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>German's Claim of Kidnapping Brings Investigation of U.S. Link  
>By DON VAN NATTA Jr. and SOUAD MEKHENNET  
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>MUNICH -- On the afternoon of Dec. 31, 2003, Khaled el-Masri was traveling  
>on a tourist bus headed for the Macedonian capital, Skopje, where he was  
>hoping to escape the "holiday pressures" of home life during a weeklong  
>vacation.  
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>When the bus reached the Serbia-Macedonia border, Mr. Masri said, he was  
>asked the usual questions: Where are you going? How long will you be  
>staying? Mr. Masri, a German citizen, did not think much of it, until he  
>realized that the border guards had confiscated his passport.  
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>The bus moved on, but an increasingly panicked Mr. Masri was ordered to stay  
>behind. A few hours later, Mr. Masri, a 41-year-old unemployed car salesman,  
>said he was taken to a small, windowless room and was accused of being a  
>terrorist by three men who were dressed in civilian clothes but carrying  
>pistols.  
>  
>"They asked a lot of questions -- if I have relations with Al Qaeda, Al  
>Haramain, the Islamic Brotherhood," recalled Mr. Masri, who was born in  
>Lebanon. "I kept saying no, but they did not believe me."  
>  
>It was the first day of what Mr. Masri said would become five months in  
>captivity. In an interview, he said that after being kidnapped by the  
>Macedonian authorities at the border, he was turned over to officials he  
>believed were from the United States. He said they flew him to a prison in  
>Afghanistan, where he said he was shackled, beaten repeatedly, photographed  
>nude, injected with drugs and questioned by interrogators about what they  
>insisted were his ties to Al Qaeda.  
>  
>He was released without ever being charged with a crime. The German police  
>and prosecutors have been investigating Mr. Masri's allegations since he  
>reported the matter to them last June, two weeks after his return to  
>Germany.  
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>Martin Hofmann, a senior national prosecutor in Munich who handles terrorism  
>cases and is in charge of the Masri investigation, and another official, a  
>senior organized crime investigator in southern Germany, say they believe  
>Mr. Masri's story. They said investigators interviewed him for 17 hours over  
>two days, that his story was very detailed and that he recounted it  
>consistently. In addition, the officials said they had verified specific  
>elements of the case, including that Mr. Masri was forced off the bus at the  
>border.  
>  
>Still, much of Mr. Masri's story has not been corroborated. His assertion  
>that he was held by Americans in Afghanistan, for example, is solely based  
>on what he said he observed or was told after he was taken off the bus in  
>Macedonia.  
>  
>Mr. Masri said he was confounded by his captors' insistence that he was a  
>Qaeda operative. He attends a mosque in Ulm, Germany, that has been closely  
>watched by the authorities because several suspected terrorists have  
>worshiped there. But those authorities say Mr. Masri has never been a

>suspect.

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>Mr. Masri's lawyer, Manfred R. Gnjidic, said he suspected that his client  
>was swept into the C.I.A.'s policy of "renditions" -- handing custody of a  
>prisoner from United States control to another country for the purposes of  
>interrogation -- because he has the same name, with a slightly different  
>spelling, as a man wanted in the Sept. 11 attacks. The policy has come under  
>increasing criticism as other cases have come to light recently.

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>Although the German authorities say they have no specific suspects in the  
>Masri case, they say they are looking into the possible role of the United  
>States and other countries.

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>"It is an unusual case," Mr. Hofmann said. "The political dimension is  
>huge. Under German law, we can charge a person with kidnapping, but not a  
>country. Countries cannot kidnap people."

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>Officials at Germany's national intelligence agency said they are also  
>investigating. They said they asked the F.B.I. for assistance last fall but  
>have received little help.

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>A senior administration official said the Bush administration had been aware  
>of these allegations for some time, but he referred questions to the F.B.I.  
>and the C.I.A.

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>In a series of interviews, neither the C.I.A. nor the F.B.I. would deny or  
>confirm Mr. Masri's allegations. A C.I.A. spokeswoman said the agency would  
>not comment at all. Senior F.B.I. officials in Washington acknowledged that  
>they received a request for help from the Germans last October, and said  
>they were assisting in the investigation. The officials disputed that they  
>had not worked aggressively on the case.

>

>"This is a very ongoing thing, and we are working together with the Germans  
>to resolve it," a senior official said. "Our hope is we can get to the  
>bottom of it." The official declined to discuss whether the bureau had had  
>any contact with the C.I.A. or Pentagon about the allegations.

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>Golan Pavlovski, a spokesman for the Interior Ministry of the Republic of  
>Macedonia, said he had no information about Mr. Masri's case.

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>When he returned home last June, Mr. Masri said, he felt relief but also  
>rage. Asked whom he blames, Mr. Masri, a burly, soft-spoken man, looked at  
>his hands for a long moment before saying, "Of course, I blame the  
>Americans first."

>

>Similar Cases

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>Mr. Masri's allegations bear similarities to the case of Maher Arar, a  
>Canadian born in Syria who was suspected of being a Qaeda operative. Mr.  
>Arar, who was detained in New York in 2002, says he was sent by the United  
>States to Syria, where he says he was repeatedly tortured during 10 months  
>in prison.

>

>A second detainee, Mamdouh Habib, an Australian, has asserted in court  
>papers that he was tortured in an Egyptian prison for nearly six months in  
>2001 before being transferred to Guantanamo Bay, Cuba. The allegations were  
>contained in a motion filed with a federal court recently. Mr. Habib's  
>lawyer has asked the federal district court in Washington to block the Bush  
>administration from sending him back to Egypt, asserting that he would be  
>tortured again there.

>

>The C.I.A. began the renditions program in the early 1990's, but its use has  
>increased since the Sept. 11 attacks. Human rights organizations, who say  
>the policy is tantamount to government-sponsored kidnapping, estimate that  
>dozens of "high value" detainees are being held in secret locations around  
>the world. C.I.A. officials have acknowledged that the agency conducts  
>renditions, but say they do not condone the use of torture during  
>interrogations.

>

>Mr. Masri, who had not gone public with his case, agreed to give an  
>interview last month after being approached by The New York Times. During  
>the interview, he spoke without notes, and in great detail, about his case.  
>He said he was able to recount his time in captivity because he wrote down  
>his experiences right after he was released.

>

>The timeline was corroborated by documents, including a bus ticket and a  
>stamp on his passport in Albania on May 29, the date he said he was  
>released. He returned to Germany on June 3. His account also matched details  
>in a report about his case written by Amnesty International, whose officials  
>interviewed Mr. Masri on June 21.

>

>"Mr. Masri had been questioned twice for a lot of hours, and he always has  
>said the same things, he never changed details," Mr. Hofmann said in an  
>interview about his country's investigation. "Therefore I don't think it  
>would be possible that someone could invent such a story."

>

>Mr. Masri said his ordeal began after he decided to go on a short vacation  
>without his family after arguing with his wife, choosing Skopje because it  
>was inexpensive and friends had recommended it.

>

>After being interrogated the first night in Macedonia, Mr. Masri, who speaks  
>German and Arabic, was taken to a motel on the outskirts of Skopje, where he  
>said several men held him for 23 days. "They told me: 'You are not  
>arrested. You aren't handcuffed, are you?'" Mr. Masri recalled. But he said  
>he was not permitted to leave.

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>Questions About Al Qaeda

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>He said the men continued to question him about Al Qaeda. After several  
>days, Mr. Masri said he lost his temper, demanded to speak with officials  
>from the German government and tried to escape. "One man put his pistol in  
>his hand and showed it to me, to stop me from leaving," Mr. Masri said.

>

>Another week went by, he said, before another man arrived to question him.  
>"He was nice to me," he recalled. "He said we'll make a deal -- you say  
>you are an Al Qaeda member, and sign a paper saying that, and we'll put you  
>back on a plane and you will be deported to Germany."

>

>Mr. Masri said he refused. The man left but returned two days later, he  
>said, and this time he was more combative. "He said I'm not cooperative, I  
>bring problems on myself, they know everything about me," Mr. Masri said.  
>He said the man asserted that Mr. Masri was originally from Egypt and had  
>been to a Qaeda training camp in Pakistan -- allegations that Mr. Masri said  
>he repeatedly denied.

>

>After three and a half weeks, Mr. Masri said he was told that he could  
>return to Germany. The Macedonians took a statement from him on videotape to  
>show he was in good health when he left their country, he said. Afterward,  
>Mr. Masri said, he was permitted to leave the motel, but a few steps down  
>the road, a pickup truck pulled up next to him, and several men grabbed him.

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>Mr. Masri said that a hood was put over his head but that he believed he was  
>driven to the airport because he could hear the roar of planes. He said he  
>was taken to a room and beaten. He said his clothes were cut off with  
>knives, and he heard the sounds of cameras taking pictures. "After I was  
>naked they took off my mask so I could see, and all the people were in black  
>clothes and black masks," he said. "There were seven or eight people."

>

>Mr. Masri said a couple of men put him in a blue warm-up suit, handcuffed  
>him and tied his hands to his belt, put plugs in his ears and blindfolded  
>him. He said he was put on a plane, where he was forced to lie on the floor.  
>Someone injected his arm, he said, and he fell into a deep sleep.

>

>After an unknown number of hours, he said, he awoke to find that the plane  
>had landed. He said he was taken to a building and imprisoned in a tiny,  
>cold cell. "Everything was dirty -- a dirty blanket, dirty water, like from  
>a fish aquarium," he said.

>

>On the walls in his cell were words written in Arabic and what he believed  
>was Farsi. Mr. Masri said that his captors and fellow prisoners told him he  
>was in Kabul, Afghanistan.

>

>That first evening in prison, Mr. Masri said, a man he assumed was a doctor,  
>wearing a thin black mask, came to his cell to take a vial of blood. He said  
>he believed that the doctor was American because he spoke English. Mr. Masri  
>said he was repeatedly punched in the head and neck by several guards who  
>accompanied the doctor. He also said he was forced to run up and down stairs  
>with his arms shackled behind his back.

>

>The following morning, Mr. Masri said, an interrogator walked into his cell  
>and, in a thick Lebanese accent, began shouting at him. "He told me, 'Where  
>you are right now there is no law, no rights, no one knows you are here, and  
>no one cares about you.'"

>

>Mr. Masri said the man had a stack of documents and told him they knew  
>"everything" about him, including that he was an associate of Mohamed  
>Atta, one of the Sept. 11 hijackers, and Ramzi bin al-Shibh, who is believed  
>to have helped the hijackers. They also accused him of being a senior Qaeda  
>operative who was trained in Jalalabad, Afghanistan, he said. "I denied  
>everything -- I kept saying, 'No, no, no.'"

