

**Mandate for the Committee of Inquiry**  
**(Bundestag Printed Paper 16/990 as amended by the**  
**recommendation for a decision of the Committee for the Scrutiny of**  
**Elections, Immunity and the Rules of Procedure of 7 April 2006:**  
**Bundestag Printed Paper 16/1179 – extract)**

On 20 February 2006, the German Federal Government presented the Parliamentary Control Panel of the German Bundestag with a report “on events relating to the Iraq War and combating international terrorism”.

A Committee of Inquiry will be established in accordance with Article 44 of the German Basic Law in order to clarify still unresolved questions, make assessments and draw the necessary conclusions.

The Committee of Inquiry is to clarify what political directions were given for the actions of the Federal Intelligence Service (BND), Federal Office for the Protection of the Constitution (BfV), Federal Armed Forces Counterintelligence Office (MAD), Federal Prosecutor General (GBA) and Federal Criminal Police Office (BKA) in connection with the events described in the report and how political leadership and oversight were provided and ensured. These matters and the political responsibility for them are to be clarified in relation to the events and issues specified below:

- I. In relation to CIA flights and prisons, it is to be clarified
  1. whether terror suspects who may have been abducted have been transported via German territory on flights arranged by American agencies (in particular, the Central Intelligence Agency, CIA) or whether the possibility of events of this kind can at least not be ruled out,
  2. whether and, if so, from what point in time the German Federal Government had what information about prisoner transports of this kind,
  3. whether the statements made by the German Federal Government in its report of 23 February 2006 are accurate,
  4. what measures the German Federal Government has taken to monitor, investigate and, where necessary, terminate any such operations – for example by deploying the Federal Office for the Protection of the Constitution within the framework of its statutorily enshrined functions –, why such action has not been taken, if this is the case, and who bears the responsibility for this omission,
  5. what suitable measures the German Federal Government may have taken in order to prevent flights of this kind in future,
  6. whether the German Federal Government has information about CIA prisons in Europe and, if so, what information it has and how this information has been verified,
  7. what action may have been taken by the German Federal Government to put an end to the operation of such prisons.

- II. Furthermore, the Committee is to clarify
1. whether agencies of the German Federation or, as far as the German Federal Government is aware, agencies of the German Länder (constituent states) supplied information about Khaled El-Masri to foreign agencies,
  2. if so, whether this information contributed to the abduction of Khaled El-Masri,
  3. what information the German diplomatic service in Macedonia had about the abduction of Khaled El-Masri,
  4. whether – following the meeting at Whitsun 2004 – the then Federal Minister of the Interior, Otto Schily, received information on the case of the abduction of the German citizen Khaled El-Masri by US agencies in further discussions with US Ambassador Daniel Coats and other US agencies, for instance with US Attorney General John Ashcroft and the then Director of the CIA, what information he received and why this information has not been utilised for investigations in Germany or passed on,
  5. whether German citizens and German agencies were involved in the interrogation of Khaled El-Masri and the identity of the person described by Khaled El-Masri as a German called “Sam”, who was present at interrogations in Kabul shortly before Khaled El-Masri’s release and accompanied Khaled El-Masri on a flight back to Macedonia,
  6. how the German Federal Government has endeavoured in “an appropriate fashion” to investigate these events at the diplomatic level and the levels of the intelligence agencies and Federal Police.
- III. Furthermore, the Committee is to clarify the following questions:
1. whether and, if so, for what purpose and on what legal basis German federal authorities passed on travel data to US, Dutch and Moroccan agencies in the case of M. H. Z., to Lebanese agencies in the case of D. and S. and to US or Pakistani agencies in the case of M. K.,
  2. what conclusions have been, and still remain to be, drawn from the interrogations/interviews that are claimed to have taken place following torture or in circumstances comparable to torture,
  3. how it is to be ensured the Federal Prosecutor General’s powers to direct investigative proceedings are not undermined,
  4. what precautions are to be put in place in order to ensure agents of the Federal Intelligence Service, Federal Criminal Police Office or other agencies of the German Federation can be prevented from conducting interviews of this kind in future.

IV. The Committee of Inquiry is also to clarify

1. who gave the order for the deployment of two Federal Intelligence Service staff in Baghdad and what government agencies were involved in decision-making about their operations,
2. whether, and to what extent, further information additional to that listed in the report of the German Federal Government – in particular, a new military plan for the defence of Baghdad – was supplied to headquarters from Iraq by the Federal Intelligence Service staff prior to the beginning of, and during, the Iraq War, reached US agencies and may have been of significance to US military operations or was actually used in such operations,
3. whether, and to what extent, the buildings and facilities mentioned on p. 20 of Bundestag Printed Paper 16/800, which were reported by Federal Intelligence Service staff in Baghdad and forwarded to US agencies, are accurately reproduced and assessed,
4. the content of inquiries submitted by US agencies to the Federal Intelligence Service from the beginning of 2003, how the Federal Intelligence Service responded to these inquiries, whether the inquiries were passed on to the Federal Intelligence Service staff in Baghdad and whether, and how, they were answered,
5. what was discussed and agreed with US agencies about the functions of the Federal Intelligence Service staff in Baghdad and why what was agreed was not recorded in writing,
6. why the orders and instructions of the German Federal Government, in particular the limitations placed on what the Federal Intelligence Service staff should report on from Baghdad and what could, and could not, be forwarded to US agencies, were not recorded in writing and what precautions were taken to ensure effective control of compliance with the limitations placed on the forwarding of information,
7. whether, and if so what, information from Federal Intelligence Service staff in Iraq who were not informed about the limitations placed on the forwarding of information to US agencies reached US agencies by telephone or in writing,
8. whether members or officials of the German Federal Government or their predecessors and subordinate officials were aware of, approved, ordered or supported the forwarding of information to US agencies and the detailed arrangements for the forwarding of that information, and whether members of the German Federal Government informed the German Bundestag and the public accurately about these matters following the appearance of press reports from the beginning of January 2006 onwards,
9. whether further investigation indicates that the assessment of the activities of the Federal Intelligence Service during the Iraq War given in the report of the German Federal Government is accurate,
10. how the Parliamentary Control Panel was informed promptly by the German Federal Government, whether this may have been dispensed with and, if so, on what grounds.

V. Finally, the Committee is to

1. clarify whether, and to what extent, guidelines or instructions of the German Federal Government, official duties, employees' obligations or German or international law have been infringed by activities specified in parts I to IV of this mandate,
2. deliver recommendations as to what legal and practical conclusions are to be drawn in order to ensure that the fight against terrorism takes place on the basis of the rule of law, improve control over the intelligence services and so make it possible for undesirable developments to be prevented.