

**Answer**  
of the Federal Government

**to the Minor Interpellation submitted by Members of the Bundestag Dr Alexander S. Neu, Christine Buchholz, Wolfgang Gehrcke, other Members and the Left Party parliamentary group**  
– Printed paper 18/6322 –

**Possible participation of a Bundeswehr liaison officer in selection processes for targeted killings**

**Preliminary remarks of the questioners**

According to a report by the New York Times, in the scope of the training mission Resolute Support – the successor mission to the NATO combat mission ISAF – over the course of 2015, one or several members of the Bundeswehr have participated in the selection of targets for drone strikes by US forces against insurgents in Afghanistan ([www.nytimes.com/2015/09/05/world/asia/afghanistan-kill-decisions-us-sweden-germany.html?\\_r=0](http://www.nytimes.com/2015/09/05/world/asia/afghanistan-kill-decisions-us-sweden-germany.html?_r=0)).

Citing the accounts of two "senior Western officials" involved in the operations, the New York Times reported that at least up until a few weeks ago, German and Swedish officers were present at what is known as the CJOC (Combined Joint Operations Center), the operations centre at the NATO Headquarters in Kabul, whilst human targets were selected for drone strikes. According to the information of the New York Times, it is at this CJOC that the targeting process for airstrikes and drone attacks takes place. People who are potential targets on the basis of the principles set forth by the US for strikes are monitored here on video screens.

International law requires that it be ensured that no civilians are hit, killed or injured during the strikes. According to the New York Times, US forces told the officers sitting with them in front of the screens, including officers of the Bundeswehr and the Swedish military deployed at the headquarters, to raise their hand if they saw women or children: "They were sitting around there giving thumbs up or down, like gladiators in a stadium" ([www.nytimes.com/2015/09/05/world/asia/afghanistan-kill-decisions-us-sweden-germany.html?\\_r=0](http://www.nytimes.com/2015/09/05/world/asia/afghanistan-kill-decisions-us-sweden-germany.html?_r=0)). Whether an attempt was made to ensure that no male civilians were among the casualties is not reported.

Extensive evidence of the extra-judicial execution programme(s) carried out by the US administration, which have become known as "targeted killings" or "kill orders" in this region of the world is still unavailable. When details can be deemed to have been revealed they show that attacks are largely carried out by Special Forces and members of the secret service. In what are termed personality strikes people are targeted who - in an unverifiable way - had been put on so-called Targeting Lists or Joint Priority Effects Lists. In so-called signature strikes, people against whom there was previously no suspicion but who in the specific monitoring situation display behaviour the US forces hold to be suspicious are attacked and killed. Several people gathering in one place or farmers handling fertilizers may be enough to be deemed "suspicious". In both types of attacks people accompanying the target or bystanders are often also killed.

To the knowledge of the questioners both versions of attacks in the way they are practiced by the US contravene international law to a considerable degree. Time and again there are reports that US forces do not perform any analysis of the operation (sometimes referred to as Battle Damage Assessment, among other terms) which first would entail documenting the consequences of the operation, how many civilians were among the casualties and second which *inter alia* is also meant to ensure that survivors receive care as swiftly as possible.

The Resolute Support Mission is mandated to be a training mission for local Afghan forces, which was designed to replace the ISAF combat mission. The mandate issued by the German Bundestag for the German involvement in the Resolute Support Mission confines the soldiers of the Bundeswehr to supporting the Afghan forces. They are only allowed to use military force in self-defence or to provide emergency assistance.

In addition to the Resolute Support training mission, the US is also continuing its "counter-terrorism operations". It is also deploying Special Forces which do not come under the scope of the Resolute Support mission. According to the British research team - The Bureau of Investigative Journalism – between January and September 2015 between 496 and 922 people were killed including up to 20 children as a result of between 78 to 110 drone strikes by the US in Afghanistan ([www.thebureauinvestigates.com/2015/02/12/us-drone-war-afghanistan-list-american-air-strikes-2015/#AFG079](http://www.thebureauinvestigates.com/2015/02/12/us-drone-war-afghanistan-list-american-air-strikes-2015/#AFG079)).

