



CIA activities in Europe: European Parliament adopts final report deploring passivity from some Member States

Over one thousand CIA-operated flights used European airspace from 2001 to 2005 and temporary secret detention facilities "may have been located at US military bases" in Europe, says the European Parliament in its final report on illegal CIA activities in Europe, adopted 14 February.

The report, which deplores the passivity of some Member States in the face of illegal CIA operations, as well as the lack of co-operation from the EU Council of Ministers, was approved with 382 votes in favour, 256 against with 74 abstentions.

According to the text - originally drafted by the Parliament's Temporary Committee on the alleged use of European countries by the CIA for illegal activities (TDIP) - European countries have been "turning a blind eye" to flights operated by the CIA which, "on some occasions, were being used for extraordinary rendition or the illegal transportation of detainees." In some cases, the report goes on to say, "temporary secret detention facilities in European countries may have been located at US military bases". "There may have been a lack of control" over such bases by European host countries, it adds. "Secret detention facilities", it explains, can also include places where somebody is held incommunicado, such as "hotel rooms," as in the case of Khaled El-Masri in Skopje.

With the above in mind, the EP "expects the Council to put pressure on all the governments concerned to give full and thorough information to the Council and the Commission and, where necessary, to start hearings and commission an independent investigation without delay," (the text of the earlier committee report "expected" the Council "to start hearings and commission an independent investigation without delay, *as foreseen in Article 7 and, where necessary, to impose sanctions on Member States*")

"Not possible" to "acknowledge or deny" detention centres in Poland

In an amendment passed with a narrow majority (356 to 323), MEPs noted that, in light of the available "circumstantial evidence", "it is not possible to acknowledge or deny that secret detention centres were based in Poland." However, notes the report, "seven of the fourteen detainees" transferred from a secret detention facility to Guantánamo in September 2006 coincide with those mentioned in a report by ABC News (published in December 2005) listing the identities of twelve top Al Qaeda suspects held in Poland.

Regarding the testimonies gathered during their visit to Poland, MEPs conclude that

the investigation carried out by the Polish Parliament was not conducted independently and that statements given to the Committee delegation were "contradictory" and compromised by "confusion about flight logs [...] which were first said not to have been retained, then said to have probably been archived at the airport, and finally to have been sent by the Polish government to the Council of Europe."

As far as Romania is concerned, MEPs concluded that "no definitive evidence has been provided to contradict any of the allegations concerning the running of a secret detention facility on Romanian soil."

CIA flights

"At least 1245 flights operated by the CIA flew into European airspace or stopped over at European airports between the end of 2001 and the end of 2005" although, as MEPs emphasize, "not all those flights have been used for extraordinary rendition".

Working documents published by rapporteur Claudio Fava also cite "additional information of the extraordinary renditions analysed by the [TDIP], as well as of the companies linked to the CIA (...) and the European countries in which the CIA made stopovers". In their report, MEPs mention up to 21 well-documented cases of extraordinary rendition: rendition victims were transferred through a European country or were residents in a European State at the time of their kidnapping. With this in mind, the text "calls on the countries of Europe to compensate innocent victims of extraordinary renditions".

The Parliament rejects extraordinary renditions "as an illegal instrument used by the USA in the fight against terrorism" and condemns the "acceptance and concealing of the practice, on several occasions, by the secret services and governmental authorities of certain European countries". Members call on the Council and the Member States, therefore, "to issue a clear and forceful declaration calling on the US Administration to put an end to the practice of extraordinary arrests and renditions."

Use of torture

The report notes that the renditions investigated by the committee "in the majority of cases involved incommunicado detention and torture" during interrogations, as was confirmed by the victims - or their lawyers - who gave testimony to the Parliament's committee on CIA activities in Europe. According to the testimony of former UK ambassador to Uzbekistan Craig Murray, the exchange of intelligence obtained under torture by third countries' secret services to the British services was a practice known and tolerated by the UK government

In light of the available evidence, note members, there is a "strong possibility that some European countries may have received [...] information obtained under torture."

Reluctance to co-operate

MEPs also deplored "the lack of co-operation of many Member States and of the Council of the EU towards the temporary committee" and explained that "the serious lack of concrete answers to the questions raised by victims, NGOs, media and parliamentarians has only strengthened the validity of already well-documented allegations". The Council, they said, initially withheld -- and then provided only partial fragments of -- information pertaining to regular discussions with high-level US officials (behaviour which the report calls "wholly unacceptable"). Such "shortcomings" of the Council, reads the report, "implicate all Member State governments, since they have collective responsibility as members of the Council" As MEPs note later in the text, the Treaty-based "principle of loyal cooperation [...] which binds Member States and EU institutions to take any measures to ensure the fulfilment of the European obligations, such as the respect of human rights, [...] has not been respected."

