



December 9, 2011

## From Ron Arad to Gilad Shalit: Germany's Role in the Middle Eastern Prisoner Exchanges



By: [Guido Steinberg](#) | In: [Foreign & Domestic Policy](#)

Issues: [Security and Defense](#) | Tags: [Germany](#), [Gilad Shalit](#), [Israel](#), [Middle East Policy](#)

In the run-up to the prisoner exchange of October 2011, German mediation was instrumental in negotiations between Israel and one of its non-state adversaries. It was not the first instance of such mediation, and there is evidence that the deal which led to the release of Gilad Shalit and 1027 Palestinian prisoners in Israeli jails will not be the last one. Israel is surprisingly willing to compromise when it comes to its missing soldiers and their remains. Consequently, prisoner swaps have served as an invitation to Hizbullah and Hamas to kidnap Israelis on a regular basis. This article focuses on why Germany – with its traditionally cautious policy towards the Israeli-Arab conflict – has become the regular mediator in these cases and how the German role developed between the first swap in 1996 and the fourth in 2011.

### Why Germany?

Everything began back in 1992 or 1993, when then Israeli Prime Minister Yitzhak Rabin asked his German counterpart, Chancellor Helmut Kohl, for help in determining the fate, as well as securing the possible release, of the Israeli air force navigator Ron Arad. He had been missing since October 1986, when his F-4 Phantom crashed nearby Sidon in southern Lebanon. Unlike the pilot, who was rescued by IDF units, Arad was taken hostage by Amal and later transferred to Hizbullah. In spite of intensive efforts to find and follow his traces, nothing concrete was known of Arad's whereabouts after 1988. This led German officials, already during the negotiations leading to the 2004 swap, to come to the conclusion that Arad was long dead.

In the early 1990s, Germany must have seemed like the ideal mediator to the Israelis. Since 1987, dozens of German officials had been preoccupied with securing the release of German hostages in the hands of different Shiite groups in Lebanon. In January 1987, the Hoechst representative in Lebanon, Rudolf Cordes, and the Siemens technician Alfred Schmidt, were kidnapped and released in September 1988 and September 1987, respectively. After the kidnappers could not secure the release of the Hizbullah terrorists Mohammed and Abbas Hamadi from a German jail, they seized two other Germans in Lebanon, the humanitarian aid worker Heinrich Strübig and the male nurse Thomas Kemptner. Both were eventually freed in June 1992 – possibly due to Iranian pressure – but without securing the release of their brethren. In the case of Mohammed Hamadi, the steadfastness of the German government was most likely the result of American pressure. Hamadi had been convicted of taking part in the kidnapping of a Trans World Airlines flight from Athens to Rome and for the murder of US navy diver Robert Stethem in 1985.

In the course of the negotiations over the release of the four Germans, officials from different German institutions, including the Chancellery, the Foreign Office, the Federal Intelligence Service (Bundesnachrichtendienst or BND) and the Federal Criminal Police Office (Bundeskriminalamt,

BKA) had plunged deep into the shadowy world of Lebanese politics in the late phase of the civil war and established close contacts to Hizbullah and their Syrian and Iranian allies. Therefore, the German government became the preferred mediator for the Israelis and the Hizbullah alike, benefitting from close relations to Israel. It also enjoys sympathies among many Arabs, who prefer Germany to the former colonial powers Britain and France, as well as the "imperialist" United States, who are distrusted even by many of their allies in the Middle East. The German mediators managed to convey an impression of impartiality, although contacts to the Israelis were much closer and trusting than with Hizbullah.

### **The German Mediators**

In 1996, the mediation effort was successful for the exchange of the two dead bodies of Israeli soldiers against dead and live Lebanese fighters. However, the main goal of securing the release of Ron Arad, or the transfer of his remains, was not reached. For the next eight years, "operation transit," as the negotiations were called in German intelligence parlance, dragged on, with the German mediators shuttling back and forth between Germany, Beirut, Damascus, Teheran, and Tel Aviv.

