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## **THREATS AND RESPONSES: INTELLIGENCE; Germans Were Tracking Sept. 11 Conspirators as Early as 1998, Documents Disclose**

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Three years before the Sept. 11 attacks, Germany's domestic intelligence service was tracking prominent members of the Hamburg terrorist cell that planned and executed the aircraft hijackings, according to newly obtained documents.

The documents, including intelligence reports, surveillance logs and transcripts of intercepted telephone calls, appear to contradict public claims by the German authorities that they knew little about the members of the Hamburg cell before the attacks.

As early as 1998, the records show, the Germans monitored a meeting between men suspected of plotting the attacks. The surveillance would lead a year later to the Hamburg apartment where Mohamed Atta and other main plotters were living while attending universities.

While the records do not indicate that authorities heard any mention of a specific plan, they depict a surveillance mission extensive enough to raise anew the politically sensitive question of whether the Germans missed a chance to disrupt the cell during the initial stages of planning the attacks.

Some American investigators and officials have argued that the Germans in the past missed evidence that could have stopped the plot. The Germans have maintained steadfastly that the information they had was too scanty to warrant serious alarm, and that their police and intelligence agencies were not focused on Al Qaeda at the time.

The documents come from the files of various German police and intelligence agencies. They detail how close an investigation of Qaeda contacts in Hamburg begun in 1997 by the Constitutional Protection Agency, Germany's domestic intelligence service, came to the main cell members. They were provided to The New York Times by someone with official access to the files of the continuing investigation into the events leading to the Sept. 11 attacks.

When the documents were described to officials at the German Interior Ministry and the constitutional protection police, they declined to answer any questions about them but did not dispute their authenticity.

In the days immediately after the Sept. 11 attacks on the World Trade Center and the Pentagon, Hamburg emerged as the focal point of the American and German investigation. Three of the four suicide pilots, including Mr. Atta, had lived in Hamburg as students and three other suspected plotters had fled Hamburg shortly before the attacks.

The German police rushed to gather details on the pilots and their suspected accomplices. While three major suspects had fled in the days before the attacks, the police questioned several other people associated with the Hamburg cell.

One of the men questioned and later arrested was Mounir el-Motassadeq, a Moroccan who came to Germany in 1993 to study engineering. He is now on trial in Hamburg on charges of providing logistical support for the attack planners. Prosecutors have maintained that he was involved directly in the cell and helped transfer money to the hijackers after they moved to the United States for flight training.

Mr. Motassadeq admitted that he knew Mr. Atta and other plotters and had attended Qaeda training camps

in Afghanistan. He has maintained in trial testimony that he did not know that his friends were planning to attack the United States.

No evidence has been presented at his three-month trial that would reveal when the police first opened an inquiry into Mr. Motassadeq. But the intelligence agency documents show that by August 1998 he was under surveillance and that the trail soon led to most of the main participants in the later attacks.

According to the documents, the surveillance was in place on Aug. 29, 1998, when Mr. Motassadeq and Mohamed Haydar Zammar, who had already been identified by police as a suspected extremist, met at the Hamburg home of Said Bahaji. The police monitored several other meetings between the men in the months that followed, the documents said.

The record of the meeting shows that police had identified Mr. Bahaji, another person suspected of being a cell member and believed to have been intimately involved in the planning and logistics of the plot, who fled to Pakistan days before the attacks. Mr. Bahaji later moved in with Mr. Atta and Ramzi bin al-Shibh in the now-infamous apartment at 54 Marienstrasse in the Harburg section of Hamburg.

A telephone conversation intercepted by the police on Feb. 17, 1999, contained references to Mr. Atta, Mr. Bahaji and Mr. bin al-Shibh, according to the transcript. But the conversation only used first names, and the German police did not grasp its importance at the time.

Transcripts of two other calls recount conversations between Mr. Zammar, Mr. Bahaji and Marwan al-Shehhi. In one of them, on Sept. 21, 1999, there is a reference to Mr. Atta, and Mr. Zammar said that he had recently visited the apartment at 54 Marienstrasse.

"I was at your place in Harburg and I visited the brothers," Mr. Zammar told Mr. Bahaji. "I even spent the night there, but I did not see you."

Mr. Bahaji fled to Pakistan and disappeared shortly before the Sept. 11 attacks. He has been charged by the Germans with helping orchestrate the attacks. Mr. Shehhi piloted one of the hijacked aircraft into the World Trade Center.

Mr. Zammar has not been charged in Germany, even though after the attacks, German officials say, American officials pressed them to arrest him. In October, he was taken into custody by Moroccan police, apparently in collusion with the CIA, after getting off a flight to Casablanca, Morocco. He was then deported to his native Syria, where he was taken into custody by Syrian authorities.

German authorities arrested Mr. Motassadeq in November 2001. The newly obtained documents show that he had been kept under close watch before his arrest. The police recorded two trips that he made to Denmark and a May 22, 2000, flight to Istanbul.

It is unclear whether the German authorities monitored his travel from Istanbul, but Mr. Motassadeq has testified at his trial that he went to Karachi and then on to a Qaeda training camp outside Kandahar, Afghanistan. Mr. Zammar also traveled to and from Afghanistan and other locations through Istanbul, according to the German magazine Der Spiegel. He had been identified a decade earlier by German authorities as a militant who frequented mosques in Hamburg and elsewhere.

Mr. Zammar was questioned by German authorities 10 days after the attacks on the United States. According to a transcript of the interrogation, he said he knew Mr. Motassadeq, Mr. Bahaji and other suspected of being extremists. He also said he had been questioned several months earlier by the Jordanian authorities.

"They asked me about Afghanistan, the people there, my beliefs, contacts in Jordan and my party membership," he said, according to the transcript. "By party membership that meant whether I was a follower of Hezbollah, Hamas, Jihad or Osama bin Laden."

When the Germans asked if he knew why Mr. Bahaji had fled to Pakistan before the Sept. 11 attacks, according to the notes, he became agitated and ended cooperation, saying: "Because of the explosiveness of this thing, I do not want to comment further. For the West, everyone who travels to Afghanistan, Pakistan or Kosovo is a terrorist. So I don't want to say any more."

A German federal prosecutor's summary of the interrogation concludes, "In his refusal to give further testimony, Mr. Zammar says that he has always been badly treated as a Muslim in Germany and that America has not been punished for the bombing of Hiroshima and Nagasaki."