Munich, Germany: Arrest warrants issued against 13 CIA agents

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The public prosecutor's office in Munich on Wednesday issued arrest warrants against 13 suspected CIA agents. The 11 men and 2 women are accused of the kidnapping and mistreatment of German citizen Khaled el-Masri. The warrants accuse them of unlawful detention and inflicting grievous bodily harm.

El-Masri was born in Lebanon but acquired German citizenship in 1995. The father of four children had been arrested in Macedonia at the end of December 2003 under suspicion of terrorism and abducted by the US intelligence agents to Afghanistan. There he was interrogated and tortured for a period of four months. When it became clear that his arrest was an obvious mistake, el-Masri was flown in the dead of night to the Balkans and left in a forest close to the Albanian border.

A parliamentary committee of inquiry is also currently investigating el-Masri's case in Berlin. The committee is attempting to establish the extent to which German authorities and government agencies were informed of, or were actually involved in, the arrest and detention of el-Masri.

Following Italy, Germany is now the second European country to issue warrants against CIA agents alleged to be involved in the kidnapping of alleged terror suspects.

In Milan, the public prosecutor's office has issued warrants against 26 CIA agents, who in February 2003 abducted Muslim cleric Abu Omar in broad daylight and transported him to an Egyptian torture prison. In the last few days, judicial authorities in Milan announced that they had confiscated the house owned in Italy by CIA station chief Robert Seldon Lady. A Milan court is currently deliberating whether the charges of kidnapping made by the public prosecutor's office against the 26 CIA agents and 8 Italian secret service agents can be ratified.

The probability that the suspected CIA agents are ever put on trial, however, remains slim. The warrants are only valid on European soil, and the American authorities have refused any sort of cooperation. In addition, it is likely that the names of most of the CIA agents on the list of the attorney's office are merely aliases.

Nevertheless, the arrest warrants are a source of embarrassment for the German and Italian governments. Both governments have officially condemned so-called renditions—i.e., the illegal kidnapping and transportation of suspects to torture camps. In practice, however, both the Italian and German governments have tolerated, or even cooperated with, the US in such activities.

The German government, for example, did nothing to prevent the US airbase on German soil at Rammstein being used as a transit post for renditions. There are also indications that German authorities supplied the CIA with information about el-Masri. So far, these reports have been neither confirmed nor denied.

In 2001, Murat Kurnaz, who was born and raised in the German city of Bremen, was arrested in Afghanistan and sold to the American army for a bounty. During his imprisonment in Afghanistan, German soldiers took part in guarding him, and German agents were later involved in his interrogations at the Guantánamo prison camp. Although the US and German authorities were able to establish at an early stage that Kurnaz was innocent, the former German government (Social Democratic Party and Green Party) led by Chancellor Gerhard Schröder went to great lengths over a period of years to prevent his release and return to Germany. Immediately responsible for the fate of Kurnaz was the head of the German chancellery at

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the time, Frank-Walter Steinmeier. Steinmeier is currently the German foreign minister.

The current German government led by Angela Merkel (Christian Democratic Union) has immediately sought to dissociate itself from the warrants issued by the Munich public prosecutor's office. Government spokesman Ulrich William said the case was solely a judicial matter. In order to prevent any increase in tensions with Washington, he stressed: "We are, of course, naturally prepared to remain cooperative when it comes to combating terrorism."

The Italian government has adopted a similar stance. In this respect, there is no change in the policy of the former right-wing government led by Silvio Berlusconi and the current center-left coalition headed by Romano Prodi. The applications for the deportation of the CIA agents issued by the Milan judicial authorities have been sitting for months on the desk of the Italian justice minister, Clemente Mastella, a Christian Democrat, and it is clear that the Prodi government is anxious to avoid anything that could annoy the US government or expose its dealings.

The Munich public prosecutor's office also took more than two years before issuing its warrants against those responsible for abducting el-Masri. The Munich office had taken little action and only became active after a lawyer representing el-El-Masri, journalists, the Spanish police and the Milan public prosecutor's office uncovered and presented a wealth of evidence relating to the activities of the CIA.

The list of the names of the 13 agents now on a European-wide wanted list was provided by the Spanish police. On the night prior to abducting el-Masri, the CIA agents had flown in their own Boeing to the holiday island of Mallorca and spent the night in a luxury hotel. Convinced they were safe and feeling sure of themselves, they paid little attention to covering their tracks. Later, when the Spanish Guardia Civil began investigations into the activities of the CIA, its officers were able to obtain photocopies of the American passports from the hotel.

Journalists were then even able to trace some of the agents to their own homes in the US state of North Carolina and reveal their undercover pseudonyms.

After coming under considerable pressure, the Munich public prosecutor's office finally initiated investigations in Spain in the spring of 2006. El-Masri's attorney had received a copy of the list of CIA names from the Spanish police the previous winter. It then took an additional nine months for the public prosecutor's office to submit an application for arrest warrants to the Bavarian Ministry of Justice.

The latter ministry did not dare object, otherwise its compliance in openly criminal activities would have been clear. The latest edition of the *Süddeutsche Zeitung* compared the CIA practices with the methods of "a gang of thugs, who abduct a few opponents on the street corner and then drag them to a cellar for questioning."

There is no historical parallel for the current measures being taken by the German judiciary against officials of the US government. After the Second World War, the US government had organised the Nuremburg trials against Nazi criminals and supervised the passing of a German constitution, which guarantees human rights and basic democratic rights, such as habeas corpus, the right to legal representation and protection from physical and mental abuse. The fact that officials of the US government are now openly and systematically abusing such rights to an extent where German judicial authorities feel obliged to intervene is an indication of how much the US government has abandoned any attachment to legal principles.

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