During this time, a division of labor was established, with representatives of the German Chancellery leading negotiations with Iran and Syria, while most of the talks with the Hizbullah were held by the BND, the German foreign and military intelligence service. The BND and Chancellery had become the main players since the first conversation between Kohl and Rabin, because the Israelis had insisted that the Mossad lead the negotiations on their side. This made it necessary to task their German counterparts, namely the BND, with the mediating role, and to involve the German Chancellery, because it is responsible for the oversight of the intelligence service.

The formal head of the German effort was the so-called intelligence coordinator in the Chancellor's Office – Ernst Uhrlau, from 1998 until 2005 – who then became president of the BND and who took a strong personal interest in the affair. The Chancellery played an especially important role in the years until 2004, as long as Iran was a party in the negotiations. In the later cases, these contacts were not used any more.

The BND named a special envoy responsible for the mediation process. Until 2004, the veteran official Max Rehm was responsible, but already before the deal was struck, his assistant Gerhard Conrad slowly took over. Until 2001, the trained orientalist and Arabic speaker Conrad had been a rare occurrence among the BND officials, most of whom were either trained lawyers, military personnel and/or political scientists focusing on the Soviet Union. Most of them were often distrustful of newcomers who had spent years studying the Middle East or other parts of the world and their respective languages. After 1989, the BND faced serious difficulties in adjusting to a changing environment and to focusing its efforts on threats not emanating from the Soviet block. Conrad was well-prepared for the task as a mediator in the Middle East – he holds a doctoral degree from the University of Bonn. After joining the BND, he led the service's Damascus station until 2001, when he was drafted into the negotiating team of Max Rehm.

Ever since Rehm's retirement, Conrad became the chief negotiator on the German side and left a deep personal imprint. Asked for the causes of Conrad's success, an intelligence official who asked to remain anonymous said:

"Ever since Rehm was accompanied by Conrad, the latter changed the procedures. In every single session, Conrad drafted a protocol of its results which he had authorized by the side in question before he presented it to the other. This way, he always had concrete results and could confront any party that was trying to evade former concessions with authorized written statements."

Although the core negotiations took place in English, Conrad made use of his Arabic knowledge whenever possible. According to the same official:

"The German mediator speaks Arabic and used it in conversations with the Lebanese and Palestinians on the fringes of their meetings. This might have benefited him insofar that he made it

easier for his Hizbullah counterparts to develop confidence. Only the negotiations themselves were conducted in English in order to avoid inaccuracies and the protocols were formulated in English as well.”

This particular way of mediating proved one of the recipes for success in the coming years.

### **Operation Transit as a Prelude to War**

In January 2004, the eight-year long negotiations led to the second exchange, and probably the most important of all. The Israelis released 435 Lebanese and Palestinian prisoners, while the Hizbullah transferred the bodies of three Israeli soldiers killed in an ambush at the Lebanese border in October 2000 and a live hostage, Elhanan Tennenbaum, who was reported to be involved in the drug business, and who had been kidnapped in 2000 as well.

The 2004 swap showed how immensely problematic the negotiations with Hizbullah were. Most importantly, the Israelis did not reach their stated goal of bringing back Ron Arad or secure concrete information on his fate. Neither the Iranians, nor Hizbullah, seemed to be able to present the Israelis with his remains. In the end, the Israelis were forced to skip this demand. The level of Israeli disillusionment becomes obvious by the fact that they even agreed to free two prominent Lebanese prisoners, Abdalkarim Obeid and Mustafa Dirani. They had been kidnapped by Israeli forces to obtain information about the missing navigator and possibly use them as bargaining chips in any future deal in exchange for Arad. Even more importantly, the Israelis refused to free Samir Kuntar, a Lebanese member of the Palestine Liberation Front, who had taken part in the brutal killing of an Israeli family in Nahariya in 1979 and had been jailed ever since. The Kuntar case had attained special importance for Hizbullah because he had gained prominence in Lebanon as the dean of the prisoners in Israeli jails. In reaction to the public mood in Lebanon, Hizbullah general secretary Hasan Nasrallah had pledged that his organization would not rest until he was freed. When this goal was not reached in 2004, the Hizbullah only waited for another opportunity to kidnap Israeli soldiers. They knew full well that it would be possible to extract concessions from the Israeli side once it was in possession of Israeli hostages, be they dead or alive. Preparing for this eventuality, the Israelis had asked the German mediators to convey a warning. In the words of a German intelligence official:

