

# Leaked cables show German-American conspiracy to stifle prosecution of CIA kidnappers

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A WikiLeaks cable showed that US diplomats pressured the German government to stifle the prosecution of CIA agents who abducted and tortured Khalid El-Masri, a German citizen.

The documents also show the extent to which the German government cooperated with the US, seeking only to present the appearance of opposition to placate popular hostility to the kidnapping of El-Masri.

The German state's complicity in protecting the CIA's torture program was once again on display Friday, the day after the cable's release, when a court in Cologne supported an earlier decision not to attempt to extradite the CIA agents responsible for the kidnapping.

The US government has previously announced that it will not honor any international extradition warrants on the CIA agents, which Germany previously used as a pretext not to seek extradition.

El-Masri was kidnapped by the CIA while on vacation in Macedonia on December 31, 2003. He was flown to a torture center in Afghanistan, where he was beaten, starved, and sodomized. The US government released him on a hilltop in Albania five months later without money or the means to go home.

The publication of El-Masri's story created a mass public outcry that forced the German courts to take symbolic measures. On January 31, 2007 a prosecutor in Munich issued domestic warrants for the arrest of 13 people involved in the kidnapping. However, under US pressure the German federal government said it would not pursue international warrants against the CIA personnel, in effect nullifying the Munich court's decisions.

The WikiLeaks cable, entitled "[German]

CHANCELLERY AWARE OF USG [US Government] CONCERNS" was sent from the US Embassy in Berlin on February 6, 2007. It detailed a conversation between John M. Koenig, the number-two diplomat in the US Embassy, and German Deputy National Security Adviser Rolf Nikel.

Koenig warned "that issuance of international arrest warrants would have a negative impact on our bilateral relationship." He declared that "our intention was not to threaten Germany, but to rather to urge that the German Government weigh carefully at every step of the way the implications for relations with the U.S."

Koenig noted that the "decision to issue international arrest warrants or extradition requests would require the concurrence of the German Federal Government, specifically the MFA [Ministry of Foreign Affairs] and the Ministry of Justice (MOJ)." In effect, Koenig was lobbying for the German federal government to overturn the Munich court's ruling.

Nikel responded, according to the cable, by stating, "From a judicial standpoint, the facts are clear, and the Munich prosecutor has acted correctly" in issuing domestic arrest warrants. "Politically speaking," he added, "Germany would have to examine the implications for relations with the U.S." in determining its response.

Nikel made clear that, despite pressure to pursue the case, "The Chancellery would nonetheless try to be as constructive as possible," with regard to shielding the torturers from prosecution.

The German official all but admitted that the domestic warrants had been issued only because of popular outcry. The cable noted, "Nikel also cited intense pressure from the Bundestag [Parliament] and

the German media. The German federal Government must consider the ‘entire political context,’ said Nickel.” He added that getting an outcome favorable to the Americans “will not be easy.”

Koenig, the US diplomat, concluded that “the USG [US Government] would likewise have a difficult time in managing domestic political implications if international arrest warrants are issued,” meaning that the American people’s hatred of the CIA torture machine would be strengthened by the extradition and trial of those responsible for one of its most egregious offenses.

Nikel said that, despite sharing the American diplomat’s feelings, he could not “promise that everything will turn out well.”

However, from the standpoint of US Imperialism, everything went as planned. Later in 2007, Brigitte Zypries, the German justice minister, said she would not pursue international extradition for the arrest of the CIA agents, effectively concluding the issue.

The German magazine *Der Spiegel* concluded, “In public, the German government continued to call for an investigation. But neither the government of Chancellor Angela Merkel nor the Justice Ministry would have touched the hot issue of illegal CIA kidnappings if it hadn’t have been for the pressure exerted upon them by the media.”

The release of the cable only further underscores that American diplomacy is as filthy as its torture policy, and that the European governments are complicit in the policy of kidnapping and extrajudicial prosecution.



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