>

>His lawyer, Mr. Gnjidic, said he thought that his client had been confused  
>with the Sept. 11 suspect Khalid al-Masri, because that man is believed by  
>American authorities to have had contact with Mr. bin al-Shibh and Mr. Atta  
>and to have been partly responsible for directing them to a Qaeda training  
>camp in Afghanistan. It was there that the two men met Osama bin Laden, who  
>enlisted them for the Sept. 11 mission.

>

>More weeks went by, and Mr. Masri said he then met a man who presented  
>himself as a top lieutenant at the prison. He believes that man was also an  
>American, based on his accent.

>

>"They asked me about Ulm, how many people go to the mosque, how often do  
>they pray," he said. "I told them. When I asked why I was there, I never  
>got an answer."

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>A Hunger Strike

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>In March, Mr. Masri said he began a hunger strike. On the 35th day, he said  
>an Afghan prison guard told him, "The Americans don't care if you live or  
>die."

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>Two days later, he said, he was beaten again and forcibly fed liquid through  
>a tube shoved down his throat.  
>  
>Mr. Masri said he then ended his hunger strike. He said he was getting to  
>know his fellow prisoners -- there were two Pakistani brothers and a man  
>from Tanzania who had been there for several months. He also said there was  
>a Pakistani man who had been there nearly two years.  
>  
>"I'm sure those men will take revenge, after what was done to them," Mr.  
>Masri said. "Some said to me -- we hope to get out of here and then have  
>the power to make something happen against the Americans."  
>  
>Weeks went by. In May, Mr. Masri said he met a man he believed was German  
>and who was introduced as "Sam." The man posed the same series of  
>questions -- mostly about any dealings he may have had with Mr. Atta and Mr.  
>bin al-Shibh. "He was friendly," Mr. Masri said. "So I said, 'Can you  
>please tell me if my family knows where I am?' And the German said, 'No,  
>they don't know.'"  
>  
>The German authorities said they were unable to confirm Mr. Masri's account  
>of a German agent.  
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>The Return Home  
>  
>A week later, Mr. Masri said, he was blindfolded, taken to the airport and  
>put on a flight, and then placed on a bus and driven for six or seven hours.  
>His blindfold was removed, and a man told him to walk down a deserted,  
>winding mountain road, he said. "I had the feeling after a few steps,  
>they'd shoot me in the back."  
>  
>He walked around the bend and came upon a border crossing, where three men  
>in uniforms waited for him, he said. Mr. Masri said he told one of the men  
>about his five months in captivity. "The man was laughing at me," he said.  
>"He said: 'Don't tell that story to anyone because no one will believe it.  
>Everyone will laugh.'"  
>  
>Mr. Masri asked where they were; the man said in northern Albania, near the  
>Macedonian border. The border officer handed Mr. Masri a plastic box  
>containing the belongings that were taken from him on the first day of his  
>captivity, including his passport and cash, he said. The man told him he was  
>free to go, and his passport was stamped by the nation of Albania, on May  
>29, 2004.  
>  
>>From there, he bought an airplane ticket and flew to Frankfurt. Once in  
>Germany, Mr. Masri said he returned to his hometown, Ulm, but his wife and  
>four sons, ages 2 to 6, were not at home. "I feared the worst -- I feared  
>something happened to my family," he said. Four days later, he found them  
>at his wife's mother's home in Lebanon.  
>  
>In an interview, Mr. Masri's wife, Aischa, said she had moved back to  
>Lebanon after not hearing from her husband. She said she began thinking,  
>"Maybe he has gone to marry another woman."  
>  
>Mrs. Masri, 29, said she did not expect to see him again. "The boys have  
>cried a lot in Lebanon. They always have asked me, 'Why are we here, Mom,  
>and where is Daddy?'" she said, and then began to weep. "From time to  
>time, I called his friends in Germany and asked them if they heard anything  
>from him or about him. But no one knew anything."  
>  
>Mr. Masri said he was still trying to rebuild his life. He said he had no  
>steady employment, and almost no friends. "The phone doesn't ring -- people

>have heard, and they don't want to see me," he said.  
>  
>It was not until last August that Mr. Masri was told by his lawyer that he  
>had the same name as the Sept. 11 suspect.  
>  
>Mr. Masri said he was bedeviled by questions that he and the German  
>authorities still could not answer. "There are so many questions," he  
>said. "How did it happen? Why did it happen? I don't know."  
>  
>Photo: Khaled el-Masri said he left his wife and children for a weeklong  
>vacation and returned to them after five months of captivity. (Photo by  
>Dieter Mayr for The New York Times)(pg. 6)  
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>Dokument NYTF000020050109e11900098  
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>Artikel 2  
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>Germany linked to U.S. abduction Inquiry opens near Munich on suspect taken  
>to an American prison in Kabul  
>Don Van Natta Jr., Souad Mekhennet and Nicholas Wood  
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>Learning. All rights reserved.  
>Don Van Natta Jr. reported from Munich, Souad Mekhennet from New Ulm,  
>Germany, and Nicholas Wood from Skopje, Macedonia. This article was written  
>by Van Natta.  
>  
>\*<br><br>  
>  
>For more than a year, the German government has been openly critical of the  
>United States for its role in the abduction of a German man who was taken to  
>an American prison in Kabul, where he said he was held and tortured for five  
>months after being mistaken for a terrorism suspect.  
>  
>German officials said they knew nothing about the man's abduction and have  
>repeatedly pressed Washington for information about the case, which has  
>sparked outrage here. At a meeting in Berlin in December, Chancellor Angela  
>Merkel demanded an explanation of the incident from Secretary of State  
>Condoleezza Rice.  
>  
>But on Monday in nearby New Ulm, the police and prosecutors opened an  
>investigation into whether Germany served as a silent partner of the United  
>States in the abduction of the man, Khaled el- Masri, a German citizen of  
>Arab descent who was taken off a bus on New Year's Eve 2003 in Macedonia and  
>flown to the Kabul prison.  
>  
>The action came after a two-and-a-half-hour meeting at police headquarters  
>in which Masri told the police that he was "90 percent" certain that a  
>senior German police official was the interrogator who visited him three  
>times inside the prison in Kabul but identified himself only as "Sam."

>

>The German prosecutors said Monday that they were also investigating whether  
>the German Embassy in Skopje, Macedonia, had been notified about Masri's  
>kidnapping within days of his detention there, but did nothing to try to  
>help him.

>

>In broadening its criminal inquiry into the abduction of Masri to the  
>activities of its own government, the prosecutors are trying to determine  
>whether German officials worked secretly with the United States in a  
>practice known as "rendition," in which terror suspects are sent to be  
>interrogated in other countries where torture is commonly used.

>

>"I feel deceived and betrayed by my own country," Masri, a 42- year-old  
>unemployed car salesman from Ulm, said in an interview.

>

>The German police official Masri identified as "Sam" denied that he had  
>visited Masri in Afghanistan and said he was "on holiday" at the time.

>

>In a surprise to Masri and his lawyer, the man was present Monday afternoon  
>at the police station, where Masri picked him out of a 10- person lineup.  
>After meeting with him and speaking with him, Masri said his voice was  
>similar but his hairstyle was not. Masri said he was "90 percent sure" that  
>the man was "Sam."

>

>Prosecutors said they were not sure whether the German police official had  
>visited Masri in prison. "We do not assume that this man is Sam," Martin  
>Hofmann, a prosecutor in Munich said Monday afternoon. "But we will still go  
>forward with our investigation."

>

>A senior German official familiar with the case also said that Masri was "at  
>best mistaken" and that the police official "cannot be Sam."

>

>The New York Times is withholding the name of the official Masri thought was  
>"Sam" because he often does undercover intelligence work. He frequently gets  
>"sensitive" assignments and helps clean up "dirty work" for the German  
>foreign intelligence service, said one of his long-time colleagues, who  
>spoke on the condition of anonymity.

>

>A senior Macedonian government official who was directly involved in Masri's  
>case told The Times that not long after Masri's detention Macedonian  
>officials notified the German Embassy in Skopje.

>

>CIA officers in Macedonia conducted the interrogation of Masri, Macedonian  
>officials said. A CIA spokesman declined to comment.

>

>August Stern, the federal prosecutor here who is leading the criminal  
>investigation of Masri's kidnapping, said his investigators were trying to  
>determine whether the German Embassy was told about Masri's detention and  
>then sent a German agent to the U.S. prison in Kabul to talk with him.

>

>August Hanning, state secretary for the Interior Ministry, denied in an  
>interview that any member of Germany's secret services had visited Masri  
>while he was held captive. "He has never been to Afghanistan," Hanning said  
>of the police official.

>

>Two other senior officials, who spoke on the condition of anonymity because  
>of the case's sensitive nature, denied that the Germany Embassy in Skopje  
>had been told about Masri's detention.

>

>"The German Embassy in Skopje was not informed by Macedonian authorities  
>while German citizen el-Masri was in custody in Macedonia," a Foreign Office

>spokesman said.

>

>A second official said that Germany did not learn about Masri's detention  
>until May 31, 2004, when the U.S. ambassador to Germany at the time, Daniel  
>Coats, informed German officials about Masri's detention and eventual  
>release.

>

>Later this week, the German government is expected to turn over a report to  
>Parliament about Masri's case.

>

>Meanwhile, investigators at the Council of Europe, led by Dick Marty, a  
>Swiss lawmaker, are investigating whether there was cooperation between the  
>CIA and their counterparts in European countries.

>

>"I have no explanation for the whole case," said a senior German official.  
>"To bring such a man like el-Masri from Europe to Afghanistan and to ask him  
>some questions and six months later, the explanation that it's a terrible  
>error is not terribly convincing."

>

>Manfred Gnjdic, Masri's lawyer, said he was convinced that Germany "stood  
>by like a little schoolboy, watching what was going on with my client and  
>doing nothing."

>

>After more than five months in captivity, the United States released Masri  
>without filing charges against him.

>

>His case was first revealed in The Times in January 2005. In December, Masri  
>filed a lawsuit in U.S. District Court in Alexandria, Virginia, against the  
>former director of the CIA, George Tenet, three private airline companies  
>and unnamed CIA officials.

>

>At the December meeting in Berlin between Merkel and Rice, the kidnapping of  
>Masri was discussed privately, but the two leaders seemed to disagree about  
>the substance of the conversation afterward.

>

>Merkel said that the Bush administration had admitted it had mistakenly  
>abducted Masri. But Rice declined to discuss with reporters anything about  
>Masri's case. She only said she pledged to Merkel: "When and if mistakes are  
>made, we work very hard and as quickly as possible to rectify them."

