

Radical Islamist Groups in Germany:

A Lesson in Prosecuting Terror in Court

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Brief Analysis

On February 5, 2004, a German court acquitted Abdelghani Mzoudi, a thirty-one-year-old native Moroccan, of 3,066 counts of accessory to murder and membership in a terrorist organization (al-Qaeda). Mzoudi is suspected of having provided material and financial support to the Hamburg cell that helped organize and perpetrate the terrorist attacks of September 11, 2001. According to the presiding judge, Mzoudi was acquitted for lack of evidence, not out of a belief in the defendant's innocence. The acquittal was the most recent example of a growing dilemma faced by the United States and other countries in their efforts to prosecute suspected terrorists: how to gain access to intelligence for criminal proceedings without compromising the sources of that information. Indeed, Mzoudi's acquittal comes at a time when, despite nearly three years of fighting the war on terror, German intelligence claims that the presence of militant Islamist groups on German soil has reached new heights. U.S. officials face similar circumstances.

Al-Qaeda in Germany

Within days of the September 11 attacks, al-Qaeda activities in Germany quickly emerged as a key focus of the investigation. Three of the four suicide pilots -- Mohammed Atta, Marwan al-Shehi, and Ziad Jarrah -- were members of the Hamburg cell. Besides Mzoudi, at least five other men are suspected or known to have provided material or financial assistance to the hijackers:

Mounir el-Motassadeq, a close associate of the three suicide pilots, is currently serving a fifteen-year sentence in a German prison for accessory to murder and membership in a terrorist organization. His conviction is scheduled for appeal in a German high court on March 4, 2004.

Ramzi Binalshib admitted to playing a key role in organizing the attacks and was arrested in Karachi, Pakistan, in September 2002. Mzoudi was acquitted largely due to a U.S. refusal to allow Binalshib to appear in German court.

Mohammed Haidar Zammar is believed to have recruited and coordinated the transfer of several members of the Hamburg cell to al-Qaeda training camps in Afghanistan. He was arrested in Morocco and extradited to Syria.

Said Bahaji, a close associate of Mohammed Atta, the suspected ringleader of the Hamburg cell, disappeared shortly

before the attacks and is believed to be in Pakistan.

Zacharia Essabar, a Moroccan student in Hamburg, is believed to have been Binalshib's second-in-command. Essabar left Hamburg prior to the attacks.

Suspected al-Qaeda associates have been active in other parts of Germany as well, where they planned terrorist attacks on both foreign and domestic targets. In December 2000, German authorities arrested several members of the so-called "Meliani Group" (from the pseudonym of their Algerian leader, Mohamed ben Sakhria). Four of them were convicted of planning to bomb the Christmas market in Strasbourg and sentenced to prison terms of 10-12 years. On April 23-24, 2002, thirteen members of Al Tawhid (Unity), a group with ties to the al-Qaeda network, were arrested in several German cities. German security officials believe the cell planned an attack on Jewish or Israeli targets in Germany. Its leader was Abu Mussab al-Zarqawi, a Jordanian citizen who is also tied to the ricin plot in London, the assassination of USAID official Lawrence Foley in Jordan, and the ongoing attacks against coalition forces in Iraq.

In addition, at least one German citizen, Christian Ganczarski (a.k.a. Abu Ibrahim), is suspected of involvement in the bombing of a synagogue in Djerba, Tunisia, on April 11, 2002, in which seventeen people were killed. The German weekly Focus reported that U.S. officials suspect Ganczarski of serving as a messenger between Osama bin Laden and Khalid Shaykh Mohammed. Moreover, the perpetrator of the synagogue bombing, Nizar ben Mohammed Nawar, called Ganczarski shortly before the bombing, telling him "Don't forget to pray for me."

