

Commission temporaire sur l'utilisation alléguée de pays européens par la CIA pour le transport et la détention illégale de prisonniers

JEUDI 20 AVRIL 2006

4-003

PRÉSIDENCE DE M. CARLOS COELHO

(La séance est ouverte à 9h00)

4-004

Echange de vues avec M. Craig MURRAY, ambassadeur honoraire du Royaume-Uni en Ouzbékistan

4-005

Presidente. – Gostaria de dar as boas-vindas ao Senhor Craig Murray, que é embaixador honorário do Reino Unido no Kazaquistão. O senhor Craig Murray criticou a situação enquanto estava no Kazaquistão em matéria de respeito dos direitos humanos e colocou em causa o seu governo por ter enviado pessoas suspeitas de terrorismo, para serem interrogadas pelos serviços do Kazaquistão, de forma a obter informações utilizando a tortura. Em Outubro de 2004, o governo demitiu-o na sequência das suas declarações. Desde essa altura o Senhor Murray não hesitou em continuar a denunciar de forma sistemática as práticas que condenou.

4-006

Mr Murray, thank you for accepting our invitation. I should like to welcome you here today.

4-007

Craig Murray, former UK Ambassador to Uzbekistan. – Mr Chairman, Ladies and Gentlemen, I should like to start by saying that it is an enormous honour for me to be invited to give evidence before a committee of the European Parliament. I should also like to apologise to the committee, as I have been ill for the last ten days or so; therefore if I am rather less coherent and lucid than usual I hope the chairman and members of the committee will indulge me.

I should like briefly to say something about myself and my experience. It may help you to judge the value of what I have to say. I was a member of the British diplomatic service for 21 years. For almost six of those years I was a member of the senior management structure of the British diplomatic service. I was Ambassador in Uzbekistan from 2002 to 2004. Before that I was Deputy British High Commissioner in Ghana, and before that I was the Deputy Head of the Foreign Office's Equatorial Africa Department. Before that I was First Secretary at the British Embassy in Poland, responsible for political and economic affairs and particularly for EU enlargement. I had a varied career which included over a year during the first Gulf War working on intelligence analysis of Iraqi weapons systems. So intelligence was not a new field to me at all.

I would like to start with a few points on what I cannot say, because some things have been attributed to me in the media which go beyond what I have actually said

and actually experienced. I am extremely eager that what I say to you today should be primarily based on evidence of what I can say I know first hand: what I viewed and witnessed, rather than conjecture. I cannot say that I witnessed the deportation to Uzbekistan of any third-country nationals other than Afghan nationals. Those Afghan nationals were, I believe, ethnic Uzbeks, but not Uzbek citizens.

What we are now learning about what appears to be the extraordinary rendition programme would indicate that a great many flights ended up in Tashkent, including some of the more famous flights such as that which touched down at Szymany in Poland. One of the airlines that is most frequently cited as a CIA front – and which I believed at the time to be a CIA front – is Premier Executive. That airline kept permanent staff at Tashkent Airport, people I knew personally. Quite frankly, there are not many expatriates in Tashkent and I used to meet them in the bars occasionally. That airline was responsible, among other logistic tasks for the US forces, for the deportation of detainees from Afghanistan to Uzbekistan. It now appears that private air company was flying flights in from other places, including from Europe, but I was not aware of that at the time and I cannot say I witnessed it. I just wish to make that entirely clear.

The one thing I can say to you which I think is of fundamental importance to your inquiries is that the United States and the United Kingdom have taken a policy decision that they will use intelligence obtained under torture by other countries. I say that with regret, and I say it with certainty.

While I was Ambassador in Uzbekistan, I used to see the intelligence material from Uzbekistan being produced by the CIA. I should make plain that there were no British intelligence services – no MI6 station – in Tashkent. There was however a very large CIA station. I saw everything the CIA produced.

There is one piece of background information which many of you may know about, but which I think is essential to your inquiries, and that is that under the UK-US intelligence-sharing agreement, the UK and the US share 100% of their intelligence. The CIA and MI6 share all their intelligence, and NSA and GCHQ, the listening stations, share all their intelligence. That is a fundamental agreement which is never breached. It follows from that agreement that the UK and the US cannot have a different policy on obtaining intelligence under torture, because they swap everything.

I should say that when I made a number of internal protests – which I will enumerate to you – about the UK using intelligence obtained under torture, one of the

arguments that was put to me by diplomats at the very top of the British diplomatic service was that because the CIA was doing it, we could not change, because that would drive a hole in the UK-US intelligence-sharing agreement. The UK benefits disproportionately from the agreement, because the Americans have a lot more intelligence than we do, so the UK was extremely keen to maintain the basic agreement that everything is shared. It was felt that if the UK were to start making derogations and saying 'we do not want to use intelligence from Uzbekistan or from elsewhere because it is obtained under torture', then that would undermine the fundamental 100% principle and ultimately set a very bad precedent for the UK.

If the US is obtaining intelligence in the fashion which the extraordinary rendition programme appears designed to expedite, then the UK is also getting that intelligence. It is perfectly possible that some intelligence reaches other intelligence agencies – the French and the Germans – under particular bilateral, country-specific agreements, but I cannot give precise testimony on that.

When I was seeing the CIA material in Uzbekistan, I was strongly stuck by the lack of credibility of the intelligence material. Huge swathes of it seemed to be complete nonsense. Its major purpose seemed to be to paint the false picture that pretty well all of the Uzbek opposition was linked to al-Qa'ida and specifically linked to Osama bin Laden. I saw several pieces of intelligence alleging that particular Uzbek opposition people had travelled to Afghanistan and met Osama bin Laden in person. In fact it appeared from the intelligence picture that Osama bin Laden did very little else but meet the Uzbek opposition. That did not seem to me to be terribly credible.

I also saw intelligence, for example, about al-Qa'ida training camps in the hills above Samarkand, which we just knew physically did not exist. It did not conform to the truth on the ground. I started very quickly to wonder why the CIA was producing all this false intelligence. I also learned that this intelligence had been passed to the CIA from the Uzbek security services. That information was available on the face of the intelligence document as it reached me.

I am talking here of my first one or two months in Uzbekistan, when I was seeing this stuff and forming these conclusions. At the same time, I was learning about the methods of the Uzbek security services. The intelligence said it came from the Uzbek security services' 'detainee debriefings'. I was seeing scores of examples of hideous torture in Uzbekistan. It was at this time, in September or October of 2003, that I came across the case of a gentleman who had been boiled to death – killed by immersion in boiling liquid – in the course of interrogation. I also came across frequent, well-attested cases, including photographed cases, of serious injuries, smashing of limbs, a great deal of evidence of mutilation of the genitals, many instances of rape with objects, homosexual rape, rape of people's

families in front of them until they signed up to these kinds of confessions.

I hope I do not have to convince members of the committee of the prevalence of torture in Uzbekistan. I think the regime in Uzbekistan is extremely notorious. There are detailed reports by Human Rights Watch, Amnesty International, Freedom House and many other groups, and if you want a particularly authoritative document, you can turn to the November 2002 report of the former United Nations Special Rapporteur on Torture, Professor Theo van Boven, in which he said that torture in Uzbekistan was widespread and systemic.

Some of the stories of torture that were reaching me had often been smuggled out from inside prison, from relatives, and on occasion included detailed photos. The confessions people were being forced to sign up to under torture very much approximated to the thrust of the kind of intelligence the CIA was producing. I therefore asked my deputy to go over to the American Embassy and say to them that I was thinking of telling London I was extremely worried that the intelligence was being obtained under torture. I asked her to go and check with the US Embassy in case there was a system in place to prevent that happening, in case the CIA had a safeguard to ensure its information did not come from torture. She came back and reported to me that the American Embassy had said that yes, the Uzbek intelligence services probably were getting this material under torture, but that the US Embassy did not see that as a particular problem in the context of the war on terror.

I did see it as a problem. I viewed our obtaining of this intelligence as contrary to the UN Convention Against Torture, to which the UK and, I believe, all other European Union countries, are party. In late October or early November 2002, I therefore sent a diplomatic telegram back to London saying that I was worried that we were getting intelligence under torture and I believed this was illegal, immoral and impractical, because the intelligence itself was untrue. I did not get much of a response, and I sent a further telegram in February 2003 saying much the same thing.

In March 2003, I was summoned back to London to a meeting, which was chaired by Linda Duffield, who was the Foreign Office's Director for Wider Europe. 'Wider Europe' was obviously very wide, because it included Uzbekistan. Also present were Matthew Kydd, the head of the Whitehall Liaison Department, which liaises between the Foreign and Commonwealth Office and MI6, and Sir Michael Wood, the Foreign Office's Chief Legal Adviser and a very distinguished international lawyer. At that meeting I was told that my telegrams had caused concern in the Foreign Office; that they had been discussed personally by Jack Straw, the Foreign Secretary; that Jack Straw had discussed them with the Head of MI6, Sir Richard Dearlove; and that they had decided that in the interests of fighting the war on terror and in the interests of the greater good we should continue to receive intelligence obtained under torture.

I was told they acknowledged it was a difficult issue and that I should be aware it was a difficult issue for the Secretary of State – in fact, Jack Straw was losing sleep over the issue. I was also told by Sir Michael Wood that for us to use intelligence obtained under torture was *not* contrary to the United Nations Convention against Torture, provided we neither did the torture ourselves nor instigated the torture. That the Uzbeks were just torturing people without our asking them to, and providing us with the intelligence, was not against the UN Convention against Torture *from our point of view*.

Following that meeting, Sir Michael Wood put that in writing in a document dated 13 March 2003, which was addressed to Linda Duffield and copied to Michael Wood and to Sir Michael Jay, the head of the diplomatic service. I have supplied the document to the committee's secretariat. It is extremely short, so with your permission I shall read it out. The heading is 'Uzbekistan – Intelligence possibly obtained under torture', and it reads as follows:

'Your record of our meeting with HMA Tashkent recorded that Craig had said that his understanding was that it was also an offence under the UN Convention against Torture to receive or possess information obtained under torture. I said I did not believe this was the case, but undertook to re-read the Convention. I have done so. There is nothing in the Convention to this effect. The nearest thing is Article 15, which provides that "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made". This does not create any offence. I would expect that under UK law any statement established to have been made as a result of torture would not be admissible as evidence.'

You can study the document. I have made it available to the secretariat. Sir Michael is arguing that we would not be able to use torture intelligence in court, but it is perfectly legal for us to have it and use it in other ways – not in court. I believe this is actually consistent with a judgment made by the House of Lords in November 2005.

It seemed to me that this was not right. He does not mention Article 4 of the Convention against Torture, which talks of complicity in torture. If you are receiving on a regular basis intelligence which you have very good reason to believe is obtained under torture, you are creating a market for that torture by accepting the material and giving it credence, and I believe you are complicit. So my personal view differs from that of Sir Michael Wood. I would readily acknowledge that he is a much more distinguished person than I, but I think this goes to the heart of the matter.

I should like to conclude by saying that I continued to protest and to fall out with my government over this. That resulted eventually in my being obliged to leave government employment. I have also given two or three

of my diplomatic telegrams to the secretariat, the last of which is dated 22 July 2004. It is headed 'Receipt of intelligence obtained under torture' and sets out in some detail my continuing arguments with the Foreign Office over this. I was very sad to end my career, but I think it became inevitable.

I would like to say one thing: I think we have to see this in the whole context of the war on terror and whether it is being conducted effectively. If the UK and the US had not taken the decision that they will use intelligence obtained under torture – and I can give you direct testimony that decision *has* been taken at the highest levels – then the extraordinary rendition programme would not make sense, because that is the purpose of the programme. I am as opposed to terrorism as anyone else; in fact, once in my life I was knocked over by the blast from a terrorist bomb in London. So I am as bitterly opposed to terrorism as anyone can be.

However, how effective is the war on terror? By abusing and ignoring the human rights of Muslims, we are increasing hatred of the West. In Uzbekistan, even among devoted Muslims, there was virtually no anti-Western feeling until the US started giving massive support to the Karimov regime. In 2002, US aid to the Karimov regime totalled over USD 500 million, including USD 120 million to the Uzbek military, and USD 87 million to the Uzbek security services, who were doing the torturing. There is now quite a lot of hatred of the West among certain sections of the population in Uzbekistan, even though the US link with Uzbekistan eventually broke down.

I do not think these kinds of policies are sensible even in the most hard-headed analysis of how to fight terrorism. I think the same would also go for the wider question of the war in Iraq and the whole way in which the 'War on Terror' is being conducted. In 2001, on the largest realistic estimate, al-Qa'ida had about 800 members. It now has about 30 000. The success of these methods, therefore, is not obvious to me.

My objections to what is happening are legal: I believe we are driving a coach and horses through the UN Convention against Torture; they are moral: I personally cannot see a justification for torture, I think inhumanity to man should always be condemned outright; and they are practical: this is not helping us win the war, it is stoking up greater fury against us.

(Applause)

4-008

Giovanni Claudio Fava (PSE), relatore. – Signor Presidente, onorevoli colleghi, vorrei ringraziare ancora una volta l'ambasciatore Murray – mi permetta di poterla continuare a chiamare così, Ambasciatore – lei ha la mia gratitudine e la mia solidarietà, a titolo certamente personale, per il coraggio dimostrato e per la lucidità manifestata in quegli anni in Uzbekistan e anche per la qualità preziosa delle informazioni che lei sta offrendo non solo a questa commissione, ma pure alla

consapevolezza di quanti in questi anni si sono interrogati su come va condotta la lotta al terrorismo e su come vanno tutelati i diritti fondamentali degli esseri umani.

Le vorrei chiedere qualcosa che ci permetta di approfondire le informazioni che ci ha fino adesso dato, di per sé già estremamente utili ed esaustive. Ci piacerebbe capire se, quando lei parla di tortura, ha avuto modo di essere testimone diretto delle torture subite, dei trattamenti degradanti, umilianti, violenti, che ci ha rapidamente descritto; ricordiamo che ne ha avuto notizia leggendo i giornali, ma qual è il grado di consapevolezza da lei acquisito su questo punto?

Vorrei sapere inoltre se lei sa da chi fossero catturati questi ribelli, presunti terroristi; in un'intervista si parlava di settemila ribelli, centinaia di questi uzbeki catturati in Afghanistan erano considerati presunti terroristi legati ad Al Qaida. Erano catturati da chi? chi gestiva la consegna materiale ai servizi di sicurezza uzbeki?

C'è stata un'inchiesta parlamentare, un'inchiesta giudiziaria dopo le sue denunce? dopo il suo allontanamento dall'ambasciata dell'Uzbekistan? C'è stata una conseguenza, un esito, sul piano politico o sul piano giudiziario, che ha fatto seguito alle cose che lei ha raccontato e un'ultima domanda? Lei ha avuto modo di sapere nel corso del suo lavoro se anche altri paesi europei, oltre al Regno Unito, abbiano utilizzato le informazioni che i servizi segreti americani ricevevano dai servizi segreti uzbeki ottenute, come lei ha detto, attraverso la tortura? Grazie.

4-009

Craig Murray, former UK Ambassador to Uzbekistan. – I shall start with your last question. I am not aware that the CIA was sharing its intelligence with other European security services from Uzbekistan. That does not mean it was not happening: I was not aware of it, but I would not necessarily have been aware. However, some other European security services had their own direct links with the Uzbek security services, which the UK did not. Germany in particular had such links, and, I understand, there continue to be quite close links between the German security services and those of Uzbekistan.

Germany still has an air base and troops in Uzbekistan. I believe it was certainly true that Germany was obtaining intelligence that was almost certainly obtained under torture by the Uzbek security services, and I believe that is still happening, although again that is from what I have been told. I cannot give you first-hand evidence it is still happening, because since I left the diplomatic service my first-hand access has obviously disappeared. However, it would be a good question to direct at the German Government.

As regards who is being tortured, I think it is worth saying that I do not believe there is any credible threat of serious Islamic terrorism arising from Uzbekistan. Seven thousand is a kind of minimum estimate of the number

of political and religious prisoners in Uzbekistan. I would estimate it more at ten or twelve thousand, but if you say seven you are certainly safe. It is at least seven thousand. Of those, I personally know the details of some two or three hundred cases. In that sample, less than one per cent were in any sense likely to be linked to any kind of violent terrorism. Mostly, they are simply political oppositionists.

There is not much fundamentalist Islam in Uzbekistan. I have scores – possibly in the low hundreds – of Uzbek friends, most of whom consider themselves to be good Muslims, and without exception I think they all drink vodka! So they are not the most fundamentalist of Muslims. They are genuine in terms of religious belief, but they have just developed a slightly different version of the religion than is found in some other places.

If you show signs of an unusual devotion to Islam; if, for example, you pray five times a day, as prescribed by the religion, then you are likely to be arrested and imprisoned as a terrorist in Uzbekistan. There are many cases in which simply praying five times a day has led to people being arrested and imprisoned. Membership of opposition organisations can also lead to the same outcome.

It is also worth saying that there are a great many prisoners. The reason why 7000 is a low estimate – that is people who are ostensibly in prison for their religious or political beliefs – is that there are several thousand more people who have been convicted of crimes of which they were not guilty. The real motive is that they were opposition figures. I could give the example of Sanjar Umarov, the leader of the opposition Sunshine Coalition, who was arrested some four or five months ago and seriously mistreated in prison. His lawyer found him in a cell naked and incoherent, unable to speak or to collect his thoughts. This is a gentleman with whom I had had dinner in Washington two weeks previously. The slightest sign of opposition to what is a totalitarian regime can land you in jail.

With regard to the practice of torture, yes, I have met people who have been tortured. I have seen wounds and scars, and I have met people who have personally witnessed torture. I have seen photographs of torture. The evidence is very stark and undeniable.

4-010

Giovanni Claudio Fava (PSE), relatore. – Signor ambasciatore, avevo chiesto anche se, a sua conoscenza, dopo le sue dichiarazioni in Gran Bretagna era stata aperta un'inchiesta a livello giudiziario, istituzionale e politico.

4-011

Craig Murray, former UK Ambassador to Uzbekistan. – No, actually there has not been. There was, however, an investigation into me! After the meeting in March 2003 and after I had continued to raise these points internally, in August 2003 I was called back from holiday in Canada and asked to resign as Ambassador in Tashkent. I was not asked to resign from the diplomatic

service; I was told that if I resigned as Ambassador in Tashkent they would find me somewhere 'more peaceful' to go and work. I said, 'why should I? I am not going to resign as Ambassador in Tashkent'. They then pointed out that I would have to face disciplinary action.

They handed me a sheet of 18 allegations, which included being an alcoholic, issuing visas in exchange for sex, effectively stealing money: all kinds of stuff. I was then banned from returning to my Embassy, and over a period of four months there was a formal investigation of those 18 disciplinary allegations, at the end of which I was acquitted of all 18. I should say I was acquitted despite the fact that, this being an internal civil service disciplinary affair, the allegations only had to be proved on the balance of probability, not beyond reasonable doubt – it was not a criminal standard of evidence. For 15 of the allegations, the investigation found there was no evidence at all. Three of the allegations went to a hearing at which I was acquitted of them within ten minutes. Quite remarkable! So there was an investigation into my personal conduct, but there has been no investigation at all into whether what I have been saying is true.

I actually wrote to the Foreign Affairs committee of the British Parliament about six weeks ago. In my letter, I noted that it had, on seven different occasions, discussed me with different witnesses: chiefly with Jack Straw, on more than one occasion; with other Foreign Office ministers; with the head of the diplomatic service; but it has never called me to give evidence in my own defence. I said in my letter that I felt this was rather unfair and that I was being treated as a non-person. I received a one-sentence reply saying that the committee had declined to accept my letter.

So I am afraid that in the UK there has been no investigation into the facts I have reported to you, or into the truth of what I am saying.

4-012

Miroslav Mikolášik (PPE-DE). – Pán veľvyslanec, veľmi si vážim, že ste prišli medzi nás. Je veľmi vážne, čo ste tu povedali, a mnohé veci ma zaujali aj ako poslanca Európskeho parlamentu z novej krajiny, aj ako lekára – hovorili ste o mučení, o používaní násilia pri vyšetrovaní, čo je veľmi vážne obvinenie. Sám som bol veľvyslancom Slovenskej republiky v Kanade, takže niečo viem aj o Vašej a našej práci, keď slúžime v diplomatických službách.

V tejto súvislosti by som sa Vás chcel spýtať, či môžete nejakú doložiť svedectvami alebo písomnými materiálmi, že tie mučenia, využívanie znásilnení, znásilňovanie členov rodiny atď., ako ste spomínali – že tieto praktiky boli využívané na získanie relevantných materiálov a údajných priznaní zadržaných osôb. To by ma skutočne veľmi zaujímalo.

Druhá krátka otázka je veľmi jasná: Môžete s istotou vylúčiť, že územie Uzbekistanu nebolo nejakým

spôsobom napojené na Al-Káidu alebo že Al-Káida nemala žiadne spojenie s občanmi uzbeckej národnosti?