>

>In late 2003, Masri left his wife and five children in Ulm for a trip to  
>Macedonia. Prosecutors here have confirmed from witnesses that Macedonian  
>border guards removed Masri from a tourist bus at a border checkpoint on  
>Dec. 31, 2003. Macedonian and German officials said Masri was detained  
>because his name was on an Interpol terror list. But they said the name  
>referred to another Khaled el-Masri.

>

>Masri was held in a nearby hotel in Macedonia for several weeks, where he  
>was questioned by the CIA, senior Macedonian and U.S. government officials  
>said. A senior Macedonian official said that the German Embassy was notified  
>about Masri within days of his detention. "Unofficially, they knew," the  
>official said of the Germans.

>

>Two senior Macedonian officials said the Americans had requested that Masri  
>be detained in Macedonia for 23 days. "We consider the Americans as our  
>partners," another senior Macedonian official said. "We cannot refuse them."

>

>

>Masri said he pleaded with his captors to let him go. "Call the German  
>Embassy," Masri recalled telling them repeatedly. "I'm a German citizen.  
>Please tell them I am here!"



>  
>"They don't want to talk to you," Masri said one of his captors replied.  
>  
>In a recent interview, Masri said: "I thought it was strange that they kept  
>telling me the Germans didn't care about me. Now I know why they said that  
>because it was true."  
>  
>At the hotel, Masri said he was asked whether he was struck by the many  
>questions that he was asked about his time in Germany.  
>  
>A German official, however, disputed that assertion, saying that Germany had  
>often shared information with their American counterparts about suspected  
>terrorists. But the official acknowledged that Masri was not considered by  
>the German police to be an "important" suspect.  
>  
>Publicly, Macedonia has denied that Masri was held illegally. Hari Kostiv,  
>interior minister at the time and later the prime minister, said in an  
>interview: "There is nothing the ministry has done illegally. The man is  
>alive and back home with his family. Somebody made a mistake. That somebody  
>is not Macedonia."  
>  
>In late January 2004, Masri was sent to Afghanistan, where he was held and  
>beaten for five months.  
>  
>For Masri, one of the biggest mysteries was the identity of the interrogator  
>who identified himself as "Sam" and who spoke in fluent German with him at  
>Kabul prison.  
>  
>The man visited three times during Masri's final month in jail.  
>  
>During the first meeting, Masri said he asked the man if he was from  
>Germany, but the man declined to answer. Masri recalled asking him, "Do the  
>Germans know I'm here?"  
>  
>"He said he did not want to answer," Masri recalled. "I asked him if my wife  
>knew I was there. 'Sam' said she doesn't know. He then said I shouldn't ask  
>questions, I should only answer them."  
>  
>During their second meeting, the man was no longer belligerent, Masri said,  
>bringing him cookies, chocolates and a copy of the German newsmagazine  
>Focus.  
>  
>In their last meeting, a week before Masri's release, the man told him that  
>he would be going home soon.  
>  
>On Dec. 12, 2005, Gnjidic, Masri's lawyer, received an e-mail message from a  
>German freelance journalist named Frank Kruger, who suggested that "Sam"  
>might be a German police official.  
>  
>When Masri first saw a photograph of the man, he was "80 to 90 percent sure"  
>that it was the police official.  
>  
>After meeting with the police official, Masri said, "The man was very  
>nervous and he could not look at me into my eyes. He looks very different  
>from the picture the hair is different but the voice sounded very similar."  
>  
>Gnjidic said he found it hard to believe that, other than the prosecutors in  
>Munich, no one in the German government has sought Masri's testimony about  
>his ordeal.  
>  
>"The scandal for me is that the Germans did nothing when they heard a German

>had been captured," he said. "They should have protested very hard and tried  
>to stop this."

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# Frankfurter ZEITUNG

Mittwoch, 22. Februar 2006, Nr. 45 / 8 D

Herausgegeben von Werner D'Inka

## Frankf. allgem. Masri will „Sam“ identifiziert haben

Staatsanwalt: Nicht eindeutig

pca. BERLIN, 21. Februar. Der von Amerikanern nach Skopje in Mazedonien und dann nach Afghanistan verschleppte deutsche Staatsbürger Masri will bei einer Gegenüberstellung angeblich einen Beamten des Bundeskriminalamts (BKA) als „zu 90 Prozent sicher“ den Deutschen identifiziert haben, der ihn während seiner Entführung in Afghanistan mehrfach aufgesucht habe. Nach Angaben der Münchner Staatsanwaltschaft war die Identifizierung jedoch nicht eindeutig. Der Leitende Oberstaatsanwalt Schmidt-Sommerfeld sagte dieser Zeitung, es gebe keine Gewißheit, deshalb müsse der Sache weiter nachgegangen werden. Masri hatte vor einigen Wochen auf Fotos, die ihm von Dritten gezeigt worden waren, angeblich den deutschen Kriminalbeamten Gerhard L. als denjenigen bezeichnet, der sich ihm während seiner Haftzeit in Afghanistan als „Sam“ vorgestellt und fließend Deutsch gesprochen habe. (Fortsetzung Seite 2.)

## Neue Kleider für altes Haus

Jil Sander, Pucci und Brioni feiern in Mailand mit neuen Designern Premiere: Auftritt für Raf Simons, Matthew Williamson und Cristina Ortiz! Deutschland und die Welt 9

## Schöne arme Stadt

Waltrop ist eigentlich pleite. Aber bevor der Staatskommissar kommt, soll erst einmal ein amtlich bestellter Berater in die toten Winkel der Verwaltung leuchten. Politik 3

## Eon Weltmarktf

### Düsseldorfer Energiekonzern bietet 29 M

B.K. DÜSSELDORF, 21. Februar. Der Düsseldorfer Energiekonzern Eon will das führende Unternehmen im spanischen Strommarkt, Endesa, übernehmen. Damit würde Eon mit dann mehr als 50 Millionen Kunden in mehr als 30 Ländern zum führenden Strom- und Gasunternehmen auf der Welt wachsen. Das Barangebot für hundert Prozent der Endesa-Aktien hat ein Volumen von rund 29 Milliarden Euro. Das wären 27,50 Euro für die einzelne Aktie. Einschließlich der Übernahme von Verbindlichkeiten, Rückstellungen und Minderheitsbeteiligungen liegt das Transaktionsvolumen bei rund 55,2 Milliarden Euro. Sollten die Endesa-Aktionäre die Offerte annehmen, wäre dies nicht nur die bisher größte Übernahme in der internationalen Stromwirtschaft, sondern auch der bedeutendste Kauf eines Unternehmens aus Deutschland heraus.

Für Eon ist der geplante Kauf des fünftgrößten europäischen Stromkonzerns das

ambitionierteste Unternehmensgeschick der Eon-Kurs zu 1 zwar leicht nach. 1 Tages zog der K drei Prozent an t als 96 Euro ein Höchststand.

Eon erwartet r standsvorsitzende positive Haltung Bernotat am Dien hen daher davon a tion bis Mitte des nen.“ Eon strebt nahme an, als 1 Dienstag ein Ante nannt. Im Septemb sche Gasversorger

## Meldungen über

### Offenbar Verhandlungen in Belgrad / 1

kps. RIJEKA, 21. Februar. Der wegen Kriegsverbrechen gesuchte ehemalige serbische General Ratko Mladić soll nach Angaben der serbischen Nachrichtenagenturen Tanjug und Beta am Dienstag nachmittag in Haft genommen worden sein. Ministerpräsident Kostunica ließ die Meldung jedoch umgehend dementieren. Sie sei in manipulativer Absicht in die Welt gesetzt worden, um die Bemühungen der Regierung zur Festnahme des Gesuchten zu vereiteln, sagte sein Sprecher.

Es sei nicht klar, ob Mladić aufgespürt wurde oder ob er sich nach Verhandlungen mit der serbischen Regierung freiwillig gestellt habe, meldete der unabhängige Belgrader Sender B92. Die EU hatte ihren Druck auf die serbische Regierung in

Den Haag ausgeübt. Der Haager CI rin der Haager CI Ponte, Florence H am Dienstag in „Blic“ erschienen wo sich Mladić au der Reichweite c B92 meldete unter sche Innenministe ner Festnahme we folgreich abgeschl eine technische und festzunehmen dung der Regier „absolut klar und

Die Festnahme sein. Die serbische Tanjug stützte si



'We have to say you are a member of al-Qaida'... Khaled el-Masri, with his wife and children in Germany

# 'They beat me from all sides'

This German car salesman says that a year ago he was kidnapped in Europe, beaten and flown to a US-controlled jail in Afghanistan. Now the German government is collecting evidence to back up his story. **James Meek** hears Khaled el-Masri's account of life in America's secret offshore prison network

**A** man is walking alone along a mountain path in the darkness. He is carrying a suitcase. He seems frightened, tired and confused. He has long hair and a long beard, but they are untidy, as if he did not grow them voluntarily. He turns a bend and meets three men carrying Kalashnikovs.

The man shows them his passport. It indicates that he is a German citizen, born in Lebanon, called Khaled el-Masri. Using poor English, he tells them that he does not know where he is. They tell him that he is on the Albanian border, close to Serbia and Macedonia, and that he is there illegally since he doesn't have an Albanian stamp in his passport.

The story that el-Masri tells them by way of explanation, on this evening in late May 2004, is extraordinary: a story of how an unemployed German car salesman from the town of Ulm went on a New Year's holiday to Macedonia, was seized by Macedonian police at the border, held incommunicado for weeks without charge, then beaten, stripped, shackled and blindfolded and flown to a jail in Afghanistan, run by Afghans but controlled by Americans. Five months after first being seized, he says, still with no explanation or charge, he was flown back to Europe and dumped in an unknown country which turned out to be Albania.

What really happened? With no way to prove his story, el-Masri's account remains in the balance, a terrifying snapshot of America's "war on terror". It is certain that he returned home to Ulm from Albania in May 2004, and that he was taken off a bus from Germany at the Macedonian border on New Year's Eve 2003. The only person who has offered a clear explanation for what happened in the five months in

between is el-Masri himself. Yet that may change.

The German authorities are now taking his allegations very seriously. They are subjecting a sample from el-Masri's hair to radioisotope analysis, which can reveal, down to a particular country, the source of a person's food and drink over a period of time. Discussions are also under way about bringing to Germany two men whom el-Masri has identified as being with him in the Afghan prison, and who were also subsequently released. The fact that the German authorities do regard Ulm as an area of potentially dangerous radical Islamic activity – a number of premises were raided and alleged Islamic activists were arrested on Wednesday – only emphasises the concern that Germany has over the el-Masri case.

