

EUROPEAN PARLIAMENT

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2009

Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners

18.12.2006

NOTICE TO MEMBERS N° 11

Subject: Report on the TDIP Committee Delegation to Warsaw (Poland)

Committee Members will find attached a report on the delegation to Warsaw prepared by the Secretariat under the responsibility of Committee and Delegation Chairman, Carlos Coelho.

DIRECTORATE-GENERAL
FOR INTERNAL POLICIES

A. Proceedings

By adopting its working programme for the second half of the year on 10 July 2006, the TDIP Temporary Committee decided to send a delegation to Poland.

By letter of 13 July 2006 (310323/D(2006)39564) TDIP Chairman Coelho requested that European Parliament President Borrell seek the approval of the Bureau for this delegation.

On 6 September 2006, the Bureau agreed to this request, allowing 10 Committee Members (Chairman, rapporteur and one representative from each political group) to travel to Poland from 7 to 9 November 2006. The delegation was later delayed by one day with the permission of President Borrell. The delegation took place from Wednesday, 8 November 2006 to Friday, 10 November 2006.

The delegation consisted of thirteen MEPs (10 official delegation members and additionally 3 members elected in Poland).

The delegation asked to meet twenty people, eleven of which requests were refused.

The meetings took place on EU premises in Warsaw.

Delegation participants are listed in annex 1 and the programme is detailed in annex 2.

Following is a summary of the main messages delivered by the different interlocutors who met with the delegation in chronological order.

B. Summary of meetings

Jaroslav GIZIŃSKI, Journalist, Newsweek Polska

Mr Gizinski described an investigation conducted by his magazine. Since his article was published, no new evidence has appeared, so he is more reluctant to believe that any secret CIA detention place in fact existed in Poland. His conclusion today would be that there were indeed secret activities between the Polish and American intelligence services but not necessarily activities connected with detention of people.

Mr Gizinski described in detail, as mentioned in his article, the confirmation of existence of CIA prisons in Poland by a "senior member of Polish government". On 2 November 2005, a reporter working with him asked a Government member about Polish authorities having previously cooperated with the CIA regarding transportation of prisoners. Not denying such cooperation, the minister remained silent for 30 seconds, clearly indicating indirect confirmation of such cooperation. There was no clarification between detention or transportation of people.

Apart from this interview with the Government member, Mr Gizinski was unable to provide any further witness, document or other evidence proving the allegations. The intelligence community were unwilling to discuss the topic. Mr Gizinski also stated that he was not put under any pressure while dealing with the topic.

Mr Gizinski has been unable to get any information from authorities on CIA flights that had been mentioned in reports of institutions investigating the allegations.

Pawel WRONSKI, Journalist, Gazeta Wyborcza

Mr Wronski described an investigation conducted by his newspaper. He believed that any allegations of secret, illegal detention of prisoners in Poland were not well founded:

- No source in intelligence community and in the political field had treated the allegations seriously;
- Having personally visited Szymany airport, he found it had been so badly secured that it would have been crazy to use it for top secret operations;
- Polish intelligence services cooperate so closely with their American counterparts, that CIA flights might in fact cover other secret activities;
- There had been no leak of information about any detention facility from the intelligence community or from any politician, which would be very unlikely in Poland.

Gazeta Wyborcza had been unable to obtain documentation on flight logs of CIA planes -

the Gazeta had been informed that flight logs from Szymany airport had disappeared. The Gazeta had also been unable to find any information on how the government investigation of the alleged existence of a CIA detention facility had been conducted.

Marek Antoni NOWICKI, President, Helsinki Foundation for Human Rights

Mr Nowicki explained that the Helsinki Foundation had not been able to implement any investigation on the alleged CIA detention facility in Poland and had therefore not issued any report. The Foundation had not been able to get any information from governmental officials and was not financially and logistically able to perform any further investigative activities. The Foundation limited its activities to monitoring of activities of Polish authorities in relation to international organisations investigating the allegations.