A tretia krátka otázka: Uviedli ste také zaujímavé slovné spojenie, že boli fabrikované „akože“ dôkazy, že na uzbeckom území sú tábory Al-Káidy, ale my sme vedeli, že neexistujú. Dovolím si trochu pochybovať o tom, že my sme vedeli, že neexistujú. Ako veľvyslanec ste predsa nemohli s istotou vedieť, že žiadna časť územia nemôže byť v žiadnom prípade takýmto spôsobom použitá. Isteže, ja som slúžil v Kanade – je to oveľa väčšia krajina – ale tiež by som nemohol nikdy povedať, že viem, že v Kanade nikde na sto percent neexistujú žiadne prepojenia alebo žiadne tábory. Odkiaľ teda beriete tú stopercentnú istotu, že takéto tábory skutočne v žiadnom prípade na území Uzbekistanu neexistovali? Pýtam sa to aj za seba, ale aj za EPP.

4-013

Craig Murray, former UK Ambassador to Uzbekistan. – Thank you, those are very good and useful questions. On the first point, the link between the person being tortured and the specific bit of intelligence that crossed my desk was difficult to establish. The reason for this is that it is quite deliberate. The bit of information that crosses my desk would be precisely the same format and the same information that would cross the desk of Jack Straw or of ministers in the US. It does not give the name of the detainee concerned. You can tell from the coding letters it comes from Uzbekistan, and it says 'This intelligence is from detainee debriefing by a friendly security service'. It does not usually name the person actually being debriefed, 'debriefed' generally speaking being a euphemism in Uzbekistan. It will give the names of other people, the people he gave evidence about; it may on occasion give his own name, not necessarily saying it was he who was being debriefed. That is the way it is presented.

One of the reasons for that is to ensure that you cannot say 'this man was tortured'. You cannot say 'this came from torture', because it does not tell you who it came from. That is a much more important point than it sounds, because it enables ministers, Condoleezza Rice and Jack Straw, to stand before the European Parliament, or the European Council, or wherever, and say 'I have never to my knowledge seen information obtained from torture'. When they get the bit of paper, it just says: 'from detainee debriefing by a friendly security service'. If it gave the name of who was being debriefed, we could check up on whether or not he had been tortured.

When the CIA gets the raw intelligence for processing, it does show the name. That name is removed at an early stage in the processing of the material in order to provide deniability to the people at the head of the service, and to people like me – to Ambassadors and others. I think that is a fundamental part of the process, which it is important to understand.

In some cases I was meeting people who had actually been tortured. I was meeting people who had witnessed

torture, or who had spoken for example to relatives who had been tortured and were then passing on the information to me. They were able to tell me what those people being tortured had been forced to say. There are specific examples I could give of gentlemen who had been forced to sign up. There was one old man, for example, who I interviewed personally. His children had been tortured in front of him until he signed a document saying that two of his nephews had travelled to Afghanistan and met Osama bin Laden. If you have not been to Uzbekistan this may be hard to believe, but this gentleman, who was a farmer from near Andijan, I think quite genuinely had no idea who Osama bin Laden was when he was forced to sign that document.

The kinds of documents they were signing contained precisely the same kind of information as the intelligence that was coming from the CIA. But can I link that document from the CIA with the torture of that particular person? No, I cannot, and I should be perfectly honest about that, because the document is designed to prevent you from doing that.

As a medical doctor, I am sure you are aware that torture does not necessarily have to be physical. There was a case of a man who has since been given political asylum in the UK, who came to see me in distress because he had been taken in to the Uzbek security service headquarters, been beaten about the face and then threatened with immersion in a bath of boiling liquid unless he signed. He had studied in the UK. He signed a document stating that ten or twelve Uzbek students who had studied in the UK – none of whom he actually knew – were forming a cell designed to spy for the West. The document he had been forced to sign included information that I had paid him money to help finance this cell, which is why he came to see me to tell me about it. That particular piece of information he was forced to sign up to was obviously not designed to be passed on to the CIA, but the evidence is overwhelming. There is plenty of documentation. I commend Professor van Boven's report to you. It contains detailed lists of cases.

As regards whether any Uzbeks are linked to al-Qa'ida, yes, there are. The Islamic Movement of Uzbekistan was, in the early 1990s, a kind of insurgency force mostly based in Afghanistan, but with a few adherents in the Ferghana Valley. In view of increased tightening and rigidity and the kind of extraordinary sweeping-in of anyone vaguely suspicious in Uzbekistan, it effectively retreated and moved to Afghanistan, where it attempted to fight alongside the Taliban as formed infantry units – about 10 000 people, mostly ethnic Uzbeks. It was effectively destroyed by US forces and dispersed. It has very few people still in Uzbekistan, probably in the dozens.

The IMU has effectively been integrated into al-Qa'ida. Most of its active operatives are nowadays in Pakistan and in the Middle East, but there are undoubtedly a few adherents around in Uzbekistan, so there are terrorists in Uzbekistan, just as there are elsewhere. I would be

surprised if there were not an al-Qa'ida adherent – or possibly a small cell – in Belgium, in the UK, in France and in other places. I think it is extremely important that those of us who believe the war on terror is being fought the wrong way and in a counter-productive manner do not fall into the trap of pretending that terrorists do not exist and the world is a wonderful friendly place.

On terror training camps in Uzbekistan, that country is an extremely efficient totalitarian state. It is not a chaotic dictatorship. It is a very ordered, structured dictatorship. To give you an example, there are 40 000 uniformed police in the city of Tashkent alone, and there are slightly more than 40 000 members of the plainclothes security service. The best estimate we can make is that probably one in eight Uzbeks is formally employed by the Army or the security services. It is a real police state of the Stalinist kind. It would be extremely practically difficult to run a terrorist training camp in Uzbekistan, but the particular reason I could state with certainty was that the intelligence material we had gave specific locations for terrorist camps. They were locations which we had physically visited. They just did not exist. It is not impossible that there is a terrorist training camp in Uzbekistan of which we were unaware, but in exactly the same way as it is not impossible that there is a terrorist training camp in Belgium of which we are unaware, it is highly unlikely.

4-014

Wolfgang Kreissl-Dörfler (PSE). – Herr Vorsitzender! Ich möchte mich bei Ihnen, Herr Botschafter Murray, sehr herzlich für Ihre klaren und mutigen Aussagen bedanken. Ich habe manchmal den Eindruck, wenn hier Aussagen von seriöser Seite kommen – es wird immer wieder versucht, Menschen, die hier zu Gast sind, in ein schlechtes Licht zu rücken –, ist der Saal nicht immer ganz so voll wie er hätte sein können oder sollen. Ich kann nur sagen: „Willkommen zurück im Mittelalter“, wenn man hier manchen Ihrer Ausführungen folgt.

Sie können sicher sein, dass wir die deutsche Seite – ob das der Bundesnachrichtendienst ist oder ob es die Verantwortlichen für die Bundesnachrichtendienste im Bundeskanzleramt sind, die wir auch eingeladen haben – hier im Ausschuss befragen werden. Damit ist eine meiner Frage schon weggefallen, auch die Frage, die Sie beim vorhergehenden Kollegen – dem ehemaligen Botschafter aus der Slowakei – beantwortet haben, wie denn die Kenntlichkeit der Aussagen verschleiert wird, da man eben nicht genau weiß, von wem denn die Aussage letztendlich kommt, die unter Folter erzwungen worden ist.

Meine Frage in diesem Zusammenhang lautet: Ist Ihnen bei Ihrer Arbeit mal zu Ohren gekommen, ob es in Mitgliedstaaten der Europäischen Union oder Kandidatenländern – ich meine hier ganz konkret Bulgarien oder Rumänien – auch Befragungszentren geben soll oder gegeben haben soll? Haben Sie hierzu etwas gehört?

4-015

Craig Murray, former UK Ambassador to Uzbekistan. – I will answer that very briefly. I never came across any allegations of such centres existing and I must say – and this is purely my opinion – I have studied the subject at length and personally I am very sceptical about the existence of those centres.

4-016

Ignasi Guardans Cambó (ALDE). – Firstly, I would like to thank you very much for the information you have provided, Mr Murray. I have two questions. I know this might be delicate for you to answer on a purely personal basis, but I would like to know whether you are personally convinced in the same way you say you are personally convinced about many other things, whether any other colleague of yours having the same position of Ambassador of a European Union Member State to Uzbekistan would have exactly the same information as you had, and if not, why not? That is the first question.

Secondly, you have provided to the UK Parliament, to the House of Commons Foreign Affairs Select Committee, written evidence, information where you say ‘I knew that the company Premier Executive was operating flights of executive jets, including Gulf Streams, bringing back detainees and that this was happening fairly regularly. Premier Executive had permanent ground staff in Tashkent, three of whom I met socially’, but at the same time you say ‘I did not know that Premier Executive and the CIA were bringing non-Uzbek detainees into Uzbekistan’. Could you clarify what information exactly you have on these flights, Gulf Streams and others in Uzbekistan, and why are you are so sure that there were no non-Uzbek detainees in those flights?

4-017

Craig Murray, former UK Ambassador to Uzbekistan. – The other European Union Ambassadors in Uzbekistan would not have been routinely seeing all the CIA intelligence I was seeing, but certainly they knew full well about the *modus operandi* of the Uzbek intelligence services and general system of intelligence. I discussed these matters at great length and often with my European Union colleagues in Uzbekistan, and it is fair to say that their attitude could be characterised as saying that ‘the United States is the major player here – at that time Uzbekistan was a major US ally – and European interests are far less; we do not see any real advantage in rocking the boat for the Americans’.

I would like to say that I think a major disadvantage and a major problem was the fact that the European Commission has no delegation in Uzbekistan and still does not, and I think that is an important omission. It is important to monitor what goes on there.

As to the flights, I was only aware while I was there that Premier Executive was bringing back people from Afghanistan. They were bringing back detainees from Kabul to Tashkent who were all ethnic Uzbeks. I believe some of them were probably Afghan nationals because many Afghan nationals are ethnic Uzbeks, but I was not aware that Premier Executive were bringing anyone else

into Tashkent and I was not aware they were flying them in elsewhere. It now appears from stuff I have subsequently learnt that it may indeed have been happening, but I was not aware of it at the time. It would be wrong to say I am sure it was not happening, not at all, I believe it may have been happening, but I did not know it and I cannot give first-hand evidence of it.

4-018

Cem Özdemir (Verts/ALE), stellvertretender Vorsitzender. – Herr Botschafter! Erst einmal herzlichen Dank dafür, dass Sie diesem Ausschuss bei der Arbeit sehr stark helfen.

Die von Ihnen angesprochenen Punkte, die die deutsche Bundesregierung und die Bundesrepublik Deutschland betreffen, werden sicherlich noch zu weiteren Fragen auch an die Bundesregierung führen. Ich möchte mich auf eine Frage beschränken: Wenn Sie zusammenfassen müssten, was Sie gesagt haben, wie würden Sie die Position der britischen Regierung beschreiben, was den Gebrauch und die Nutzung von Folter angeht?

4-019

Craig Murray, former UK Ambassador to Uzbekistan. – If you ask the British Government what its position is, I believe the line most often used is that it does not condone torture, it condemns torture. It does not use torture, nor does it instigate the use of torture. That is all true, but what it is leaving out is that if someone else uses torture it can claim not to have instigated it but then it is very happy to receive the intelligence from it.

I have been following this very closely and every time the British Government uses that line in Parliament I am waiting for a British parliamentarian to stand up and say, ‘OK, you do not instigate it, but do you regularly receive information from other intelligence services that do practise torture and would you refuse information on those grounds?’ However, strangely enough that question appears never to have been asked by British parliamentarians.

I am aware that I am addressing politicians here and I am not one myself. I think that sometimes there are things which politicians just do not want to know and feel it is better to let the government get on with and not to ask. My own view, and it is only my view as an individual, is that that is where we are in the British Parliament – some of these questions are just too difficult and politicians simply do not want to ask them.

4-020

Giusto Catania (GUE/NGL). – Signor Presidente, onorevoli colleghi, vorrei anch'io ringraziare l'ambasciatore per le cose che ci ha detto e porre alcune questioni, anche se i colleghi che mi hanno preceduto hanno già sviluppato alcuni di questi temi.

I servizi uzbecchi prendevano direttamente le indicazioni dalla CIA oppure avevano anche possibilità di manovra autonoma, cioè potevano anche intervenire autonomamente sulle torture e sulle prigionie? Inoltre, il Regno Unito, che conosceva tutto anche tramite le sue

informazioni, aveva interessi a proteggere eventuali interventi diretti oppure il suo atteggiamento era solo teso a proteggere la CIA e gli Stati Uniti d'America?

Le volevo poi chiedere se a Sua conoscenza ci sono stati scambi di informazioni tra l'*intelligence* uzbeka e altri servizi di *intelligence* europei e, riallacciandomi a quanto ha detto il collega Guardans, se le risulta che ci siano stati prigionieri prelevati oppure transitati in Europa e poi torturati in Uzbekistan?

4-021

Craig Murray, former UK Ambassador to Uzbekistan. – The Uzbek intelligence services were largely acting autonomously. They almost entirely consist of former members of the Soviet Union intelligence services and indeed everyone in a senior government position in Uzbekistan is a former member of the Soviet hierarchy. They have actually become rather more violent since the days of the KGB, but essentially you are talking about a continuation of the Soviet system, and they have a great deal of capacity for acting autonomously.

It should be noted for example that the Uzbeks within the Soviet Union were very much in charge of the intelligence operations of the Soviet Union in Afghanistan during the Soviet-Afghan war, so you should not under-estimate their own professional capacity. Having said that, they were operating in very close liaison with the CIA; there is a very large CIA station in Uzbekistan and the CIA were regularly in and out of the offices of the Uzbek Interior Ministry.

I shall be quite plain: I never once heard any account of an American being present at an interrogation or at a torture. I do not believe that happened, I think the Americans carefully stayed away from that side of things. However, did they have an input into who was being arrested and what kind of information was being obtained? Yes, almost certainly they did have an input.

I cannot tell you whether other European security services had that kind of input. The United Kingdom saw its interests in Uzbekistan as very much secondary to the United States' interests. I was told as Ambassador that the main interest in Uzbekistan was the war on terror: the country neighbours Afghanistan, of course, and my position was to stand shoulder to shoulder with my American colleague. It is not a country in which the United Kingdom had enormous interests and in fact we had a very small embassy, much smaller than the French and German embassies, for example.

I was not aware while I was in Uzbekistan of anybody being brought from Europe and detained in Uzbekistan. Since I left the service, many people have come and told me this. I met a very senior reporter from the *New York Times*. He told me, for example, that Mohammed Sheikh Khalil had been flown through Europe and detained in Uzbekistan, and that he had CIA sources to prove that. I simply do not know if that is true or not. I have not got it from any other sources. As with many of you, I am rather in the dark in trying to discern truth from fiction

and I do not know. What I can say is that I cannot give you any direct evidence of anyone being flown from Europe and taken to Uzbekistan.

4-022

Mogens N.J. Camre (UEN). – My question to you, Mr Murray concerns the reaction of the Foreign Office in calling you back from your holiday in Canada. Was that before or after you went public with the information which you have also shared with us today? I imagine that an ambassador has certain limitations as to revealing secrets of this kind, so I would be interested to know whether it was before or after that you were released from your post in the Foreign Office, and what reasons were given to you for removing you from your post as ambassador?

I have a second short question: what interest would the CIA or the British Foreign Office have in receiving information from a dictatorship like Uzbekistan, information which was obviously obtained under torture and therefore, according to what you have said here, was false? People were forced to give evidence on matters they did not know about. I suppose the CIA and the British intelligence are not amateurs in this field and would therefore not really have any interest in receiving information that could be false.

4-023

Craig Murray, former UK Ambassador to Uzbekistan. – Your first question is a very important one. My dissent on the things I have been discussing with you was entirely internal until they recalled me from holiday and threatened me with these allegations. Nobody outside the British Foreign Office, or rather the British Government, knew that I was having this argument about intelligence and torture. It had not reached the newspapers. I had not told anybody, it was entirely internal, conducted in classified meetings and classified documents.

It became public. I had made a number of speeches condemning the human rights situation in Uzbekistan which had received some publicity. I had been very careful to clear those speeches with the British Foreign Office before I made them, so there were no public disputes between me and the Foreign Office until they suddenly faced me with all these false allegations. After that, the fact that there was a disagreement between me and the Foreign Office on the human rights situation in Uzbekistan did become public.

The question of intelligence obtained under torture did not become public until I was eventually removed as ambassador. Once I had been removed as ambassador, I then went public on everything I have been telling you. Had I gone public on this beforehand, they would and could quite rightly have sacked me and I could not have complained, but I did not go public before they acted against me. That is actually quite an important point, so I am grateful to you for mentioning it.

The false intelligence is a fascinating question. It is a wider one, is it not? They were anxious to paint the

Uzbek opposition as being related to al-Qai'da because they were anxious to justify their support of Karimov, and it is not easy to justify giving Karimov USD 500 million a year, because it is quite obviously one of the worst regimes in the world.

Mr Chairman, if you will allow me, in response to that question I will submit to the secretariat a letter dated 3 April 1997, from Mr Kenneth Lay of Enron, to the Honourable George W. Bush, Governor of the State of Texas. While George Bush was still Governor of Texas, at Enron's behest he met the Uzbek Ambassador to the United States at a tripartite meeting between George Bush, Enron and the Uzbek Ambassador, at which they finalised a USD 2 billion contract for Enron and Gazprom to take oil and natural gas out of Uzbekistan. That was actually the motive behind all this: 'follow-the-money'. That is why they wanted to support the Karimov regime, they were supporting an Enron oil interest.

The time I was there was a fascinating period because Enron had collapsed. With the collapse of Enron the agreements became non-valid, the Americans were trying extremely hard to regain the oil and gas contracts. In fact they eventually lost out. They lost out to Gazprom, ultimately, and it was when the Gazprom contracts were signed that the Americans were asked to withdraw their airbase and the American-Uzbek alliance collapsed, so if you want to discover the motives for all this, you have to follow the oil and gas which is, I am terribly sorry, a rather cynical explanation, but I believe it to be true and I will submit that document to the chairman.

4-024

Barbara Kudrycka (PPE-DE). – Panie Przewodniczący! Spóźniłam się nieco, za co przepraszam. Nie słyszałam wcześniejszych wypowiedzi pana ambasadora, ale przyznam, że rzeczywiście to co mówi jest bardzo przejmujące. Co prawda trudno mi uwierzyć, że za krytyczny stosunek do łamania praw człowieka w Uzbekistanie został pan zwolniony z funkcji. Wydaje się to naturalne, bo wiele osób tutaj obecnych na pewno, ma bardzo krytyczny stosunek do łamania praw człowieka w Uzbekistanie czy w innych krajach post-sowieckich.

Mam dwa pytania, ale jedno pytanie zostało zadane przez pana Catania. Jak to, o czym pan mówi, wiąże się, z zakresem kompetencji naszej komisji? Szczególnie, jeśli chodzi o nielegalny przewóz, specjalny przewóz, transport więźniów i o obozy, w których przetrzymywano i torturowano więźniów na terenie Unii Europejskiej. Czy mógłby pan jakoś wyjaśnić ten związek?

Drugie pytanie: czy posiada Pan informację, że jakkolwiek Europejczyk był torturowany na terenie Uzbekistanu przez służby CIA lub inne tajne służby europejskie?

4-025

Craig Murray, former UK Ambassador to Uzbekistan. – The relevance of what I have to say really rests mostly on one particular point, which is that I can attest to the willingness of the CIA and the United Kingdom to use intelligence which was obtained under torture by the Uzbek security services and by other security services around the globe. Were it the case that the Americans and the British were not prepared to use intelligence obtained under torture, then the whole point of any extraordinary rendition programme would not exist. That willingness to use intelligence obtained under torture, be it in Uzbekistan, in Syria, in Algeria, or anywhere, is if you like the foundation of the extraordinary rendition programme.

Others are much better placed than I to tell you about which flights have flown where and I know you have interviewed individuals who have been flown to places and suffered abuse. The real point which I can put over to you is that the obtaining of intelligence by torture in this way is consistent with policy decided at the most senior levels in the United Kingdom and the United States.

I am not aware of any European having ever been taken to Uzbekistan to be tortured. As far as I know that has never happened.

4-026

Martine Roure (PSE). – Monsieur l'Ambassadeur, nous vous remercions de votre présence. Votre témoignage est terrifiant, ce que vous nous avez dit est épouvantable, et sachez que, pour le Parlement européen, vos accusations sont très graves. Je voudrais donc vous poser quelques questions complémentaires.

Tout d'abord, savez-vous dans quels pays la torture aurait été "sous-traitée" par la CIA ou des pays européens en dehors de l'Ouzbékistan et, si oui, qui vous en a parlé? Ensuite, vous dites que certains pays européens ont des liens étroits avec l'Ouzbékistan. Vous dites d'ailleurs que l'Allemagne a probablement utilisé des renseignements obtenus sous la torture. Avez-vous à cet égard d'autres exemples de pays européens? Puis surtout – et ce sera ma dernière question –, pouvez-vous nous dire comment vous avez eu toutes ces informations et comment nous pouvons les trouver nous-mêmes car nous avons besoin, bien sûr, de preuves directes?

4-027

Craig Murray, former UK Ambassador to Uzbekistan. – As regards how I have obtained information, what I have tried to do is to stress chiefly what I saw, what I witnessed personally in my time in Uzbekistan, in particular in relation to my first-hand knowledge of the British Government's policy position and the American Government's policy position on obtaining information under torture. I have provided some contemporary documentary evidence to back up my claims on that point.