The Federal Foreign Office initially told the New York Times upon enquiry that since the beginning of the Resolute Support Mission there had been no German personnel working at the headquarters in Kabul, but shortly afterwards withdrew this statement stating that "other ministries", presumably the German Federal Ministry of Defence (BMVg), had misinformed it. Later the Federal Foreign Office stated that members of the Bundeswehr were working at the headquarters as liaison officers, but were not engaged in the selection of targets. The presence of a German liaison officer deployed in the context of the Resolute Support training mission at the operations centre, who however had "no involvement in the planning of counterterrorism operations" was confirmed by the NATO spokesperson in Kabul. The BMVg announced that since January 2015, the Bundeswehr had not deployed military personnel at the CJOC in the Resolute Support Headquarters in Kabul. It also stated that Germany was, however, deploying a liaison officer there from the Train Assist Advice Center North (TAAC-N) from Mazar-e Sharif, but who did not perform any duties involving the targeting procedure; his task being far more to ensure a common assessment of the situation for the Resolute Support Headquarters in Kabul and the TAAC-N in Mazar-e Sharif ([www.heise.de/tp/artikel/45/45920/1.html](http://www.heise.de/tp/artikel/45/45920/1.html)).

### **Preliminary remarks of the Federal Government**

As part of the ISAF mission, German forces in Afghanistan participated in the process of nominating target persons in accordance with the relevant procedural rules of ISAF, in accordance with the applicable national and NATO command and directive situation and in compliance with the stipulations under international and constitutional law. Given the changed mandate of the successor mission Resolute Support and the changed nature of the mission, for Resolute Support this process varies greatly from the corresponding ISAF process. The foundations are set forth in the operational rules for Resolute Support. The Federal Government has not yet made a decision on an appropriate form of German participation in the process in the context of Resolute Support. Germany therefore does not currently participate in this process. On the other hand, the term "targeted killing" or "kill order" is defined neither legally nor otherwise and as such is not suited to being assessed by the Federal Government.

Individual questions of the present Minor Interpellation have already been posed in other parliamentary interpellations, already extensively answered by the Federal Government and these answers have been published in Bundestag printed papers.

The parliament's right to information on the sensitive details relating to the nomination of targeted persons and the deployment of Special Forces is honoured in the scope of regular briefings of the chairpersons, the vice-chairpersons and the spokespersons of the Defence Committee of the German Bundestag and of the Foreign Affairs Committee of the German Bundestag. This information procedure complies with the stipulations of Bundestag Decision of 4 December 2008 (cf Bundestag printed paper 16/11230 of 3 December 2008) and strikes an appropriate balance und between the requisite need for secrecy for these types of missions and the parliamentary right to information. Information was provided accordingly most recently on 12 June 2015. The Left Party parliamentary group was invited to this information meeting and was present.

The parliamentary right to information is generally designed so that the questions posed are answered in public. The classification of the answer to question 34 as confidential and the security classification "Confidential – for internal use only" is required in this case, however, for reasons of public weal. Under Section 3 (4) of the General Administrative Regulation on Physical and Organisational Protection of Classified Documents (Safeguarding of Classified Information Regulations, VSA), information which if gained knowledge of by unauthorised parties may be disadvantageous to the interests of the Federal Republic of Germany or one of its federal states, must be categorised as classified. If the answer by the Federal Government to question 34 were to be published, information on cooperation with foreign intelligence services would be made accessible to a non-containable group of people not just at home but also abroad. This has the potential of harbouring disadvantages for the effective performance of the statutory duties of the intelligence services and in turn the interests of the Federal Republic of Germany. Furthermore it could lead to disadvantages in the future cooperation with foreign intelligence services. Moreover the cited individual agreement between the Federal Chancellery and the Federal Ministry of Defence is classified under the VSA regulations.

