

Germans Charge 13 CIA Operatives

By Craig Whitlock
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BERLIN, Jan. 31 -- The CIA's clandestine program of abducting suspected terrorists and taking them to secret sites for interrogation unraveled further on Wednesday as German prosecutors issued arrest warrants for 13 agency operatives in the kidnapping of a German citizen in the Balkans in December 2003.

The case is the second in which European prosecutors have filed charges against CIA employees involved in counterterrorism operations. Italian prosecutors have charged 25 CIA operatives and a U.S. Air Force officer with kidnapping a radical cleric on a Milan street in 2003 and taking him to Cairo, where he says he was tortured.

European law enforcement authorities acknowledged that it is highly unlikely that any CIA officers -- most of whom work undercover, using false identities -- would be apprehended or extradited from the United States. But the arrest warrants, filed in Munich, mark yet another case in which CIA activities in Europe since the attacks of Sept. 11, 2001, have strained diplomatic ties and underscored deep differences between the United States and its transatlantic allies over how to fight terrorism.

Christian Schmidt-Sommerfeld, the chief prosecutor in Munich, said the 13 CIA operatives were wanted on suspicion of kidnapping and inflicting bodily harm on Khaled el-Masri, a German citizen of Lebanese descent. Masri has said he was detained by border guards Dec. 31, 2003, while en route to a holiday in Macedonia, and handed over to the CIA, which took him to a secret prison in Afghanistan and interrogated him about his alleged ties to Islamic radicals in Germany.

After five months in detention -- during which, he said, he was physically abused -- Masri was flown back to the Balkans and dumped on a hillside in Albania after his captors apparently decided they had apprehended the wrong man. German prosecutors said they were skeptical when he came to them with his bizarre-sounding story but later corroborated many parts of his account.

Robert Wood, a spokesman for the U.S. Embassy in Berlin, declined to comment on the arrest warrants, as did a State Department spokesman in Washington. The CIA also declined to comment.

German prosecutors said they received a list of CIA operatives suspected of involvement in Masri's disappearance from authorities and a journalist in Spain. According to hotel records and flight logs, the crew of the privately chartered CIA plane that carried Masri from the Balkans to

Afghanistan had stopped for a few days beforehand on the Spanish resort island of Palma de Mallorca.

Prosecutors in Munich did not name the suspects publicly and released few other details about the probe. But Schmidt-Sommerfeld said that all of the suspects used aliases and that investigators were still trying to learn their true identities.

"Ongoing analysis will concentrate on, among other things, determining the correct personal details of the suspects," he said.

The German state television network NDR released a list of 11 men and two women it said were named in the arrest warrants. According to the station, some of the suspects worked as pilots for Aero Contractors, an aviation firm based in Smithfield, N.C. Flight data show that Aero operated the Boeing 737 that carried Masri to Kabul on Jan. 24, 2004.

Aero Contractors was named as a defendant in a lawsuit Masri filed in U.S. District Court.

An employee who answered the phone at Aero's headquarters said no one was available to comment on the arrest warrants.

At a news conference in Augsburg, Germany, Masri's attorney called the arrest warrants "a great success" and said his client was "very satisfied" with the outcome of the investigation. At the same time, the lawyer, Manfred Gnjdic, said he realized it was doubtful that German authorities would be able to track down any of the suspects and bring them to trial.

"It is a very clear signal that the German ruling powers will not tolerate this action, this criminal action, against a German citizen and would like to hold those accountable," Gnjdic said.

German arrest warrants are not legally enforceable in the United States, although the prosecutors in Munich could seek to have the suspects arrested if they traveled to other nations in the European Union.

The German government said it learned of Masri's abduction from Daniel R. Coats, then the U.S. ambassador to Germany, in May 2004. Coats told Otto Schily, then Germany's interior minister, that Masri had been grabbed mistakenly but was paid off to keep quiet, according to German officials. Coats also asked Schily to keep the affair a secret, the officials said. Masri has denied receiving any money.

U.S. officials have not publicly admitted any guilt or responsibility. In December 2005, German Chancellor Angela Merkel said U.S. Secretary of State Condoleezza Rice acknowledged in a meeting in Berlin that Masri had been "erroneously taken." But U.S. diplomats denied she had done so.

A year later, when asked by a reporter in Washington whether the United States owed Masri an apology, Rice declined to offer one. "We have tried to deal with this case in a way that is responsible and -- you know, that's all I'm going to say about this case," she said.

Masri filed suit against the CIA, but his complaint was dismissed in May on grounds that it could damage national security operations. The decision is on appeal.

Some details surrounding Masri's disappearance remain murky. The ponytailed car salesman has said he was interrogated in Afghanistan by a man named "Sam" who was fluent in German and hinted that he worked for German intelligence. The German government has denied any involvement in Masri's kidnapping or detention.

Johannes Jung, a member of a German parliamentary committee that has scrutinized Masri's case, said the arrest warrants would send a strong message to the United States. The committee has investigated the extralegal abductions of two other German residents by U.S. counterterrorism agents, a practice known as "extraordinary rendition."

"This policy of rendition has to be stopped," said Jung, a member of the Social Democratic Party. "It's totally out of control, and the U.S. needs to rethink its policy in this regard. We couldn't imagine that this policy of rendition could really be true, but we have learned that it is true."

Staff writer Glenn Kessler and staff researcher Julie Tate in Washington contributed to this report.