So far the US authorities have neither confirmed nor denied el-Masri's story, although German investigators first requested information about the case in autumn. The FBI office in the US embassy in Berlin did not return calls yesterday.

On Tuesday the Guardian was the first European news organisation to interview el-Masri, at the Ulm offices of his lawyer, Manfred Gnjdic. In a conversation lasting more than four hours, el-Masri conveyed a powerful impression of sincerity: if his story is not true, he must be an actor of genius. He broke down in sobs as he described the moment he was abducted by masked men and put on a plane, excused himself to vomit as he recalled the filthy water he was given to drink in jail, and brightened as he described the hours before his return to Germany. Often he would pick up a pen and sketch the layout of a room or building.

If true, the abduction would add to our understanding of a pattern of US behaviour frightening in its implications both for America and for the rest of the world. The former



director of the CIA, George Tenet, told the US 9/11 Commission last year that even before September 11 the US had abducted more than 70 foreigners it considered terrorists - a process Washington has declared legal under the label "extraordinary rendition".

An investigation by the Washington Post last year suggested that the US held 9,000 people overseas in an archipelago of known prisons (such as Abu Ghraib in Iraq) and unknown ones run by the Pentagon, the CIA or other organisations. But this figure does not include others "rendered" to third-party governments who then act as subcontractors for Washington, enabling the US to effectively torture detainees while technically denying that it carries out torture.

El-Masri's ordeal began, he says, when he decided to escape, for one week over New Year, the stress of living in a single room in Ulm as the unemployed father of a family of six. On a friend's recommendation he bought a cheap bus ticket to Skopje, capital of Macedonia, intending to find a hotel when he got there.

The bus left the borders of the EU and crossed Serbia without incident. Then, at the Macedonian border, at 3pm, el-Masri was called off the bus. Now 41, he has lived in Germany for 20 years, the last 10 as a citizen. "I didn't feel bad," he says. "I just thought it was a mistake."

He was taken to a room with a table and chairs where four men whom he took to be Slavic searched his luggage and questioned him in poor English, asking him about links to Islamic organisations. Several hours later, flanked by armed police, he was driven to a city he assumes was Skopje and escorted to the hotel room where he was to spend the next few weeks. "I asked if I was arrested," says el-Masri. "They said: 'Can you see handcuffs?'"

El-Masri was kept prisoner in the room for 23 days; Macedonian civilian police were constantly present, and he was subject to repeated interrogations about his links to Islamic organisations - he says he has none - and about the mosque in Ulm where he worships.

After about 10 days, a Macedonian Mr Nice appeared. "He said it was taking a long time, too much time - let's make an end to it, and let's make a deal. 'We have to say you are a member of al-Qaida... then we'll put you on a plane and take you back to Germany.' I refused, naturally. It would have been suicide to sign."

But el-Masri was accused of having been to a terror training camp in Jalalabad, of having a fake passport, and being in reality a citizen of Egypt. On the evening of January 23, he was handcuffed, blindfolded, put in a car and told he was going to Germany. He was driven to a place where he heard the sound of a plane, then heard the voice of one of the Macedonians saying he would have a medical examination.

"I heard the door being closed," says el-Masri. "And then they beat me from all sides, from everywhere, with hands and feet. With knives or scissors they took away my clothes. In silence. The beating, I think, was just to humiliate me, to hurt me, to make me afraid, to make me silent. They stripped me naked. I was terrified. They tried to take off my pants. I tried to stop them so they beat me again. And when I was naked I heard a camera." El-Masri breaks down as he recalls the moment when the men carried out an intrusive anal search.

He was dressed in a nappy, a short-sleeved, short-legged suit and a belt. His feet were shackled and his hands were chained to the belt. His ears were plugged and ear defenders placed over them and a clip put on his nose. A hood was put over his blindfold. With his arms raised painfully high behind his back, he was driven to an aircraft where he was thrown down on to a bare metal floor, chained and bound, and given an injection. He was dimly aware of a landing and takeoff and a second injection before the plane landed again and he was put into the boot of a car.

El-Masri arrived in what he later found to be his cell by being pushed violently against the wall, thrown to the floor, having feet placed on his head and his back and having his chains removed. The cell was to be his home for the next four months. From the graffiti on the wall - in Arabic script, but not Arabic - and the Afghan dress of the guards, he deduced that he was in Afghanistan. There was nothing in the cell except a blanket, a filthy plastic mat and a bottle of tainted water so vile that the memory of it makes him literally gag.

El-Masri soon discovered that the prison, though technically Afghan, was run from behind the scenes by the US. His first encounter with an American was with a masked individual who spoke English with what el-Masri believes was an American accent. He had a Palestinian translator. The American took a blood sample and photographed el-Masri naked again.

"I asked him if I could have fresh water," said el-Masri. "And he said: 'It's not our problem, it's a problem of the Afghan people.' I said: 'Afghanistan doesn't have planes to kidnap people in Europe and bring them here, so it's not the problem of the Afghan people.'"

By whispering through the door, and exchanging messages on pieces of toilet paper,

**'Kabul is a country without laws and nobody knows that you are here. Do you know what this means?'**

el-Masri found out a few details about his fellow prisoners: two Saudi brothers of Pakistani origin who had been imprisoned for two years, two Tanzanians, a Pakistani, a Yemeni, and several Afghans. (Mr Gnjidic says two of the prisoners have been traced but he didn't want to identify them for fear of putting their lives at risk.)

El-Masri says the first of many interrogations was carried out by a masked man with a south Lebanese accent, with seven or eight silent observers in black masks listening in. "He said: 'Do you know where you are?' And I answered: 'Yes, I know, I'm in Kabul.' So he said: 'It's a country without laws. And nobody knows that you are here. Do you know what this means?'"

Repeatedly, he would be asked the same questions, challenging his identity, accusing him of attending terrorist training camps. Some of the interrogators, el-Masri believes, were American.

After about a month, el-Masri met two unmasked Americans who other prisoners referred to as "the Doctor" and "the Boss". The Doctor was a tall, pale man in his 60s with grey collar-length hair. The Boss was younger, with red hair and blue eyes, about 5ft 10in, and wore glasses. Then, in March, el-Masri and the other prisoners began a hunger strike. After 27 days of starvation, he was taken in chains one night to meet the Americans and a senior Afghan. Near to hysteria, el-Masri said they had to let him go, put him before a US court, let him speak to somebody from the German government, or watch him starve to death.

The Boss told him he had to get Washington's permission to help him, but was clearly angry, saying: "He shouldn't be here. He's in the wrong place." "I had the impression that the Doctor thought I wasn't guilty, and had sent a report saying so even after the second interrogation," says el-Masri. Yet he was taken back to his cell, where he continued his hunger strike. Conditions in the cell improved, with a bed and a new carpet, but he was barely able to move. On the 37th day he was force fed chocolate-flavoured nutrients through a tube stuffed up his nose. El-Masri began to eat again and the Americans brought him fresh water and promised that he would be released within three weeks.

They brought a native German speaker to the prison. "I asked him: 'Are you from the German authorities?' He said: 'I do not want to answer that question.' When I asked him if the German authorities knew that I was there, he answered: 'I can't answer this question.'" (Hofmann, the prosecutor, says the German security services do not admit to any knowledge of an agent visiting el-Masri in prison.)

It was to be more than a week before el-Masri finally got out of the prison; the German told him one of the obstacles to his speedy release was the Americans' determination not to leave any evidence that he had ever been there. He was flown to Albania in what he thinks was a small passenger jet, blindfolded and in plastic handcuffs.

When el-Masri got back to Ulm, he found his wife and four children had disappeared. They had returned to Lebanon. He traced them, brought them back, and told his wife his story.

"It was a crime, it was humiliating, and it was inhuman, although I think that in Afghanistan I was treated better than the other prisoners. Somebody in the prison told me that before I came somebody died under torture. Those responsible have to take responsibility, and should be held to account."

Hofmann and his investigative team now have two tasks: to find evidence supporting or disproving el-Masri's story and, if they can show it is true, to work out who to charge with kidnapping. But how do you charge a government? "For the moment," says Hofmann, "I have to believe the story, because there is no evidence that it is not true."

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24 January 2005

## Macedonia implicated in 'abduction' case

**A German national has claimed that he suffered months of abuse in a Kabul jail after being arrested on a visit to the Macedonian capital of Skopje.**

By Ana Petrusseva and Miomir Serafinovic in Skopje for IWPR (24/01/05)


The Macedonian authorities were involved in the kidnapping and illegal detention of a German national following a "request" from the CIA, local police and intelligence sources have told IWPR. State prosecutors in Berlin have confirmed that they are "investigating unnamed parties on suspicion of abduction" following complaints by Khaled el-Masri, a German national of Lebanese origin. The unemployed father of six claims that, after being kidnapped and illegally detained while traveling in Macedonia, he suffered months of abuse in a US-controlled secret prison in the Afghan capital Kabul. A number of police and intelligence sources confirmed the claims to IWPR, saying that Macedonian officers were acting on a request from Washington. And enquiries at Skopje airport have revealed that a US Boeing 737 left for Kabul at the time el-Masri claims he was transferred. Few Macedonian police officials are willing to discuss this case on the record. Interior Ministry spokesperson Goran Pavlovski would only say "no comment" when IWPR asked him about el-Masri's allegations. However, the Interior Ministry has not denied that Macedonian police were involved in the alleged abduction. Police and intelligence sources have told IWPR that el-Masri was held for 23 days by agents from the Macedonian directorate for security and counter intelligence - in response to information and a request from the CIA. "We did not look for him, we just acted upon information we had received. In other words, we just followed a request from an intelligence agency of a friendly country," one police source said. An Interior Ministry official, who spoke on condition of anonymity, stressed, "While in Macedonia [el-Masri] was not beaten or tortured. Our people acted in a strictly professional manner."