The NATO operational plan, the mandate of the German Bundestag and the rules of engagement for Resolute Support cover the use of military force to protect German and allied forces and to protect designated civilian forces. In this context aircraft may also be deployed. Not only does Germany not have any unmanned, armed aircraft, it does not provide any fighter planes or fighter helicopters in the scope of Resolute Support either.

The term Resolute Support Headquarters (RS HQ) describes first of all the command and control organisation as such. On account of the size of these multinational headquarters, parts of the headquarters are spread across different properties in Kabul. There is also a property named "RS HQ". In the context of the answers to the questions, it is the command and control organisation that is meant.

The Combined Joint Operations Center (CJOC) is an operations centre in the command and control organisation Resolute Support Headquarters, which in a dynamic engagement environment is manned at all times using a shift system. In this operations centre no talks, meetings, or "gatherings" take place. Coordination discussions take place on a continuous basis amongst the staff present there and are part of day-to-day staff work. Twice a day, in the morning and the evening respectively, there is a change of shift. The main task is to generate and manage an operational picture of the situation of the forces deployed in the Resolute Support Mission and of the Afghan security forces for Afghanistan as a whole. This is the prerequisite to be able to respond quickly and appropriately in the event of a crisis situation emerging. There is therefore – on account of the given framework conditions alone - no formal documentation of those present, of the content of discussions or the result of coordination discussions. No process to nominate target persons takes place at the CJOC.

The German liaison officer of the Train Advise and Assist Command North (TAAC-N) from Mazar-e Sharif has a workstation at the CJOC at the Resolute Support Headquarters in Kabul, as do liaison officers from other divisions. He does not work in the shift system, but instead performs his duties during daytime

working hours without being tied to this workstation. His task is solely to ensure there is a joint operational picture shared by the headquarters in Kabul and the TAAC-N in Mazar-e Sharif.

1. To what extent can the Federal Government confirm the research reported by the New York Times on the presence of German personnel in the target selection processes for airstrikes?

The Federal Government has no knowledge or information confirming the depictions or conclusions. Please refer to the preliminary remarks of the Federal Government.

2. Can the Federal Government rule out that German forces were involved in targeting decisions and took part in meetings at which targeting decisions were made?

If so, why can this be ruled out?

If not, why can it not?

In accordance with the national directive situation, Germany is currently not involved in the Joint Targeting Process of the Resolute Support Mission. Please also refer to the preliminary remarks of the Federal Government.

3. How many members of the Bundeswehr or other German agencies, including the intelligence services, are currently seconded to or deployed at the Resolute Support Headquarters in Kabul?

As on 3 November 2015, there are a total of 25 members of the Bundeswehr deployed in posts at the Resolute Support Headquarters in Kabul. Other members of the Bundeswehr and other German agencies including the intelligence services are not deployed at the Resolute Support Headquarters nor do they work for it. Please refer to the preliminary remarks of the Federal Government.

4. How many members of the Bundeswehr or other German agencies, including the intelligence services, have been seconded to or deployed at the Resolute Support Headquarters in Kabul since the beginning of the mission or have been there for (which) other reasons (please break down into months, rank, structural affiliation and where applicable make presences which occurred at the same time recognisable)?

Since the start of the Resolute Support Mission on 1 January 2015, the German personnel contribution at the Resolute Support Headquarters has comprised the numbers stated in the answer to question 3, now in the third Resolute Support operational contingent. The posts held by German soldiers include two generals, 20 staff officers and officers, and three chief petty officers. The simultaneous presence of two members of staff served the purpose of transferring the work of the predecessor to the successor and was also due to the availability of transport capacities in and out of the mission.

The length of the deployment of the staff varies a great deal in particular for posts at the Resolute Support Headquarters and is between four and twelve months. In addition to this it is possible for there to be switches in the individual posts prior to the originally planned end of service. In 2015 in addition to the original members of the Resolute Support Headquarters there was a number of members of the Bundeswehr or other German agencies on site. The reasons were *inter alia*:

- Performance of largely national duties (such as personnel management, leadership support, generation and management of the military intelligence situation, to ensure military security and protection),
- Official visits from national units,
- Official visits from NATO units,
- Visits in the context of national training in preparation of engagement,
- Visits in the scope of sections of NATO training and the German contribution to the United Nations Assistance Mission in Afghanistan (UNAMA),
- Visits for the performance of technical duties (for instance inspections regarding security and protection) and
- Visits for information or command supervision.