Other Islamist Groups in Germany

In recent years, Germany has become a base for radical Islamists associated with a variety of groups besides al-Qaeda. According to the 2002 annual report of the Office for the Protection of the Constitution (OPC), Germany's domestic intelligence service, the country hosts sixty-nine extremist "foreign organizations" that "endanger the security" of the state. Roughly 3,500 members of these organizations are classified as "violence-prone" radical Islamists. According to the OPC report, most of them are members of the following groups:

Algerian Islamist groups -- the Islamic Salvation Front (FIS), the Armed Islamic Group (GIA), and the Salafist Group for Preaching and Combat (GSPC) -- with an estimated 400 members in Germany.

The Muslim Brotherhood, with an estimated 1,200 members in Germany, mostly in the Munich-based "Islamic Society of Germany e.V." (IGD).

Lebanese Hizballah, with an estimated 800 members in Germany. The organization publishes a weekly newsletter in Germany, al-Ahd, though it scaled back its overt presence there after September 11, fearing a clampdown. Perhaps the most well-known German member of Hizballah is Steven Smyrek, who was arrested at Israel's Ben Gurion airport upon entering the country in November 1997 and released as part of a recent prisoner swap with the organization.

Hamas, with an estimated 300 members in Germany. On August 5, 2002, Germany banned the al-Aqsa International Foundation, a charity that financed Hamas. In July 2003, the Federal Administrative Court in Leipzig repealed the ban for lack of evidence. A final decision on the issue is expected within the coming months. The head of the foundation's office in Yemen, Shaykh Mohammed Ali Hassan al-Moayad, was arrested in Germany in 2003 and recently extradited to the United States, where he is charged with funneling millions of dollars to al-Qaeda and Hamas.

Hizb ut-Tahrir al-Islami (HT), with an estimated 150 members in Germany, espouses a radical pan-Islamist ideology based on a virulent stance against Jews, the West (especially the United States), and most states in the Arab and Muslim world, which it considers insufficiently Islamic. HT was banned by the German government on January 15,

2003. Its anti-Semitic ideology, Holocaust denial, and denunciation of Israel's right to exist attracted the attention of far-right German activists, including leading members of the far-right National Democratic Party (NPD). According to OPC personnel in Hamburg, HT has also funneled money to Palestinian terrorist groups. During a November 2002 raid, German authorities reportedly seized 300,000 euros in cash.

Several radical Turkish Islamist groups operate from German soil. The most well-known is the now-banned Kalifatsstaat (Caliphate state [KS]), with a membership of around 800. Its leader, Metin Kaplan, has called for a jihad to overthrow the secular state of Turkey, replace it with Islamic religious law (shari'a), and spread this law around the globe. Also present in at least eight German cities are members of the Great Eastern Islamic Raiders' Front (IBDA/C), an Islamist group active in Turkey that claimed responsibility for a wave of suicide bombings in Istanbul in mid-November 2003. German intelligence officials believe that IBDA/C has forged ties with KS.

The northern Iraqi al-Qaeda affiliate Ansar al-Islam has an estimated 100 members in Germany, primarily in the south. The German Federal Prosecutor's Office initiated an investigation of the group in late December 2003 after learning that it planned to detonate a car bomb at an army hospital in Hamburg. That same month, two suspected Ansar members were arrested on suspicion of having organized the transfer of "martyrs" to Iraq.

Conclusion

The growing presence of global jihadist groups operating from Germany is symptomatic of recent radical Islamist advances throughout Europe. The acquittal of Abdelghani Mzoudi highlighted Europe's attempt to balance containment of the Islamist terrorist threat with the need to protect the legal rights of suspects. U.S. prosecutors are experiencing similar problems in their efforts to try accused terrorists such as Zacarias Moussaoui, Jose Padilla, and Issam Hamdi, and now believe jihadist groups maintain some 100 operatives in the United States, including several sleeper cells that, according to Senator Bob Graham, "have been here for a considerable period of time." By definition, the global jihadist threat requires a well-coordinated global response. As the Mzoudi acquittal painfully suggests, the United States, Germany, and other allies must coordinate not only their military and intelligence efforts to fight the war on terror, but also their law enforcement and prosecutorial efforts.

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