**T 'abduction'**

El-Masri, a 41-year-old unemployed car salesman from the German town of Ulm, claims that he was taken off a tourist bus by police on the Macedonian side of the border with Serbia on his way to Skopje on 31 December 2003. His luggage was searched and he was questioned for a few hours before being taken to a large town - he assumes Skopje - by armed police. Local intelligence sources in the Kumanovo area - which also covers the Tabanovce border crossing with Serbia, where el-Masri was allegedly taken off the bus - told IWPR that they had heard about the abduction, insisting it was conducted by Macedonian counter intelligence agents from Skopje. "We knew that there was an operation, but we did not get any details as it was not related to our [work] at a local level," one source from Kumanovo told IWPR. Police sources confirm that el-Masri was detained in Macedonia, but insist that the local intelligence services were only following orders from Washington. Asked why el-Masri was allegedly held without any charges, one police source replied that "in these cases the rules do not apply" noting that request from the CIA have absolute priority. Normally, suspects must be charged within 24 hours of their arrest, or released. But el-Masri claims that he was held for questioning in a hotel for 23 days without charge before being handed over to what he believes were Americans, and then flown to Kabul. A source at Skopje airport, who spoke on condition of anonymity, has told IWPR that official records do contain data about a special flight - a US Boeing 737 - that landed in Skopje from Palma de Majorca and then departed for Afghanistan. "According to airport records the American Boeing landed in

Skopje on 23 January at 9:30pm. It left Skopje few hours later, at 2am, with only one passenger. The name of the passenger is not listed. The plane's destination was Kabul," the source said. IWPR's official request for information from Skopje airport had not been answered at the time we went to press. But Kabul is not a regular destination for flights leaving the Macedonian capital. In Kabul, el-Masri claims that he was tortured and abused for a further four months, in an attempt to force him to confess to being an Islamic militant. He said that he was eventually released in Albania at the end of May 2004. His lawyer, Manfred Gnjidoc, claims that el-Masri was the innocent victim of a controversial CIA policy known as "rendition" - where suspects are handed over to countries with poor human rights records so that information can be extracted from them using torture, while leaving the US' reputation unharmed. The lawyer told The New York Times that his client was taken because he has the same name - albeit with a slightly different spelling - as an al-Qaida-linked extremist who is wanted in connection with the September 11 attacks on the US.

#### Macedonia's role not to be overlooked

The British newspaper The Guardian, which has interviewed el-Masri extensively about his ordeal, has reported that the Berlin authorities are now subjecting a sample of his hair to radioisotope analysis - a procedure that can reveal the source country of all food and drink consumed by a person over a period of time. The seriousness with which the German authorities are treating the allegations has led some analysts to warn that Macedonia's alleged role in the events will not be overlooked. ~~Former interior minister Pavle Trajanov~~ <sup>admits?</sup> told IWPR that el-Masri's case was "unique" and noted that "it is highly unusual to hand over people to other foreign intelligence services in this manner". "There is little doubt that [el-Masri] was held illegally," he said. "There were no grounds to keep him for such a long time, especially since no court placed him in custody. If el-Masri proves his case it is likely the US will [have to] take responsibility. "However, that does not mean that Germany will not react over Macedonia's role in the abduction." Law professor Vlado Popovski, former head of Macedonia's state intelligence agency, told IWPR that the law enforcement authorities had a duty of care to check the identity of any suspect they apprehend. "Hypothetically speaking, if the courts decide that this was a case of mistaken identity, the Macedonian authorities would not be relieved of their responsibility even if they thought [el-Masri] was the [right] man when they handed him over to the another country's intelligence agency," he said. The Macedonian interior ministry and the German embassy in Skopje said that they were not aware of any official request made by Berlin for assistance from Macedonia in their enquiries. The US embassy in Skopje was approached about the allegations, but refused to comment. Macedonia has long expressed a willingness to aid the US in its so-called war on terror, with mixed results. Former interior minister Ljube Boskovski is still on the run after being charged with the murders of seven economic migrants, passed off as Islamic extremists, in an apparent effort to impress Washington. 

Ana Petrusseva is IWPR's project manager in Skopje. Miodir Serafinovic is a Skopje-based journalist.

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# Germans Investigate Kidnapping Allegations

*Masri, from Page A11*

at one man's disappearance into a hidden dimension of the Bush administration's war on terrorism.

Since the Sept. 11 attacks, U.S. authorities have used overseas detention centers and jails to hold or interrogate suspected terrorists, such as at Guantanamo Bay, Cuba. Many of the estimated 9,000 prisoners in U.S. military custody were captured in Iraq, but others, like Masri, were allegedly picked up in another country and delivered to U.S. authorities in Afghanistan or elsewhere for months of confinement.

A CIA spokesman declined to comment on Masri's case, but White House, Justice Department and CIA officials have long argued that U.S. laws authorize such covert operations. They say U.S. officials have been given assurances in every case that no one is tortured.

"This is not a rogue agency on these issues," said a former senior CIA official who is familiar with the practice. "All these programs have been done under strict supervision, and have saved lives."

The German government is investigating Masri's allegations. "I have no indication that Masri is not telling the truth," Munich prosecutor Martin Hofmann said in a recent interview. Hofmann said that he can identify "innocent" and "whether someone spent time in a certain part of the world — suggests that Masri was maltreated and could have been in Afghanistan in early 2004," said his lawyer, Manfred Ghijic.

"I cannot bring kidnapping charges against a country," Hofmann said. "Decisions now have to be made by higher German authorities. Bearing in mind the politically explosive nature of this case, I still believe it can be handled swiftly."

Masri's allegations come at a sensitive time for Washington and Berlin. President Bush and German Chancellor Gerhard Schröder met last month to help mend ties in the wake of Germany's opposition to the U.S.-led invasion of Iraq, Ger-

decided to escape his small apartment for a short holiday in Macedonia. This account raises doubts among some German officials, but Masri is adamant that he needed time away from his wife.

The tenor of the trip changed about 3 p.m. when his passport was confiscated after the bus crossed the Serbian border into Macedonia. Three hours later, Masri said, he was waiting for his documents to be returned when "two guys in plainclothes and carrying pistols arrived and asked me if I had connections to Islamic organizations. I told them no. They questioned me until 10 p.m. and then they put me in a car."

Masri said he was taken to a hotel in the capital, Skopje, and was guarded by Macedonian teams of three men working in shifts. He said he demanded to see an official from the German Embassy but no one came. He tried to flee, he said, but was threatened with guns.

On the seventh day of his confinement he said a man photographed him and took his fingerprints. Another man Masri described as the "big boss" of the hotel died.

"The big boss said too many days had passed," he said. "He told me if I admitted to belonging to Al Qaeda, they'd deport me to Germany. I refused. They kept asking so many questions about my life. How often did I pray? Did I drink alcohol? Did I belong to the Muslim Brothers? Did I know extremists? They asked all their questions in English, and I only know a little English. They didn't allow me to call my wife."

Masri said he told his interrogators that he attended the Ulm mosque for prayers but had no connections to extremists. He said he was then accused of having a false passport and of being an Egyptian who had spent time in Afghanistan. He was denied legal representation, he said, and began a hunger strike on his 13th day in the hotel.

Ten days later, on Jan. 23, a man with a video camera told Masri to stand against a wall and ordered him to say that he was in

*'I was led into a room. The door closed behind me and I was beaten from all sides for about one minute. They bent my arms to my back and cut off my clothes. I heard the click, click of a camera.'*

**Khaled el-Masri**, who says he was forcibly spirited out of Europe

good physical condition and was being taken to the airport to fly to Germany, Masri said. He was about 10 minutes "I awoke in a small, dirty cell," he said. "It was like a basement room with a tiny window. There was Arabic and Farsi writing on the wall from other prisoners. It was then I knew I was in Afghanistan."

His cell was in a block with about five other cells, he said, adding that his fellow inmates included three Saudis, two Tanzanians, a Pakistani who had been living in the U.S. and a Yemeni.

Masri said he was not tortured while in Afghanistan but was photographed naked. A doctor who spoke English and wore jeans and a checkered shirt, and who was identified through an interpreter as an American, once drew blood from him, he said, adding, "I complained to the doctor about the dirty drinking water in my cell and he said, 'That's not our problem, that's the Afghans' problem.'"

Masri said one interrogator, a man with a Lebanese accent, told him: "You are in a country where there are no laws and nobody knows where you are. Do you know what this means?"

Over the next several months, Masri said, the cycle was the same. He was let out of his cell a few minutes a day. Some nights, he said, men wearing masks took him into a room where he was questioned for 30 minutes to two hours. Two of his interrogators, he said, identified themselves as Americans. He said the Americans questioned him about 10 times. He also was interrogated a few times by a German-speaking man who identified himself as Sam.

At one point, I smelled the kind of alcohol they have in a hospital. I received another injection.

Aviation documents viewed by the Los Angeles Times show that a jet registered to a U.S. company landed at the Skopje airport at 8:51 p.m., Jan. 23, 2004. The plane's tail number was N313P and was registered to Premier Executive Transport Services Inc., a Massachusetts firm with reported connections to the CIA. No phone numbers are listed for the company or its directors.

The jet left Skopje more than three hours later, and its destination was first disclosed by the German television program "Frontal 21" — was Kabul, the Afghan capital, with a stopover in Baghdad.

"The questions were all the same," Masri said. "They really wanted to know about the mosque and the Islamic information center in Ulm. They asked me if I knew Mohammed Atta. But the questions were never about specific acts. . . . I kept asking to see German authorities. I went on a hunger strike for 37 days."

"I passed out on the 15th day. The American doctor came on the 37th day with the American head of the prison. They told me to stop the hunger strike. I was fastened to a chair and my head was pulled back and a tube was pushed into my nose and I was fed a liquid that tasted like chocolate."

A little later, on May 28, 2004, Masri said, he was taken from his cell and blindfolded. He said he was put on a plane and flew to Tirana, the Albanian capital. Masri said that when the plane landed he was given his passport, put in a van and driven three hours through the mountains. He was dropped off and the van disappeared. "I walked 500 meters. I had long hair and a beard. I came to a checkpoint and asked where I was," Masri said. "A guard told me I was at the Albanian-Macedonian border. Then he said I was in the country illegally because I didn't have an entry stamp in my passport. He said, 'You look like a terrorist.' I told him my story. He laughed."

The guards loaded him into a van and drove him through the mountains to the Mother Teresa Airport in Tirana. He said he was put on a plane that landed in Frankfurt, Germany. Hours later he arrived in Ulm. His apartment was empty except for unpaid bills. His wife and four children were gone; they had moved to Lebanon when he failed to return months earlier.

"No one said 'Sorry, we made a mistake,'" Masri said. "I just want to find out what happened and why it happened. I want those responsible to be punished."

He was never charged with a crime.

*Times staff writer Bob Drogin in Washington, contributed to this report.*

When he was taken off the plane, Masri said, he was put into the trunk of a car and driven about 10 minutes "I awoke in a small, dirty cell," he said. "It was like a basement room with a tiny window. There was Arabic and Farsi writing on the wall from other prisoners. It was then I knew I was in Afghanistan."

His cell was in a block with about five other cells, he said, adding that his fellow inmates included three Saudis, two Tanzanians, a Pakistani who had been living in the U.S. and a Yemeni.