A full and detailed breakdown is not possible as this data is not recorded or tracked centrally.

*5. What specific task was connected with this in each case and to what extent is the deployment taking place or did the deployment take place in accordance with the text of the mandate (Subparagraph 5) "for use at the staffs and headquarters entrusted with command and control of the Resolute Support Mission including the forces to support the command and control capability"?*

The Resolute Support Headquarters commands and controls the Resolute Support Mission in Afghanistan and in turn the troop sections under the direct command of the headquarters, in particular the Train Advise and Assist Commands. The staff deployed at the Resolute Support Headquarters are employed in specialist roles in the scope of a traditional military headquarter structure. This means the soldiers contribute to advising the Resolute Support Commanders in the scope of staff work. The soldiers also provide advice in the context of the high-quality training for top Afghan personnel. The German soldiers are deployed in the following areas at the Resolute Support Headquarters:

- Command and control of the Resolute Support Mission,
- Planning, execution and evaluation of the development of Afghan security forces,
- Advising top-ranking military staff at the Afghan Ministry of Defence (general staff, training institutions, military policy division, intelligence services, command support, sanitation and Special Forces),
- Gauging the military intelligence situation,
- Monitoring spending in the context of the Afghan National Army Trust Fund and
- Ensuring command and control capabilities.

All work performed in the areas cited is in accordance with the mandate issued by the German Bundestag for Resolute Support. Please also refer to the answer to question 4.

*6. Are members of the Bundeswehr or other German agencies, including the intelligence services, currently taking part in meetings at the CJOC at the Resolute Support Headquarters in Kabul (please provide a breakdown according to rank, structural affiliation and type of meeting)?*

Please refer to the preliminary remarks of the Federal Government.

*7. Which and how many members of the Bundeswehr or other German agencies, including the intelligence services, have taken part when in meetings at the CJOC at the Resolute Support headquarters since the beginning of the mission (please provide a breakdown according to rank, structural affiliation, type of meeting and if applicable highlighting when multiple members were present at the same time)?*

Please refer to the preliminary remarks of the Federal Government.

*8. Does the German officer present at the CJOC have a veto right over the American allies when it is a matter of deciding whether to carry out a drone strike on a target person?*

The German liaison officer for the TAAC-N from Mazar-e Sharif is not involved in such decisions. Please refer to the preliminary remarks by the Federal Government.

*9. How does the German officer present at the CJOC behave if a decision is being taken on an operation covered by the mandate under which US troops are acting, but not by the mandate in the context of Resolute Support?*

German soldiers in Afghanistan act in the scope of the mandate of the German Bundestag for Resolute Support and on the basis of the operational plan as the agreed military rules for all participating countries. The German liaison officer for TAAC-N from Mazar-e Sharif is not involved in decisions outside of the Resolute Support Operation. Please refer to the preliminary remarks of the Federal Government.

10. What knowledge does the Federal Government have of gatherings or meetings at the Resolute Support Headquarters or NATO Headquarters in Kabul,  
a) at which inter alia the selection of targets for airstrikes – including (but not only) with drones – was discussed,  
b) at which inter alia people were selected as targets or ruled out as targets for strikes?

Please refer to the preliminary remarks of the Federal Government and the answers to questions 2, 8 and 9.

11. What knowledge or information does the Federal Government have regarding the number and time at which these gatherings or meetings took place?

Please refer to the preliminary remarks of the Federal Government and the answers to questions 2, 8 and 9.

12. At how many and which of these meetings did members of the Bundeswehr or other German agencies including the intelligence services participate or were in the room?

Please refer to the preliminary remarks of the Federal Government and the answers to questions 2, 8 and 9.