On torture in Uzbekistan, there is a great deal of documentary evidence as to what is going on.

On the existence of Premier Executive in Uzbekistan and the bringing-in of flights of detainees from Afghanistan, I cannot offer you any documentary evidence to support that. There is, I believe, quite a lot of evidence from Eurocontrol and from other sources that many of the flights in question have gone on from European countries to Tashkent. That seems to have happened quite a lot. I have explained to you how the CIA operates in Tashkent with the Uzbek security services and you can draw conclusions from that, but others are in a better position than I am to give you evidence of the individual flights.

On other security services, the representation from the European Union in Tashkent is not high. Most of the more recent members of the European Union have embassies there, but they are small embassies. The only embassy I know of which has substantial intelligence cooperation on the ground is Germany. There is some intelligence liaison out of the French Embassy, but I do not believe it is on the scale of Germany's. The UK liaison operates entirely through the CIA.

The British Government and thus the CIA have certainly used information that has been obtained under torture from Syria, from Egypt, from Algeria and from Morocco. I was aware of this professionally in the discussion of this issue of whether we should use intelligence obtained under the torture, but there are probably other countries as well.

I should say that at the time I was discussing this, while I was within the Foreign Office, up until October 2004, I was not aware of the extraordinary rendition programme. I did not know that this programme might also involve actually shipping people to these countries in order to be tortured. I since have learned stuff from the same sort of sources as you have which leads me to believe that that may be happening, but I cannot give first-hand testimony to it.

4-028

Kathalijne Maria Buitenweg (Verts/ALE). – Thank you for your remarks, Mr Murray. The question has been asked as to whether you also discussed this issue with your colleagues from other EU countries in Uzbekistan, but I am also wondering whether you have discussed this with other UK ambassadors in other countries such as, for example, in Syria or in other countries to which people are supposed to have been flown, whether during the time you were in service or maybe also afterwards. I am sure you are very busy with this now, so you must have shared your worries with other colleagues. I am very curious as to whether other people might want to come out or what their comments are and what their experiences are.

You say that it is a policy decision that the UK and the US now want also to use evidence which has been obtained under torture. You say that it is a policy decision and that you know so. On the basis of what do you know it to be so? Is there any information, is there another document about it? What was this policy

decision made? Was it made after 9/11? When was this very clearly different decision made?

Lastly, you say that Mr Wood, the legal adviser, clearly says that to receive or possess information obtained under torture is not wrong but apparently you cannot ask for it. Was it also discussed whether you have the duty to investigate under the UN Convention against Torture when you are in doubt about how information has been obtained? I know you said that you never knew how it was obtained, but during this legal discussion, was that aspect also discussed?

4-029

Craig Murray, former UK Ambassador to Uzbekistan. – I shall start with the last question. I should say that during all the discussions I had, nobody ever denied that the intelligence was obtained under torture. It was taken as a basis that yes, you are right. This intelligence from Uzbek security services almost certainly resulted from torture. No one ever tried to argue to me, well, it might not result from torture, because we were professionals and we were realistic about that.

I know it was a policy decision because I was told at that meeting on 7 or 8 March that my telegrams complaining about these practices had been discussed between Jack Straw and the head of MI6, Sir Richard Dearlove, and that Jack Straw had decided that we should get intelligence information obtained under torture. I was told that directly. Any papers in which that decision was actually recorded would be classified as top secret. I have seen the minutes of the meeting that I had – I keep saying 8 March, it might have been 7 March 2003, it was a Friday. The minutes are classified as top secret so they may be released by the British Government in thirty years' time or they may not be released at all. But I can tell you because I was told that Jack Straw had taken that policy decision. Of that I am quite certain.

As to other ambassadors, when I was sending these telegrams, I was copying them very widely to other Islamic posts, to other European Union posts. I regularly received messages of support from fellow ambassadors. I knew very many of my fellow ambassadors personally. I had been in the service for 21 years. They were my friends, not just my colleagues. Messages of support tended to say things like 'You are very brave, I would not do that'. So I think, frankly, what happened to me and the loss of my career does not exactly encourage other ambassadors to come out and speak out about it. However, it is plain that my colleagues in Egypt, Algeria or other places will be facing precisely the same issues that I faced.

4-030

Sylvia-Yvonne Kaufmann (GUE/NGL). – Herr Vorsitzender! Herr Botschafter, ich möchte Sie recht herzlich begrüßen, Ihnen danken und vor allen Dingen auch gute Besserung wünschen.

Wir haben wenig Zeit. Deshalb möchte ich noch einmal nach den Beziehungen Deutschlands zu Usbekistan fragen. Sie haben berichtet, dass Sie viele Gespräche mit

Ihren Kolleginnen und Kollegen des diplomatischen Dienstes geführt haben. Ist Ihnen bekannt, ob von Diplomaten Deutschlands in Usbekistan ähnliche interne Vorwürfe, Informationen an das deutsche Auswärtige Amt gerichtet wurden, dass es dort im Zusammenhang mit Folttervorwürfen und der Zusammenarbeit mit der CIA ähnliche interne Untersuchungen gegeben hat?

4-031

Craig Murray, former UK Ambassador to Uzbekistan. – I want to be careful not to breach too many confidences of individuals. I do not know of anyone who got into trouble over it, but it was certainly true in my time that a great many officials at the German Embassy were extremely unhappy with the policy of close cooperation with the Uzbek Government and Uzbek security services.

4-032

Giulietto Chiesa (PSE). – Signor Presidente, onorevoli colleghi, grazie signor Murray. Lei ci ha offerto uno spaccato impressionante di come in Occidente si rispettano i valori occidentali e a mio parere il nostro relatore dovrebbe poi ricordare gli episodi che lei ci ha riferito oggi. Vorrei fare soltanto due domande molto semplici, che molto hanno a che fare con il lavoro di questa commissione:

1. Lei è a conoscenza della presenza di osservatori non uzbecchi - intendo dire europei, americani, inglesi - agli interrogatori condotti dai servizi segreti uzbecchi? I cosiddetti briefing da lei ricevuti, nonché il ministro degli Esteri britannico, erano basati semplicemente sui racconti di torturatori oppure esistevano fonti dirette di carattere occidentale?

2. Lei è a conoscenza del livello di informazione dei servizi segreti russi, sulle attività dei servizi segreti uzbecchi e occidentali in Uzbekistan, in relazione alla lotta contro il terrorismo internazionale? Grazie mille.

4-033

Antonio Masip Hidalgo (PSE). – Señor Presidente, usted ha dicho de forma muy humilde y diplomática que había personas más eminentes que usted. Yo le recordaría aquí un maravilloso pasaje del Quijote, cuando el caballero le dice a Sancho su escudero «que no hay ningún hombre más eminente que otro si no se comporta como tal». Y usted se ha comportado aquí como una persona muy eminente a la que estamos muy agradecidos.

Quisiera simplemente hacerle una pregunta: Usted dice que le consta que todas las personas que rezaban cinco veces al día pasaban a ser prisioneros, y yo quisiera saber, si esas personas que rezaban cinco veces al día pasaban a ser prisioneros, si algún otro miembro funcionario de la Unión Europea o de alguno de sus países, pudo comprobar, como usted, que eso tan terrible estaba ocurriendo.

4-034

Roger Helmer (NI). – Mr Chairman, I apologise for my late arrival and so I also apologise if my question has perhaps been covered earlier.

Like a previous speaker, I too am appalled by Mr Murray's evidence, but perhaps for a different reason. Mr Murray, you are a former Ambassador of the United Kingdom. Do you think it is right to come here and breach all these confidences in the way that you have? You have said, 'We were professionals'. Is this the behaviour of a professional? If you are engaged in this extraordinary and public breach of confidence, how can we trust anything else that you say?

Secondly, you have insisted that intelligence obtained under torture is the only purpose of a rendition programme. Is it not equally plausible that a rendition programme might be intended simply to incarcerate terrorists or suspected terrorists? We know about the problems that America has experienced in holding suspects in Guantánamo, for example. They may prefer to hold them elsewhere. It is not necessarily the case, is it, that rendition, if it takes place, would be associated with interrogation?

4-035

Ana Maria Gomes (PSE). – Mr Murray, as a career diplomat myself and former ambassador, I would like to say that you do honour to the profession of diplomat and of diplomats of the European Union who uphold human rights, and are not cynical.

(Applause)

I would like to say that here in this Parliament most of us are politicians who want to know the truth and I have noted that you said that the Foreign Secretary, Jack Straw, had decided that information should be sought, even if it was based on torture.

You also noted that you got indications and even a letter, I see, dated 8 March 2003, in which you are told that it is perfectly legal to obtain information, intelligence, by means of torture carried out by others – sub-contracted. Could you please let us know who the signatory of that letter was, and which other people inside the British Foreign Office are mostly linked to that view, knowing that there have been other honourable officers of the Foreign Office who have at different moments disputed the interpretation of the legality, for instance, of the invasion of Iraq and who actually resigned? That was the case of Elizabeth Wilmshurst and other diplomats as well.

Could you please let us know who in particular was responsible within the British Foreign Office?

4-036

Giovanni Claudio Fava (PSE), relatore. – Signor Presidente, onorevoli colleghi, voglio ringraziare ancora una volta l'ambasciatore per le informazioni preziose e puntuali che ci ha fornito. Vorrei formulare solo due brevissime domande, lei ci ha detto che erano presenti altre ambasciate di paesi membri dell'Unione europea, anche se poche perché l'Uzbekistan è un piccolo paese, lontano dalle nostre esigenze economiche.

Vorrei sapere, se potesse essere più preciso, quali ambasciate e con quali ambasciatori, lei ebbe la possibilità di parlare della sua esperienza a proposito dell'uso della tortura e delle informazioni che in questo modo venivano estorte e utilizzate? Quindi non genericamente, ma indicando quali ambasciate secondo lei erano al corrente.

La seconda domanda: che lei sappia, per la sua esperienza e per i contatti che aveva con il *Foreign Office*, ci furono pressioni del governo degli Stati Uniti per la sua rimozione dall'incarico di ambasciatore?

4-037

Craig Murray, former UK Ambassador to Uzbekistan.
– We have over-run so I shall be as quick as I possibly can. I never heard of any European observer or American ...

(*sound unavailable*)

... the transcripts of recordings as opposed to the recording itself.

The Russian security services are now very involved again with the Uzbek security services. At the time I was there, which was the time of this rather temporary Uzbek-American alliance, the Russians were slightly out in the cold, but there is a correspondence between the Putin Government's desire to take a hard line on Chechnya which can be portrayed as fighting the same battle that Karimov claims he is fighting against dissidents and I believe that cooperation is now at a very high level again. One of the things which is particularly worrying is the extradition of Uzbek dissidents, Uzbek political opponents, most of whom are entirely peaceful and not actually particularly Islamic at all. A large number have been extradited recently from many countries of the former Soviet Union and that is continuing and gathering pace as we speak.

I should say that I hope I did not say that everyone who prayed five times a day has been arrested, that may not be the case. Certainly praying five times a day would bring you to the attention of the authorities and be *likely* to get you arrested. Many other EU citizens certainly could bear witness to that and again there are reports by Human Rights Watch and other organisations, and I think the embassies of other EU countries will have been reporting back on this state of affairs.

As regards the question of whether I am right to come here and say all this and break confidence, it is not an easy decision. Obviously I believe I am right or I would not do it. I was a member of the British diplomatic service for 21 years. The gentleman may not agree with me, but actually I am extremely patriotic, always have been. I was very proud to serve my country because I believed it was a country which was doing good in the world and which in particular was upholding international law. I now fear that we have rather turned away from upholding international law and turned away from upholding human rights. I broke with the only

career I have ever known with extreme sorrow and not a few tears, so it has been very difficult for me. I quite understand your loyalties and your viewpoint. I ask you to try and understand mine.

It is logical that people could be transported on rendition and not tortured, that is true, but the testimony of quite a few people who have been transported on rendition indicates that many of them have been interrogated and there are some quite credible accounts of torture, but I agree with you, it does not logically follow that interrogation would be the sole aim of rendition.

Who signed the letter? I have supplied the document to the secretariat. The letter was signed by Sir Michael Wood, the Foreign Office's chief legal adviser, who said that it is not illegal to use information that was obtained under torture.

I would like to say that I have known Sir Michael Wood for many years and he is an extremely decent man. One of the things that I found so alienating and so scary about this entire episode was that colleagues I had known for years and years, who were ordinary nice decent people, would sit there inventing legal justifications for getting evidence from torture. You will forgive me I hope, particularly German colleagues, because I have no intention of being insulting, but when I saw things like that happen and when I saw a man like Sir Michael Wood who was a good man doing that, I felt that I could understand how a society could slip into a state where a civil servant could be ordering cattle trucks to go to Auschwitz and think they were only doing their job. It does not take hoards of fundamentally evil people to do bad things. I believe the US and UK governments are doing bad things, but I do not think it is because the people of those countries have turned fundamentally bad. I apologise for that slight digression. I have provided the document from Sir Michael Wood.

The decisions are taken by the politicians at the top and I do not want to name other civil servants who have carried on implementing their decisions, but I will mention that Sir Michael Wood's deputy was Elizabeth Wilmschurst, the Foreign Office deputy legal adviser, who resigned because she believed the war in Iraq was illegal. Michael Wood was her immediate boss.

With whom did I discuss torture? I certainly discussed it with the German, the French, the Italian and the Polish ambassadors. I did not discuss it with them in specific relation to our obtaining of intelligence, because that would have been disloyal and while I remained in the service I did not do that, and because the intelligence I was seeing did not indicate it was shared with the French, the German and the US ambassadors. So although I discussed cooperation with the Uzbek intelligence services in general terms, I never discussed with them whether we were obtaining intelligence directly obtained by torture because they were not necessarily privy to those documents. I certainly did discuss the morality of the levels of cooperation we undertook with the Uzbek intelligence services with at

least those EU colleagues. I believe that covers all the points I was asked and I thank you very much for your attention.

(Loud applause)

4-038

**Echange de vues avec M. Gijs De Vries,
Coordinateur de la lutte contre le terrorisme de l'UE**

4-039

Le Président. – J'accueille maintenant avec grand plaisir notre ancien et éminent collègue, Gijs De Vries, qui connaît bien ce Parlement puisqu'il en a été membre pendant dix années, de 1984 à 1994.

(Début de phrase inaudible) opérations de restitution extraordinaire conduites par la CIA ou la gestion de centres secrets de détention. Il est donc crucial pour notre travail d'en savoir plus sur les modalités de la coopération existant entre les autorités et services spécialisés des États membres et les États-Unis en ce qui concerne la lutte contre le terrorisme.

Je tiens, par ailleurs, à souligner que j'interprète également la présence de M. De Vries parmi nous comme un signe de la bonne coopération qui existe entre le Parlement et le Conseil.

Merci beaucoup, Monsieur De Vries. Je vous donne à présent la parole.

4-040

Gijs De Vries, Coordinateur de la lutte contre le terrorisme de l'UE. – Merci, Monsieur le Président.

4-041

Gijs de Vries, EU Counter-Terrorism Coordinator. – Mr Chairman, as requested by your staff, perhaps I could say a few words by means of introduction simply to set the scene as far as the views of the Council are concerned with respect to the essential question of the balance between liberty and security, and in particular the questions your committee has been asked to investigate.

Perhaps I should start by restating – this is of course well known to your committee – that terrorism remains one of the most serious threats to international peace and security. Terrorists target the essence of democracy, which is that political conflicts must be resolved through peaceful means. Today's terrorism, inspired by groups such as al-Qai'da, also denies people the right to life and the right to freedom of religion. It is therefore the duty of states to protect their citizens from terrorism. Security is a precondition of liberty.

Over the years, several thousands have died at the hands of terrorists in Europe alone and many more worldwide. The European Union is strongly committed to protecting the rights of victims of terrorism. In the fight against terrorism, governments have a duty to heed the victims' call for justice and protection and our counter-terrorism legislation and policies are designed to this end. I say this because it is important to underline that the fight

against terrorism is both a moral duty and a legal obligation under international law. To the Union and to all Member States, the fight against terrorism is a fight for human rights.

States must ensure that any measures they take to combat terrorism comply with their obligations under international law, in particular international human rights law, refugee law and humanitarian law. The Union strongly believes the fight against terrorism must be fought within the boundaries of human rights. That is why the Union endorsed and helped create successive Security Council resolutions, such as Resolution 1456, which requires states to ensure that any measure taken to combat terrorism complies with all their obligations under international law, in particular international, human rights, refugee and humanitarian law. This is the principle which is at the heart of the counter-terrorist strategy which the Council adopted in December of last year. It states as the Union's strategic commitment: 'to combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice'.

Torture is abhorrent. The prohibition against it is absolute. All EU Member States are a party to the UN Convention against Torture which sets out the principle of non-refoulement if there is risk of torture. Furthermore, EU governments unanimously agreed to enshrine the principle of non-refoulement in the draft Constitutional Treaty.

In the case of *Chahal v. United Kingdom*, the European Court of Human Rights ruled that diplomatic assurances are an inadequate guarantee where torture is 'endemic' or 'a recalcitrant or enduring problem'. The right to a fair trial is another non-derogable right. Detention without trial and secret detention are illegal under international law.

Respecting human rights in the fight against terrorism is first and foremost a moral and legal obligation, but, and I would like to underline this today, it is also a practical necessity. As demonstrated by last year's vicious attacks in London, the terrorist threat to Europe emanates not only from across our borders, but also from local networks rooted in their own breeding ground. Radical ideologues and terrorist recruiters are targeting Muslim communities both outside and inside the EU. Aided by the power of modern technology, in particular the internet, they seek to fuel and exploit feelings of oppression, discrimination and humiliation. The core of the issue is propaganda, which distorts conflicts around the world as a supposed proof of a clash between the West and Islam, and which claims to give individuals both an explanation for grievances and an outlet for their anger. This diagnosis distorts perceptions of Western policies and increases suspicions of hidden agendas and double standards.

Addressing this challenge is beyond the power of governments alone. Today's terrorism will only be defeated with the engagement of the public, and

especially Muslims in Europe and beyond. To defeat the extremists, Western countries need to win the battle for hearts and minds. We need to engage in this fight together with Muslims on the basis of common values. Those values are centred on a respect for the sanctity of life, for democracy and human rights. This is why the promotion and protection of human rights, regardless of nationality or creed, is key to the prevention of terrorism.

There is a second reason why human rights protection is a core element in the strategy against radicalisation and terrorist recruitment which the Council adopted four months ago. Terrorist movements often arise in societies where human rights are denied and opportunities for political expression are lacking. The rule of law, good governance and protection of basic freedoms are among the strongest tools in the fight against terrorism. To be effective in our efforts to promote human rights globally as Western countries, we must lead by example.

To win the battle for hearts and minds our policies to combat terrorism must respect the rights and values we have pledged to defend, including the rights of prisoners. Credibility matters. In the Union's political dialogue with third countries, therefore, the protection of human rights is a priority issue. Aspects range from support for the International Criminal Court to the implementation of the European Union's torture guidelines.

Human rights are also discussed frequently with the United States, including the requirement to respect international law in the fight against terrorism. The Union has urged the US Administration on several occasions to grant the human rights rapporteurs of the United Nations full access to Guantánamo Bay. EU Foreign Ministers have stated that Guantánamo Bay remains a source of serious concern to the Union.

The reports about US detention facilities in Europe and the use of aircraft to transfer terrorist suspects between countries in order to interrogate them using torture and ill-treatment were debated by European Union Foreign Ministers at the General Affairs Council meeting on 21 November 2005. As a result, the Presidency wrote on 29 November to the US Secretary of State, Condoleezza Rice, on behalf of the European Union seeking the views of the United States Government on these allegations.

On 5 December the United States Secretary of State made a detailed statement on the matter in advance of a visit to Europe. The issue was subsequently discussed in depth by EU Foreign Ministers and Secretary of State Rice during Mrs Rice's visit to Brussels.

The Presidency of the Council has expressed its full support for the ongoing investigations into these allegations by the rapporteur of the Council of Europe's Parliamentary Assembly, Mr Marty, by the Secretary-General of the Council of Europe, Mr Davis, and by this committee within the European Parliament.

Terrorists aim to scare and provoke democracies into abrogating the rights and liberties they have pledged to uphold. It is a trap we must avoid. The fight against terrorism is first and foremost a conflict about values. Democratic societies can only overcome the scourge of terrorism in the long term if they remain committed to their own principles. This is the position of the Council. I would be happy to address any questions that you might have.

4-042

Giovanni Claudio Fava (PSE), relatore. – Signor Presidente, onorevoli colleghi, ho ascoltato con attenzione l'introduzione del signor De Vries - che ringrazio per essere nostro ospite - e ciò che ha detto non può non essere condiviso da ciascun collega dell'intero Parlamento europeo.

La lotta contro il terrorismo è una lotta per i diritti umani, ma va portata avanti nei confini, entro i confini, dei diritti umani. La tortura è abominevole, le detenzioni senza processo sono illegali, tutto ciò peraltro non è solo un'opinione condivisa, nero su bianco figura in molte convenzioni internazionali che ciascun Stato membro dell'Unione europea ha firmato.