Mr Nowicki commented on the activities of Polish authorities investigating the accusations:

- The general public were not well informed about the accusations and no evidence had been given to prove that the accusations were unfounded, apart from general declarations;
- It is surprising that the Parliament had not set up a committee of inquiry when such committees are set up on many other occasions;
- The rule of the parabola on the right to silence was mentioned that if the accused makes no comment on an accusation, a judge has a right to interpret the silence as a negative burden;
- The government investigation had not been transparent and had lacked proper parliamentary scrutiny. No investigation report had been published.

In the framework of cooperation between Poland and Council of Europe on the alleged existence of a detention facility, Mr Nowicki pointed at the lack of international regulations or customs regarding how confidential or secret information from one country could be legally transferred to an international organisation similar to the Council of Europe.

Marek PASIONEK, Undersecretary of State in Chancellery of the Prime Minister¹

Mr Pasionek presented the Polish government official position:

- The government can only transfer confidential and secret information within limits of Polish law on national secrets. Thus many details on operational activities of intelligence services cannot be disclosed;

¹ Mr. Pasionek stressed that he was a civil servant and not a Member of the Government.

- The government had concluded an investigation on the alleged existence of secret detention facilities and illegal transportation of prisoners in December 2005 and had found the allegations unfounded. The government's position had been presented to the Sejm's Committee on Special Services. The government's position and investigation methods had been accepted by the Committee. The investigation methods remain a state secret and cannot be disclosed;
- There is no single piece of evidence of illegal, secret detention or transportation of prisoners in Poland but only general speculation;
- The Polish government is confident that no law has been breached in connection with the accusations and stresses that it would never agree to any such breach;
- Polish and American intelligence services meet frequently for analytical purposes, the locations, including Stare Kiejkuty base, remaining a state secret;
- According to the Polish government, flight logs of alleged CIA flights transferring through Poland were communicated to the Council of Europe;
- The only extraterritorial territory in Poland are embassies and consulates of foreign states. It would be impossible for any foreign service to run a secret detention facility in Poland without the knowledge of the Polish authorities.

Adam KRZYKOWSKI, Journalist, Public TV Olsztyn

Mr Krzykowski described the findings of his investigation:

- Mr Krzykowski had obtained information, from the Border Guards responsible for Szymany airport, about the flight of the Boeing 737, which transferred through the Szymany airport on 22 September 2003. According to a TV broadcast by Mr Krzykowski, the Border Guards said that the Boeing crew of 7 people was joined at Szymany airport by 5 passengers, who declared themselves as businessmen. All 12 people (crew and passengers) were American citizens;
- The Boeing flight was not subject to standard border control procedure, but to a simplified one "on the basis of an index (*skorowidz*)". The simplified procedure meant that no customs officers were present during the control and passengers were checked only on basis of a list delivered to the Border Guards (*skorowidz*). According to the Border Guards, such a procedure is used when a person has already been checked up on previously by the Border Guards;
- According to his sources, the passengers of the Boeing flight were high ranked CIA officials.

Mr Krzykowski stated that while he was not under any pressure while dealing with the

topic, local inhabitants had been very reluctant to talk on this subject. However, those locals willing to talk, had not believed there had been any secret detention facility at the Stare Kiejkuty site.

**Jaroslaw JURCZENKO, Chairman of the Board, Szczytno/Szymany Airport
and former Director of Szczytno/Szymany Airport (1996 -2002)**

Mr Jurczenko described the functioning of Szymany airport and the handling of some CIA flights.

Mr Jurczenko commented about the flight logs at Szymany airport. He was unaware as to why the previous management had no flight logs from the period when alleged CIA flights transferred through the airport. According to his knowledge such logs should normally be available in the airport archives. He was informed by the previous management of the airport (only orally) that flight logs exist but so far this has not been checked. He declared that he would of course deal with any request received about the flight logs.¹

Mr Jurczenko mentioned that during 2002 and 2003 the airport had been used simultaneously for both civilian and military purposes and that some airport staff were soldiers (air-traffic controllers).