13. What knowledge or information does the Federal Government have regarding the  
a) planned or  
b) executed drone strikes  
(please provide a breakdown of the missions)  
against people in 2015 by US forces or other NATO states in Afghanistan outside of the Resolute Support Mission or as part of the Resolute Support Mission?

The Federal Government does not record data on the deployment of unmanned flight systems by other countries in Afghanistan. As a result the Federal Government has no information of its own on this. The Federal Government does not compile overviews of operations by alliance partners either and refers to printed paper 18/4168 and 18/4196 on this. For this reason, the Federal Government does not have any information to answer questions 14 to 22 either.

14. How many of these types of missions were flown to the knowledge of the Federal Government?

Please refer to the answer to question 13.

15. How many people were killed and injured in total during these to the knowledge of the Federal Government?

Auf die Antwort zu Frage 13 wird verwiesen.

16. To the knowledge of the Federal Government, how many of these people were  
a) "insurgents",  
b) "legitimate military targets (in the meaning of international law governing armed conflict)?  
What were the grounds for this status in each case and on what factual basis did the categorisation take place (please report information available prior to an attack as well as that collected after the event)?

Please refer to the answer to question 13. Regarding the foundations from international humanitarian law on which the distinction between legitimate military targets and protected civilians is based please refer to the answer to question 37. The Federal Government has no information on the criteria the US applies in the deployment of their forces outside of Resolute Support.

17. How many women were among those killed and wounded in the context of the operation to the knowledge of the Federal Government?

18. How many children and youths under 18 years of age were among those killed and wounded in the context of the operation to the knowledge of the Federal Government (please list stating the age of each individual)?

19. *To the knowledge of the Federal Government, when selecting targets is it a matter of "personality strikes" or "signature strikes"?*

20. *To the knowledge of the Federal Government, in how many cases did a so-called Battle Damage Assessment or other form of analysis or evaluation take place after the operation in relation to the impacts of the attack and who the victims were?*

21. *How was this Battle Damage Assessment or other analysis or evaluation conducted to the knowledge of the Federal Government in each case?*

22. *What knowledge or information came to light in the course of this and which conclusions drawn prior to the strike were proven false following the later analysis or evaluation?*

Questions 17 to 22 will be answered together. Please refer to the answer to question 13.

23. *To what extent were or are there differences of opinion between US forces and NATO partners, including Germany on US targeting practice in Afghanistan?*

Inside NATO, the applicable operational plan for Resolute Support sets forth the agreed military framework for the engagement in Afghanistan. Beyond this, the Federal Government does not comment on opinions on or about the practices of other states or NATO regarding the deployment of US resources and forces.

24. *To what extent was the information provided by German agencies also used for targeting processes in 2015 to the knowledge of the Federal Government and what information was this?*

Please refer to the answer to question 2. Information was provided by German agencies to achieve a common situation assessment in particular in the scope of the protective and warning role for our own and allied forces. The Federal Government has no information on whether such information was used for the purpose cited in the question.

25. *In the opinion of the Federal Government, to what extent does the use of airstrikes against people form part of the mandate of the Bundeswehr forces deployed under the Resolute Support Mission?*

Please refer to the preliminary remarks of the Federal Government.

26. *At what points in time in 2015 were members of the Bundeswehr or other German agencies, including the intelligence services, present at the Resolute Support Headquarters in Kabul outside of the Resolute Support mandate?*

Please refer to the preliminary remarks of the Federal Government and to the answers to questions 3, 4, 5 and 9.

27. *In what way is the presence of participants at meetings or gatherings in the premises of the CJOC documented?*

28. *Does this apply equally for the presence of liaison officers or what differing rules are there for them if applicable?*

29. *On the basis of what criteria is it decided for what purpose and whether liaison officers are invited to meetings or gatherings at the CJOC?*

30. *In what way is the purpose and reason for meetings or gatherings in the premises of the CJOC documented?*

Questions 27 to 30 will be answered together.

Please refer to the preliminary remarks of the Federal Government.