Ma noi siamo qui proprio perché queste opinioni condivise sono state smentite nei fatti. La lunga testimonianza offerta questa mattina dall'ex ambasciatore britannico Murray, per esempio, ci dice come la pratica delle *extraordinary rendition* sia stata spesso utilizzata come un modo per appaltare in paesi terzi la tortura. E come tutto questo sia stato fatto dal governo americano, secondo le opinioni raccolte in questa settimana, anche con il contributo di alcuni governi europei.

La mia domanda, signor De Vries, è molto semplice: che cosa sta facendo il suo ufficio, e dunque cosa stanno facendo le Istituzioni europee, per superare una pratica che a nostro parere viola tutte le regole enunciate dalle convenzioni e dai trattati internazionali?

Vorrei farle anche altre due domande più specifiche: abbiamo ascoltato anche alcuni rappresentanti dei servizi di sicurezza nazionale, in particolare il capo dei servizi segreti italiani, il quale ci ha spiegato come sia normale che operazioni della CIA sul territorio di paesi membri dell'Unione europea non siano messe a conoscenza dei paesi membri e dei governi europei.

Le chiedo come valuta questa assoluta mancanza di cooperazione tra i servizi segreti europei e il servizio segreto americano. Le faccio l'esempio del rapimento di Abu Omar, per parlare di cose molto concrete. Come tutto ciò si possa inquadrare in una cooperazione complessiva dei nostri servizi di sicurezza e nella lotta contro il terrorismo?

Un ultimo punto: secondo Lei, le informazioni raccolte in questi anni con il metodo delle *extraordinary rendition* hanno dato davvero, al di là della nostra valutazione morale e politica, un minimo contributo

concreto nella lotta al terrorismo? Queste erano le tre domande, grazie.

4-043

Gijs de Vries, *EU Counter-Terrorism Coordinator*. – Thank you, Mr Fava, for your comments, reflections and questions. I do not want to prejudge the outcome of the investigation that you are conducting in your committee, which has not finished. We have heard a great many allegations; we have heard all kinds of impressions; we have also heard refutations, and it will be for your committee to weigh all these different elements very carefully, and then come to a conclusion as to whether there is clear and irrefutable evidence that supports these allegations. To the extent that we know today, that does not yet appear to have been demonstrated beyond reasonable doubt, so that, I think, is an important starting point.

What the institutions of the Union are doing is to focus on the work of the Union, both internally and externally. With respect to the external dimension, I have already mentioned that the EU has introduced in its dialogue with countries outside the Union concerning counter-terrorism the dimension of human rights. The two need to go together: one cannot fight terrorism effectively while disregarding human rights. The two have to proceed together. Indeed, as I mentioned, we have to lead by example, which means that in the dialogue with several of our major partners we have called attention to these questions, ranging from the question of secret detention to the question of detention without trial. That is, for example, why in our dialogue with the United States on several occasions the interpretation of the Geneva Conventions has played a very important role and why the Union has asked the United States to adhere to the traditional interpretation of the Geneva Conventions, also with respect to the prisoners in Guantánamo Bay. I think that has been an important example of what the Union's institutions are doing in practice.

The functioning of the national security services and the national intelligence services of the Member States is, as Members know, not covered by the EU Treaty. When the Treaty was written and when it was rewritten on several occasions, Member States had unanimously agreed to reserve to themselves and to themselves exclusively the responsibility to monitor the functioning of the domestic intelligence and security services. That is not surprising. I think that we all agree that in a democracy there are few institutions that are more central to the core of traditional understandings of national sovereignty than precisely the security and intelligence services.

So this is the legal situation in which we find ourselves, and which, frankly, the Council has to respect. That means that I am not privy, nor is Javier Solana, to details about cooperation between national services in the operational field, whether this is cooperation amongst themselves inside the European Union or with third partners. That is something for the national governments

under the full control of their national parliaments. We have well-established democracies to take care of that.

At European level, as you are aware, the Council of Europe has quite rightly raised important questions about the application, implementation and respect at national level for the Council of Europe's Convention on Human Rights. Member States are legally bound to implement to the letter and the spirit the provisions of the Council of Europe's Convention on Human Rights. This Convention is indeed also a cornerstone of the EU's understanding of human rights.

Member States have been asked questions and they have responded to those questions to the Secretary-General of the Council of Europe, Mr Davis, in two rounds and I am afraid I cannot offer you any additional information on the work of national services in addition to the answers that national governments have given.

Has intelligence served to combat terrorism? Yes, undoubtedly, and it continues to do so on a daily basis. There is absolute clarity that the exchange of information, whether between police forces or between intelligence and security agencies, is critical to prevent terrorist attacks. Indeed, the work of the European Union, its legislative initiatives and its policy initiatives are targeted precisely at facilitating the cross-border exchange between national authorities in the fight against terrorism. This is absolutely fundamental. But it is equally clear that intelligence has its limits and that always has to be weighed in terms of what it brings. It is equally clear that torture remains illegal in wartime and in peacetime. That prohibition is absolute and I think it is quite clear that goes for the EU and its institutions.

4-044

José Ignacio Salafranca Sánchez-Neyra (PPE-DE). – Señor Presidente, como ha dicho el señor Presidente en su introducción, todos tenemos un gran respeto y una gran amistad por el tiempo que compartimos con el señor De Vries en este Parlamento, pero, señor De Vries, las informaciones que usted nos ha facilitado no nos permiten, desgraciadamente, progresar en nuestra investigación.

Usted nos ha dicho que la Secretaría del Consejo se ha dirigido a los Estados Unidos. Nos gustaría saber cuáles son los términos de la respuesta y preguntarle, en concreto, sobre la manifestación que hizo un alto responsable político de los Estados Unidos diciendo que algunos Estados miembros se rasgaban las vestiduras porque estaban perfectamente al corriente de las actividades de la CIA.

¿Comparte usted esas afirmaciones de un alto responsable político de los Estados Unidos?

En segundo y último lugar, señor Presidente, ¿Cómo se puede —yo comprendo perfectamente cuáles son los términos de los Tratados de la Unión Europea y las limitaciones que imponen sobre los servicios secretos— per,o señor De Vries, ¿se puede verdaderamente

coordinar la lucha contra el terrorismo en la Unión Europea sin compartir esas informaciones? ¿Puede usted asegurarnos de que la Secretaría del Consejo no ha gozado de informaciones de los Estados miembros sobre este tipo de actividades que nuestra comisión esta investigando?

4-045

Gijs de Vries, EU Counter-Terrorism Coordinator. – Thank you, Mr Salafranca, for those perfectly understandable and apt questions. Again, what the United States Government discusses with the national governments of the Member States or with the intelligence and security agencies is not covered by the competences of the European Union. I am sorry to give you what may sound like a very formalistic answer and an unsatisfactory one no doubt for many of the members of this committee, but I cannot change the terms of the Treaty. Within the Treaty that is the political reality.

The role of the Council has been to engage the United States in a discussion about these allegations, to ask for clarification and to urge it to respect the internationally established rules of human rights, humanitarian and refugee law. We have done that in the area of renditions. We have done that in the area of Guantánamo and indeed, as I have mentioned, the Foreign Ministers have explicitly said that they expect Guantánamo to be shut down in the foreseeable future. I think that is a very clear statement of concern on the part of EU Foreign Ministers.

The Council has gone beyond that and discussed on several occasions, both at the level of the administration and at the level of senior officials, the American interpretation of international law, and indeed the Americans have asked for clarification about Europe's interpretation of international law. We are engaged in that discussion and I believe that is absolutely essential. It is not just essential because of who we are as democracies, in terms therefore of our own understanding of our obligations and the limits to what we are allowed to do under international law, it is also important for the way we are perceived by the rest of the world.

As I said in my opening comments, the fight against terrorism requires – and I have been at pains to discuss this with the national governments of the Member States – the fight against terrorism requires that we help countries outside the Union to improve good governance, to improve the rule of law and to work against the lack of political accountability that so often feeds frustration, which provides fertile ground for radicalisers and terrorist recruiters. The fight for human rights is an essential dimension of our fight against terrorism. The two have to go together and it has been my role to talk to Member States about the importance of this principle. That means that we have also discussed it as a Council with third countries, as Javier Solana will no doubt also underline when he meets you later, because it is primarily under his auspices that these discussions take place.

Intelligence cooperation within the European Union takes place notably within the framework of the analysis of threats facing our Member States and Europe as a whole. As Members will know, for some time now there has been a Centre for Threat Analysis in the Council secretariat. That brings together for the first time the analysts of the intelligence and the security services of the Member States to jointly analyse developments in the terrorist threat. That analytical work is then channelled to Ministers, who are then free to interpret it and to act, as is the case at national level.

However, it is important to recognise that this dimension is limited to the analytical exchange between the intelligence and security services. The operational work between these services in practice does not take place within European Union institutions. That is on the basis of the Treaty as it stands and therefore I could basically summarise the role of the Union's institutions as follows.

It is first to provide the legal framework for an exchange of information between national police forces and national intelligence services. This has led, for example, to several major legislative proposals, one of which has just been debated by your own House: the directive on data retention. So that is the legislative dimension. Then there is the dimension of analytical cooperation, as I have outlined. Thirdly, there is the important dimension of cooperation with countries elsewhere in the European Union, but that is what the Treaty allows us to do.

4-046

Stavros Lambrinidis (PSE). – Welcome, Mr de Vries. I have four very brief questions.

First, in your view, or in the view of the US, is there any EU-US agreement – either known or a secret protocol or anything like that – that would justify renditions, rendition flights or cooperation by European governments or institutions with the US?

Second question: have US officials ever revealed to you or to the Council the existence of the rendition practice? Is it fair to understand from what you are saying about your legal debates with the US back and forth, that in fact there is no question that renditions are taking place, but that there is a question about the legality of them, at least in the minds of US officials?

Third question: are renditions, if they took place, in violation of international law in the European view, your view, as you discussed it with the US?

Fourth question: to the best of your knowledge, in the process of conducting your analytical estimates of terrorist threats, have you received or seen intelligence that may have been obtained under torture? Obviously I am guessing that the work that you said you are conducting on analyses of terrorist threats is based on information that could come from potential terrorists who would tell you that they might strike or they might

not, or whatever. To the best of your knowledge, have you seen information that has come from countries or intelligence services that might have participated in renditions, or tortured subjects that were subject to rendition?

Finally, could you give us your report, i.e. what you said at the beginning, in writing, please.

4-047

Gijs de Vries, EU Counter-Terrorism Coordinator. – In keeping with the brevity of the questions, let me try to be very brief because your questions are very precise. The answer to the first question as to whether there is any EU-US agreement or secret protocol that could or does justify illegal renditions is ‘no’.

Have US officials ever revealed illegal rendition practices? Certainly not.

If the kinds of renditions we are discussing today took place, are they legal under European law? No.

Have you received any intelligence that has been obtained, according to your information, under torture? No.

4-048

Cecilia Malmström, ALDE. – Thank you, Mr de Vries, for coming here to talk with us. We are aware of the limitations that you have in answering our questions but I would like to ask you a question. In October 2001 a deal was made between NATO members and the US. There is a NATO press release on the subject of EU Member States, which says that they should provide blanket over-flight clearances for the United States and other allies’ aircraft, in accordance with the necessary air traffic arrangements for military flights related to operations against terrorism. Has this deal, which was made in October 2001, shortly after the attacks in New York, been discussed, evaluated, raised in any way in your discussions with the Council and the ministers in your capacity as counter-terrorism coordinator?

There are rumours and allegations that laws have been broken. There are a few clear cases supported by evidence where European territory has been used as a stopover for aircraft, where people have been transported and later submitted to torture. Has this in any way been discussed at your meetings or evaluated or referred to?

4-049

Gijs de Vries, EU Counter-Terrorism Coordinator. – Mr Chairman, I do not have the information to answer the honourable Member’s questions here. I would be happy to do so subsequently in writing. If you could let me have the precise reference to the agreement you are referring to, I would be happy to follow that up.

4-050

Kathelijne Maria Buitenweg (Verts/ALE). – Dank u wel mijnheer de Vries voor uw toelichting. Ik vind wel dat u uw werk heel erg minimaliseert. U zegt dat het fundamenteel is dat de mensenrechten worden

gerespecteerd in de strijd tegen terrorisme. U bent een van de belangrijke mensen die gaat over terrorismebestrijding, maar over de fundamentele vraag of de beschuldigingen gegrond zijn, zegt u: oh, daarover ga ik niet, daarover gaat u. Maar wat doet u nu om de beschuldigingen die in de lucht hangen, te ontcrachten?

Een ander punt is dat volgens de secretaris-generaal van de Raad van Europa *rendition* de overdracht van mensen is van de ene jurisdictie naar een andere buiten wettelijk raamwerk om, hetgeen per definitie niet wettelijk is. Condoleeza Rice zegt: "*Rendition saves lives*". Welke overtuiging heeft u nu dat zij een heel andere definitie hanteert, namelijk die wel wettelijk is, dan wij? Wij zeggen immers dat het per definitie onwettig is. Zij zegt: "*Rendition saves lives*".

De Amerikanen gaan ook via Europese luchtruimen naar andere landen. Hoe weet u nu zo zeker dat daar ook geen onwettige praktijken plaatsvinden? Bovendien zegt ook de secretaris-generaal van de Raad van Europa dat zo'n Europees verdrag, dus het alleen passief blijven, niet voldoende is en dat je actief moet gaan handelen. Dus wat stelt u nu voor dat er moet gaan gebeuren om te voorkomen dat Europese landen meewerken? Is het bijvoorbeeld een idee dat voortaan elk vliegtuig van de Amerikanen wordt gecontroleerd om te weten of er mensen aan boord zijn?

De laatste vraag betreft de informatie die door inlichtingendiensten in Europa verkregen wordt. Ik heb van inlichtingendiensten gehoord dat zij gewoon niet vragen hoe inlichtingen zijn verkregen. Vormt ook hier het feit dat je niet wilt weten hoe iets verkregen is, niet feitelijk een inbreuk op het verdrag tegen foltering? Vindt u dat altijd gevraagd moet worden op welke wijze informatie is verkregen?

4-051

Gijs de Vries, EU Counter-Terrorism Coordinator. – I think first of all it is important to look at what has happened in practice. I think the suggestion that the whole question has not been discussed has been disproven. I have already mentioned the fact that EU Ministers have discussed these questions in the Council on several occasions. They have responded as a Council and they have debated with the United States these questions. Indeed, we are still involved in an ongoing discussion at political level and at departmental level about the interpretation of international law. That again is essential for the way we are being perceived in the world. I have been supporting these talks and taken an active part in them because I believe it is fundamental, as I have said, to the effectiveness of our fight against terrorism, that we all respect the same rules that we ask others to respect. That has been my contribution.

In addition, I have pointed at what I think is a significant risk. That risk is that there might be additional cases to the one we saw in October last year when one judge in Europe refused to extradite a suspect to the United States because the court was not satisfied that the person concerned would receive a fair trial in the understanding

of the court concerned. If there were to be more cases of this nature, that would clearly have a deleterious effect on cooperation across the Atlantic in the fight against terrorism. I believe it is important that these questions are discussed and I have been supporting and initiating a number of these discussions.

What about the future? I think that question is absolutely critical. I take it that your committee will first and foremost seek, as you are doing, to establish the facts and to judge whether there have been infringements of the Treaty, but I also suspect and I hope that your committee will want to look forward and look at what can be learnt in terms of lessons from the discussions we have been having.

There may be several areas worth considering. One is the internal situation within the Union. I have noted that in the interim report by the Secretary-General of the Council of Europe, Terry Davis, four questions have been raised which, in the view of Mr Davis, require further discussion. They are at the end of the report by Mr Davis and I think they are important questions that I trust will also figure in the considerations of this committee. That is as far as any recommendations for national legislation inside Europe are concerned. As far as the external dimension is concerned, there may be some other questions for consideration.

First, I believe we should use this debate to try and relaunch international initiatives to improve the conditions of detention and treatment of terrorist suspects in third countries. One question we could investigate is whether there is scope for additional assistance from the European Union to improve these conditions of detention of terrorist suspects. There we have instruments we could perhaps use even more frequently.

Second, it is important to strengthen support for the UN Convention against Torture. At the moment, one in four Member States of the United Nations has still not ratified the UN Convention against Torture. That is an unsatisfactory situation and it plays into the hands of those who do not wish to respect human rights.

Thirdly, there is the optional protocol to the Convention against Torture, which allows for on-site visits by the United Nations Committee against Torture. That too is an important instrument. I note that it has been signed by 17 EU Member States so far, and ratified by five, so this is an area where both internally and externally we could perhaps do more.

4-052

Kathalijne Maria Buitenweg (Verts/ALE). – I would just like to note that ...

(sound unavailable)

... have been answered. I asked about rendition: about whether there is any reason to believe that the

Americans are using another definition to the one we use, so that it might be lawful.

4-053

Gijs de Vries, EU Counter-Terrorism Coordinator. – Mrs Buitenweg is absolutely right. Let me try to answer that question. We are engaged in a debate with the United States on this. We have not come to the end of that debate. In our view, secret detention is not compatible with international humanitarian law. That is our position.

It is the same story with respect to detention without trial, it is not compatible with international humanitarian law.

Thirdly, we believe that the Geneva Conventions should be applied in their entirety. These are the positions we represent, and we are engaging the United States and others on that ground.

4-054

Giusto Catania (GUE/NGL). – Signor Presidente, onorevoli colleghi, il signor De Vries è il coordinatore antiterrorismo, non vorrei che acquisisse da noi informazioni sui voli CIA e sui sequestri avvenuti in territorio europeo, sarebbe proprio un po' paradossale. A mio parere, spetta invece a noi tentare di acquisire informazioni dal signor De Vries e se in nome della lotta al terrorismo siano stati commessi abusi e bugie, come stiamo verificando in questi giorni di lavoro della nostra commissione.

Vorrei pertanto chiedere al signor De Vries se sa che in Europa ci sono stati migliaia di voli della CIA, se sa che ci sono stati alcuni sequestri certi, su cui sono in corso inchieste giudiziarie ed esistono testimonianze dirette o inchieste giornalistiche che li testimoniano? Vorrei chiedere al signor De Vries come ha acquisito siffatte informazioni, non vorrei che le avesse acquisite come le abbiamo acquisite noi, o addirittura, da informazioni giornalistiche?

Inoltre vorrei chiedere al signor De Vries se sa che in nome della lotta al terrorismo spesso sono state costruite delle bugie, in particolare alcuni servizi di *intelligence* europei hanno fabbricato false notizie sull'esistenza delle armi di distruzione di massa in Iraq?

Vorrei infine sapere se il signor De Vries conosce i fatti e chiedere chiarimenti sull'accordo siglato fra l'Unione europea e gli Stati Uniti d'America - nel gennaio 2003 ad Atene - in cui si fa riferimento esplicito "all'utilizzo di luoghi per il trasporto di criminali stranieri"?

4-055

Gijs de Vries, EU Counter-Terrorism Coordinator. – I am not aware of any agreement between the European Union and the United States about the carrying of terrorist suspects on flights. As far as I am concerned, you are misinformed.

Have there been thousands of flights and have there been abductions? I have no information about that, nor has

Javier Solana. I think we have the information that Member States have provided to the Council of Europe on that, and that is as far as we stand.

4-056

Sarah Ludford (ALDE), Vice-Chairwoman. – Mr de Vries, I think no one doubts your own personal commitment to the notion that you cannot fight terrorism while abusing human rights, but do you think it is possible to put your hand on your heart and say that no EU government has breached European or international human rights law? What mechanisms are there in the Council to be able to deliver that assurance? For instance, you referred to the Chahal judgment of the European Court of Human Rights, which I think is about ten years old, but my understanding is that is being challenged in Strasbourg in a Dutch case. Certainly the UK Government has intervened to try and overturn the judgment that there is an absolute ban on refoulement – sending people to face torture.

So what mechanisms, what controls are there within the Council to make sure that Member States do not breach human rights? We have had two judgments in the UK House of Lords in its judicial capacity, in December 2004 and December 2005, on detention without trial and on the use of evidence obtained by torture. Those have been national judicial judgments, but did the Council itself protest to the UK that it was breaching the European Convention on Human Rights? What mechanisms do you have in the Council to make sure that Article 6 of the Treaty on European Union is being upheld?

4-057

Gijs de Vries, EU Counter-Terrorism Coordinator. – I think that is perhaps the most essential question in institutional terms, if I may say so, because it goes right to the heart of the role of the EU and its relationship to the Council of Europe, because frankly the fact that we have two institutions is both a source of strength and a source of some degree of need for coordination of who does what.

Clearly, as I have said, respect for the Council of Europe's Convention on Human Rights is a cornerstone of the EU legal system. It is not for nothing that when countries apply to join the European Union, one of the questions we ask them is whether they have signed and ratified that critical Convention, so quite clearly the EU has a strong interest in full compliance with the Council of Europe's Convention.

The Council of Europe has its own machinery to make sure that Convention is respected. It has a human rights court, fiercely independent and rightly so. It has a human rights commissioner who visits various Member States and looks at implementation. It has a committee, for example, on prison conditions, which I think has a stellar record in helping Member States to improve prison conditions in the Member States of the Council of Europe. So there is a well-established mechanism within the Council of Europe of monitoring what the Member

States of the Council of Europe, and the EU Member States, do at home.