The national governments specifically criticised for their unwillingness to cooperate with Parliament's investigations were those of Austria, Italy, Poland, Portugal and the UK. The report also gives detailed evidence of investigations of illegal rendition or CIA flight cases involving Germany, Sweden, Spain, Ireland, Greece, Cyprus, Denmark, Turkey, the Former Yugoslav Republic of Macedonia (FYROM), Bosnia and Romania.

Among some of the specific criticisms levelled by the report against European governments are the following:

- certain officials of the Italian military security services (SISMI) played an "active role" in the 2003 abduction of cleric Abu Omar in Milan; General Nicolò Pollari, former Director of the SISMI, "concealed the truth" when he stated "that Italian agents played no part in any CIA kidnapping"; knowledge of the Abu Omar rendition on the part of the Italian government was "very likely".
- the German Government did not accept the US offer, made in 2002, to release rendition victim Murat Kurnaz from Guantánamo; Mr. Kurnaz was interrogated twice by German officials in Guantánamo on two occasions (para 84, 85); on the other hand, the report reads, the German Parliament's inquiry committee has shown "that there was no involvement of the German authorities in the illegal abduction [of Khaled El-Masri]"
- the Polish government failed to cooperate with the TDIP, "in particular when receiving its delegation at an inappropriate level"; its attitude towards the temporary committee's work was marked by "an overall rejection"
- FYROM authorities failed to deliver "a thorough investigation" into the Khaled El-Masri case (para 135); Romanian authorities, meanwhile, showed "reluctance" to thoroughly investigate "the existence of secret detention facilities on its territory"
- the international community turned a blind eye when the decisions of the Supreme Court and the Human Rights Chamber of Bosnia and Herzegovina, ordering the release of six Algerian men from custody, failed to be implemented -- action which resulted in their subsequent rendition to Guantanamo.

At the same time, members complained about "the omissions" in statements made by the Council and its Secretary General, Javier Solana, regarding the Council's discussions (on fighting terrorism) with US representatives. Mr. Solana, they add, "was unable to supplement the evidence already in the possession of the temporary committee." The same goes for EU Counter-Terrorism co-ordinator Gijs de Vries who, MEPs concluded, was "unable to give satisfactory answers". With this in mind, MEPs took the view that the competences and powers of the Counter-Terrorism co-ordinator should be strengthened and monitored by the European Parliament.

Political recommendations

With a view to the conclusion of the TDIP's mandate, and acknowledging that Committee's conclusions were not "exhaustive", the final report encourages governments and/or national parliaments to launch (or to pursue) independent investigations. MEPs also instruct the Civil Liberties Committee to follow up the proceedings of the TDIP, to monitor developments and, should the Council and/or the Commission not take action -- to determine whether there is a clear risk of a serious breach of the EU's principles and values, "and to recommend [...] any resolution, taking as a basis Articles 6 and 7 of the Treaty on European Union, which may prove necessary in this context".

The report also recommends that all European countries should have "specific national laws to regulate and monitor the activities of third countries' secret services on their national territories"; moreover, it advises, over-flight clearances for military and/or police aircraft should be granted "only if accompanied by guarantees that human rights will be respected". In the meantime, a "ban or system of inspections" should be introduced "for all CIA-operated aircraft known or suspected to have been involved in extraordinary rendition".

Lastly, the report calls for the closure of Guantánamo and asks European countries "to immediately seek the return of their citizens and residents who are being held illegally by US authorities".

UNITED KINGDOM

67 New at plenary. Welcomes the meeting in London with the UK Minister for Europe and the fact that the UK Government supplied documents and explanations; notes that the UK authorities could not answer all

the questions raised by the Temporary Committee delegation to London.

68. Thanks the All-Party Parliamentary Group on Extraordinary Renditions (APPG), comprising members of the House of Commons and the House of Lords, for its work and for providing the Temporary Committee delegation to London with a number of highly valuable documents.

68 bis New at plenary. Takes note of the declarations made by UK Secretary of State for Foreign and Commonwealth Affairs, Margaret Beckett, in a written response to a parliamentary question whereby she admitted that the UK Government had been aware of a secret CIA prison network before President Bush acknowledged its existence in September 2006; asks the UK Government to state whether it has raised the issue with the US authorities and whether, and, if so, when, it informed or discussed the issue with other European governments.

