

January 31, 2007

## German Court Seeks Arrest of 13 C.I.A. Agents

By MARK LANDLER

FRANKFURT, Jan. 31 — In the most serious legal challenge yet to the Central Intelligence Agency's secret transfers of terrorism suspects, a German court has issued an arrest warrant for 13 people in connection with the mistaken kidnapping and jailing of a German citizen of Lebanese descent.

Prosecutors in Munich said the suspects, whom they did not name, were part of a C.I.A. "abduction team" that seized the man, Khaled el-Masri, in Macedonia in late 2003 and flew him to Afghanistan. He was imprisoned there for five months, and has said he was shackled, beaten, and interrogated about his alleged ties to Al Qaeda, before being released without charges.

His ordeal is the most documented case of the C.I.A.'s practice of "extraordinary rendition," in which suspected terrorists are seized and sent for interrogation to countries where torture is practiced.

"This is a very consequential step," August Stern, the deputy prosecutor in Munich, said in a telephone interview. "It is a necessary step before bringing a criminal case against these people."

The Central Intelligence Agency has never acknowledged any role in Mr. Masri's detention, and a C.I.A. spokesman declined to comment today. The German government said it would not comment on the case, except to affirm the independence of the public prosecutor.

Mr. Stern said investigators would seek to establish the true identities of the 13 people, most of whom are believed to use aliases. They include the four-member crew of the Boeing 737 that picked up Mr. Masri, a mechanic, and several other C.I.A. operatives in Macedonia, people familiar with the case said.

The issuing of an arrest warrant represents a major expansion of the legal assault on the C.I.A.'s rendition program in Europe. Italian prosecutors are seeking indictments against 25 C.I.A. operatives, as well as Italy's former intelligence chief,

for the kidnapping of a militant Egyptian cleric in 2003.

But the German case carries more weight, according to legal experts, because of the reputation of the courts here for painstaking deliberation, as well as the strong diplomatic ties between Germany and the United States.

It comes at a delicate time for both countries. The Bush administration has faced a drumbeat of criticism over its anti-terrorism policies since the Sept. 11 attacks, while the German chancellor, Angela Merkel, has been eager to heal rifts in the trans-Atlantic alliance over the Iraq war.

‘It is unique that a German court would issue warrants against 13 C.I.A. agents,’ said Hans-Christian Ströbe, a [Green Party](#) member of a German parliamentary committee which is investigating the flights.

The case also has political implications within Germany, where the role of the German government in tolerating – or even facilitating – C.I.A. flights has come under increased scrutiny. Frankfurt Airport was used for many of the flights, as was the American air base at Ramstein.

Unlike Italy, Germany does not permit trials in absentia. And as a practical matter, it is unlikely that the Bush administration would acquiesce in the extradition to Germany of the 13 people covered by the arrest warrant. Still, the indictment could hinder the defendants’ ability to move around Europe.

A German radio station, NDR, published what it said were the names of the 13 people today, listing 11 men and two women. Mr. Stern declined to discuss the names, which have been picked up in other German news media.

The whereabouts of all 13 people is unknown, though a German television program, Panorama, tracked down three of them in North Carolina last September. They declined to comment to the program on their activities.

For Mr. Masri, who has had to overcome a tide of public skepticism about his account since it was first reported in The New York Times in early 2005, the court’s action is a significant reinforcement of the credibility of his claims, according to his lawyer, Manfred Gnjjidic.

‘This is unbelievably important for our case,’ Mr. Gnjjidic said in an interview. ‘It’s the first direct sign of the German government against the C.I.A. that they did the wrong thing.’

Mr. Masri, who is unemployed, lives in Neu-Ulm in southern Germany. Mr. Gnjjidic

said he had been buoyed by a statement of support from the former German interior minister, Otto Schily.

Mr. Masri has petitioned an American federal appeals court in Richmond, Va., to reinstate a lawsuit he filed against the C.I.A. Last May, a federal judge threw out the suit, accepting the government's contention that it would be impossible to try the case without revealing state secrets.

The Justice Department has declined to help the German prosecutors in their investigation, citing pending legal cases in the United States. This has made the Germans dependent on information from other sources, including journalists investigating the C.I.A. rendition program.

Mr. Stern, the prosecutor, said that a major break came from a Spanish reporter, who compiled a list of the names of people involved in Mr. Masri's abduction from sources in the Civil Guard, a Spanish paramilitary unit. The C.I.A. used the Spanish island of Majorca as a logistics center for its flights, Mr. Gnjidic said, and authorities found the names of members of the rendition team on hotel logs there.

Mr. Stern also credited tips from prosecutors in Milan and from Dick Marty, a Swiss senator who conducted an inquiry into the rendition program on behalf of the Council of Europe.

The nature of Germany's role in Mr. Masri's case, and in other C.I.A. flights, remains murky. Mr. Masri has claimed that when he was imprisoned in Kabul, he was interrogated three times by a German who identified himself as Sam.

Germany's foreign minister, Frank-Walter Steinmeier, has said he was not told of Mr. Masri's abduction until June 2004, after Mr. Masri had been released in Albania. As chief of staff to the former chancellor, [Gerhard Schröder](#), Mr. Steinmeier oversaw all German intelligence services.

Mr. Steinmeier is facing questions about his role in another case, involving a German-born Turkish man who was imprisoned for more than four years at the American military jail in Guantanamo Bay, Cuba.

The man, Murat Kurnaz, was released by the United States last August after lengthy negotiations between Berlin and Washington. But internal German intelligence documents say that the Germans turned down an offer by the Americans to send Mr. Kurnaz home as early as 2002.

Mr. Steinmeier has insisted that the Americans never made an "official" offer to release Mr. Kurnaz. He has also noted that worries about security were running high

in the aftermath of the Sept. 11 attacks.

German newspapers have been full of speculation recently about whether the affair will cost Mr. Steinmeier his job.

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