Where does that leave the European Union? The EU has its own charter, but that charter is limited to first, EU legislation and second, the acts of Member States to implement EU legislation. That is the legal reality. In addition to that, there is a political question which can arise in the Council and which is on the basis of Article 6 and Article 7 of the Treaty.

I would think it premature at this stage when the investigations of your committee and the Council of Europe's committee are still ongoing to come to any definitive conclusion as to whether there have been infringements of these articles, but it is quite clear that is the order in which we work. So when it comes to the non-EU law-related questions to do with human rights, in the system we have all accepted to abide by, the Council of Europe's machinery is first in line.

Finally, I need not remind Baroness Ludford that rulings of the Court of Human Rights stand as long as the Court has not changed them, and I have not quoted them just by accident.

4-058

Bogusław Rogalski (IND/DEM). – Panie Przewodniczący! Powiedział pan bardzo ważną rzecz, że walka z terroryzmem jest obowiązkiem moralnym i prawnym, że jest to walka o prawa człowieka.

Czy nie uważa pan jednak, że ta walka jest bardzo utrudniona zwłaszcza, że terroryści nie przestrzegają żadnych praw etycznych, moralnych, ani praw międzynarodowych? Czy uważa pan, w związku z tymi okolicznościami, że powinny istnieć specjalne programy do walki z terroryzmem, czy też nadzwyczajne środki stosowane? Jeśli tak nie będzie, to już dzisiaj na starcie tę wojnę przegraliśmy.

I moje konkretne pytanie: czy jako koordynator Unii do spraw zwalczania terroryzmu posiada pan jakąkolwiek wiedzę, która pozwoliłaby panu stwierdzić, że istniały na terenie państw Unii Europejskiej nielegalne ośrodki odosobnienia i przetrzymywania więźniów? Wydaje się bowiem, że piastując taką funkcję, powinien pan posiadać taką wiedzę.

4-059

Gijs de Vries, EU Counter-Terrorism Coordinator. – No, I have no knowledge of such centres and I would strongly disagree with any suggestion that in order to fight terrorists who break the law those who fight them should in any form emulate that example. Democracies have to fight terrorism within the rule of law. That is why they are democracies. That is critical to their identity. It is critical to their effectiveness, both inside Europe and outside. Let me stress once again that in my view and in that of the Council I have referred to the adoption of an important strategy against radicalisation and recruitment. This is a fight which should unite us across religious divides and the only way in which we will wage this fight across religious divides is to do it on

the basis of common principles. In my view those are the principles of the relevant United Nations Conventions on Human Rights and that of the Council of Europe's Convention. There is no other way.

4-060

Mogens N.J. Camre (UEN). – Thank you, Mr de Vries, for your clear statement and very clear answers.

I have one question to put you: how would you define torture? I am asking you this question because recently we had a case in my country with a young female officer interrogating detainees with our troops in Iraq. According to the prosecutors, she committed three violations. She refused to let the detainee sit down during interrogation. At one stage she called him a dog. The third thing was that she refused to let him drink water throughout.

The court which dealt with this case in the first instance did not punish her, but I think it is important that we distinguish between what is and what is not torture, because as a matter of fact all we nice peaceful people expect our sons and daughters to go to war against people who do not dream of respecting the human rights which we respect, and there might be a problem of having people go there if they have to read the Geneva Convention aloud for any enemy before they fire the first shot.

4-061

Gijs de Vries, EU Counter-Terrorism Coordinator. – Mr Chairman, firstly I think the gentleman is right that torture needs to be clearly defined and in international law we have two main categories: torture and other forms of cruel, inhuman and degrading treatment. Frankly, you would have to ask real lawyers – I am at best half a lawyer and perhaps not even that – whether the example you have just cited falls into one category or the other. I do not have an answer to that specific detailed question here, but again, I think it is very important that we stick to the principles we have all accepted.

I think that Mr Murray, during the brief period of his answers that I was able to attend, made an indirect comment about the brittleness of civilisation, the way in which seemingly well-established principles and patterns of behaviour can be abrogated in crisis situations, but it is precisely for those situations that we have agreed international standards. We can disagree about those standards and in a democracy it is perfectly legitimate, and indeed necessary, to have a vibrant debate and of course there are legitimate questions about the interpretation even of the European Convention on Human Rights. That too is a living document. The Convention itself provides for exceptional circumstances in which certain rights can be restricted, but the Convention sets very clear conditions on when that can be the case and when it cannot be the case.

So yes, there can be a debate, but the debate should start from the premise that we must abide by the rules we have set ourselves.

4-062

Hubert Pirker (PPE-DE). – Herr de Vries, Sie haben als Koordinator für Terrorismusbekämpfung eine ganz wichtige Position im Rahmen der Funktionen der Europäischen Union.

Sie haben gesagt, Sie haben aktive Tätigkeiten auszuüben; natürlich sind auch Analysetätigkeiten Teil Ihrer Arbeit. Wenn Sie analysieren wollen und aktiv sein wollen, dann ist die Voraussetzung natürlich das Wissen um Aktivitäten und auch um mögliche Aktivitäten.

Dazu ein paar ganz konkrete Fragen: Hatten Sie Kenntnis davon, dass es eine Kooperation von Diensten der Mitgliedstaaten der Europäischen Union mit der CIA zum Zwecke der Terrorismusbekämpfung oder auch präventiver Maßnahmen gegeben hat? Hatten Sie Kenntnis, welche Dienste der Mitgliedstaaten involviert waren, und wussten Sie, welche Maßnahmen auf dem Boden der Europäischen Union und welche Maßnahmen gemeinsam zwischen europäischen Diensten und CIA-Diensten oder auch allein außerhalb der Europäischen Union durchgeführt wurden? Von welchen Quellen haben Sie über CIA-Aktivitäten in der Europäischen Union erfahren, und hat es dabei auch Informationen über CIA-Aktivitäten gegeben, die sich nicht innerhalb des internationalen Rechts bewegt haben? Wenn das so war, haben Sie jemanden informiert, und wen haben Sie informiert, und welche Konsequenzen haben sich daraus ergeben, falls es tatsächlich illegale Aktivitäten der CIA gegeben hat?

4-063

Gijs de Vries, EU Counter-Terrorism Coordinator. – I think that some of the very detailed questions just asked have already been covered, so I shall not repeat answers to earlier questions.

It is quite clear that there is mutually beneficial cooperation between services of Member States of the European Union and their United States counterparts. Intelligence is critical to preventing terrorism. It is probably the most important measure to stop today's attacks, but if we want, in addition to that, to prevent a next generation of terrorists from being formed, if we want to work against radicalisation and recruitment, then we need more than intelligence cooperation. Indeed, as the Council has explicitly said, it is important that our efforts to fight terrorism do not have counter-productive effects in the long term.

The United States has suffered a significant decline in sympathy in the world. That does not facilitate either America's or Europe's fight against terrorism. America has an interest in European policies; Europe has an interest in American policies. So while we have a shared interest in exchanging intelligence, we also have a shared interest in making sure that our policies are above-board and stay there. That has been my message here today, and that, I think, is what the Council has consistently been at pains to explore with our friends, not just across the Atlantic, but worldwide.

4-064

Ana Maria Gomes (PSE). – Thank you, Mr de Vries for reminding us that the fight against terrorism is indeed a conflict about values, that we have to lead by example, and that the rule of law and human rights are what distinguish us from the terrorists.

What I conclude from what you have said is that not only our member governments, but members, officials – be it of the secret services of the foreign offices or the military – who have been proven to be involved in renditions and all these sorts of illegal activities are liable for human rights violations and are also liable for failing to fight terrorism efficiently. I noted that you said that you have been at pains to discuss this with Member States, namely to make the point of the importance of this in relations with other countries, in preventing 'the next generation as you have just said.

I wish you could tell us more, and I wish you could tell us more also by providing us with a list of those countries, Member States, who have all the talk about fighting terrorism but which have not ratified and implemented the main conventions as regards fighting terrorism, those you have referred to, and others – chemical weapons and so on. I think that would be instructive for this committee.

I would like to ask you about Guantánamo. It is clearly against the law. We heard yesterday that 500 prisoners have just been identified. Can you explain why, for instance, my government, the Portuguese Government, is not answering my questions, on whether the Azores has been used to take people to Guantánamo? Have you heard about that? Can you actually tell us if you have any information that intelligence obtained through renditions has been used to prevent any terrorist acts and to bring to court and trial any terrorists?

4-065

Gijs de Vries, EU Counter-Terrorism Coordinator. – First of all I think it is important again to be quite careful in the analysis here. If I understood you correctly – but correct me if I misunderstood you – that for you it is already factually proven that illegal renditions have taken place with the knowledge of European governments. I do not believe that has been demonstrated and I think it is important, therefore, to let your committee and that of the Council of Europe to conclude their investigations before coming to any conclusions.

Secondly, I would be delighted to provide you with any factual information on the state of implementation by all EU Member States of the relevant international conventions, but I would be grateful if you could – perhaps through the secretariat – specify which ones you would like me to respond about.

Thirdly, concerning Guantánamo, I have already mentioned the EU's position where we asked the United States to allow the UN rapporteurs on human rights full access. As is well known, that full access was not granted. I have quoted the position of the EU Foreign

Ministers. We have also discussed the defence authorisation act, which was approved by Congress in January and which includes, on the one hand, important new human rights guarantees following an amendment introduced by Senator McCain, but it has also raised questions among human rights experts following the adoption of another amendment by Senators Graham and Levin. These questions are precisely about the abilities of detainees in Guantánamo Bay to bring legal action for alleged human rights violations. These questions have been discussed by experts of the Member States with their US counterparts to clarify the relevant positions.

4-066

Sophia in 't Veld (ALDE). – Mijnheer De Vries, u heeft gezegd dat we ons aan de internationale verdragen en het internationale recht moeten houden. Bent u ervan overtuigd dat we ons zowel aan de letter als de geest van de wet houden?

Ten tweede heeft u gezegd dat u er nog niet van overtuigd bent dat de *rendition flights* hebben plaatsgevonden, maar zo langzamerhand denk ik dat u dan tot een minderheid behoort. Heel veel mensen zijn er immers wel van overtuigd en het is eigenlijk min of meer toegegeven, zelfs door de Amerikanen, dat ze daarvan gebruik maken. Wat ik van u zou willen weten betreft het zogeheten *Situation Centre*. Ik neem aan dat u dat bedoelde met het *Centre for Threat Analysis*. U zegt dat daar alleen maar analyses worden gemaakt, maar die analyses worden toch gemaakt op basis van informatie, van *intelligence*. Die *intelligence* wordt verkregen - dat hebben we inmiddels ook begrepen, ook van onze vrienden van de CIA - met middelen die wij - en dat heeft u zelf ook gezegd - illegaal vinden, namelijk *rendition*, *secret detention* en *detention without trial*. We hebben vastgesteld dat deze dingen plaatsvinden. Dat betekent dus dat het risico zeer groot is dat het SitCen op basis van dat soort informatie analyses maakt. Dat betekent dus dat wij ook gebruik maken van dat soort gegevens.

Evenals de nationale ministers van Buitenlandse Zaken, zoals de Nederlandse minister Bot, die dit aan Condoleeza Rice hebben gevraagd, zou ik willen weten of *extraordinary rendition flights* en marteling hebben plaatsgevonden. Zij heeft daarop met neen geantwoord. Maar is de vraag wel juist geformuleerd, want als we het niet eens zijn over de definities, moeten we de vraag dan niet stellen aan de hand van de definities die de Amerikanen hanteren, die wij overigens illegaal vinden?

4-067

Gijs de Vries, EU Counter-Terrorism Coordinator. – I hope I can do my best to clarify any misunderstanding about the role of the situation centre. What that does is analyse trends, in other words, broad developments in aspects of the terrorist threat, for example, how do terrorists finance their operations? Which techniques do they use in terms of terrorist financing, and how do these techniques evolve over time? Do we see different patterns in different Member States? It involves things like that.

That is at a level of abstraction which frankly is a very different level from the type of information which could be obtained from any specific individual. Again, there has not to my knowledge been definitive evidence that these illegal renditions as alleged have taken place. These allegations have been made. Many people have speculated about them and I think it is important not to anticipate now the outcome of the final work.

Yes, there are interpretations of international law. I have given you our interpretations and we will continue to defend them, because we believe that is essential, also, for the effectiveness of our counter-terrorism policies. That is an important point to underline. I am sorry to do that once more, because I believe it goes to the heart of the debate.

The basis on which we will be able to overcome this scourge in the long term is by sticking to our fundamental beliefs. That is the basis on which we engage the United States. I have noted that there are discussions on these questions not just in the United States, but in the European Union as well. This is not a black or white discussion. I think that is also important to underline.

Not too long ago, Attorney General Gonzales gave a presentation in London, I believe, in which he pointed out the fact that several EU Member States allow their administrations latitude which would not be acceptable under American law, so there are questions both ways. That is how it is in a democracy, but I have given you the principles on which we will continue to base our views and I do not believe there is any risk or evidence that information provided by national EU services, not the CIA, to the European situation centre has been obtained through torture.

4-068

Konrad Szymański (UEN). – Jedna uwaga i dwa pytania. Myślę, że w pracach takiej komisji jak ta, warto wyznaczyć bardzo mocną granicę między osobistymi przekonaniem i przeświadczeniami, a dowodami. Jeżeli pomieszymy, te kategorie to, możemy narazić się na zarzut braku powagi lub przynajmniej braku bezstronności.

I dwa pytania: zakaz ekstradycji do krajów, które stosują karę śmierci bądź tortury, uzasadniony moralnie, powoduje, że Europa staje się czasem miejscem spokojnego azylu dla osób, na których ciąży poważne zarzuty kryminalne. Możemy mieć co do nich wątpliwości. Czasem są one ferowane z pobudek politycznych przez kraje, o których nie mamy dobrego mniemania, ale część tych zarzutów może być prawdziwa. Czy nie sądzi pan, że należałoby szukać metod współpracy prawnej, nawet z takimi krajami, które by pozwoliły czasem osądzić te osoby na gruncie prawa europejskiego, unikając tortur i kary śmierci, ale jednak nie unikając wymiaru kary, izolacji tych osób?

I drugie pytanie: Osoby zamieszane w działalność terrorystyczną, możemy traktować na dwa sposoby: albo

jako zwykłych kryminalistów na gruncie narodowego kodeksu karnego, albo jako jeńców wojennych na gruncie konwencji genewskiej. Czy nie sądzi pan, że jest odrobinę przestarzałe podejście? Czy nie sądzi pan, że powinniśmy szukać nowego międzynarodowego porozumienia w sprawie prawa, które by odnosiło się do tej nowej sytuacji, jaką jest działalność terrorystyczna?

4-069

Gijs de Vries, EU Counter-Terrorism Coordinator. – Thank you for that clarification. In the extradition treaty which the EU concluded with the United States, provision has been made for EU Member States not to extradite if they are concerned that extradition might lead to the death penalty being imposed on the individual concerned, so that has been not just an informal agreement, but a formal one.

Secondly, on the question of diplomatic assurances, I have already mentioned the importance of the warning issued by the European Court of Human Rights that the whole issue of whether prisoners can be sent to third countries and under what conditions is one which centres on the human rights situation in the countries concerned. If there is a risk of torture, cruel, inhuman or degrading treatment in such a country, then the principle of non-refoulement applies. That is very clear.

Perhaps the more effective long-term approach is therefore to step up our national and European commitment to help third countries improve prison conditions, to improve the rule of law and to make sure that these practices are eradicated. There are several ways in which we can do that. I think I answered some of the specific possibilities in an earlier question, but I hope that your committee will wish to consider very carefully how, in a productive, forward-looking sense, we can draw on this debate and improve the state of good governance in the world as a guarantee against the kind of allegations that we are now discussing.

4-070

Camiel Eurlings (PPE-DE). – Thank you Mr de Vries. I think that given the target of this committee to find facts and clarity, it would be helpful if you could be more precise on two questions. First, referring to some other questions that were asked before, you were talking about the fact that democracies can discuss with each other and internally the value of international treaties and their practical application. You mentioned the dispute between the European Union and the United States and the discussion on the international treaty regarding detention. Could you be more precise about what this discussion now on international treaties with the USA is all about, because I fear if it is not made more clear it will lead to unrest and less clarity again after this meeting.

Second, Mr Pirker has already asked a very precise question. Do you have any information or any proof that CIA activities have been carried out in infringement of the international treaty as we in the European Union see it in its applications?

4-071

Proinsias De Rossa (PSE). – Given the time constraints, I should just like to ask a couple of brief questions. Mr de Vries, what is your view on the requirement that we might suggest that there could be a Europe-wide commitment to inspecting CIA planes landing in European territory, as that would assist in the better governance of the activities of the CIA in Europe?

Are you aware of any formal or informal understandings between Member States and the CIA with regard to its activities in Europe? Is there any connection between your office and the CIA, either in the United States or indeed with CIA operatives in Europe? I know you have said there is no EU agreement with the United States, but these things are not always done on the basis of agreements.

4-072

Alexander Alvaro (ALDE). – Mr de Vries, right now I share your opinion that Member States are doing everything to protect human rights, although I must admit that as early as last year I began to doubt that, when the British Home Secretary, Charles Clark, said that we would have to consider whether terrorists and normal people have the same human rights. He stated that at the plenary sitting in Strasbourg. I think that is quite questionable coming from the Interior Minister of a Member State.

Terry Davis, Secretary-General of the Council of Europe, has stated that in the second round it is no longer a question of whether renditions have taken place, it is now a question about what knowledge the Member States have, the procedures and so on, so again I doubt whether this is truly the case concerning human rights.

Last year, the Interior Minister of the Czech Republic said that he had been approached by the US Administration asking if he would help to build up a detention centre in the Czech Republic. The Government refused. He is the only Minister of a European Union Member State who has ever said anything about being approached. You can read it on *timesonline* of last year, for example. I have the link if it is of interest.

If you are coordinating the EU anti-terror policy, is it actually also within your capacity as coordinator that a Member State Minister would approach you saying that they had been approached by the US Government with the question to build up a detention centre, and would it not then be the time for the European Union to act?

I now come to my final question. I do not wish to insult you, but I need help to understand it: could you give me a brief description of your job?

4-073

Elena Valenciano Martínez-Orozco (PSE). – Señor Presidente, señor De Vries, usted nos ha dicho que conviene que vayamos con cuidado, y lo hacemos, se lo aseguro. Somos gente muy prudente, pero la verdad es que los indicios que tenemos son suficientes como para que usted hubiera sido un poco más explícito.

Como mínimo, señor De Vries, y sin tener pruebas concluyentes ante un tribunal, sabemos que ha habido un montón de aviones volando de forma relativamente descontrolada sobre el territorio o en el cielo europeo sin que los gobiernos lo supieran. En realidad, no sé qué es peor: que lo supieran y no nos lo quieren decir o que no lo supieran.

¿Cuál es su opinión al respecto? ¿Usted cree que lo sabían y no nos lo dicen, o usted cree que no lo sabían? Que los gobiernos europeos no sabían que se producían algunos vuelos descontrolados sobre los que hay indicios, señor de Vries, tal vez no pruebas.

Y, por último, ¿qué sucedería si nuestros socios en la lucha contra el terrorismo, es decir, los Estados Unidos, han cambiado las reglas del juego y no nos lo han dicho, o nos lo han dicho y no queremos decirlo?

4-074

Giulietto Chiesa (PSE). – Signor Presidente, onorevoli colleghi, lei ha detto che siamo impegnati ad aiutare i paesi fuori dell'Unione europea a diventare degli Stati di diritto. Va bene, ma qui abbiamo già scoperto largamente che ci sono paesi dentro l'Unione europea che non si comportano come Stati di diritto! "*The fight against the terrorism is not a fight for human rights*"!

Chiedo innanzitutto se pensa che non tutti i paesi dell'Unione europea abbiano la stessa forza e la stessa possibilità di difendere le proprie prerogative sovrane, se non siano tutti sono eguali? A mio parere questo è il suo compito specifico.

Dalla dichiarazione di Lord Robertson, all'epoca Segretario generale della NATO, sappiamo che in sede NATO, nell'ottobre del 2001, è stato siglato un accordo che vincola i paesi europei a fornire cooperazione con i servizi segreti americani in tema di atterraggi e trasporti connessi con la lotta contro il terrorismo internazionale. Questo documento è stato richiesto, ma non ci è stato fornito dagli organi della NATO. Le chiedo di esercitare i suoi poteri perché questo documento venga reso noto!

Infine vorrei una sua risposta su una piccola questione unica: senza eventualmente tenere conto dell'uso della tortura, lei pensa, se l'Europa pensa, che le *extraordinary rendition* siano in qualche modo da considerare legali a prescindere dall'uso della tortura? Qual è la posizione che lei sostiene nelle sedi internazionali? Insomma, le *extraordinary rendition* sono legali oppure no? Grazie

4-075

Edith Mastenbroek (PSE). – I should also like you to clarify something you said, Mr de Vries. You have been asked a number of times in a number of ways whether you were aware of renditions or flights. You responded by saying that you are unaware of illegal renditions or flights. However, at the same time you state that you are engaged in a dialogue with the US Government about the practice of renditions or flights. The way I look at it, there are two options. Either you are completely unaware of anything and you are therefore engaged in a

merely theoretical discussion with the US Government about the practice, or you are waiting for the outcome of the discussions with the US Government to determine whether these flights or renditions are in fact illegal as you see them. Are there more options?

