



**"Hearing on the alleged CIA illegal detention and transfers of prisoners in Europe"
European Renditions Accountability: New Developments
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"In its resolutions of 2007 and 2009 the Parliament urged the EU and the Member States to take action, acknowledge, repair and prevent in the future the human rights violations that occurred in Europe in the context of the US rendition and secret detention programmes. The hearing's objective is to assess the developments at national level on the implementation of the Parliament recommendations. The event will substantiate the upcoming LIBE report and contribute to the Parliament's commitment to fully take up its responsibilities under the new legal framework of the Lisbon Treaty. (2012/2033(INI), Rapporteur H  l  ne FLAUTRE (Verts/ALE, FR)); Tuesday, 27.03.12, 9.00-12.00."

1. Flight records

Flight logs and associated data were crucial to the original investigation of the renditions programme and remain significant. Since 2007 there has been an incremental increase in detail concerning the operations of the renditions flight network. New planes have been identified and planes that were known before have been reassessed.

Several of the participants here have worked to build up the record in different countries: OSJI, the Helsinki Foundation, Amnesty, as well as Reprive and Access Info Europe. Several national inquiries have also conducted their own researches (some more willingly than others).

My main observation, from Reprive and Access Info Europe's work and from the work of national governments who have made some effort to obtain data relevant to the rendition programme - Denmark, Finland, Lithuania and others - is that it's not very useful to get fragmentary "one stop" records: i.e. only a filed origin, a stopover and a filed destination. Why? Because this doesn't reveal the network. Analysis of available data shows that planes associated with the renditions programme made stops at numerous destinations for various reasons: refuelling, resting, or "breaking" the journey to disguise principal points of interest.

The lesson we have drawn is that one can either piece together the network very slowly by obtaining multiple streams of data from multiple countries, or one can go to the centralised source: Eurocontrol.

In terms of trying to piece the network together, Reprive has been working with the Universities of Kent and Kingston's "Renditions Project" to collate all the publicly available data on renditions flights into one searchable spreadsheet. Although necessarily not a complete picture, it is now possible to search for planes across the bodies of data released by different national and supernational inquiries, and see how the data from different sources contributes to a slowly growing jigsaw puzzle.

There are still many gaps, however - partly due to the reluctance of many countries to release their data, as demonstrated by Reprive and Access Info Europe's "Rendition on Record" report which we published last December. Half of the countries that we contacted - mostly European countries - did not reply to our FOI requests: a policy of administrative silence. There is, therefore, still work to be done.

2. Corporate complicity

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Reprieve's current focus is on corporate complicity in renditions flights - the involvement of legitimate companies working for the US government, as opposed to shell companies set up by or for US government agencies. A watershed in this investigation was the discovery of the Richmor Aviation civil lawsuit in the US, which brought to the surface extremely detailed evidence outlining the roles of numerous US firms in the renditions programme.

These companies - some of which are major international corporations, owned by multiple institutional shareholders, banks and pension funds, and some of which are small private concerns - were involved in all the logistical aspects of the transport programme: finding a plane, finding a crew, getting the crew and the plane in the air, arranging its route, catering, fuelling, cleaning, paying for navigation and communication, filing flight plans, paying for ground handling, arranging accommodation for renditions flight crews etc. Documents, including invoices and "letters of convenience", demonstrate in numerous cases that these flights were carried out for a single client: the US government. Telephone records also begin to reveal a pattern of behaviour surrounding these flights: a modus operandi, if you like.

The cumulative documentary evidence now makes it indisputable that these flights were part of a single network, with the US government as ultimate contractor.

Although generally the companies organizing this work are not European companies, they have paid money to European companies and to European governments in the form of fees and taxes. The Danish government, for example, receives a fee for many transatlantic crossings.

In the course of this arrangement, it has received fees from planes on journeys which have transported prisoners between secret prison sites.

Reprieve is building up a database of transactions relating to the renditions flight network. We can definitely correlate some of these transactions with the transfer of specific prisoners. Others we are not sure yet: they may be flights transporting interpreters, analysts, interrogators, security personnel or other people involved in the network. These flights, too, should be considered as vital parts of the network.

3. Sites

Since the Parliament last visited this question, two "black sites" in Europe, long suspected, have been firmly identified: in Lithuania and Romania. Both were identified by journalists, on the basis of information provided by former CIA employees. These disclosures are supported in both cases by surrounding documentary evidence.

