Alleged use of European countries by the CIA for the transportation and illegal detention of prisoners

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The Temporary Committee set up to investigate the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners adopted its final report, drafted by Giovanni Claudio FAVA (PES, IT). The key points of the report are as follows:

- **CIA flights**: the Temporary Committee concluded that "at least 1 245 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". It regretted that European countries had been "turning a blind eye" to such flights, which, "on some occasions, were being used for extraordinary rendition or the illegal transportation of detainees." The report stressed that working documents published by the Temporary Committee provided "strong evidence of the extraordinary renditions analysed by the committee, as well as of the companies linked to the CIA, the aircraft used by the CIA and the European countries in which the CIA aircraft made stopovers". The committee mentioned up to 21 cases of extraordinary rendition in which rendition victims were transferred through a European country or were residents in a European state at the time of their kidnapping. Bearing this in mind, the report "calls on the countries of Europe to compensate the innocent victims of extraordinary rendition".

Committee members condemned extraordinary rendition "as an illegal instrument used by the United States in the fight against terrorism" and also condemned the "acceptance and concealing of the practice, on several occasions, by the secret services and governmental authorities of certain European countries". They called on the Council and the Member States "to issue a clear and forceful declaration calling on the US Administration to put an end to the practice of extraordinary arrests and renditions, in line with the position of Parliament".

- **secret detention facilities**: the report expressed the committee's deep concern that, in some cases, "temporary secret detention facilities in European countries may have been located at US military bases". It emphasised that the concept of "secret detention facility" included "not only prisons, but also all places where somebody is held *incommunicado*, such as private apartments, police stations or hotel rooms" - as in the well-publicised case of Khaled El-Masri in Skopje. In an amendment passed with a one-vote majority (23 to 22), committee members noted that, in light of the available "circumstantial evidence", "it is not possible to acknowledge that secret detention centres were based in Poland". However, the report did note that the names of seven of the fourteen detainees transferred from a secret detention facility to Guantánamo in September 2006 coincided with those of top Al Qaeda suspects (as cited in an ABC News report in December 2005) allegedly held in Poland.

- **possible use of torture**: the report recalled that the programme of extraordinary rendition is an extra-judicial practice "whereby an individual suspected of involvement in terrorism is illegally abducted.....and /or transported to another country for interrogation which, in the majority of cases, involves *incommunicado* detention and torture". This was confirmed by the victims - or their lawyers - who gave testimony to the committee. In light of the available evidence, the report noted that "there is a "strong possibility that some European countries may have received, knowingly or unknowingly, information obtained under torture".

- **lack of cooperation**: MEPs also deplored the lack of cooperation of many Member States and of the Council of the EU towards the temporary committee and said that "the serious lack of concrete answers to the questions raised by victims, NGOs, the media and parliamentarians has only strengthened the validity of already well-documented allegations". They criticised the Council for initially withholding - and then providing only partial fragments of - information pertaining to regular discussions with high-level US officials and said that this was "wholly unacceptable". The report said that such "shortcomings" of the Council "implicate all Member State governments since they have collective responsibility as members of the Council.

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

MEPs also complained about "omissions" in statements by Javier Solana, the Council's High Representative for the Common Foreign and Security Policy, regarding the Council’s discussions on fighting terrorism with US representatives. They added that the EU Counter-terrorism Co-ordinator Gijs de Vries was "unable to give satisfactory answers", and said that his competences and powers should be strengthened and should be monitored by the European Parliament.

- **policy recommendations**: looking ahead to the end of the committee's mandate, and acknowledging that its conclusions are not "exhaustive", the report encouraged governments and/or national parliaments to launch (or to pursue) independent investigations. It also called on Parliament's Civil Liberties Committee to follow up the proceedings of the Temporary Committee, to monitor developments and, if necessary, to recommend sanctions under EU Treaty Article 7 against Member States found to be in breach of EU fundamental rights. Lastly, the report called for the closure of Guantánamo and urged EU states "to immediately seek the return of their citizens and residents who are being held illegally by US authorities".