I would like to know, what is the purpose of your discussion with the US Government about renditions or flights if, in your opinion, there have not been any?

My second question touches upon what Mr Alvaro said. I would not have been so blunt as to ask what your job is exactly, but I am sensitive to the point that your position sometimes makes it a little difficult, because you have to play chess on many different levels. I think that as an anti-terror coordinator you should be at liberty to say something about practices within Member States of the European Union. Here we have established that the CIA has developed activities within some EU Member States, apparently without the knowledge of the governments or the security services within that Member State. What is your take on that? In your professional opinion, what does that mean, and how do you respond to it?

4-076

Ignasi Guardans Cambó (ALDE). – My point is exactly the same. Mr de Vries, you are repeatedly insisting here that you have no information whatsoever, so my question is very direct: can you be considered a source of information to this committee or not? Are you here just to give your personal opinions, or do you have any information that might come from any source that we do not have? Are you just a think-tank that analyses things based on reports on the internet? In that case it is interesting to note that anything you say has exactly the same authority as an NGO. On the other hand, do you have information from Member State secret services and European governments? Then you are liable for what you say. I would like to know what your sources are.

4-077

Giovanni Claudio Fava (PSE), relatore. – Signor Presidente, onorevoli colleghi, vorrei soltanto segnalare come sia chiaro che, con il signor De Vries, ciascuno di noi condivide valori alti, riconosciuti, inoppugnabili. Questa mattina ne abbiamo avuto conferma, però non sarei sincero se considerassi utile questa audizione. Per quanto mi riguarda, come relatore, devo dire che è stata piuttosto inutile. E' vero quello che lei dice, provare eventuali responsabilità di governi, di Stati membri nell'Unione europea è il punto di conclusione della nostra attività investigativa: non sappiamo però se e in che misura arriveremo a queste conclusioni! Ma il fatto da cui partiamo è che le consegne speciali sono una pratica utilizzata costantemente in questi anni. Se dovessimo mettere in discussione anche questa premessa non avrebbe senso questa commissione!

In questi mesi abbiamo lavorato raccogliendo 50 ore di audizione, parlando con vittime di consegne speciali che ci hanno raccontato i trattamenti che hanno subito sulla loro carne; abbiamo appena avuto la testimonianza dell'ambasciatore Murray che ci ha parlato di centinaia di consegne speciali, di che cosa sia accaduto in

Uzbekistan, spesso con la tolleranza di alcuni governi europei.

Allora io le chiedo soltanto questo, raccogliendo un po' le domande formulate in quest'ultimo turno: il coordinatore dell'attività antiterrorismo dell'Unione europea crede che siano esistite le consegne speciali in questi anni e in caso di risposta affermativa, ritiene di poterle condannare formalmente, politicamente e istituzionalmente oppure no?

4-078

Chairman. – Mr de Vries, can you answer that in five minutes?

4-079

Gijs de Vries, EU Counter-Terrorism Coordinator. – I shall do my best, Mr Chairman, in the best spirit of this House!

First, what do we discuss with the US? Several questions related to that. In November, the Council discussed renditions internally, and asked the US formally for clarification. As I have indicated, that answer was given by Mrs Rice on the fifth, publicly, and has been discussed by the Council – that is as far as the official discussion in the Council is concerned.

In addition to that, there are ongoing discussions about the interpretation of US law. I have mentioned, for example, the ...

(sound unavailable)

... questions with respect to the applicability of the Geneva Conventions.

Secondly, evidence. I think Mr Eurlings asked whether there was any evidence of CIA activities infringing international law. No, to my knowledge at this point, that evidence has not been established. I do not wish at this stage – nor, I think, will Javier Solana when he next speaks – to prejudge the outcome of the investigations that are currently taking place. I understand the desire of Mr Alvaro and Mr Guardans Cambó to go beyond that. I hear where they are coming from, but I think it is also important that we let these investigations come to a conclusion. That means that I will not prejudge their outcome at this stage.

Mr De Rossa asked whether we should have legislation which would oblige us as Member States to inspect CIA flights. Whether or not that would apply to the CIA alone I think would be a moot point. Indeed, the question of whether there should be additional legal requirements was raised, if I am not mistaken, in the interim report by Mr Davis. I think that is precisely one of the questions we will have to address.

I am not sure, frankly, that we have seen sufficient debate on what can and cannot be done. I do not have a fixed opinion at this stage on that precise point. However, I think the Council will undoubtedly be very interested to see what the outcome of your committee's

investigation will be, and then engage in a discussion with Parliament on the basis of its recommendations. I think that would be the right way forward.

On the NATO issue, I have already announced that I would be happy to provide any information I have on that subsequently in writing. I do not have that here.

Does my office have any contact with the CIA about renditions? No.

4-080

Proinsias De Rossa (PSE). – My question was, what is the nature of your relationship with the CIA?

4-081

Gijs de Vries, EU Counter-Terrorism Coordinator. – The short answer is that there is no relationship. I do not coordinate the CIA. I think Mr Negroponte has some duties in that domain! Frankly, I do not envy his job, as, subsequent to this discussion, I trust that he will not envy mine!

On a serious note, it is important to clarify one thing: there are political and legal limits to the role of the European Union. These limits are very evident in this debate. They are undoubtedly very unsatisfactory to some, but they are the political reality within which Mr Solana and I need to work. That means that the role of the Member States in fighting terrorism is leading. They operate the security services. They operate the police services. They operate the judicial authorities. That is our constitutional set-up. The role of the Union is restricted to having legislation under the first and third pillars to facilitate the cross-border cooperation within Europe between, for example, the police forces.

My role is to make sure that what happens in the first pillar and the third pillar is properly coordinated. That leads, for example, to the current debate we are having about the principle of availability: whether information available in one Member State can be made available to law enforcement officials in other Member States, and if so, under what conditions, *and*, how we can strengthen data protection simultaneously. In my opinion, the two have to go absolutely together.

Internally, we need to make sure that we protect civil liberties while improving information exchange. That is an important dimension of the work.

As you know, we also work on issues such as radicalisation and recruitment. That again is exclusively the competence of Member States. There, the role of the Union is to allow Member States an opportunity to exchange information, to compare national experiences, and to establish best practices. That is a non-legislative role, but I believe it is not necessarily less effective. That is an important dimension of the coordinating task that has been conferred upon me by Javier Solana.

Finally, it is important to work for consistency and to make sure that whatever the Council has on its table – and the Council is free to decide what it wants – is

consistent, so that we have similar policies outside and inside. That is why, during my presentation here today, I have wanted to stress once again the need to work from a common template in terms of international human rights and humanitarian law. That, I think, is the fundamental principle on which we should find ourselves. The task of all of us is to look backwards – that is the task of your committee – but it is equally to look forwards. I have made some suggestions of areas in which I think we could further improve the consistency of our policies, and hence the effectiveness of those policies.

4-082

Proinsias De Rossa (PSE). – Mr Chairman, I should like to ask for clarification. Is Mr de Vries telling us that as EU Counter-Terrorism Coordinator he has no contact with the CIA?

4-083

Chairman. – I am sorry, Mr De Rossa, but we have run out of time.

(The meeting was adjourned at 12.15 p.m. and resumed at 3.10 p.m.)

4-084

IN THE CHAIR: CEM ÖZDEMİR Vice-Chairman

Chairman. – We shall now have an exchange of views with Matías Vallés, a journalist with the *Diario de Mallorca*.

4-085

Matías Vallés, Periodista ("Diario de Mallorca"). – Buenas tardes, y muchas gracias por la invitación. Mi intervención primera consistirá en un repaso cronológico de las aportaciones que mi periódico, *Diario de Mallorca*, ha hecho al asunto de los aviones de la CIA y las *extraordinary renditions*.

Me remito al pautado cronológico por el hecho de que muchas de las circunstancias y de los datos que aquí se suministran hoy, y que yo voy a suministrar, son ahora ya de sobra conocidos por todos ustedes, pero no lo eran cuando nosotros los escribimos a partir de marzo del año pasado.

En marzo del 2005, por tanto, hace trece meses, nuestro periódico publica por primera vez, o casi por primera vez en todo el mundo, los primeros datos oficiales —es decir, no provenientes de registros de aviones ni de testigos sino de las instancias responsables del tráfico aéreo, en concreto en España de AENA— sobre la operación en aeropuertos españoles, empezando en Palma, siguiendo en Ibiza, después en Canarias y, más adelante, en Andalucía y en Barcelona, de tres aviones que la CIA disfraza como vuelos privados.

Son, en concreto, el *B 737*, que es el buque insignia —el *Flag Ship*— de la CIA, utilizado para secuestrar al alemán Khaled El-Masri. Un secuestro que sale desde Palma y se materializa en Skopje, en Macedonia. Un Gulfstream 5, utilizado en el secuestro de dos

ciudadanos egipcios en Suiza N8068V, y un Gulfstream 4, N85VM, utilizado en el secuestro de Italia de Abú Omar, y del que creo que el fiscal, Armando Spataro, dio sobrado conocimiento aquí.

Además, aparte, hay dos turbohélices de CASA y conviene recordar que, a lo largo del último mes, en marzo —el pasado marzo todavía—, un avión de la CIA aterrizó en el aeropuerto de Palma, a pesar de las promesas expresadas públicamente por el Gobierno de que hechos como los publicados no volverían a registrarse.

El segundo punto que aporta el diario es la revelación de que el avión de la CIA, el Boeing 737 N313P —el *Flag Ship*—, el buque insignia de la CIA, se hallaba en Palma el 11 de marzo de 2004: el mismo día que ocurre la matanza de Atocha. Este avión había llegado a Palma el día 9. Salió apresuradamente de Palma de Mallorca —abandonó Mallorca— al día siguiente de los atentados: el día 12 de marzo. Por error, negligencia o deliberadamente, omitió, ocultó o mintió el destino al que se dirigía.

Según los registros oficiales que figuran en la institución AENA (Aeropuertos Españoles y Navegación Aérea), este avión, el Boeing N313P, —que después cambiaría su matrícula, una vez que el *Sunday Times* descubre que pertenece a la CIA, y cambia esa matrícula por N4476S— anuncia que fue al aeropuerto sueco de Örebro; el 12 de marzo partió hacia Örebro.

En realidad, nuestro periódico demostró —colaborando con el canal noruego TV4, que ha hecho un programa extraordinario sobre las *renditions* titulado «Los hechos en frío»— que este avión nunca fue a Örebro, nunca fue a Suecia, sino que partió hacia Bagdad.

Es decir, al día siguiente de la matanza de Madrid, de la mayor matanza de la historia de España, un avión secreto de la CIA, registrado como vuelo privado, parte de Palma hacia Bagdad.

Con posterioridad, nuestro diario describió, pormenorizadamente, el número de vuelos de la CIA que han recalado en aeropuertos, primero de Baleares y luego del resto de España: hasta la fecha son dieciséis.

En todos los casos, pese a los intentos de hablar de escalas, no son escalas, son siempre estancias. Es decir, los aviones, y sus tripulaciones o pasajeros, siempre indeterminados —hay un auténtico caos a la hora de saber cuántas personas viajaban realmente en estos aviones y en calidad de qué viajaban: siempre hay cambios de pasajeros, siempre hay cambios en el registro de última hora, etc.

Son en la actualidad dieciséis vuelos registrados en Palma e Ibiza, es decir, en Baleares, más los de Canarias, los de Barcelona y los de Andalucía.

Nuestro periódico publicó después también que el Gulfstream 5 de la CIA, el N8068V, unió a Palma con

Guantánamo a través de Libia. Este vuelo fue, por tanto, Palma-Libia —en Libia hay dos aeropuertos muy frecuentados de vuelos de la CIA que son Mítiga y Trípoli— y después, la base norteamericana de Guantánamo.

Al día siguiente, coincidiendo con las fechas, un preso de Guantánamo denunció que había sido interrogado por especialistas en tortura libios. Hoy se sabe que ese avión, el Gulfstream 5, a través de Palma, transportó a cuatro especialistas en interrogatorios, libios, hacia Guantánamo.

Es importante también que nuestro periódico ha aportado gráficamente todas las estancias de aviones de la CIA. Es un sustento que ha sido importante. Por ejemplo, en el vuelo del día siguiente del 11-M, del avión N313P, el Boeing de Palma a Bagdad —supuestamente a Örebro, pero en realidad a Bagdad—, existe una foto de una secuencia de todo el despegue. Nuestro periódico publicó la única foto que existía hasta la fecha, supongo que ahora ya hay más, del Boeing con su nueva matrícula, N4476S, que fue cambiada una vez realizada una venta ficticia desde una empresa fantasma de la CIA hacia otra.

Todo esto iba ocurriendo en marzo y, a partir de ahí, se impulsan las primeras preguntas parlamentarias y las primeras iniciativas políticas al respecto, en España.

Basándose en las informaciones del diario, un grupo de ciudadanos sin filiación grupal conocida, instan por dos veces una acción judicial: primero ante la Fiscalía y después ante un juez. La Fiscalía lo niega por instrucciones del Fiscal General y por clarísimo desdén del Gobierno de Madrid.

4-086

Matías Vallés, *Journaliste* ("*Diario de Mallorca*"). – El juez mallorquín decide que el asunto tiene relevancia estatal. Que el asunto de los vuelos de la CIA no es un asunto local de Mallorca sino que tiene relevancia estatal, y, por lo tanto, decide enviar el caso a la Audiencia Nacional, que es el juzgado especializado en temas, tanto de terrorismo como de ámbito estatal, en el caso español.

La Fiscalía se opone. La Audiencia Provincial de Palma —ya tres jueces y no sólo uno— acuerda que es correcto enviarlo a Madrid y que, en caso de que Madrid no lo aceptara, habría que decidir el Tribunal correspondiente, porque estos tres jueces, este Tribunal, decide que es necesario, imprescindible, aclarar quiénes son estas tripulaciones, quiénes son estas personas que iban en los aviones.

Nuestro diario localiza también —y eso ha sido fundamental para la identificación de los pasajeros de los aviones: hasta medio centenar de ellos, que han sido también publicados por el *Diario de Mallorca*— los hoteles en los que se alojaron, que son dos hoteles de lujo en las proximidades de Palma, así como los artificios de pago utilizados por los presuntos agentes de

la CIA o miembros del Gobierno norteamericano —y empleo directamente esta acepción porque dieciocho de los cuarenta y dos tienen en su pasaporte las cifras iniciales, el prefijo 9 0 0, que son las cifras de los pasaportes gubernamentales estadounidenses—.

Como digo, se localizan los hoteles y se localizan los métodos de pago utilizados. Existe la tentación de pensar, también los mallorquines cuando estamos fuera de Mallorca, que Palma es Haway, que Palma es simplemente una colonia de vacaciones, la colonia de vacaciones europeas —a veces, nos dan ganas de vestirnos con las faldas de paja que nos corresponderían—. Sin embargo, les aseguro y para ello basta una consulta a cualquier mapa climatológico, que en enero —y estamos hablando de vuelos en enero del 2004 y enero del 2005— las temperaturas en Mallorca son tan inhóspitas como en cualquier otro lugar del mundo.

Cuando los pasajeros del Boeing 737, en enero del 2005, se alojan en el *Hotel Victoria* de Palma de Mallorca, en un hotel de tamaño regular de una isla turística, es decir, con capacidad para centenares de personas, hay, exactamente, seis clientes, aparte de ellos trece. Es decir, que ellos doblan en número al número de personas que hay en el hotel. Esto nos puede servir de indicio o de indicativo, según los casos, para resolver la que siempre será la cuestión clave de este asunto, y es: ¿sabían, quienes deberían saberlo, que esos vuelos cumplían los objetivos o misiones u operaciones que parece que cumplían?

Desconozco, como he dicho ya en un par de ocasiones, los coches que utilizan los señores europarlamentarios aquí reunidos. Les puedo asegurar que el hecho de que estos aviones pasaran desconocidos, de incógnitos, en Palma, sería como si en el aparcamiento de la redacción de mi periódico estuviera aparcado un Ferrari durante cinco días —que es, por ejemplo, el tiempo que estuvo el Boeing en un momento dado— y nadie preguntara qué hace ese Ferrari en el aparcamiento, ni de quién es ese Ferrari.

Por poner un ejemplo, quizá más diplomático, sería como si los dos diplomáticos más importantes que existen ahora en el mundo, que son, sin lugar a dudas, Angelina Jolie y Brat Pitt, vinieran a esta Cámara o se pasearan por este edificio y nadie reparara en ellos. A eso equivale la ignorancia absoluta que se pretende, en ocasiones, en el caso de los aviones de la CIA.

En el caso de otro de los aviones, que es, además, un avión español, un biturbohélice, de la marca CASA, muy apropiado, como saben ustedes, para aterrizajes en terrenos inhóspitos, en terrenos donde las pistas, los *landing strip*, son muy cortos, la visita ocurre en agosto del año pasado —no estamos hablando de hace años, sino en agosto del año 2005— y muchos de ustedes saben que aparte de seis millones de europeos, en agosto, en Mallorca, está la Familia Real española al completo. Eso supone un desplazamiento de policías que se calcula, aproximadamente, en un millar de personas,

con barridos-rastros, sistemas de seguridad, con encuestas en todo el vecindario del Palacio Real, vecino a vecino.

Y, sin embargo, en ese mes de agosto —el pasado, no hace más— había un biturbohélice de CASA, que no es un reactor habitual, no es el Gulfstream que pueda utilizar Mikel Douglas, por ejemplo, o Claudia Schiffer para llegar a Mallorca. Un biturbohélice de varias plazas, allí, en el aeropuerto de Palma, en la terminal de reactores, en la terminal de aviación privada sin que, que se sepa, nadie hiciera ninguna consulta.

Todos estos vuelos fueron, como les digo, destapados por el *Diario de Mallorca*.

Con posterioridad, pasando ya a lo que son los nombres, las identificaciones, lo que hace el *Diario* es que, a partir de la investigación que realiza la Guardia Civil —que es una de las ramas de la policía en Mallorca— se puede llegar a descubrir cuáles son las identidades de estos cincuenta tripulantes o pasajeros. Ocupantes, en cualquier caso, de los aviones, que se registraron como tales, aunque no hay ninguna lista de ellos sino que, simplemente, se tiene el registro en los hoteles. Cuando se registran en los hoteles se reclama a estos hoteles que den la lista de estas personas, y se tiene la lista de estas personas. Viene otra pregunta, jugando a espías con la CIA, que sería: ¿emplearon nombres verdaderos o emplearon nombres falsos?

Hay un volumen apreciable entre los 42-43 nombres de que se dispone, que serían más si se miraran todos los vuelos, que son nombres verdaderos. Hay algunos que son muy parecidos a los nombres que participan en Italia en el secuestro de Abú Omar. De hecho, recordarán que es el mismo avión, el N85VM, el exprés de Guantánamo con 116 visitas: 116 visitas, a la isla de Guantánamo. Un avión que, por cierto, éste no es de la CIA. Es un avión *chateado* por la CIA a un multimillonario norteamericano que se llama Philip Morse, radicado en Boston y que es propietario del equipo de béisbol de Boston, los Red Sox.

Evidentemente, este Gulfstream, el Gulfstream de Abú Omar, al tratarse del avión del equipo, lleva como pueden ustedes imaginar, el emblema, los signos, del equipo de los Red Sox, que, cuando opera para la CIA, están cubiertos y tapados, porque no ofrece ninguna marca.

Como les digo, por tanto, los nombres coinciden. Hay, además, nombres que tienen el mismo apartado de correos; las personas, los agentes de la CIA, tienen el mismo apartado de correos que otros que intervienen en el caso del secuestro de Abú Omar.

Hay otros supuestos ocupantes —ocupantes de estos aviones, supuestos, vinculados con el Gobierno norteamericano— que tienen vinculaciones militares, especialmente, en el caso de los pilotos. Conviene recordar, supongo que se habrá dicho en esta comisión, que aunque se habla siempre de los aviones de la CIA, la

denominación es incorrecta. La CIA controla las operaciones y periódicamente facilita los titulares, pero la operación es conjunta. En todo lo que llamamos «rendiciones extraordinarias», entregas de presuntos terroristas a países del tercer mundo donde la tortura es habitual y en que existen siempre ejemplos de contactos con Palma, en todos esos países este programa está dirigido conjuntamente por el Pentágono y la CIA. Por supuesto que esto no es una aportación del *Diario de Mallorca*, sino que ustedes, como yo, pueden localizarlo.

Estamos pues con estos nombres. Hay nombres falsos. El *Chicago Tribune*, a partir de los datos de Abú Omar, del secuestro en Milán de Abú Omar, lo que demostró es que había identidades falsas, nombres falsos con pasaportes verdaderos. Hemos hablado aquí ya de los pasaportes gubernamentales, de los 9 0 0, y es muy importante también que, entre los nombres, hay algunos que son forzosa y ridículamente falsos.