“The Israelis asked us to convey a warning to the Lebanese and we complied. It went that they should not expect to escape unharmed if they tried to kidnap Israeli soldiers again. It was implied that the Israelis would attack Hizbullah in such a case.”

In spite of the clear wording, Hizbullah could not resist the temptation to try its luck again in freeing Kuntar. In July 2006, Hizbullah units attacked an Israeli border patrol, killing three soldiers and seizing the bodies of two of them, Ehud Goldwasser and Eldad Regev. The Israeli government reacted in kind, attacking Hizbullah in its Lebanese hideouts in the summer war of 2006. The war resulted in an Israeli failure: Over more than a month, Hizbullah showered northern Israel with missiles and Israeli forces were not able to destroy the organization’s Lebanese infrastructure. Arguably, the prisoner swap of 2004 had directly led to the events.

The Israeli government again asked for German help, though this time through the United Nations. On the basis of Security Council Resolution 1701, which expressly demanded the release of the soldiers, Gerhard Conrad and his BND team mediated between Israel and the Hizbullah, always in coordination with the Chancellery. The negotiations led to the remains of the two Israeli soldiers being exchanged for “a terrifying number of Lebanese and Palestinian prisoners” (a German intelligence official), among them Samir Kuntar, who was given a hero’s return by a Hizbullah crowd in Beirut in July 2008. Hizbullah had achieved its aim and now its Palestinian brethren took the stage.

### **Enter the Hamas**

Although the Hizbullah survived the Israeli attacks in summer 2006, the organization and its constituency had suffered tremendously from the war, prompting it to avoid any major provocation of

their southern neighbor in the following years. Instead, the Palestinians were to try out the Hizbullah strategy. In June 2006, roughly coinciding with the events on the northern Israeli border, Palestinian militants kidnapped the 19-year-old Israeli soldier Gilad Shalit next to the Gaza strip. For the next five years, Shalit was jailed by the military wing of the Hamas, prompting Israel to ask for the services of mediators again.

Yet, for the first three years, Israel relied on the mediation of its Egyptian neighbor to convince Hamas to free its captive. Only when the Egyptians failed to secure any agreement did the Netanyahu government turn again to the Germans in summer 2009. It is not clear why negotiations with the Egyptians had failed. According to a German intelligence official, the main difference between the Egyptian's and the BND's approach was that the latter stuck to his time-honored method of writing protocols and having them authorized by his interlocutors. Conrad's position was weakened, though, because he was not considered to be impartial – which in fact, he was not – by the Hamas' military wing, mirroring conflicts between the different parts of Hamas. A very practical reason for the involvement of the BND was, that after the successful mediation effort which resulted in the swap of summer 2008, Conrad was free to assume a new task.

In the following two and a half years, the BND official managed to partly bridge the gap between the opponents' positions until he drafted a compromise in February 2011. As stated by a German official, "the draft agreement was to about 90% identical with the agreement which later led to the exchange in October 2011." At that time, though, Netanyahu was not ready to pay such a high price for the release of Shalit. On the background of the Arab spring, however, the situation changed, which forced Hamas and the Israelis to come back to the Conrad agreement – although Egypt now acted as the mediator. The Palestinian organization had to react when President Mahmud Abbas presented an application for UN membership in September 2011, threatening to outbid Hamas in its quest to appear as the true representative of the Palestinian struggle for an independent state. The Israeli government on its part did not want to miss the opportunity to free Shalit with Egyptian help, because it feared that any future Egyptian government might not be as forthcoming on Israeli wishes as the military leadership, which was still in control of the country in 2011. The result was an extremely unequal prisoner exchange, in which 1027 Palestinians were freed in exchange for one Israeli.