The Lithuanian site, in a former riding stables in a village outside Vilnius, was purchased by a mysterious company, Elite LLC, incorporated in Washington DC and Panama and acting through power of attorney given to an individual going by the name of Valdas Vitkauskas. Elite was incorporated in July 2003. In March 2004, as registry documents show, Elite and "Mr Vitkauskas" purchased the stables from local owners. Residents living in the vicinity with a clear view of the site spoke of a building programme, overseen by Americans, in which a large metal warehouse structure was created. Vehicles with darkened windows visited the site regularly and guards patrolled around it. In January 2007 it was sold to its current owners, the Lithuanian security services. Between these dates, a number of flights, related by documentary evidence to companies participating in the renditions programme, as mentioned above, made flights to Lithuania, sometimes disguising their routes by reference to nearby countries such as Sweden and Finland. Planes came from Romania and Morocco, among other places; another plane, which the Lithuanian inquiry suggested went from Lithuania to Portugal, actually set a course for Egypt, I can now disclose. On landing, the planes were not checked: normal border guard duties were suspended on the instructions of the security services.

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Landing forms were signed, not by the pilots, as would be normal, but by employees of the airports. All this data supplements the accounts of American intelligence officials that prisoners were held in this site.

These planes, contracted by and operated by the same group of companies, also visited Romania. Telephone records connect the Romanian landings to other landings in the renditions network: in coordination with their arrival in Romania, planes called a similar set of phone numbers to those called in other known renditions operations. Flight documents connect these planes to the contracting companies and ultimately to the US government. At the same time that these flights were arriving in Romania - as US intelligence sources revealed to Associated Press last year - the CIA was running a prison site in the basement of a government building in north-west Bucharest, the national registry office for classified information, ORNISS. Prisoners were kept in cells raised up on springs.

4. National responses

Several countries have held some form of inquiry into their connections with the renditions network. Valuable evidence has been collected. Unfortunately, the quality of the evidence has often been spoilt by poor interpretation. There is, it appears, considerable reluctance to actually follow the evidence: to draw the necessary and logical conclusions from it. Instead, governments take refuge in semantics, in definitions.

The head of Lithuania's parliamentary inquiry, Arvydas Anusauskas, in an interview at the conclusion of his committee's findings in 2009, was asked how the committee would answer the question of the existence of the prison and the prisoners. He said: "It is a matter of phrasing". The interviewer pressed him in many ways, and finally asked: "But do you have a definite answer – was there a prison or not?" Mr Anusauskas replied: "I have to say that I did not hold any of the terrorists by the hand ... So how can I have a definite answer?"

I don't want to single out Mr Anusauskas, because this type of response is endemic to all countries which have "looked into" this issue. If there are some facts, some details, which they cannot substantiate, then they take refuge in the idea that nothing at all can be confirmed. But this approach has proved itself incapable of proposing any sort of logical alternative reality. Let us assume that there were no renditions through Europe, no prisoners in secret prisons on European soil. Let us join up the dots in the narrative - using the available documentary evidence - to try to demonstrate that something - anything - else occurred. The story that emerges is preposterously unlikely.

To give just one example: in their pre-trial investigation, the Lithuanian prosecutors found "no evidence that any persons were secretly detained in Lithuania". However, they are faced with the necessity of explaining away the structures that were created in the site. Their response: "it was not necessarily a jail. It could just as well have been meant to hold valuables."

What, then, were these valuables, that an American shell company was so keen to find a safe hiding-place for in a small village outside Vilnius? Valuables that required a specially constructed building, overseen by Americans and serviced by vehicles with tinted windows? What sort of valuables is the US government moving into Lithuania from Morocco and Bucharest, in planes that cannot be checked by the border guard or signed for by their pilots?

Additionally, several countries have conducted investigations into their role in the renditions programme, only to absolve themselves when they discover no clear indications that prisoners were on board the flights which landed in their airports. This is attractive for them but groundless. The renditions and secret prisons programme was a global conspiracy by the USA. It required a

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complicated network of corporations, governments and service providers to make it function. As I noted above, many individuals were required to be transported around the sites to make the programme function: not just prisoners, but also guards, interrogators, interpreters and so on. All the elements in the network are essential to the network. Certain countries - Ireland, UK, Portugal, Iceland - played a particularly strategic role without being prison site locations. Others were more rarely visited. But to construe "involvement" merely on the level of "did a prisoner land illegally on our soil?" is overly narrow.

In conclusion: the European Parliament is in a strong position, at this moment, to capitalize on the advances that have been made. But in order to progress, it needs to recognize that the renditions and secret prisons programme was a network, and take a broader, rather than a narrow, view of what constitutes involvement in this network. It should also scrutinize the behaviour of national actors, in the face of the mounting evidence, and ask: how plausible are their denials? What alternative narrative are they proposing - is it logical? Is it likely? Does it follow the evidence? So far, the responses of Poland, Lithuania and Romania manifestly fail these tests.

The Parliament can also point the way forward by acknowledging, as strongly as possible, that it is illogical and counter-productive to continue to attach the term "allegations" to its analysis of this topic, unless merited in specific instances of uncertainty. The broad picture, and many of the details, are not allegations. They are certain and demonstrable.

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