Hay uno, por ejemplo, en que se ha pospuesto el sufijo típico norteamericano con nombre muy rimbombante, tercero, el tercero en número romanos. Sería una dinastía lo suficientemente famosa para que apareciera en Internet en una búsqueda simple a partir de *Google* y no aparece, es decir, es un nombre impostado. Aparece uno de los tripulantes que emplea los nombres James y Kirk: cualquier aficionado a la ciencia ficción sabrá que son los nombres y los linajes del comandante de la nave *Enterprise* de Star Trek, que podemos suponer —sobre todo cuando buscamos este nombre y este nombre sólo nos aparece vinculado a Star Trek, pero no vinculado a ninguna otra actividad— que puede ser un engaño.

Existe otro ocupante de los aviones que firma, o que se identifica en los hoteles como John Beau (el bello francés: b-e-a-u) Ripley, John Ripley, como todos ustedes saben, es el asesino de Patricia Highsmith y además interpretado en la pantalla por actores como Alain Delon, Matt Damon o John Malkovich con lo que el apelativo de bello estaría bien colocado. Y, evidentemente, ha sido imposible localizar a ningún John Beau Ripley por los métodos habituales. También Ripley, recuerden, es Sigourney Weaver en el *Alien* de Ridley Scott, y esto viene a cuento de que otro de los tripulantes de los aviones...

(interrupción)

Acabo ya con esta mención de las identidades. Como les decía, la referencia a Ridley Scott no es superflua, porque otro de los tripulantes tiene como nombre Richard Deckard y, Deckard, es el protagonista —el papel que interpreta Harrison Ford— en *Blade Runner*, que puede ser otra casualidad. En el caso más curioso, una de las mujeres, —en la relación hay, aproximadamente, 8 mujeres entre los cuarenta y pico ocupantes de los aviones, ésa es más o menos la relación— una de las mujeres, se supone irlandesa, ha puesto en femenino el nombre del famoso entrenador, de procedencia irlandesa, de *Los Angeles Lakers* y después de Miami: Pat Riley, a quien muchos de ustedes

conocerán, supongo. Pues es Patricia O'Riley. Es otro de los nombres que aparece.

En estos casos se puede suponer, pues eso, un exceso de imaginación, por parte de la CIA, pero hay nombres que sí son reales, que son verdaderos y que han sido localizados. En concreto, el *Diario de Mallorca*, localizó uno de estos nombres y habló con sus allegados en Estados Unidos.

Este nombre corresponde a una persona que se llama Eric F. —vamos a identificarle sólo con las iniciales— y esta persona, desde Ibiza, en febrero —y recuerden que Ibiza en febrero no tiene nada que ver con la leyenda de Ibiza; Ibiza en febrero es tan inhóspito como la geografía más inhóspita del planeta, aunque igualmente deseable—. En Ibiza, en febrero, efectúa varias llamadas desde el hotel. Hay muy pocas comunicaciones desde los hoteles de los ocupantes de los aviones. Muy pocas, mínimas: cuatro, cinco en total. Está claro que utilizaban sus propios sistemas de comunicación. Estas llamadas eran de corte más privado y las realiza este agente de la CIA desde Ibiza a Estados Unidos.

Lo que hicimos en el periódico es repetir estas llamadas y localizar así a dos conocidas, allegadas, íntimas, de esta persona, de Eric F. Las dos coincidían en lo mismo, lo conocían. Lo conocían sobradamente. Les decíamos que habían recibido esa llamada hace un año, porque nosotros llamábamos un año después, y no tenían ni idea de que Eric F. hubiera estado en Ibiza. Más aún, cuando se les preguntaba a ellas, a qué se dedicaba, la respuesta de las dos —son simplemente dos testimonios— es «nunca he sabido de qué trabajaba». Y eran personas que tenían una cierta vinculación con este hombre, con esta persona en concreto.

Con esto —quizá me he ido un poco por lo frívolo—, volviendo a los datos serios, conviene recordar una serie de casos. En el caso de Ibiza, son hechos pasados y son hechos en los que será muy difícil demostrar lo que ocurrió a bordo de los aviones, salvo en el caso, clarísimo, del secuestro de Khaled El-Masri, que sale de Palma. Por un motivo que todos ustedes comprenderán: en la segunda década de enero del 2004, nueve meses después de la guerra de Iraq, los vuelos privados a Iraq eran prácticamente nulos. Y aquí tenemos un vuelo que hace Skopie-Macedonia-Bagdad-Kabul. Si se encuentra otro que saliera de un sitio distinto de Palma tendríamos una hipótesis alternativa. Mientras no la tengamos, el secuestro de Khaled El-Masri —que fue liberado, según el *New York Times*, no según el *Diario de Mallorca*, según el *New York Times*, por indicación expresa de Condoleezza Rice, y que Condoleezza Rice le reconoció a Angela Merkel, según Angela Merkel, que había sido un error y que se había producido—, se planeó y partió de Palma.

Aparte hemos hablado ya del vuelo a Guantánamo. En el caso de Ibiza, existe una escala de siete horas del avión en la que, cuando los servicios de *handling* intentan acceder al avión se les dice «llevamos siete pasajeros» y

cuando intentan dejar el *catering*, los alimentos, se les dice «no pueden pasar. Déjenlo aquí en la puerta».

En el caso de Canarias, hay un vuelo que hace el trayecto siguiente: Bucarest-Canarias-Guantánamo, que es muy difícil de asignar. En el caso de Palma también hay un vuelo —el vuelo de regreso a Palma después del secuestro, de la abducción, de El-Masri—, el vuelo vuelve a pasar por Palma: había salido de Palma y cierra el bucle regresando al aeropuerto de Palma. Pero, existiendo trayectos infinitamente más sencillos, el regreso se produce a través de Bucarest, es decir, es Bucarest-Palma el regreso de El-Masri.

Cuando este avión parte ya definitivamente, a finales de enero del año 2004, destino a Washington, que siempre es el destino final de los aviones, lo que hace este avión para volver a Washington es comprar en el aeropuerto de Palma 60 kg de hielo: 60 kg de hielo; 30 kg de hielo en cubitos, o sea, 8 bolsas de 4 kg de hielo y 30 kg de hielo seco, para 13 personas declaradas, en un vuelo *non stop* de Palma a Washington. Según nos han comunicado, ese hielo daría sobradamente para atender un vuelo de 200 pasajeros en un mismo avión.

¿Por qué se hizo esta compra expresa, solicitada por el avión, de 60 kg de hielo que incluso excede, en el caso del hielo seco, la cantidad máxima autorizada? Es decir, ¿qué tipo de materia orgánica se tenía que salvar?

Finalmente, las llamadas que he dicho antes que se hacen desde Ibiza a teléfonos de Estados Unidos: esos teléfonos, todos ellos, están localizados en el Estado de North Carolina, en la localidad de Fayetteville. Esta localidad, Fayetteville, si consultan ustedes un mapa verán que se encuentra adyacente a Fort Bragg. Fort Bragg es la sede de las fuerzas especiales, de las *Special Forces* de Estados Unidos, lo cual —es un dato que está destacado, por cierto, en el informe de Amnistía Internacional— establecería otra posible vía de estudio o de examen.

En el caso de Canarias, este avión, el Bucarest-Canarias-Guantánamo, cuando hace escala en Canarias, en un caso, en el mes de agosto, —y esto según la investigación de la Fiscalía canaria— en el mes de agosto, permanece en el aeropuerto durante diez horas sin que nadie abandone el avión, con una temperatura exterior de 31°. Según la Fiscalía canaria, nadie, ni pasajero, ni tripulante, ni piloto, abandonó el avión durante todo este tiempo.

Y nada más, ésta es mi intervención y a partir de ahí me pueden hacer las preguntas que deseen.

4-087

El Presidente. — Muchas gracias, señor Matías Vallés, por aceptar nuestra invitación. Para la primera pregunta tiene la palabra, es un derecho del ponente, el señor Fava.

4-088

Giovanni Claudio Fava (PSE), relatore. — Signor Presidente, onorevoli colleghi, signor Vallés, la ringrazio

e le porgo i miei complimenti da giornalista a giornalista. Lei e il suo giornale avete fatto un ottimo lavoro!

Ma una domanda surge spontanea: come mai questo lavoro è stato fatto soltanto da alcuni giornalisti? Perché non vediamo la medesima curiosità, lo stesso spirito di osservazione, la stessa esigenza di avere risposte anche nelle autorità deposte alla sicurezza dell'isola dell'aeroporto? Ho letto l'enorme quantità di articoli che lei ha scritto e mi chiedo: nel corso di questa inchiesta le è capitato di chiedere alle autorità di Palma de Mallorca se hanno mai pensato di voler indagare, di voler ricostruire, come ha fatto lei, identità, funzioni, percorsi dei voli in causa? Se non l'hanno fatto, le hanno mai dato una risposta, hanno mai esposto le ragioni per cui non c'è stato alcun interesse di verificare, anche "*ex post*", quando ormai le notizie erano uscite su tutti i giornali?

Le vorrei anche chiedere se può spiegarci come mai, in un caso e soltanto in un caso, l'equipaggio di un aereo sia stato controllato? Da quello che ci risulta avendo letto i suoi articoli, sono solo 46 le persone identificate grazie appunto al lavoro che avete fatto voi, in un caso invece furono identificate da alcuni esponenti delle forze di polizia due persone dell'equipaggio.

Un altro punto da approfondire: in uno dei suoi articoli lei parla anche di molti voli tra Palma e la Romania, ha altri elementi che ci permettano di pensare che questi voli abbiano ospitato, all'andata o al ritorno, dei prigionieri? Ha qualche elemento più preciso sulla destinazione di questi voli europei? Grazie.

4-089

Matías Vallés, Periodista ("Diario de Mallorca"). — *Diario de Mallorca* ha publicado en catorce meses más informaciones sobre los aviones de la CIA que el *New York Times*; y que el *New York Times* y el *Washington Post* juntos; y que el *New York Times* y el *Washington Post* y el *Chicago Tribune* juntos y, probablemente, podíamos sumar el *Los Angeles Times*.

La conclusión sería que el *Diario de Mallorca* se volvió loco con un asunto que, además, escapaba por completo a su dimensión y lo hizo así.

En noviembre, aunque sólo sea parcialmente, el *Diario de Mallorca* quedaría rehabilitado, al sesgo de su pregunta, cuando el *New York Times* cita al *Diario de Mallorca* como base de autoridad de la existencia de toda la actividad de los aviones de la CIA en Mallorca.

Sin embargo, el orgullo o la vanidad propia —y no sólo exclusiva— de los periodistas, no nos ciega. Nosotros fuimos citados por el *New York Times* —y lo agradecemos infinitamente en lo que supone de respaldo y de respeto al trabajo— por miedo. Fuimos el escudo del *New York Times*. Cuando Dana Priest en el *Washington Post*, en noviembre, escribe un texto, un documento, que será para siempre un texto canónico sobre los *black sides*, sobre los agujeros negros, o sobre las prisiones secretas de la CIA —que es un texto que

ningún periodista, ni ningún lector de periódicos que lo lea, puede dudar de su validez íntegra, porque nadie escribe eso si no tiene la información y la documentación absoluta— lo que se hace, lo que hace *Washington*, es investigar la filtración de la CIA a esta periodista, que, siguiendo los estándares impuestos en el caso de Judith Miller del *New York Times*, se arriesga ahora a la cárcel.

Y esto, por supuesto, no lo digo yo, no lo dice el *Diario de Mallorca* sino que está ya publicado en la prensa norteamericana. De hecho, ese asunto no ha tenido continuación y el *Washington Post* no ha explicado o enumerado cuáles son los países donde están estos *black sides*.

Es decir, ocurre esto: la prensa norteamericana —como espectador, y estoy interpretando, estoy analizando, en esto no soy un documentalista— está bloqueada al respecto, a lo que es la investigación de estos asuntos. Sin embargo, por supuesto que ha publicado, y todo el estudio de que las empresas son fantasmas proviene de la prensa norteamericana.

Usted me dice por qué sólo en una ocasión, sobre 16 vuelos registrados en Palma, que son más....

4-090

Giovanni Claudio Fava (PSE), Ponente. – Disculpe, le pregunté también por qué, si usted preguntó a las autoridades, por qué nadie hizo preguntas sobre estos vuelos, por qué nadie hizo la misma investigación que ustedes.

4-091

Matías Vallés, Journaliste ("Diario de Mallorca"). – En enero de 2005, el Ministro de Asuntos Exteriores de España, Miguel Ángel Moratinos, concede una entrevista a nuestro periódico —que realicé yo en su despacho— y lo que dijo es que ellos no tenían ningún indicio, ninguna sospecha, ninguna prueba para intervenir. Y que estos vuelos se ajustaban a la Convención de Chicago y que, por tanto, no había motivo para intervenir.

Ya he dicho, y no voy a repetir, cuál es mi idea sobre la posible ignorancia de la sistemática presencia de estos vuelos. He omitido otro vuelo de CASA, otro turbohélice, que visita Mallorca, que se encuentra en Son San Juan el mismo día y a la misma hora que un vuelo oficial con el Príncipe heredero de España, Felipe de Borbón, y con su esposa embarazada, que sale de Palma con destino a Menorca desde ese mismo aeropuerto, en visita oficial, no privada, no de vacaciones. Y nadie pregunta —y estamos hablando de mayo, fuera de temporada turística— qué hace o qué es ese avión, o se le ocurre, como usted dice, pedir la identificación de ese avión. O sea, la respuesta es siempre que ellos no sabían nada en aquel momento. En el momento actual ya no existe ninguna forma de comprobar si hubo o no hubo actividades delictivas en esos aviones.

Como he dicho, hay jueces, hay tribunales, que piensan por el contrario que hay que aclarar definitivamente quién iba en esos aviones, y cuáles son las misiones de esos aviones.

Quiero hacer una pregunta y en sentido inverso, *sensu contrario*, una demostración por reducción al absurdo: catorce meses después, con todo lo publicado alguien hubiera dicho «mire, el avión Boeing 313 que vino en marzo, pretendía hacer una prospección, una inversión, una compra, traía a alguien a Palma de Mallorca» y no existe ningún contraejemplo sobre cuál sería un uso de estos aviones que no sea el que se le ha asignado por la investigación periodística.

El registro en una sola ocasión del Boeing, no es un registro, es una demanda de información. Es decir, la Guardia Civil, que custodia, por así decirlo, el aeropuerto de Palma, se dirige al Boeing en enero de 2005, hace un año, y le pide, porque dicen que ha cambiado la normativa y que se va a hacer más estricta, le pide las identidades o los pasaportes de dos de los ocupantes del avión. Gracias a eso disponemos hoy de lo que - ignoro si en el caso de Italia, pero al margen del caso de Italia - son las dos únicas fotografías que existen de pasajeros u ocupantes que son tripulantes, según ellos mismos se definen, de esos aviones. Y esas dos fotografías están en el sumario judicial, y han sido, además, publicadas por nuestro periódico.

Y no se hace ninguna otra gestión más. Es un trámite simplemente burocrático.

Respecto a la tercera cuestión, a la conexión rumana, nosotros no podemos aportar nada más. El avión sale de Palma, secuestra, o rinde, o captura a El-Masri y lo entrega, hace la *rendition* en Kabul; por cierto, con una escala previa en Bagdad que también sería digna de investigar. Es decir, cuando el vuelo sale de Palma —viene de Argel—, hace Argel-Palma, Palma-Macedonia-Bagdad, y habría que ver si en Bagdad también se dejó a alguien, sería otra cosa a investigar, y después Kabul, donde ya parece bastante establecido que queda El-Masri.

De vuelta, y basta consultar cualquier mapa, entre trayectos mucho más cómodos y mucho más sencillos se elige este trayecto, que supone una diversión bastante importante, a través de Bucarest. Y eso ocurre también en el vuelo que hemos determinado en el caso de Canarias: el Bucarest-Guantánamo. No tenemos ningún dato más al respecto de estos vuelos, salvo uno muy importante: la tripulación del Boeing que parte hacia el secuestro de El-Masri, no sabemos con qué participación y, por supuesto, no la prejuzgamos, la tripulación que parte es la misma —son los 13 mismos— que vuelve de Rumanía. Y son prácticamente, con los cambios de rigor, pero en su mayoría, los mismos que, un año después, siguen tripulando este Boeing que, como ustedes saben y como dato anecdótico, es el Boeing que, cuando se captura finalmente a Sadam Husein, sale directamente de Estados Unidos rumbo a Bagdad. Eso

fue a finales del año 2003, en diciembre de 2003, antes de los vuelos contabilizados por nosotros.

4-092

José Ignacio Salafranca Sánchez-Neyra (PPE-DE). – Señor Presidente, muchas gracias a nuestro compareciente hoy. Su intervención me suscita rápidamente varias preguntas. Aunque la investigación de la matanza del 11 de marzo corresponde, evidentemente, a la Audiencia Nacional de España, no ha dejado de llamarme la atención el hecho de que haya dicho usted que el buque insignia, o la aeronave insignia de la CIA, dejase el aeropuerto de Palma de Mallorca justo al día siguiente.

¿Insinúa con esta afirmación que la CIA se encuentra de alguna manera vinculada a estos atentados?

Segunda pregunta: habida cuenta de las especiales relaciones, por caracterizarlas de alguna manera, que tienen los Estados Unidos y Libia, no deja de sorprender, como usted ha afirmado, que las aeronaves de la CIA mantengan frecuentes contactos en territorio Libio. ¿Podría abundar un poco sobre el particular?

El 25 de noviembre, el Ministro de Asuntos Exteriores de España, en su comparecencia ante la Comisión de Asuntos Exteriores, afirmó que, en relación con las informaciones que usted había publicado en el *Diario de Mallorca*, no se habían producido actividades delictivas. Entiendo que después de las afirmaciones que ha hecho usted esta mañana no comparte esa afirmación y, sobre todo, después de decir que el plan para secuestrar al señor El-Masri se hizo en Palma de Mallorca.

Yo no sé si advierto alguna contradicción entre este hecho, decir que se ha planeado esa acción criminal en Palma de Mallorca, y la afirmación anterior de que la CIA, el Pentágono y las actividades que desarrollaban cerca de Fort Bragg podrían tener un centro común.

Termino, señor Presidente, con la última pregunta. En las identidades que se han registrado en los hoteles de Palma de Mallorca, con todo ese repertorio de nombres de actores cinematográficos, ¿han detectado ustedes, a través de los contactos que han tenido con el personal del hotel que alguna de las personas que ingresaran estuviera sedada, estuviera drogada, estuviera esposada o estuviera encadenada?

4-093

Matías Vallés, Periodista ("Diario de Mallorca"). – En lo referido al 11-M yo sólo hago esta afirmación y no nos vamos a sumar, por supuesto, a ninguna teoría de la conspiración.

El avión estaba allí desde el día 9. El avión cambió su fecha de partida. El avión modificó su aeropuerto de destino y, además, en los registros oficiales de aeropuertos españoles —que son, por tanto, oficiales— figura ORB, el aeropuerto de Örebro, de la ciudad sueca de Örebro, cuando es un cambio de nomenclatura —se juega con la doble nomenclatura IATA - ICAO, porque es el aeropuerto ORB en ICAO, que es Bagdad. Y

además fue a Bagdad y no fue a Örebro. Eso sí lo sabemos porque lo hemos mirado suficientemente.

Por supuesto, yo no puedo hacer ninguna otra suposición. Pero sí me parece un hecho interesante para que se supiera y también, quizá, la facilidad con la que este avión pudo salir ese día, con ese destino, etc. Más no sé.

Lo que usted apunta de Libia es importante: la conexión mayoritaria de los aviones detectados en el caso de Mallorca con el Tercer mundo, es con Libia. ¡Cuidado! También con Marruecos, con Argelia, con Egipto, con Jordania, con Azerbaiyán, hemos hablado ya de Rumanía, con todos estos países, pero con Siria no. No hay ningún caso concreto con Siria, desde Palma, pero son numerosos y abundantes con Libia y coincidía con la etapa del deshielo.

Se sabe de este caso que, como he dicho, cuatro especialistas en interrogatorios libios fueron desplazados a Guantánamo. Hay casos muy curiosos, como que el Boeing viene de Libia a Palma y está cinco días en Palma sin hacer absolutamente nada, que es una cosa muy curiosa. El Gulfstream que se alquila, el N85VM, cobra por alquiler 6 000 euros la hora. Imaginen lo que supone tener el Boeing cinco días parado en el aeropuerto de Palma, con todas estas consecuencias.

Respecto a El-Masri, yo no soy jurista, pero en nuestro periódico hemos publicado unas declaraciones del Presidente de la Sala de lo Penal de la Audiencia Nacional —que es la instancia a la que se ha remitido ahora todo el *dossier* de la CIA en España—, Javier Gómez Bermúdez, que, además, es el autor de la primera sentencia en todo el mundo sobre el 11-S, —no el 11-M, sino el 11-S—, sobre el presunto comando español, o grupo, que intervino en el 11-S. Javier Gómez Bermúdez dijo lo siguiente, en Mallorca, en un encuentro de juristas: «nuestra intervención puede estar justificada» porque en el caso de El-Masri, que usted plantea, estaríamos en lo que llaman ellos en el *iter criminis*, el camino del crimen. Es decir, el secuestro, evidentemente, tiene lugar en Macedonia y ahí incluso está matasellado el pasaporte de El-Masri, en Macedonia, el día en que es secuestrado por la CIA.