### **Deals with a Question Mark**

The situation on the Gaza border in 2011 is comparable with the situation in the north in 2004. In 2011, the Hamas had the same incentives as the Hizbullah in 2004 to kidnap more Israeli soldiers: On the one hand, the prisoner exchange was a huge public relations success for Hamas, showing the Palestinian people that a strategy based on violence could bring at least partial success in the fight against Israel – success that the Palestinian Authority in Ramallah could not present; on the other hand, Hamas had aimed at freeing even more militants, who continue to languish in Israeli jails. Particularly, an initial demand for the release of some of the so-called high value prisoners was not met by Israel. As a result of the swap, Hamas has raised expectations among the Palestinian public that more of the remaining several thousand Palestinians in Israeli jails might be freed, so much so that the organization might be tempted to try to kidnap more Israeli citizens in the future. Quite obviously, Israeli willingness to compromise in the prisoner swaps since 1996 serves as an encouragement to kill and/or kidnap Israeli citizens, especially soldiers.

Several German officials involved in the mediation efforts share the same view on the prisoner swaps. Yet, as one of them argued in an interview with the author:

"It is not our job to judge what is a good and what is a bad deal. For Germany, this is a purely humanitarian effort requested by our Israeli friends. The federal government would never reject a request of this kind and we mediate without formulating our own position."

If seen from the perspective of the Federal Government, the German mediation effort is in fact a largely altruistic move with no obvious advantages, evidence for the German desire to be helpful to the Israelis. While one might argue that the mediation efforts contribute to Germany's reputation in

the region, the Federal Government, as opposed to the BND mediators, does not make an effort to present itself as impartial in Middle Eastern affairs, but rather as a trusted friend of Israel. Furthermore, Germany has not made any major effort to profit politically from the prestige it gains by becoming a more important player in Middle East politics. In 2004, then foreign minister Joschka Fischer once expressed his rather naïve hope that the exchange between Israel and Hizbullah might lead to a détente between the adversaries. Instead, most of those involved in Middle Eastern affairs in general, and those familiar with Operation Transit in particular, were fearful that the exchange would directly lead to a renewed conflict.

The BND is probably the one actor who has benefited most from the prisoner exchanges. In Germany, the intelligence service has a rather negative reputation. There are different reasons for that. The fact that the BND did not face its own Nazi past with its reliance on former members of the Third Reich's security forces, its close connections to Nazi war criminals until the 1980s, and its refusal to open its archives for historians until recently were heavily criticized. Since the end of the Cold War, the service has become notorious for producing real or alleged scandals in the German public. There are institutional shortcomings as well: The organization has not been transformed adequately to adjust to the new threats such as transnational terrorism. As a result, the BND has a reputation of being ineffective.

Operation transit and the mediation with Hamas clearly gave the BND a golden opportunity to enhance its reputation as being well versed in Middle Eastern affairs. After years of negotiations, the BND has profited by building a network of contacts with organizations and intelligence services where its US counterparts had not been able to work. It is an open question though to what extent the BND is able to use these contacts, as they have mainly been built by individual persons. These contacts might not be transferable to the institution. Besides Gerhard Conrad, the number of qualified personnel in BND ranks is limited. In 2008, he was named chief of staff (Leiter Leitungsstab) and thereby held one of the most central jobs to the functioning of the service. It is inconceivable how Conrad, who is reported to have spent more than 180 days traveling between 2009 and 2011 alone, could have fulfilled his functions in Berlin. The BND, however, did not seem to have a convincing alternative. As judged by previous experiences, it is very likely that Gerhard Conrad will spend more of his time traveling to the Middle East in the coming years.



American Institute for Contemporary German Studies at Johns Hopkins University  
1755 Massachusetts Avenue, NW, Suite 700, Washington, DC 20036  
(+1-202) 332-9312 tel. | (+1-202) 265-9531 fax. | [Map it](#) | [info@aicgs.org](mailto:info@aicgs.org)