69. Condemns the extraordinary rendition of Bisher Al-Rawi, an Iraqi citizen and resident of the United Kingdom, and Jamil El-Banna, a Jordanian citizen and resident of the United Kingdom, who were arrested by Gambian authorities in Gambia in November 2002, turned over to US agents, and flown to Afghanistan and then to Guantánamo, where they remain detained without trial or any form of judicial assistance;

70. Points out that the telegrams from the UK security service MI5 to an unspecified foreign government which were released to the Chairman of the APPG, Andrew Tyrie, suggest that the abduction of Bisher Al-Rawi and Jamil El-Banna was facilitated by partly erroneous information supplied by the UK security service;

71. Criticises the unwillingness of the UK Government to provide consular assistance to Bisher Al-Rawi and Jamil El-Banna on the grounds that they are not UK citizens;

72. Condemns the multiple extraordinary rendition of Binyam Mohammed, Ethiopian citizen and resident of the United Kingdom; points out that Binyam Mohammed has been held in at least two secret detention facilities, in addition to military prisons;

73. Is deeply disturbed by the testimony of Binyam Mohammed's lawyer, who gave an account of the most horrific torture endured by his client to the official delegation of the Temporary Committee to the United Kingdom;

74. Emphasises that the former UK Secretary of State for Foreign and Commonwealth Affairs, Jack Straw, conceded in December 2005 that UK intelligence officials met Binyam Mohammed when he was arrested in Pakistan; points out in this respect that some of the questions put by the Moroccan officials to Binyam Mohammed appear to have been inspired by information supplied by the UK;

75. Condemns the extraordinary rendition of UK citizen Martin Mubanga, who met the official delegation of the Temporary Committee to the United Kingdom, and who was arrested in Zambia in March 2002 and subsequently flown to Guantánamo; regrets the fact that Martin Mubanga was interrogated by British officials at Guantánamo, where he was detained and tortured for four years without trial or any form of judicial assistance and then released without charge;

76. **Changed at plenary.** Takes note of the testimony to the Temporary Committee by Craig Murray, former UK Ambassador to Uzbekistan, on the exchange of intelligence obtained under torture and the legal opinion of Michael Wood, former legal advisor to the UK Foreign and Commonwealth Office.

77. **Changed at plenary** Expresses its concern about Michael Wood's legal opinion, according to which 'receiving or possessing' information extracted under torture, in so far as there is no direct participation in the torture, is not per se prohibited by the UN Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment adopted by the UN General Assembly on 10 December 1989; expresses its condemnation of any attempt to obtain information by means of torture, regardless of who is involved.

78. **Changed at plenary.** Notes the 170 stopovers made by CIA-operated aircraft at UK airports and expresses serious concern about the purpose of those flights which came from or were bound for countries

linked with extraordinary rendition circuits and the transfer of detainees. Deplores the stopovers at UK airports of aircraft which have been shown to have been used by the CIA, on other occasions, for the extraordinary rendition of Bisher Al-Rawi, Jamil El-Banna, Abou Elkassim Britel, Khaled El-Masri, Binyam Mohammed, Abu Omar and Maher Arar and for the expulsion of Ahmed Agiza and Mohammed El Zari.

IRELAND

121. Welcomes the testimony given to the Temporary Committee by the Irish Minister for Foreign Affairs on behalf of the Irish Government as well as his unequivocal criticism of the process of extraordinary rendition; notes the fact, however, that he failed to answer all the questions in relation to the concerns that Irish airports may have been used by CIA aircraft travelling to or from extraordinary rendition missions (as in the case of Abu Omar);

122. Thanks the Irish Human Rights Commission (IHRC) for its testimony to the Temporary Committee and endorses its view which considers that acceptance by the Irish government of diplomatic assurances do not fulfil Ireland's human rights obligations, which oblige the government actively to seek to prevent any actions that could in any way facilitate torture or ill-treatment in Ireland or abroad; regrets the decision of the Irish Government not to follow the IHRC's advice on this matter to date; notes that there is continuing dialogue between the IHRC and the Irish Government;

123 **Changed at plenary.** Notes the 147 stopovers made by CIA-operated aircraft at Irish airports and expresses serious concern about the purpose of those flights which came from or were bound for countries linked with extraordinary rendition circuits and the transfer of detainees. Deplores the stopovers in Ireland of aircraft which have been shown to have been used by the CIA, on other occasions, for the extraordinary rendition of Bisher Al-Rawi, Jamil El-Banna, Abou Elkassim Britel, Khaled El-Masri, Binyam Mohammed, Abu Omar and Maher Arar and for the expulsion of Ahmed Agiza and Mohammed El Zari.

124. Notes the absence of Irish parliamentary scrutiny of either Irish or foreign intelligence services and the potential that this creates for abuse;

125. Considers, that, in the absence of a system of random searches, a ban should be imposed on all CIA-operated aircraft landing in Ireland;

126. Urges the Irish Government, in view of the findings of the Temporary Committee, to agree to launch a parliamentary inquiry into the use of Irish territory as part of the CIA rendition circuit.

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