*31. What personal data, for instance telephone numbers, have German agencies transmitted to NATO agencies or agencies of NATO Member States since 2001 for use or accepting the possibility of its use in the context of compiling and "working through" target lists (Targeting Lists, Joint Priority Effects Lists)?*

Please refer to the answers of the Federal Government to the Written Questions in Bundestag printed papers 18/3812 and 18/221. Please also refer to the preliminary remarks of the Federal Government and to the answer to question 2.

*32. How many cases were there?*

Please refer to the answers of the Federal Government to the Written Question in Bundestag printed paper 18/3812. Please also refer to the preliminary remarks of the Federal Government and to the answer to question 2.

*33. How many target persons did this concern?*

Please refer to the preliminary remarks of the Federal Government and to the answers to questions 2 and 31.

*34. What was the (specific) nature of the data transferred?*

Please refer to the answers to questions 2 and 31. Additional statements in answer of the question are enclosed as an annex due to their classification as "Confidential – for internal use only". Please also refer to the preliminary remarks of the Federal Government.<sup>1</sup>

*35. Which agency transferred and received the data in each case?*

Please refer to the preliminary remarks of the Federal Government and to the answers to questions 2 and 31.

*36. When did the data transfer take place?*

The data was transferred in each case when the evidence situation warranted this, the legal requirements of the transfer provisions were met and the transfer was necessary. Please also refer to the answer to question 2.

*37. What criteria did German agencies apply to select people whose personal data was transferred or to select target persons?*

Please refer to the answer of the Federal Government to the Written Question in Bundestag printed paper 18/3812 and the answers to questions 2 and 31.

*38. What knowledge did Germany agencies have or do they have on the role of the targets (whose data they transferred) in a specific group or organisation on account of which they became targets?*

Please refer to the preliminary remarks of the Federal Government and the answers to questions 2 and 31.

*39. How did or does the Federal Government ensure that data transferred by German agencies could or cannot be used to carry out illegal "targeted killings" or "kill orders" (please state the specific mechanisms)?*

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<sup>1</sup> The Federal Ministry of Defence has classified the answer as "Confidential – for internal use only". The answer has been deposited at the Parliamentary Secretariat of the German Bundestag and can be viewed there by authorised persons.

Please refer to the preliminary remarks of the Federal Government and the answers to questions 2 and 31. No contravention of the purpose limitation and reservation clause on the part of international partners is known.

*40. In what way did or does the Federal Government ensure that the people put on target lists by German agencies could not or cannot become the targets of "targeted killings" or "kill orders" although the target lists (for instance Joint Priority Effects List, JPEL) relating to this person do not make it clear that the nominating German agency stated any restriction to the effect that a person was or is only be allowed to be arrested but not to be killed (www.spiegel.de of 29 December 2014 "Krieg in Afghanistan: Obamas geheime Todeslisten" [War in Afghanistan: Obama's secret death lists] with anonymised JPEL list)?*

On the practices relating to the Joint Priority Effects List in the scope of the ISAF mission please refer to Bundestag printed papers 18/4196 and 17/2884. Please also refer to the preliminary remarks of the Federal Government and the answers to questions 2 and 31.

*41. To what extent are target lists like the JPEL also drawn up and "worked through" in the context of the ISAF successor mission Resolute Support?*

Please refer to the preliminary remarks of the Federal Government. In the scope of Force Protection, i. e. to protect one's own or Allied forces, target lists may be compiled. The use of military force against these targets takes place in accordance with the changed rules of operation and the rules of engagement for Resolute Support. Germany is not currently involved in this process.

*42. What stipulations do these target lists contain regarding how the listed people are to be dealt with (for instance regarding arrest, liquidation etc.)?*

Please refer to the preliminary remarks of the Federal Government and the answer to question 2.

*43. To what extent have (which) German agencies been contributing to compiling or "working through" such target lists since the start of 2015?*

Please refer to the preliminary remarks of the Federal Government and the answer to question 2.

*44. Which roles do liaison officers play in compiling and "working through" target lists?*

Please refer to the preliminary remarks of the Federal Government and the answer to questions 2, 8 and 9.