Masri said he was not tortured while in Afghanistan but was photographed naked. A doctor who spoke English and wore jeans and a checkered shirt, and who was identified through an interpreter as an American, once drew blood from him, he said, adding, "I complained to the doctor about the dirty drinking water in my cell and he said, 'That's not our problem, that's the Afghans' problem.'"

Masri said one interrogator, a man with a Lebanese accent, told him: "You are in a country where there are no laws and nobody knows where you are. Do you know what this means?"

Over the next several months, Masri said, the cycle was the same. He was let out of his cell a few minutes a day. Some nights, he said, men wearing masks took him into a room where he was questioned for 30 minutes to two hours. Two of his interrogators, he said, identified themselves as Americans. He said the Americans questioned him about 10 times. He also was interrogated a few times by a German-speaking man who identified himself as Sam.

At one point, I smelled the kind of alcohol they have in a hospital. I received another injection.

Aviation documents viewed by the Los Angeles Times show that a jet registered to a U.S. company landed at the Skopje airport at 8:51 p.m., Jan. 23, 2004. The plane's tail number was N313P and was registered to Premier Executive Transport Services Inc., a Massachusetts firm with reported connections to the CIA. No phone numbers are listed for the company or its directors.

The jet left Skopje more than three hours later, and its destination was first disclosed by the German television program "Frontal 21" — was Kabul, the Afghan capital, with a stopover in Baghdad.



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# German Sues Over Abduction Said to Be at Hands of C.I.A.

By SCOTT SHANE

Published: December 6, 2005

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WASHINGTON, Dec. 6 - A

German citizen who says he was abducted, beaten and taken to

Afghanistan by American agents in an apparent case of mistaken identity in 2003 filed suit in federal court today against George J. Tenet, the former C.I.A. director, and three companies said to have been involved in secret flight operations.

The suit came three days after Khaled el-Masri, a 42-year-old Lebanese-born former car salesman, was refused entrance to the United States after arriving Saturday in Atlanta on a flight from Germany with the intention of appearing at a news conference today in Washington. He spoke instead by video satellite link, describing somberly how he was beaten, photographed nude and injected with drugs during five months in detention in Macedonia and Afghanistan.

Enlarge This Image

"I want to know why they did this to me," Mr. Masri

said, speaking in German. He said that he had been reunited with his wife and children and was seeking work in Germany but that he had not fully recovered from the trauma of his experience.

"I don't think I'm the human being I used to be," he told

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Shawn Thew/European Pressphoto Agency

Speaking from Germany, Khaled el-Masri told reporters in Washington that he was tortured at the hands of the C.I.A.

**Multimedia**

[Video: Khaled el-Masri's Lawsuit](#)

reporters through an interpreter.

In a separate interview in Germany, Mr. Masri said his weekend encounter with federal immigration officers in Atlanta made him briefly fear that the ordeal might be repeated or that he might be taken to the American detention center at Guantánamo Bay, Cuba.

"My heart was beating very fast," he said. "I have remembered that time, what has happened to me, when they kidnapped me to Afghanistan. I have remembered and was afraid."

The lawsuit, filed by lawyers for the American Civil Liberties Union in Alexandria, Va., came on a day of talks between Secretary of State [Condoleezza Rice](#) and Chancellor Angela Merkel of Germany, who said Ms. Rice had admitted that Mr. Masri's detention had been a mistake.

Since it was first reported in January, the Masri case has become an oft-cited example of tough American counterterrorism policies gone awry.

His lawsuit is the latest development in a series of challenges by human rights groups on the Central Intelligence Agency's clandestine operations to transport, detain and interrogate suspected terrorists since the attacks of Sept. 11, 2001. Under particular scrutiny are secret detention centers, including some reported to be in Eastern Europe; the use of harsh interrogation methods by American intelligence officers; and the delivery of more than 100 suspects to other countries, including some where torture has been routine, in a practice known as rendition.

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The lawsuit appears to be the first to target a web of companies that own and operate a fleet of aircraft used by the C.I.A., including many based at the rural Johnston County Airport in Smithfield, N.C. The companies named in the suit were Aero Contractors Ltd., a Smithfield company that provides crews and maintenance; Premier Executive Transport Services of Dedham, Mass., which previously owned the Boeing business jet used to take Mr. Masri from Macedonia to Afghanistan; and Keeler and Tate Management L.L.C., of Reno, Nev., which owns the jet today.

The lawsuit could force the C.I.A. to acknowledge its secret relationship with the companies, said Anthony D. Romero, executive director of the A.C.L.U. "That's what's novel here," he said. "What we learn of these three companies will be as interesting as the outcome of the case."

A spokesman for Mr. Tenet, who served as C.I.A. director from 1997 to 2004, said he had no comment, as did a spokesman for the C.I.A. Initial attempts to reach executives of the three air companies named in the lawsuit were unsuccessful.

Mr. Romero of the A.C.L.U. said the lawsuit was an attempt to counter the "culture of impunity" in the Bush administration for human rights violations and to force the C.I.A. to abandon practices in conflict with American values. The organization has obtained 77,000 pages of government documents on detention and interrogation under the Freedom of Information Act that have been the basis for thousands of news reports.

Mr. Romero took issue with a statement Ms. Rice made on Monday before leaving for Germany denying accusations of human rights violations and declaring that "the United States does not transport, and has not transported, detainees from one country to another for the purpose of interrogation using torture."

"Unfortunately, as our lawsuit shows today, those statements are patently false," Mr. Romero said.

*Souad Mekhennet contributed reporting from Germany for*

December 7, 2005

## Germany's Merkel Under Pressure After Rice Debacle

By REUTERS

Filed at 8:16 a.m. ET

BERLIN (Reuters) - German Chancellor Angela Merkel faced mounting domestic pressure and her first big foreign policy challenge on Wednesday after a messy diplomatic spat with the United States over a German man held as a terrorist suspect.

Opposition politicians accused Merkel of failing to get answers from visiting U.S. Secretary of State Condoleezza Rice on the case of the German man, Khaled el-Masri, and on wider concerns about U.S. methods in the war on terrorism.

"We heard only general explanations...I don't think yesterday brought us a single step forward," Heinz Lanfermann, a liberal member of parliament, told n-tv news.

His Free Democrat party and the fellow opposition Greens called for a parliamentary debate on Wednesday next week on the case of Masri, who was held for five months as a terrorist suspect by the United States in an Afghan prison last year.

A visit from Rice on Tuesday, intended as a bridge-building trip with Merkel's new government, veered badly from the intended script when the Masri case was raised.

While Merkel told reporters Washington had acknowledged it made a mistake in detaining him, a senior U.S. official said Rice had said no such thing.

"We are not quite sure what was in her head," he said, referring to Merkel.

German media seized on the embarrassing contradiction.

"CIA Affair: Chancellor Merkel angers the USA," headlined the Berliner Morgenpost.

The Financial Times Deutschland said: "Not only is there no apology, but even the word 'mistake' is too much for the United States when it comes to a concrete case."

The disagreement soured Merkel's first foray into transatlantic diplomacy since taking office two weeks ago.

She had hoped to open a new chapter in relations with the administration of U.S. President George W. Bush, which has not forgiven her predecessor, Gerhard Schroeder, for his outspoken opposition to the invasion of Iraq.

### ABUSE ALLEGATIONS

The Masri affair has become an explosive political issue in Germany and attracted world attention as the United States faces renewed allegations of illegal tactics and human rights abuses while waging its war on terrorism.

Prominent members of Merkel's coalition government, including her foreign minister, were also senior figures in Schroeder's administration and are coming under pressure to say what they knew about the Masri case and how they acted on it.

Former interior minister Otto Schily denied hushing up the affair and said he had pressed for a U.S. explanation.

"Unfortunately, this did not happen in an adequate manner," Schily told Die Zeit newspaper.

The Lebanese-born German, who was flown to Afghanistan after being arrested in Macedonia on December 31, 2003, filed a lawsuit in the United States on Tuesday against former CIA director George Tenet and other officials, alleging wrongful imprisonment.

He said he was beaten, kicked, photographed naked and confined to a cement cell with a filthy blanket for a bed, brackish drinking water and boiled chicken bones for food.

Masri said in a German television interview that his interrogator in Afghanistan had told him: "You are in a country where there aren't any laws. We can forget about you here for 20 years or bury you here and no one will know anything about it."

**Betreff:** Reuters zitiert NBC News / El Masri Fall  
**Absender:** "Eckardt, Andy (NBC Universal)" <Andy.Eckardt@nbcuni.com>  
**Empfänger:** "Gnjidic-Aehle@t-online.de" <Gnjidic-Aehle@t-online.de>  
**Datum:** 22. Apr 2005 11:23

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BC-SECURITY-CIA-MASRI 04-21 0348

**BC-SECURITY-CIA-MASRI**

**CIA said to have wrongly held German suspect**

WASHINGTON (Reuters) - CIA operatives held a German citizen in a prison in Afghanistan for six weeks even after determining he was not an Osama bin Laden associate and despite an order from then-national security adviser Condoleezza Rice, NBC News reported Thursday.

Authorities in Germany have been investigating complaints by Khaled el-Masri, a Lebanese-born German who says he was abducted in Macedonia on New Year's Eve in 2003 and flown to Afghanistan.

Masri said he was beaten and injected with drugs by interrogators, who suspected he had ties to bin Laden's al Qaeda network. He was released in May 2004 in Albania.

NBC said he had been picked up because his name matched someone trained in bin Laden's camps and his German passport was thought to be fake.

The network, citing unnamed senior U.S. officials, said CIA officers concluded Masri was the wrong man after his passport proved legitimate. The network said then-CIA Director George Tenet had been alerted to the error.

But Masri was held at a CIA-run prison dubbed the Salt Pit for another six weeks "while officials debated how to handle the mistake," NBC said.

It said the matter reached Rice, now secretary of state and then President Bush's chief national security adviser. She ordered Masri's immediate release, twice, before he was finally let go, the report said.

A CIA representative had no comment. The CIA's inspector general is investigating, NBC quoted intelligence sources as saying.

In January, Munich prosecutor Martin Hofmann told Reuters state prosecutors were investigating unnamed parties on suspicion of abduction of Masri, then 41.

German officials had verified the details of Masri's journey up to the Macedonian border, where he was taken off a tourist bus, Hofmann said. He said they were working with overseas counterparts to establish what happened next.

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## U.S. may make mistakes in "war on terror" - Rice

Tue Dec 6, 2005 12:24 PM GMT

By Saul Hudson and Lou Charbonneau

BERLIN (Reuters) - Secretary of State Condoleezza Rice admitted on Tuesday that the United States may make mistakes in its "war on terrorism" and promised to put them right if they happened.