Ahora bien, el avión parte de Palma ¿tenía otro destino previsto? Es decir, este avión, cuando secuestra a El-Masri, enero del 2004, Puerto de Sale, en Marruecos, y en vez de ir al aeropuerto de Sale va a Skopie, con plan de vuelo ya anunciado. Lo cambia para ir a Skopie y se produce toda esta cadena de circunstancias que hemos descrito. Yo no entro, evidentemente, en ninguna valoración jurídica. Incluso, y no es por protegerme, tengo que decir que cuando yo hablo de secuestro lo empleo en términos normales en términos de la *abduction* o *disappearance* inglesa, por supuesto. Y los términos, para no hacerlo tan bonito como hace Porter Goss, el actual Director de la CIA, que dice «métodos cinéticos en países extranjeros». Pues donde yo digo secuestro es «métodos cinéticos en países extranjeros».

4-094

José Ignacio Salafranca Sánchez-Neyra (PPE-DE). – ¿Se planea en Palma o no se planea en Palma?

4-095

Matías Vallés, Periodista ("Diario de Mallorca"). – Por supuesto. Es decir, el avión cambia el plan de vuelo. Está claro que la decisión, el por qué vamos a Skopje, cambiando el destino, se toma en Palma. ¿Me entiende? No estaba en otro sitio. Son los trece mismos que lo hacen. No hay - que se sepa - incorporación en Skopje. No la hay en ninguna otra escala. Y cuando vuelven son los mismos trece, a quienes yo, evidentemente, no atribuyo ninguna acción de ningún tipo, aparte de que Estados Unidos, como saben ustedes, defiende la *rendition*.

En cuanto al cuarto punto, al hotel, está claro que en Mallorca —no es el caso en Canarias, que será un caso probablemente más peligroso jurídicamente— todos los casos hasta ahora, y en Ibiza hay también una escala, son estancias, como he dicho.

Los peritos del Gobierno pretenden utilizar, en un momento dado utilizarán, el argumento de que ningún pasajero, ningún presunto prisionero, podría estar un día entero en el Boeing y sobrevivir, dicho así. Lo que está claro es que tampoco lo llevaban al hotel.

Sin embargo, ya que usted plantea este tema, lo que yo sí quiero decirle es que Maher Arar, el canadiense, que creo que estaba también convocado por esta comisión, que fue secuestrado en Canadá y trasladado también a un Tercer país, Maher Arar, cuando lo suben al Gulfstream, pregunta «¿estoy secuestrado?» según él ha dicho, y le dicen «¿te parece esto un secuestro?» y, evidentemente, no lo parecía porque el está como un pasajero más, y le pasan una película como si fuera el pasajero de un vuelo transatlántico normal y corriente.

4-096

Antonio Masip Hidalgo (PSE). – Permítame, señor Presidente, que en primer lugar felicite al señor Vallés por su trabajo periodístico, su comparecencia de esta tarde y por el prestigioso premio *Ortega y Gasset* que acaba de recibir, el más importante del periodismo español, que otorga *El País*. También a su periódico el *Diario de Mallorca* y a *Prensa Ibérica* que preside D. Javier Moro.

¿Tiene usted, señor Vallés, alguna prueba adicional a la ya publicada, de que los vuelos de la CIA que usted ha investigado en España transportaban a secuestrados? A su juicio, ¿pasó por Palma Abdeyá Taberaq, lugarteniente de Bin Laden? ¿Cree usted que las autoridades españolas actuales han bloqueado en algún momento las investigaciones sobre los vuelos de la CIA? ¿Ha tenido usted acceso a informaciones de la policía española y a los registros de la AENA, la Agencia Estatal de Aeropuertos? ¿Ha apreciado usted que, de un tiempo a esta parte, todos los vuelos sospechosos pasan más de tres horas por diversos menesteres en los aeropuertos en los que se ha volcado su investigación? En ese tiempo, ¿esas naves han abierto compuertas por

razones técnicas? ¿Le parece ese tiempo de tres horas una garantía de que los vuelos que paran así no llevan secuestrados a bordo, al tener que repostar combustible y precisar labores de limpieza? ¿Sabe si esa práctica garantista se sigue en otros países europeos?

4-097

Matías Vallés, Journaliste ("Diario de Mallorca"). – Respecto a los secuestrados, los datos son los que yo ya he dado. Las estancias, el caso curioso de Ibiza en que se dice llevamos siete personas y cuando *handling* dice quiénes son, dicen, además, siete VIP, siete *very important persons*, sin aclarar nada y sin permitir la subida. El caso de la participación en lo de El-Masri.

Los casos de Canarias son mucho más complejos porque son escalas en las que nadie —en dos ocasiones, no sólo en la que he citado, sino en otra— nadie abandona el avión. Pero, efectivamente, esto es lo que hay y a partir de aquí es donde se debería construir.

Ahora bien, saliéndome de la información, recuerden siempre que nosotros, durante este año, hemos vivido la esquizofrenia de que Estados Unidos reconoce unos hechos, como supuesto autor, sean o no delictivos que en este caso es lo de menos, en tanto que, hablando genéricamente, España, ya que usted me pregunta, y Europa, le exonera de estos hechos que ellos dicen que han cometido. Y esto no me corresponde a mí como periodista, pero sí he vivido esta tirantez y estos tiras y aflojas.

Ya que usted me habla del Gobierno en otro punto, lo que sí le diré es una frase que nosotros hemos reproducido de un Alto cargo de Asuntos Exteriores, muy sobradamente inmerso en todo lo que ha sido esta cuestión: «Estados Unidos nos ha hecho una cerdada». Que será difícil de traducir, pero ésta es la frase literal.

En la comparecencia del Ministro Moratinos ante la Comisión de Defensa del Congreso, ellos dan una relación de vuelos. Algunos aportados directamente al Ministerio por el *Diario de Mallorca*, es decir, aviones que ellos descubrieron que habían estado porque habían salido en el *Diario* y que confirman que esos aviones pertenecen, digamos, a esta trama, sea lo que sea. ¿De acuerdo?

Para ellos, para el Gobierno, para cualquier instancia gubernamental, y esto es otra cosa que nosotros hemos vivido con esquizofrenia, cualquier funcionario de cuarto nivel, de un aeropuerto europeo, auxiliar administrativo, con los dedos suficientes, pulsa una tecla y sabe si cualquiera de estos aviones ha estado, cuántas veces, de dónde venía, cómo se registró y adónde partió, junto a los horarios.

En cambio, el Ministro de Asuntos Exteriores con todo el caudal informativo de su Ministerio, se presenta en el Parlamento y en el caso del avión, del Gulfstream N85VM, el que alquila la CIA —116 visitas a Guantánamo—, da los datos de Mallorca y de Canarias y olvida un dato en Barcelona, que nuestro *Diario* publicó

y que luego ha incorporado Amnistía Internacional a su *dossier*. Y es que, es casi imposible ignorarlo. Es decir, tocando la misma tecla, en AENA, se sabe perfectamente todas las veces que ha estado y todas las estancias que ha realizado este avión en España.

Es cierto que, con posterioridad, el Ministro Moratinos, compareció, en este caso ante el Senado, para decir que no disponía de ese dato en aquel momento.

Respecto a las escalas, yo entiendo perfectamente. Es decir, nosotros también queríamos saber más. Cuando a nosotros nos interroga, a los periodistas que hemos hecho este trabajo, la Guardia Civil, dentro de su investigación, en Palma, nos hace una pregunta muy interesante. La pregunta es: «¿han estado ustedes en el interior de los aviones?» Creo que esa pregunta lo resume todo. Pues no. No hemos estado en el interior de los aviones. Y, por cierto, la mayoría de los casos, delictivos y no delictivos, son resueltos sin que haya ningún testigo en el momento en que se comete la acción en ese punto.

Lo que nosotros periodísticamente, como analistas, ya contemplamos es ¿en qué punto habrá que plantearse si todo esto no es la CIA; si todo esto no son las *renditions*; si todo esto no es el proceso del que se está hablando, ¿qué es? ¿Qué hacían dos, tres noches de enero, en Palma de Mallorca?

Menciona usted los datos de AENA. Ya saben ustedes la pasión de los periodistas por distinguimos unos de otros: de acuerdo con los *logs* del avión que había pasado por Palma, nosotros no solamente decimos que ha pasado, sino que tenemos aquí una hoja con el membrete de AENA que dice que este avión ha pasado.

4-098

Ignasi Guardans Cambó (ALDE). – Me sumo a la felicitación. Efectivamente, el Premio Ortega y Gasset es uno de los premios más prestigiosos de la prensa en España y le ha sido otorgado a usted, a su periódico y a sus colaboradores por esta investigación.

Buena parte de la información que usted ha ido comentando, y yo he tenido el honor de facilitarla a mis compañeros de esta Comisión y, por tanto, la tienen, tanto la obtenida del propio *Diario de Mallorca*, como la que se corresponde con las investigaciones de la Guardia Civil donde consta todo esto. Lo digo no tanto por usted sino también por los compañeros que puedan tener interés, a la luz de lo que han escuchado hoy, en volver a los archivos, porque estamos recibiendo muchos papeles, donde están detalladas cosas tan curiosas y tan llamativas como ese dato que ha dado usted sobre la cantidad de hielo, por ejemplo. Para mí es un detalle que me provoca pánico sólo imaginando lo que pueda haber detrás, pero no deja de ser curioso que, efectivamente, para siete personas en un vuelo transoceánico se requieran 60 kilos de hielo. Yo me tomé la molestia de entrar en un bar y preguntar, oiga ¿cuánto serían 60 kilos de hielo? Entonces, el camarero me enseñó lo que eso

supondría. No sé qué hacen 60 kilos de hielo en un avión privado.

De todos modos, las preguntas son dos. Toda la información que usted nos da no confirma que haya habido ningún delito en Mallorca, al menos a nosotros nos corresponde ser muy serios en esto. Nos confirma creo, al menos ésta es mi impresión personal, una profunda pasividad ante hechos que no tienen una respuesta correcta, y por lo menos eso ya debería levantar muchas alarmas. Profundas dudas de saber qué hacen esos aviones, dónde iban, por qué, más que el hecho de si hemos tenido o no delitos en territorio o en suelo español.

En ese sentido la pregunta es doble, la primera: es obvio que Mallorca, por la propia naturaleza de ser un destino de turismo de lujo, es un destino habitual de aviación privada. ¿Han comparado ustedes la actitud de las autoridades españolas respecto de estos aviones con la actitud, y en general, la tramitación de los demás aviones privados que habitualmente transitan por el aeropuerto de Palma?

Y la segunda, muy brevemente: ¿tiene usted alguna información que nos pueda facilitar de las investigaciones o de al menos los contactos que tuvo el fiscal de Milán, señor Spataro, cuando recientemente se desplazó a Palma para continuar su investigación sobre el secuestro de Milán, donde en el marco de sus propias investigaciones nos consta que estuvo en Milán, tiene alguna información al respecto?

4-099

Matías Vallés, Periodista ("Diario de Mallorca"). – Antes de responder al señor Guardans, he de dar una precisión a la pregunta que me ha hecho el señor Masip: la respuesta concreta entrecomillada, "quotation", del ministro Moratinos, a la pregunta de si se producían más vuelos, en nuestra entrevista de enero es: «Tomaremos medidas para que no se produzcan más vuelos de la CIA». También respondo un poco al señor Guardans, es decir, tenemos vuelos de la CIA, tomaremos medidas. ¡Por algo habrá que tomar medidas!

En cuanto a la pregunta del Sr. Salafranca, la frase concreta del ministro Moratinos es: «La CIA utiliza aeronaves privadas. Se puede inspeccionar si hay indicios de delitos que entonces no teníamos». Esta es la respuesta en concreto a esta pregunta del ministro.

Respecto al hielo, ahundando en su asombro y ahundando en su estupefacción, Sr. Guardans, son 30 kilos de hielo, en bolsas de *on the rocks*, 8 bolsas de cuatro kilos y 30 kilos de hielo seco, muchísimo más potente. Con 20 kilos de hielo seco, que se nos dice es lo máximo autorizado a un avión de estas características, se cumple la refrigeración del alimento para un pasaje de 200 personas - eran 13 oficialmente - en un vuelo *non stop*, de 5 ó 6 horas, de Palma a Washington.

Respecto a si hubo o no, es decir, ¿hay una imagen en Palma de señores? Hay todo un protocolo de las

renditions, que son los esposamientos, la sedación. Sabemos también que en el equipo, en las tripulaciones de estos aviones, hay un *paramedic*, es decir, una persona con formación sanitaria, se supone que para proceder a la sedación, etc. El uniformado, el encadenado, etc. ¿hay alguna evidencia de que esto ocurriera en Palma y de que pasara? No. De hecho la hay en muy pocos casos en todo el mundo. Me ha preguntado antes el Sr. Masip por el lugarteniente de Ben Laden.

El problema ya no está en si pararon en Palma, sino que si admitimos, como admite la CIA, como admite la propia Condoleezza Rice, defendiendo las *renditions*, que existe esta red y esta trama, es prácticamente imposible que esto funcionara sin sobrevolar, con escalas o no, los países europeos.

Luego usted me hace una pregunta muy interesante, si hemos comparado con los aviones de Palma. Efectivamente, este es un truco al que recurrió a menudo el hoy ya ex ministro Bono. No es hoy ex ministro por haber recurrido a este truco, pero me va bien decirlo. Es decir, el ex ministro Bono decía siempre: en el año 2005 se registraron 12.000 operaciones aéreas de España con Estados Unidos. Entonces es como decir: esto es una mota de polvo que no tiene ningún sentido.

Bien, en el caso del aeropuerto de Palma recuerden que su tráfico es de 11 millones de pasajeros al año, sólo superado como aeropuerto no metropolitano, es decir como los grandes aeropuertos, por el de Hawai. No hay ningún otro destino en el mundo; acoge muchos más vuelos, por supuesto, que aeropuertos como Barcelona y otras grandes capitales europeas. Ahora bien, el 95% de ese tráfico, o más, es con Inglaterra y Alemania, mercados emisores y receptores. Hasta el 99,9% será con Francia, Bélgica, Suiza y otros países de este corte. Después habrá emiratos árabes y tal; lo que les aseguro es que si miráramos, que no lo hemos mirado, pero yo creo que prácticamente no hace falta, el número de vuelos Baleares-Libia privados en este período, con Jordania, con El Cairo, con Djibouti, que hay un vuelo con Djibouti, donde hay también, como saben ustedes, efectivos norteamericanos vinculados a las *renditions*, etc. no van a existir en absoluto.

Respecto a lo que usted dice de que no hay secuestros, sí le recuerdo, sin embargo, que el tribunal mallorquín, la Audiencia Provincial - y le aseguro que los jueces mallorquines no son excesivos en la persecución de los delitos de corte político por tradición - sí considera que corresponde aclarar muy definitivamente, es decir, que se ha llegado a esta otra parte del filo de la navaja, en que hay que aclarar qué hacían estos aviones. No sólo decir «no he visto a ningún secuestrado» y esto es un poco la respuesta.

4-100

Raül Romeva i Rueda (Verts/ALE). – También le quiero felicitar, no sólo por las investigaciones sino también por su capacidad de exposición.

Para ir al grano: una reflexión general y algunas preguntas concretas. La reflexión general: querría empezar por la pregunta que usted se hacía al final sobre esa perplejidad que ofrece el hecho de que, por un lado, los Estados Unidos se defiendan, o en todo caso justifiquen determinadas acciones, y de que desde aquí nos obsesionemos en negarlas. Esta complejidad, de alguna forma, nos obliga a que ante la proliferación de datos que usted da nos tengamos que preguntar si somos incompetentes, somos pasivos, o somos cómplices. Y aquí es donde, seguramente, en esta Comisión tendremos que decidir en qué términos estamos.

La primera pregunta en este sentido es: ¿en qué medida usted consideraría o podría pensarse que estamos realmente ante un pacto de silencio entre los diferentes gobiernos europeos con Estados Unidos?

Segunda pregunta concreta: ¿si usted como periodista requiere información a las autoridades sobre un vuelo normal, digamos no estos específicos, sino un vuelo normal, se le proporciona esta información? ¿Se le responde alguna vez «no tenemos esos datos»?

Tercera pregunta: ¿cómo cree usted que la Audiencia Nacional debería o podría incorporar o asumir una responsabilidad mayor en ese tema?

Cuarta pregunta: dos preguntas muy breves y telegráficas: usted citó una entrevista muy interesante a El Masri, ¿a qué cree que se debe el cambio de versión que El Masri mantuvo entre las primeras intervenciones que hizo periodísticamente y la intervención que hizo aquí en el Parlamento Europeo?

En último lugar: la semana próxima vamos a Macedonia. ¿Qué cree usted que como comisión parlamentaria deberíamos inquirir a las autoridades macedonias para obtener más información sobre las cuestiones que usted ha tratado?

4-101

Matías Vallés, Periodista ("Diario de Mallorca"). – Respecto a la respuesta política en el caso español, efectivamente, lo que tenemos en esta especie de contencioso Europa-Estados Unidos, y ahora no hablo como periodista sino simplemente como alguien que viene contemplando esta situación desde hace catorce meses, es que los dos últimos Secretarios de Estado norteamericanos, tanto Condoleezza Rice como Colin Powell, han, no vamos a decir afirmado o reafirmado, pero jamás han desmentido y sí han justificado, aunque sea indirectamente, y Colin Powell, muy astutamente con su ejemplo extraído de la película Casablanca, las extraordinarias *renditions*.

En la prensa norteamericana, para cualquier lector y por supuesto para un periodista, está muy claro, en las informaciones de la prensa norteamericana sería que no citaré expresamente, que hay un chantaje implícito, es decir, que recogen un chantaje implícito del Gobierno de Estados Unidos a los países europeos: si seguís por algún camino, tendremos que decir que vosotros

intervinisteis. Yo no sé, vuelvo a decir, si intervinieron o no intervinieron, pero este punto está claro.

Hay una voluntad inicial de desligarse. Se dice que están involucradas unas 500 personas en estas operaciones en todo el mundo. Si tenemos en cuenta que sólo por Mallorca, por España, han desfilado ya 50, 60, no es una cifra descabellada para mantener este volumen. La CIA puede decir en un momento dado que estos efectivos no eran propiamente CIA, sino que igual que están *outsourcing tortures*, también están *outsourcing* el *outsourcing tortures*, o sea, que habían subcontratado también el subcontrato de la tortura y desvincularse. Por otra parte, existe una amenaza velada, velada pero pertinaz, de que si alguien intenta oponerse, habrá que contar cuáles fueron las colaboraciones. La ignorancia es muy difícil de creer.

Por otra parte, y también perdonen que yo me exceda otra vez en esto, volviendo a lo de CIA: CIA es muy bonito, CIA es muy fácil de manejar y CIA, de alguna forma, puede ser muy fácilmente identificable como el enemigo. Pero recuerden que el primer enemigo de la CIA en Estados Unidos, según yo leo, es decir según yo veo como observador, es el Gobierno de Bush, y es el Gobierno de Bush quién ve hoy a la CIA como el enemigo, y de esto existen numerosísimos ejemplos en libros y artículos, y la considera autora de las filtraciones que están precisamente denunciando estas operaciones, es decir, una situación doblemente esquizofrénica.

Sobre la situación en España, recordar que los aterrizajes de estos aviones, en el caso de Baleares, Canarias y otras zonas de España, se han producido tanto durante el período de Aznar, que es cuando ocurre el secuestro de El Masri, como durante la etapa de José Luis Rodríguez Zapatero, con un pequeño interregno que puede ser una apreciación subjetiva de este periodista, o puede corresponder a otro hecho, pero hay un período como de descanso antes de que se reanuden los vuelos, antes de que el *flagship*, de que el N313P vuelva en concreto a Mallorca, o eso es lo que nosotros percibimos.

Respecto a los datos, si ahora cualquier periodista va a AENA y pide datos sobre un avión de la CIA, evidentemente no los va a conseguir. En marzo de 2005, cuando nosotros empezamos, y este tema era absolutamente desconocido en España, fue fácil hacerlo. Es decir, de hecho, tanto en Palma como en Canarias, es decir, tanto en Baleares como en Canarias, se obtuvieron los datos oficiales de AENA, digamos sin excesivas dificultades.

Respecto a la Audiencia Nacional, como periodista, aunque es una tradición muy acentuada, y sobre todo en España, me niego, y esto es un manifiesto personal y siento cargarlo sobre ustedes, me niego a que me examinen los jueces. Si lo que he publicado es cierto o no, existen todos los cauces y los mecanismos para desmentirlo y, por supuesto, para defenderse en cualquier tipo de acción sobre lo que yo he publicado, pero no lo decidirá la Audiencia Nacional.

Sobre el caso de El Masri, que es muy importante, ustedes me dicen y me comentan que El Masri aquí suavizó su versión y que dice, por ejemplo, que él se enteró de que el avión salía de Mallorca por el *Diario de Mallorca*. Eso, si es así, que yo no tengo ningún interés, es absolutamente falso. He traído el texto, que está a disposición de cualquiera de ustedes, de la acción civil, *civil action*, que Khaled El Masri presenta en Estados Unidos. