

German government complicity in CIA abductions: The case of Khaled al-Masri

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On June 8, the Council of Europe's Special Rapporteur for human rights, Dick Marty, presented his second report concerning the illegal transport and secret imprisonment of prisoners (so-called "special renditions"). This report presents the facts and refutes the misleading and false statements made by government officials in the US and Europe.

The Marty report finds that several European governments systematically obstructed the search for the truth and are continuing to do so. It declares that governments, repeating the pretext of protecting "state secrets," have impeded parliamentary investigations and the judicial process in order to prevent those responsible from facing criminal charges. The report singles out the governments in Germany and Italy.

Marty presents a detailed description of the secret programme set up by the US government in collaboration with several European governments to abduct prisoners from Afghanistan, Iraq and other parts of the world and transfer them to secret prisons in Europe, where they are subjected to torture. The report finds proof that the CIA maintained secret prisons in Poland and Romania with the support of these countries' governments and those of Europe as whole.

The report relies on the detailed testimony of active and former intelligence personnel in Europe and the US. In addition, Marty received the raw flight data for air travel over Europe, in order to follow the path taken by the CIA flights that transported prisoners.

The report states, "What was previously just a set of allegations is now proven." Since the Polish and Romanian governments continue to deny the existence of these prisons, the team working with Marty had to establish proof on the basis of a painstaking review of the flight data. They assembled the records of secret CIA flights from Kabul to the Polish airport Szymany. The report also speaks of a confidential agreement between Washington and Bucharest permitting the construction of a CIA base in Romania.

According to the report, the prisons were in operation from 2003 to 2005. "Large numbers of people have been abducted from various locations across the world and transferred to countries where they have been persecuted and where it is known that torture is common practice," the report says. (See "Report details CIA prisons in Europe").

More than 8 pages of the 72-page report are dedicated to the case of Khaled al-Masri. Under the heading "Secrecy and cover-up: how the United States and its European partners evade responsibility for CIA clandestine operations," the report states:

"We believe we have now managed to retrace in detail Mr. al-Masri's odyssey and shed light on his return to Europe. If we, with few powers or resources, were able to do this, why were the competent authorities unable to manage it? There is only one possible explanation: they are not interested in seeing the truth come out."

Marty's first report, submitted in June 2006, already described the circumstances of the kidnapping of al-Masri, a German citizen. During a bus journey to Skopje, al-Masri had been arrested by secret service agents at the Serbian-Macedonian border on the last day of 2003 and handed over to the CIA.

He was imprisoned in Macedonia for several weeks, and at the end of January 2004 taken from Skopje (in the former Yugoslav republic of Macedonia) via Bagdad to Kabul, where he was detained for four months in the notorious "Saltpit" secret prison. There he was repeatedly abused, kicked, humiliated and interrogated. His wife and children were told nothing about his whereabouts.

Facing endless interrogations, al-Masri carried out a hunger strike, all the while asserting his innocence. The CIA ultimately became convinced that it was detaining the wrong person, someone who was completely innocent, and released al-Masri on May 28, 2004. He was taken to Albania and returned to Germany from there. Initially, the exact circumstances of his return could not be clarified.

In the new report, Marty writes: "Today I think I am in a position to reconstruct the circumstances of Mr. al-Masri's return from Afghanistan. He was flown out of Kabul on 28 May, 2004 on board a CIA-chartered Gulfstream aircraft with the tail number N982RK to a military airbase in Albania called Bezat-Kuçova Aerodrome. We have obtained primary data on this extraordinary homeward rendition from three separate sources, and we are able to publish the relevant flight logs from the Marty Database as an appendix to this report."

Marty then describes how the aviation authorities in Bosnia-Herzegovina made him aware of "unusual air traffic" in

European air space during this period. The submission cited three “diplomatic permissions for state aircraft,” which it said had been issued in relation to “flight movements for the needs of CIA, USA.”

Al-Masri, who did not know where the plane that was returning him to Europe had landed, was then driven for hours in a closed truck with his eyes blindfolded through hilly countryside, and finally abandoned in the middle of a forest. He was told to keep walking straight ahead.

Al-Masri feared at first that he would be shot from behind, but then arrived at a border post between the former Yugoslav republic of Macedonia and Albania. From there, he was driven for about six hours to the Albanian capital Tirana, where he received a plane ticket and his passport with an Albanian departure stamp of May 29, 2004.

Back in Germany, despite his traumatic experiences, al-Masri immediately tried to shed light on the circumstances of his illegal kidnapping and brutal treatment. However, he met a wall of silence when he approached the German authorities. Although Interior Minister Otto Schily (Social Democratic Party—SPD) had been informed personally in May 2004 by the American ambassador in Germany, Daniel Coats, that al-Masri had been imprisoned erroneously, Schily kept silent.

The efforts of al-Masri’s lawyer and the public prosecutor’s office in Munich to shed light on al-Masri’s fate met with silence on the part of Schily. Likewise, all other inquiries directed to the SPD-Green Party government were rebuffed, including those from the federal chancellor’s office, then headed by the present foreign minister, Frank-Walter Steinmeier.

Marty mentions in his report that he is still unable to identify the German-speaking agent, “Sam,” who accompanied al-Masri on his return journey from Afghanistan. It is noted that this secrecy is linked to the fact that Schily was in Kabul when “Sam” informed al-Masri that he would soon be going home.

Although the parliamentary committee of inquiry, to which al-Masri gave detailed statements, has no doubt about the truth of his testimony, there has been no admission by the German federal government and the responsible authorities that al-Masri suffered an injustice, let alone an apology or compensation for what he has suffered.

It has also proved impossible so far to clarify the exact extent of the involvement of German politicians and authorities, and precisely when they knew about his fate. All the relevant documents and files have been stamped “top secret” and will not be released, even years after the event. Even the parliamentary control commission for the monitoring of the secret services was refused access to information about the case.

In the US, the legal action that al-Masri launched against the CIA, with the help of the American Civil Liberties Union (ACLU), was rejected by an appeals court, again on the grounds of “state secrets.” At the end of May, al-Masri’s

lawyer, Manfred Gnjdic, announced that the case would be going before the US Supreme Court.

While the German government (both the former SPD-Green Party coalition and the current grand coalition of the SPD and the Christian Democrats) has done everything possible to hide its own involvement in the dirty activities of the CIA and its own secret services, the German authorities are very active when it comes to trying to undermine the credibility of the victims of these machinations or criminalise them.

Thus, it has become known that the telephones of al-Masri’s lawyer were tapped from January to May 2006, allegedly to find out whether al-Masri’s kidnappers would call.

Khaled al-Masri still suffers greatly from the psychological consequences of the torture to which he was subjected. Moreover, he has repeatedly been insulted and slandered by the local media and has not been able to find work for the past three years. It took a long time before the Centre for the Victims of Torture in Neu Ulm offered him a limited course of therapy, lasting just 70 hours, which both he and his therapist consider insufficient.

It is only this untenable situation and the continuing refusal to officially acknowledge that he suffered an injustice that explain why al-Masri committed an obvious act of desperation on May 17. He was arrested shortly after an arson attack on a supermarket in Neu Ulm, and was detained in a psychiatric hospital. Following a complaint about the purchase of an electrical appliance and a dispute with sales personnel, al-Masri had been banned from the store.

The tabloid *Bild* immediately exploited this incident, which has not yet passed through the legal system, to launch a witch-hunt against al-Masri, describing him as a “mad German-Lebanese” and asking, “why do we let ourselves be terrorised by such a person?” Thus, the victim is turned into the culprit and all questions of state responsibility in his kidnapping are swept under the table.

The complete report by Dick Marty to the Council of Europe is available here.



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