

Document proves European Union agreed to CIA rendition flights

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17 December 2005

Attempts by European governments to deny knowledge their airports were used by the CIA to fly detainees to facilities where they could be tortured has unravelled. A document obtained by the civil rights group Statewatch confirms that the European Union (EU) agreed to such flights as part of a wider programme of joint security operations with the Bush administration in 2003.

Minutes of confidential talks held in Athens on January 22, 2003, prove that EU officials agreed to allow access to their airports for the United States, and also indicate that the EU was well aware that such an agreement made them complicit in possible war crimes. EU officials have confirmed to the media that a full account of the meeting was circulated to all member governments, but all references to the agreement were deleted before the record was made public.

The minutes of the meeting of 31 officials in Athens involved a US delegation headed by a Justice Department representative, and was prepared by Greek officials because Greece held the rotating presidency of the EU at the time. The document was given the title, “New Transatlantic Agenda, EU-US meeting on Justice and Home Affairs.”

In the full unpublished version the following is reported: “Both sides agreed on areas where cooperation could be improved [including] the exchange of data between border management services, *increased use of European transit facilities to support the return of criminal/inadmissible aliens*, coordination with regard to false documents training and improving the cooperation in removals” (emphasis added).

Tony Bunyan of Statewatch commented, “Whether these US transit flights are for ‘criminals,’ ‘inadmissible aliens’ or for rendition the same questions arise. Do EU governments know how many times their airports have been used for transit by US government flights? Which airports are used? How many people have been moved in this way? How many ‘criminals’ and how many ‘inadmissible aliens’? If they do then why are the facts and figures not available? And if they do not know, why not? If EU governments do not know who is being moved and where by

foreign agencies using their airports then they are grossly irresponsible. To ‘aid and abet’ the movement of people in an inhuman or degrading way or to be tortured is a crime.”

EU member states would rather be accused of “irresponsibility” than to be found to have knowingly participated in a crime—hence their being forced to agree to various investigations into renditions. But this has been accompanied by repeated denials of any knowledge of what was going on, despite hundreds of CIA flights being logged by plane spotters across Europe—particularly in Germany and Britain.

With regard to the latest revelations and how the report of the Athens discussion was censored, a spokesman for the EU Council of Ministers said this section had been deleted along with others referring to US policy as a “courtesy” to Washington.

In fact, the US was the state least interested in maintaining secrecy about renditions. It was official policy and the Bush administration had been openly lobbying EU member states for their support and cooperation. For example, on February 23, 2004, an earlier meeting between the EU and the US took place in Dublin under the same “New Transatlantic Agenda.” The US proposed various measures to strengthen Europe’s anti-terrorist capabilities, but the most significant with respect to renditions and torture was to “adopt legislation” allowing “national security intelligence information” from a third state to be “used in a criminal proceeding.”

The main objection to the use of such evidence from a third state is that it often comes from regimes that practice torture. In order to circumvent such considerations, the US proposed that the use of such information would only be subject to “the conditions, if any, agreed upon between the competent authorities in the originating State and those in the receiving State”—the competent authorities being security services and governments. If this legislation was implemented the agreement on such “conditions” would override the power of the courts.

The heat on both the US and Europe’s governments was

also turned up by an initial report on December 13 by Dick Marty, the Swiss senator investigating allegations of secret CIA prisons for the Council of Europe, a 46-state body overseeing human rights issues. He issued a statement after a Paris meeting of the council that his information so far “reinforces the credibility of the allegations concerning the transfer and temporary detention of individuals, without any judicial involvement, in European countries.”

Marty stated that CIA prisoners in Europe were apparently abducted and moved between countries illegally and that he believed collaboration by European secret services over the flights went well beyond exchanges of information, “I think it would have been difficult for these actions to have taken place without a degree of collaboration,” he said.

Having said this much, he then offered a get-out for the EU states, suggesting that “it is possible that secret services did not inform their governments.” If it were proved that European governments did know about the renditions, he warned, they “would stand accused of having seriously breached their human rights obligations to the Council of Europe.”

Marty said he did not think the US was still holding prisoners in Europe, and had probably moved them to North Africa last month—most likely to Morocco.

Franco Frattini, EU commissioner for justice and home affairs, has pledged his full support for an inquiry into whether the CIA maintained secret facilities in European states—Poland and Romania have been named. He told members of the European parliament in Strasbourg that international agencies should forward satellite imagery and flight data to the Council of Europe, as requested by Marty. However, Frattini made clear that he did not endorse Marty’s statement that it was “credible” the US had broken the law by temporarily detaining prisoners in Europe and shipping them across borders. “There is no evidence confirming allegations that have been made,” he claimed. “No accusations can be considered founded without evidence.”

In Britain, James Crawford, Whewell professor of international law at Cambridge University, told an all-party parliamentary group set up to investigate renditions that the British government would also be breaking the law if it failed to investigate allegations that the CIA transferred terrorist suspects via Britain. “Credible information suggesting that foreign nationals are being transported by officials of another state, via the United Kingdom, to detention facilities for interrogation under torture, would imply a breach of the [UN torture] convention and must be investigated,” he said.

Crawford stated that the government could not rely on the assurances provided by Secretary of State Condoleezza Rice

to avoid being accused of breaking its international obligations to stop prisoners being sent for torture.

Prime Minister Tony Blair, Foreign Secretary Jack Straw and other officials are continuing to stonewall on the issue.

Asked in parliament about reports of 400 suspected CIA flights passing through British airports, Blair said, “In respect of airports, I don’t know what you are referring to.”

On December 14, he dismissed calls to probe all US government air traffic movements through Britain. He restated his government’s lack of knowledge about rendition flights, adding, “The idea that we should be investigating every time a [US] government plane flies into this country is completely absurd.”

Straw told parliament he believed the assurances provided by his own officials and Rice that the US had not used British airports to transfer detainees, telling MPs, “There is simply no truth in the claim that the UK is involved in rendition.”

In Germany, the Christian Democrat-Social Democrat coalition government led by Angela Merkel also stands accused of collaboration with renditions, including the abduction, detention and torture of Khaled al-Masri, a German of Lebanese descent. Masri was seized in 2001 by the CIA in Macedonia and flown to Afghanistan, where he was held and interrogated for five months.

During an emergency parliamentary debate on Masri’s case, Foreign Minister Frank-Walter Steinmeier said that the German authorities had not been involved in the abduction and imprisonment of al-Masri, and had not known about it until after he had been released. According to a report in the *Washington Post*, in May 2004, prior to Masri’s release, the then US ambassador to Germany, Daniel Coats, had told Interior Minister Otto Schily that Masri had been wrongfully detained and requested that the German government keep silent on the issue.



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