"We recognise any policy will sometimes result in errors, and when it happens, we will do everything we can to rectify it," Rice said at the start of a European tour overshadowed by allegations of illegal CIA methods against terrorist suspects.

Speaking in Berlin, she declined to comment on the case of a German man, Khaled el-Masri, who was allegedly abducted to Afghanistan and imprisoned there for five months last year until the CIA realised it had got the wrong man.

But German Chancellor Angela Merkel said the U.S. government had acknowledged it blundered over Masri, who plans to sue the CIA in a case to be filed in the United States later on Tuesday.

"I'm pleased to say that we spoke about the individual case, which was accepted by the United States as a mistake, and so I'm very pleased the foreign minister (Rice) has reiterated that if mistakes are made, they must immediately be rectified," Merkel told a joint news conference.

Masri's case has caused a furore in Germany, fuelled by a U.S. newspaper report that the former interior minister was told of the case in May 2004 and agreed to a request from the U.S. ambassador to keep it quiet.

Merkel said she would ask her foreign minister, Frank-Walter Steinmeier, to report on the Masri case to the parliamentary committee responsible for supervising the security services.

### "MASS MURDER"

Rice was not challenged directly over reports that the United States had run secret prisons in Eastern Europe, which Washington has refused to confirm or deny.

But she reiterated her vigorous defence of U.S. methods in its war on 21st century militants.

"If you don't get to them before they commit their crimes, they will commit mass murder," she said. "We have an obligation to defend our people and we will use every lawful means to do so."

Rice said combating terrorism required close security cooperation, but intelligence methods could not be made public nor specific cases discussed.

"Without good intelligence, you can simply not protect innocent civilians from the kind of attacks we have experienced around the globe," she said.

She stressed that the United States operated strictly "within the context of laws and our international obligations", an assurance welcomed by Merkel.

Europe's leading human rights watchdog is probing the press reports on CIA secret prisons, as well as flights by CIA planes across the continent which it believes may have been used to transport terrorist suspects covertly.

The European Union and at least eight member states have sought clarification from Washington.

A new television report on Monday cited current and former CIA officials saying al Qaeda suspects had been held in Europe until last month but were then transferred to north Africa.

U.S. channel ABC news added that interrogation techniques used included sleep deprivation and a practice in which the subject feels they are being drowned, but that these were not classified as torture. The CIA declined comment.

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Wer bei amerikanischen Behörden unter Terrorverdacht gerät, lebt äußerst gefährlich. Die Geheimdienste der USA und einiger ihrer Verbündeten lassen offenbar mut-

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Als Khaled el-Masri aus afghanischer Gefangenschaft zurückkam nach Deutschland, da hatte er für sein Martyrium keinen Beweis, und mit Verständnis konnte er auch nicht rechnen. Wer glaubt schon, dass einer von CIA-Agenten entführt und wegen Terrorverdachts monatelang eingesperrt und verhört worden ist? Mittlerweile ist die Sache aber – kriminalistisch betrachtet – relativ klar: „Immer mehr Puzzlesteine bestätigen die Angaben el-Masris“, sagt der Münchner Staatsanwalt Martin Hofmann, der wegen Verschleppung gegen Unbekannt ermittelt. El-Masris detaillierte Erzählung galt bei Polizei und Justiz schon immer als sehr glaubwürdig, jüngst ist nun auch ein wissenschaftlicher Beleg dazugekommen: Die abschließende Untersuchung der Haare el-Masris, die im August 2004 von der Staatsanwaltschaft in Auftrag gegeben wurde, stützt die Vorwürfe gegen den US-Geheimdienst.

Spezialisten an der Abteilung für Geo- und Umweltwissenschaften der Ludwig-Maximilians-Universität München haben 15 Abschnitte der Haare el-Masris untersucht und daraus den Schluss gezogen, es sei überaus wahrscheinlich, dass der aus dem Libanon stammende Deutsche eine Zeit lang „ganz wesentliche Veränderungen seiner Lebensumstände“ erfahren habe, wie es im letzten Gutachten vom 5. März 2005 heißt. Ähnlich wie bei einem Dopingtest suchten die Experten für Isotopen-Geochemie nach Spuren, die Nahrung und Wasser in el-Masris Gewebe hinterlassen hatten. Weil dieser sein Haar relativ lang trägt, ließ sich die Zeit vor, während und nach der Entführung vergleichen. Was el-Masri von Januar bis Mai 2004 zu sich genommen hat, „könnte tatsächlich zu Afghanistan passen“, heißt es, was an den Isotopenverhältnissen von Wasserstoff, Kohlenstoff, Stickstoff, Schwefel, Strontium und Blei im Haar erkennbar ist.

El-Masri gibt an, er habe sein Zuhause in Neu-Ulm Ende 2003 verlassen und sei nach Mazedonien gereist, wo er festgenommen und verhört worden sei, bis er Ende Januar 2004 von mutmaßlichen CIA-Agenten nach Afghanistan geflogen wurde. Damit wäre er Opfer jener gefürchteten Praxis geworden, die in den USA *rendition* genannt wird und darin besteht, Terrorverdächtige in Staaten mit schwachen Menschenrechtsstan-

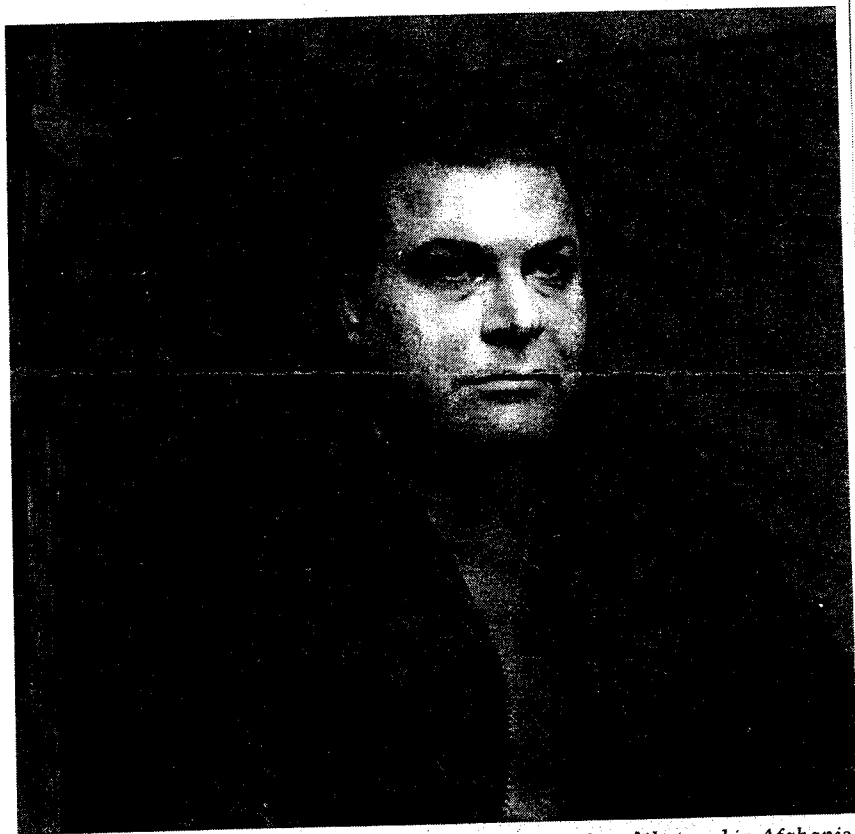


**Methoden der CIA** Lager Guantanamo auf Kuba, sondern auch im Nahen und Mittleren Osten. Die Folterer werden politisch gedeckt und sind kaum zu fassen. Nicolas Richter berichtet.

und Unterstützer ent-  
foltern – nicht nur im

## Verhältnisse

-Masri vom US-Geheimdienst verschleppt wurde



Khaled el-Masri (großes Foto) aus Neu-Ulm sagt, er sei entführt und in Afghanistan festgehalten worden. Der Bremer Murat Kurnaz sitzt im US-Lager Guantanamo ein; seine Mutter fleht um seine Freilassung. Fotos: Regina Schmeken; dpa

dards zu entführen, um sie dort zu verhören. Die Haare el-Masris weisen tatsächlich für jede der vom ihm geschilderten Etappen deutliche Veränderungen auf. Belegen ließ sich auch seine Behauptung, er sei in Kabul in einen Hungerstreik getreten. Dabei lebt der Körper von seinen Reserven, „er verdaut sich selbst“, wie ein Wissenschaftler sagt. Die damit einhergehende Veränderung der Stickstoff-Spuren sei deutlich zu erkennen. „Wenn es eines Tages zu einem Strafprozess gegen die Täter kommt, stützen solche objektiven Beweismittel die Angaben des Opfers“, sagt Staatsanwalt Hofmann.

Außerst fraglich ist aber, ob der Ermittler jemals einen Verdächtigen vor Gericht stellen wird – das hängt wiederum mit der politischen Dimension des Falls

zusammen. Die Staatsanwaltschaft München richtet dieser Tage Rechtshilfeersuchen an die mazedonischen und amerikanischen Behörden. Diese sind auch beim Bundesjustizministerium vorzulegen.

Das Ministerium sagt dazu auf Anfrage von Journalisten lieber nichts. Die Bundesregierung, aber auch die Parteien im Bundestag sind penibel darauf bedacht, den soeben erst wieder hergestellten Frieden mit Washington nicht aufs Spiel zu setzen. Die Münchner Staatsanwaltschaft erhielt aus Berlin die Anregung, die Hilfsersuchen nicht mit „Verschleppung“ zu begründen – sondern mit Freiheitsberaubung und Körperverletzung. Verschleppung setzt laut Gesetz voraus, dass jemand „aus politischen Gründen“ verfolgt wird, was bei el-Masri strit-

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## Affäre um geheime Gefangener ansporte der CIA

# Merkel verlangt Aufklärung von Steinmeier

### Der Außenminister soll berichten, was die frühere Regierung von der Entführung eines Deutschen wusste

Berlin - Bundeskanzlerin Angela Merkel verlangt von Außenminister Frank-Walter Steinmeier Aufklärung in der CIA-Affäre. Der SPD-Politiker, der im rot-grünen Kabinett Kanzleramtsminister war, soll dem Parlamentarischen Kontrollgremium berichten, was die Regierung Schröder über die Entführung

Von Christoph Schwennicke  
und Nicolas Richter

Der Auftritt Steinmeiers vor dem Parlamentarischen Kontrollgremium wurde gewährt, weil es einerseits nicht alle geheimdienstlichen Erkenntnisse öffentlich diskutiert, andererseits aber transparent Informationen zu dem Fall bereitstellt würden, sagte die Kanzlerin am Dienstag. Das Kontrollgremium überwacht die Arbeit der Geheimdienste, seine Mitglieder sind zur Verschwiegenheit verpflichtet. Steinmeier bestätigte inzwischen, im Juni 2004 durch Masris Anwalt über die Entführung informiert worden zu sein.

