

## In Another CIA Abduction, Germany Has an Uneasy Role

By Craig Whitlock  
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HAMBURG -- The decision by Munich prosecutors to press charges against CIA counterterrorism operatives for kidnapping a German citizen, Khaled el-Masri, won widespread applause last week from German politicians and the public. "The great ally is not allowed to simply send its thugs out into Europe's streets," lectured the Munich newspaper Sueddeutsche Zeitung.

But there has been an awkward silence and no prosecutions in the parallel case of another German citizen, Mohammed Haydar Zammar, who was also covertly abducted in a CIA-sponsored mission after the attacks of Sept. 11, 2001. The difference: German agents were directly involved in the Zammar case, providing crucial information to the CIA about his travels and making a secret trip to Syria to interrogate him after he landed in prison there.

Zammar vanished from public view five years ago but resurfaced last fall in a Syrian courtroom, where he stands accused of training in al-Qaeda camps and faces the death penalty. After insisting for years that they couldn't confirm his whereabouts, German diplomats in Damascus have scrambled to provide him with a defense attorney and consular assistance.

Unlike Masri, a car salesman from Bavaria who was grabbed in an apparent case of mistaken identity, Zammar had previously drawn scrutiny from German and U.S. investigators for his role in the Hamburg cell that planned the Sept. 11 hijackings. German authorities have never assembled enough evidence to charge him with a crime. But given his association with the Hamburg group, few people in [Germany](#) have been willing to take up his cause or question the legality of how he was abducted.

"He's seen as being in a different category because there's the impression that he's a bad guy, and he's not around to defend himself," said Cem Ozdemir, a German legislator in the European Parliament and member of a committee that has investigated CIA activities in Europe. "Even if he is a bad guy, he doesn't deserve to be tortured."

Details of the German role in Zammar's disappearance have emerged gradually in recent months as legislative panels in Berlin and Brussels have conducted investigations into CIA counterterrorism operations in Europe.

German officials have said that they were not directly involved in Zammar's seizure and did not know where he had been taken until June 2002, when The Washington Post first reported that he had been arrested in Morocco and secretly transferred to Syria at the behest of the CIA. But the legislative probes have revealed that German federal police made the abduction possible by forwarding details of Zammar's travel plans to U.S. agents.

In addition, German officials have admitted that several German intelligence operatives and investigators went on a secret mission to Damascus in November 2002 to interrogate Zammar. According to lawmakers in Berlin who are reviewing the case, the Germans gained access to Zammar only after cutting a deal with the Syrian government to drop a criminal investigation into a suspected Syrian espionage ring based in southern Germany.

German Interior Minister Wolfgang Schaueble defended the interrogation of Zammar as proper and legitimate. But he drew heavy criticism from other lawmakers when he suggested that German intelligence agents might use information shared by other countries, such as Syria, even if it was obtained as a result of torture.

Guel Pinar, a Hamburg lawyer who has represented Zammar and his family, said it was apparent German officials knew in advance that the CIA had targeted him for "extraordinary rendition," an extralegal tactic under which Islamic radicals have been abducted and interrogated at secret sites overseas.

"Clearly, the Germans at the very least were guilty of being an accessory in terms of his rendition to Syria," Pinar said in an interview. "They knew what they were doing when they gave his travel dates to the Americans. Why else would they do that?"

German prosecutors have not announced any criminal inquiries into Zammar's disappearance, even though his family reported him missing five years ago. Pinar said she has drafted a civil lawsuit on his behalf against the German government. But she said his wife, Rabab Banhaoui, has decided against filing it, for fear it would worsen his situation in Syria.

German authorities have made few statements about the case. The German Foreign Ministry did not respond to several requests for an interview. The German Embassy in Damascus, which has been monitoring Zammar's closed-door trial, declined to comment.

Zammar reemerged last October, when a European Union official monitoring trials in Damascus saw him in a state security court and notified the German Embassy. If not for the chance encounter, Zammar might have remained out of sight forever, Pinar said. "No one in the world would have known," she said.

A spokeswoman for the European Commission delegation in Syria declined to comment, calling the case a "highly sensitive subject."

Zammar, 45, was born in Syria but emigrated to Germany in 1972 and obtained citizenship there. Syrian authorities have charged him with membership in the Muslim Brotherhood, a fundamentalist group that is banned in the country, and with visiting al-Qaeda training camps in [Afghanistan](#). It is unclear whether he is charged with committing any crimes in Syria.

A parliamentary committee is expected to review the German government's handling of Zammar's case later this month. One question is whether information obtained by German interrogators is being used against him in court by Syrian prosecutors, a particularly sensitive issue since he faces the death penalty, which is banned in Germany.

"It is a big problem, I believe, for Germany and the federal government," said Hans-Christian Stroebale, a member of the committee from the Greens party. "It's the duty of a state to help its citizens. But clearly in Zammar's case, the state did not do this."

Former inmates in Syria, including Maher Arar, a Canadian citizen who was similarly targeted for rendition by the CIA but later released, have said that Zammar was kept in a tiny cell in a special prison wing. They said prisoners were regularly tortured, and that Zammar -- who tipped the scales at 300 pounds when he lived in Hamburg -- had lost about a third of his weight.

*Special correspondent Shannon Smiley contributed to this report.*

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