Mr Jurczenko described one of Gulfstream plane flights which used Szymany airport in 2002:

- The plane parked around 1 km from the airport buildings. Civilian airport staff were requested not to approach the plane by soldiers working at the airport;
- One or two military mini-buses approached the plane for a short period of time, but Mr Jurczenko was unable to see what then took place.;
- Airport crew were flexible in following procedures since they were reimbursed well for the Gulfstream flights and the Border Guards made decisions regarding which procedure would be implemented for such flights.

Mr Jurczenko definitely excluded the logistical possibility the existence of any detention facility at Szymany airport.

Mr Jurczenko was not contacted by any Polish government official in connection with the government investigation of the alleged CIA detention facility and flights and he remains unaware of any such contact with airport staff.

¹ TDIP Chairman Carlos Coelho, subsequently requested information in writing, which was indeed provided by Mr Jurczenko on the basis of data available.

Marek KSIĄŻEK, Journalist from the region of Warmia-Mazury (freelance)

Mr Książek reported that the scope of his investigation was limited to an interview with Mr Jurczenko, at that time the former director of the airport.

Jerzy KOS, former Chairman of the Board, Szczytno/Szymany Airport (2003 - 2004)

Mr Kos described the functioning of Szymany airport and handling of some CIA air traffic.

Mr Kos stated that at the time the airport was under his authority, it belonged to the Agency for Military Property and was in fact leased by his company. There was a small military unit stationed at the airport. The airport was used simultaneously for civilian and military purposes with rather frequent military flights.

Mr Kos testified that the Boeing 737 which landed on 22 September 2003 was treated as a military flight and consequently a standard military procedure came into force. The military character of the flight was determined by the Border Guards and the relevant procedure was followed by the airport staff. The military procedure was a simplified one, including provision for no customs clearance. Mr Kos had no information about the passengers as procedure was undertaken by soldiers and not the civilian airport staff.

Mr Kos explained that, during his period of responsibility, Gulfstream plane air traffic transferring through the airport were treated as military flights (he was unsure of the number of such flights) and that this had been the same for the Boeing 737 flight in question. The airport military staff (air-traffic controllers) had been informed by the Warsaw based Air Traffic Agency, that Gulfstream planes would land at the airport by fax. Mr Kos was unsure how this information was subsequently recorded, although two possibilities existed: information received was recorded in flight logs or faxes were collected and filed. Mr Kos supposed that this information should be in the archives.

Mr Kos was not directly involved in running flight logs, so he was unsure of the airport's policy but he supposed that all flights were recorded and flight logs existed. Mr Kos could not explain why the Boeing 737 and Gulfstream flights, which had been treated as military flights, were recorded as civilian flights by Eurocontrol.

Mr Kos stated that he had seen no prisoners and he was unaware of any detention activity at the airport. He had not had the impression that those flights had been of a top secret character.

**Zbigniew SIEMIĄTKOWSKI, former Head of the Foreign Intelligence Agency (AW)
(2002 - 2004)**

Mr Siemiątkowski stated that he had no knowledge during his term in office, or earlier, of any secret detention facilities or illegal prisoners in Poland. He learnt about the alleged

illegal CIA flights from press reports in November 2005.

Mr Siemiątkowski firmly repeated that services under his authority - Polish civilian intelligence - were not engaged in any secret detention or illegal transportation of prisoners. As to involvement of other Polish services, he relies on the declaration of former President Aleksander Kwasniewski that no Polish service had been involved in such illegal activities.

Mr Siemiątkowski stated that Polish and American intelligence services cooperate very intensively, especially after 9/11. Mr Siemiątkowski stressed that any CIA activity in Poland must have prior agreement from Polish authorities and that Polish authorities had full knowledge of CIA activities in Poland. Consequently, he excluded the possibility of any CIA activity being in connection with the illegal detention or transportation of prisoners.

Mr Siemiątkowski stated that neither the CIA nor any other foreign institution has the exclusive authority over any piece of Polish territory (including Stare Kiejkuty facility), with the exception of embassies and consulates. His responsibilities as head of the foreign intelligence service excluded knowledge on operational details, such as particular flights of CIA planes. To his knowledge, CIA flights in Poland were not connected with any illegal detention or transportation of prisoners.

