authorities, the German government requested that his passport be turned over to the German embassy, which could then ensure that the residency permit was made "physically invalid."

Even after a US judge determined at the end of January 2005 that there was no proof to indicate Kurnaz represented a threat to American security interests, the German government did not let up. In an internal note dated October 26, 2005—shortly after it lost the Bundestag election—the Foreign Office expressed its anxiety that Kurnaz could soon be released "according to the latest US practice."

The note states: "According to the Interior Ministry and the head of the Chancellor's Office, the issue of permission for the re-entry of Kurnaz was repeatedly subject of discussions over the intelligence situation [i.e., the talks over the security situation held in the chancellery]. In agreement with the Foreign Office, there was unanimity not to permit a re-entry of K."

The Foreign Office expressed the hope that the US authorities would be able to provide evidence incriminating the prisoner. "The Federal Ministry of the Interior, and the BfV, now hopes to obtain further information against K. from the US to confirm the suspicion of supporting international terrorism. At present, a request has been made to the US side."

Plans for Kurnaz's return to Germany were made only after a change of government in Germany. According to Kurnaz's German lawyer, Bernhard Docke, the coming to power of the new government headed by Angela Merkel (CDU) acted "as if a switch had been turned on." Kurnaz was finally released in the summer of 2006.

The behaviour of the SPD-Green government in the case of Murat Kurnaz exposes the real character of its relations with the Bush administration. The German government rejected the Iraq war, because such a war threatened German interests in the Middle East. In every other regard, however, Berlin unreservedly supported the White House in its multiple violations of human rights and international law.

The utter lack of scruples demonstrated by the government in deceiving public opinion in the Kurnaz case, and the closing of its eyes to the hellish conditions this young person was subjected to in the Guantánamo camp, makes it clear that the SPD and the Greens had ditched any defence of basic democratic principles with the same vehemence that they renounced any policies based on social reform.

Ostensibly, Kurnaz was probably kept out of Germany because the government feared attacks from right-wing political circles should the Turkish citizen with Islamic inclinations have returned to Bremen. The government sacrificed legal principles for immediate political opportunism.

The *Stuttgarter Nachrichten* refers to an unnamed SPD politician who

was involved in the affair in 2002: "The government did not want to commit itself to someone who had a Turkish passport rather than a German one, and who, from the US point of view, was so dangerous that he had to be watched 24 hours a day."

In the meantime, reports that Washington had made the continuous monitoring of Kurnaz a condition for his release have turned out to be completely spurious. The current government did not agree to such conditions, but Kurnaz was nevertheless released.

The SPD-Green government, however, had another more direct motive for allowing Kurnaz to rot in Guantánamo. He knew too much about the participation of German soldiers in the dirty US "war against the terror"—a role that the German government has officially always denied.

Since his return to Germany, Kurnaz has maintained that he was abused at Kandahar by, amongst others, members of German elite military unit, the KSK. After initially denying any such involvement, the Defence Ministry now concedes that KSK soldiers did have contact with Kurnaz.

There is little doubt that the secretive KSK unit was actually deployed as guards for the US prison in Kandahar. In its latest edition, *Spiegel* magazine quotes from interrogation records compiled by the public prosecutor's office in the western German city of Tübingen, which questioned around a dozen members of the KSK. The magazine concludes: "The descriptions demonstrate how early German soldiers were aware of the inhuman methods employed by the Americans in their hunt for alleged terrorists. Even worse: they even helped them."

According to the *Spiegel*, the soldiers were so "doubtful" about the legality of their operations that they removed or covered up the emblem of the German flag on their uniforms.

Kurnaz also stated that, even prior to the first interrogation in Kandahar, his American interrogator was aware that Kurnaz had sold his mobile phone shortly before leaving for Pakistan and that he had removed money from his account. These details are recorded in the records of the public prosecutor's office in Bremen, which in 2001 had begun an investigation of Kurnaz—since dropped. His lawyer, Docke, is convinced that the Americans had access to these documents.

For the Schröder government, it was highly desirable that someone who had witnessed the close cooperation of German military and intelligence authorities with the US—i.e., the role of the KSK in Afghanistan and the participation of German agents in interrogations in Guantánamo—remain locked up without contact to the outside world.

The new government led by Angela Merkel does not have to rely on such duplicity. Her government operates on the basis of completely open and close cooperation with Washington. Chancellor Merkel (CDU) has recently sought to defend Steinmeier, her foreign minister and the former head of chancellery. She has no reason to distrust him, she says, based on the very good cooperation she has enjoyed with him up until now.

The head of the BND intelligence agency at that time, August Hanning, is currently an undersecretary of state in the Interior Ministry of Wolfgang Schäuble (CDU), while the former secret service co-ordinator, Ernst Uhrlau, has taken over the leadership of the BND.



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