Rice ging in der Pressekonferenz nach dem Gespräch mit Merkel in Berlin nicht konkret auf den Fall des zu Unrecht nach Afghanistan verschleppten und dort nach eigenen Angaben misshandelten Masris ein. Sie sagte aber: „Wir versprechen, alles zu tun, was wir können, um Fehler zu berichtigen, falls sie auftreten.“ Merkel wurde konkreter. Rice habe im Gespräch

die Entführung Masris bestätigt. „Ich bin froh, dass ich sagen kann, wir haben über den Fall gesprochen, der von der amerikanischen Regierung natürlich auch als ein Fehler akzeptiert wurde“, sagte Merkel. Hohe US-Vertreter widersprachen dem. Rice habe die deutsche Regierung zwar über Festnahme und Freilassung Masris informiert, dabei aber nicht von Fehlern gesprochen. Die Beamten sagten, sie hätten mit Mitarbeitern Merkels darüber diskutiert, wie es zu dieser Interpretation kommen konnte: „Wir sind uns nicht ganz darüber im Klaren, was sich da in ihrem Kopf abgespielt hat.“

Merkel zeigte sich zufrieden über die Zusage von Rice, die USA hielten sich an internationale Verpflichtungen und damit an die Konvention zum Verbot von Folter. Dies sei eine gute Grundlage für die Einhaltung von Bündnisverpflichtungen. Rice hatte erklärt, die USA lehnten Folter von Gefangenen strikt ab. Der Koordinator der Bundesregierung für die deutsch-amerikanischen Beziehungen,

Karsten Voigt (SPD), erklärte dagegen im Sender N24, es bliebe die Frage, ob die USA das gleiche unter Folter verstünden, „wie wir es verstehen“. Der SPD-Fraktionsvorsitzende und frühere Verteidigungsminister Peter Struck sagte, geheime CIA-Gefangenentransporte seien in der früheren Regierung nie thematisiert worden. Den Fall Masri kenne er im Einzelnen nicht. „Die Bundesregierung hat sich an Recht und Gesetz gehalten.“ Söll te es tatsächlich eine Entführung gegeben haben, sei dies ein „singulärer Fall“.

FDP-Chef Guido Westerwelle sagte, seine Partei werde nicht hinnehmen, dass „ein Schleier der Geheimhaltung“ über den Fall Masri und weitere Vorgänge gelegt werde. Es sei „unvorstellbar“, dass aus der vorherigen Regierung nur Innenminister Otto Schily (SPD) etwas gewusst habe. Es stelle sich auch die Frage, ob mit Wissen des Ministers ein „Verbrechen“ begangen worden sei. Die FDP forderte die Aussage aller zuständigen Minister in den Ausschüssen für Innen, Recht und Außen

## Knast mit beschränkter Haftung

### Das neue hessische Gefängnis in Hünfeld wird privat betrieben

men mit Gefängnisbetrieben erzielt, 44 Millionen Euro im Jahr. Zu befürchten ist nun eine von Hessen ausgehende „Lidlisierung“ des Strafvollzugs: Die Knast-GmbH dürfe auf Kostengründen bei der Personalausstattung eher auf billig setzen denn auf gründlich. In Bayern beobachtet man das Projekt Hünfeld mit Skepsis. Die ist nicht

der Gefangenen und ihrer Besonderheiten. Drittens: Wer besonders argwöhnisch ist, mag auch das Eindringen mafioser Strukturen ins Gefängnis befürchten: Aufsichts- und Kontrollmöglichkeiten des Staates über das von der Privatfirma eingesetzte Personal sind beschränkt. Die bayerische Justizministerin Beate Merk (CSU) meint: „Wenn

neues Gefängnis von einem privaten Investor gebaut und dann an den Staat vermietet wurde. Das Spargefängnis in Hessen markiert nun eine neue Epoche in der Geschichte des deutschen Strafvollzugs. Zum ersten Mal, seit vor vierhundert Jahren das Arbeitshaus in Amstardam Vorbild wurde, seit später das Zuchthaus in eine Justizvollzugsanstalt umgewandelt wurde, dann statt der Prügelpädagogen und Psychologen kamen so die Resozialisierung im Gefängnis Einzug hielt – zum ersten Mal seitdem gibt es nun einen markanten Rückschritt in der Entwicklung des deutschen Gefängniswesens. Die Generalde-

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# Das Rätsel um „Sam“

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Der von der CIA entführte Khaled el-Masri sagt, ein Beamter des Bundeskriminalamts habe ihn in Afghanistan verhört

Es ist schon gut zwei Jahre her, dass CIA-Agenten den Deutschen Khaled el-Masri nach Afghanistan entführt haben, wo sie ihn monatelang verhört und misshandelten, doch bis heute ist der Fall mysteriös geblieben. Trotz strafrechtlicher Ermittlungen und einer umfangreichen Unterrichtung des Parlaments durch die Bundesregierung bleiben die beiden zentralen Fragen des Falls unbeantwortet: Warum wurde Masri, eine Randfigur der Neu-Ulmer Islamisten-Szene, bei einer Reise in Mazedonien im Dezember 2003 entführt? Und hat die Bundesregierung, wie sie behauptet, von dem angeblichen Missgriff tatsächlich erst erfahren, als Masri Ende Mai 2004 wieder in Freiheit war?

Den Verdacht gegen deutsche Behörden weckt unter anderem die Aussage Masris, er sei im Mai 2004 in Afghanistan von einem deutschen Agenten namens „Sam“ vernommen und nach Europa zurückbegleitet worden. Am Montag dieser Woche nun wurde Masri bei der Polizei in Neu-Ulm einem BKA-Beamten gegenübergestellt, den Masri „zu 90 Prozent“ als „Sam“ ausmachte. Die Staatsanwaltschaft München I, die das Aufeinandertreffen der beiden Männer veranlasst hatte, ließ daraufhin verlauten, „Sam“ sei „nicht sicher identifiziert“. Die Ermittler gehen also eher nicht davon aus, dass der BKA-Mann tatsächlich Sam ist. Sie wollen diese Möglichkeit aber auch nicht völlig ausschließen und weiter prüfen.



*Khaled el-Masri konnte in den Zeitungen nachlesen, was den Journalisten über seine Entführung nach Afghanistan berichtet hatte und was die deutschen Behörden dazu zu sagen hatten. Foto: AP*

Wäre „Sam“ wirklich ein BKA-Mann, wären damit die Aussagen mehrerer heutiger und früherer Regierungsmitglieder widerlegt, die stets bezeugt haben, die Amerikaner hätten die Bundesregierung frühestens bei einem Gespräch mit dem damaligen Innenminister Otto Schily Ende Mai 2004 in Berlin informiert. An dieser Version meldete am Dienstag auch die *New York Times* neue Zweifel an: Demnach heißt es in

mazedonischen Regierungskreisen, die deutsche Botschaft in Skopje sei wenige Tage nach der Festnahme Masris unterrichtet worden. Das Auswärtige Amt demühterte dies: Die Botschaft sei „weder offiziell noch inoffiziell“ eingeweiht worden.

Dass „Sam“ besagter BKA-Mann sein könnte, hatte im Dezember 2005 ursprünglich der freie Journalist Frank Krüger vermutet. Er schickte Masris An-

walt Manfred Gnjidic ein Foto des Beamten. Masri war sich damals sicher, der Mann auf dem Foto sei „Sam“. „Ich habe mich damals gefreut, dass der Fall nun geklärt wird“, erläuterte Masri vor wenigen Tagen der *Städteutschen Zeitung*. Er sagte, dass er keine Zweifel habe, obwohl der abgebildete Mann zum Teil von der Personenbeschreibung abweicht, die Masri im Juni 2004 nach seiner Freilassung bei der Polizei gemacht hatte. So stimmten etwa Haarfarbe und Größe nicht überein. In seiner Vernehmung hatte Masri geschildert, dass er „Sam“ in der zweiten Mai-Hälfte 2004 binnen einer Woche bei fünf nächtlichen Verhören begegnet sei, am 28. Mai habe ihn „Sam“ dann im Flugzeug begleitet und auf dem Balkan abgesetzt.

Der Verdacht gegen den Beamten sprach sich schnell herum. Das BKA demühterte, im Parlamentarischen Gremium zur Kontrolle der Geheimdienste sagte Innen-Staatssekretär August Hanning mehrmals, der fragliche Polizist sei nie in Afghanistan gewesen. Eine entsprechende „dienstliche Erklärung“ gab der Polizist selbst ab. Nach SZ-Informationen war der Mann Ende Mai 2004 nachweislich in Deutschland. Bei der Gegenüberstellung erkannte ihn Masri als sechsten in einer Reihe von zehn ähnlichen Männern. Im Gespräch mit dem augenscheinlich nervösen Beamten aber war sich Masri dann nicht mehr völlig sicher. Es bleibt unklar, wer „Sam“ gewesen ist. *Nicolas Richter*

## „Es wird hemmungslos gegen das Gesetz verstoßen“

### Bundesrichter Neskovic, der für die Linke im Bundestag sitzt, übt Kritik an der Geheimdienstkontrolle des Parlaments

Von Annette Ramelsberger

**Berlin** – Die Bundesregierung hat die Mitglieder des Parlamentarischen Kontrollgremiums (PKG), das die Einsätze der Geheimdienste und damit die Arbeit der Regierung kontrolliert, in den vergangenen Wochen so aufgefächert...

Regierung versprach sich von dieser umfassenden Unterrichtung eine Erklärung des PKG, die sie in der jüngsten Geheimdienstaffäre entlastet. Doch daraus wird nichts, zumindest nach Ansicht des Bundesrichters und Vertreters der Linken im PKG, Wolfgang Neskovic.

Regierung und die Ergebnisse seiner Beratungen berichten – außer in aktuellen Fällen. Die Fälle aber, die das PKG jetzt behandelte, sind längst abgeschlossen: Die Entführung des Deutschen Khaled el-Masri nach Afghanistan, das Verhör ei-

ten sich die Mitglieder so, als gehe sie das Berichtsverbot nichts an. „So kann man mit dem Gesetz nicht umgehen“, sagt Neskovic. Die einen hielten sich an die Schweigepflicht, die anderen nutzten das Schweigen der Kollegen aus, um ihre