Press Conference of chairman of TDIP Committee & Delegation, Carlos Coelho and TDIP rapporteur, Giovanni Claudio Fava

The Head of Delegation opened the Press Conference with a statement attached (see annex 3), followed by an intervention by the Rapporteur and a round of questions and answers. More than 30 media representatives were present.

C. Refusals

Following persons declined to meet the delegation:

Andrzej BARCIKOWSKI

former Head of the Internal Security Agency (ABW) 2002 - 2005

Marek BIERNACKI, MP

Chairman, Special Services Committee of the Sejm

Anna FOTYGA

Minister of Foreign Affairs

Major Mariusz HARAF

Chief of the Bezledy Border Guards (responsible for controls at the Szymany airport)

Sylwester LATKOWSKI

film director and journalist (free lance)

Andrzej LEPPER

Deputy Prime Minister

Radosław SIKORSKI

Minister of National Defence

Paweł SMOLEŃSKI

Journalist, Gazeta Wyborcza

Tomasz Maria STAROWIEYSKI

former Chairman of the Board of the Szczytno/Szymany Airport owner (2004 - 2006)

Jerzy SZMAJDZIŃSKI, MP

former Minister of National Defence (2001 - 2005)

Zbigniew WASSERMANN¹

Minister Coordinator of Special Services

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¹ Represented by Marek Pasionek, see page 4 of the report

PROGRAMME
and
LIST OF PARTICIPANTS

Delegation of the TDIP Committee to Warsaw

Wednesday, 8 November to Friday, 10 November 2006

PROGRAMME OF MEETINGS

Wednesday, November 8th

- 12.00 **Arrival** to the Warsaw airport
- 13.15 - 14.15 **Jarosław
GIZIŃSKI** **Journalist, *Newsweek Polska***
venue: EU office Warsaw
- 15.00 Accommodating into the Bristol hotel

Thursday, November 9th

- 9.30 - 10.30 **Paweł WRÓŃSKI** **Journalist, *Gazeta Wyborcza***
venue: EU office Warsaw
- 10.45 - 11.30 **Marek Antoni
NOWICKI** **President, Helsinki Foundation for Human
Rights**
venue: EU office Warsaw
- 12.00 - 13.00 **Marek PASIONEK** **Undersecretary of State
in the Chancellery of the Prime Minister**
venue: EU office Warsaw
- Lunch break**
- 15.00 - 15.45 **Adam
KRZYKOWSKI** **Journalist, *Public TV Olsztyn***
venue: EU office Warsaw

- 16.00 - 17.00 **Jarosław JURCZENKO** **Chairman of the Board, Szczytno/Szymany Airport**
venue: EU office Warsaw
- 17.00 - 18.00 **Marek KSIĄŻEK** **Journalist from the region of Warmia-Mazury (free lance)**
venue: EU office Warsaw
- 19.00 **Reception** offered by the TDIP Delegation at the Studio Buffo Restaurant (M. Konopnickiej 6)

Friday, November 10th

- 10.00 - 11.30 **Jerzy KOS** **former Chairman of the Board, Szczytno/Szymany Airport**
venue: EU office Warsaw
- 11.30 - 12.15 **Zbigniew SIEMIĄTKOWSKI** **former Head of the Foreign Intelligence Agency (AW) (2002 - 2004)**
venue: EU office Warsaw
- 13.30 - 14.00 **Press Conference**
- 16.20 **Departure** from the Warsaw airport

LIST OF PARTICIPANTS
TDIP DELEGATION TO WARSAW, 8-10 November 2006

Official members of the delegation:

1. COELHO Carlos (Chairman)
2. FAVA Giovanni Claudio (Rapporteur)
3. GAWRONSKI Jas (EPP-ED)
4. CHIESA Giulietto (PSE)
5. IN 'T VELD Sophia (ALDE/ADLE)
6. ÖZDEMIR Cem (GREENS/AFE/ALE)
7. CATANIA Giusto (GUE/NGL)
8. SZYMAŃSKI Konrad (UEN)
9. ROGALSKI Bogusław (IND/DEM)
10. CZARNECKI Ryszard (Non attached)

MEPs elected in Poland, who participated in the meetings:

1. KUDRYCKA Barbara (EPP-ED)
2. PINIOR Jozef (PSE)
3. PIOTROWSKI Mirosław (IND/DEM's coordinator)

TDIP Committee Secretariat:

1. NÉMOZ-HERVENS François (Head of Secretariat)
2. BAŃKA Tomasz (Administrator)
3. MAURIN DE FARINA Christian (Administrator)

Press Service/Political Groups/Assistants:

4. ANDRES MARIN Maria (Press Officer)
5. MAZZA G. Luigi (EPP-ED)
6. RESTIFO Francesca (PSE)
7. MARZOCCHI Ottavio (ALDE/ADLE)
8. ROBERT Jean-Luc (GREENS/AFE/ALE)
9. TAMBURINI Chiara (GUE/NGL)
10. EMILEWICZ Marcin (UEN)
11. NERMER Andrzej (IND/DEM)

Interpreters:

12. WALKER David (Team Leader)
13. BALASSO Caterina
14. MLOKOSIEWICZ Anna
15. JANOWSKI Andrzej
16. MATUSZEK Agnieszka
17. GILLIES Andrew

Statement by Chairman COELHO at the press conference in Warsaw

Warsaw, 10/11/06

Good afternoon, ladies and gentlemen,

We are just completing a three-day visit here in Warsaw.

First of all let me start by underlining that with this visit we were merely fulfilling our mandate and that no one should use our presence here in Poland for domestic political purposes, especially on the eve of local and regional elections.

I would like to thank all those whom we had invited to meet our delegation and who indeed appeared before us.

At the same time I have to refer to those who refused to speak with us, those who first accepted and later declined, and those who did not get the compulsory authorisation from their hierarchy. A detailed list is available in this room.

Sometimes I feel that, when dealing with these matters, Members of Parliament and journalists are confronted with the same kind of difficulties: lack of cooperation and withholding of information. This is why, as we are doing ourselves, I would encourage the press to go on with their investigations.

As far as the cooperation with official authorities is concerned, I have to tell you that we regret that we were not able to meet any Parliamentary representatives, like we always did in all our other delegations, and also by the reluctance of the government to offer full cooperation to our investigation and to receive our delegation at an appropriate political level. We are of course grateful to Mr Pasionek for the statements he made before us, on behalf on Minister Wassermann, but he is not a Member of the Government and was therefore unable to answer all the questions we have concerning the allegations we have been asked by our remit to look into.

In this context, I feel obliged to highlight the difference between the openness and readiness to cooperate we were offered when we went to Romania three weeks ago and what we have experienced during our visit to Poland. This is all the more important because, as you know, Poland and Romania are among the two European countries, which have been referred to as allegedly hosting secret detention centres.

Sometimes I feel the need to restate the fact that the European Union is more than simply a common market and that we all share in the same community of values, the rule of law, democracy and respect for human rights and that we have a duty to find out the truth.

Let me also just recall in this context the statements made to both our Committee and the plenary assembly by European Commission Vice-President Frattini, who underlined that any breach of article 6 of the European Union Treaty, that is the respect of fundamental rights and common values, could lead to the implementation of article 7 of the same treaty, which foresees political sanctions such as the suspension of a Member State's voting right in Council.

We will now report to our Committee on the outcome of our meetings here. As you know, we have entered the last phase of our work and our rapporteur Claudio Fava is due to present his draft final report by the end of this month. It will then be up to our Committee to draw all conclusions and to make whatever proposals it deems appropriate in adopting this report in January. The Parliament as a whole should have the last word during the February 2007 plenary session.

I thank you for your attention and I now give the floor to our rapporteur, Claudio Fava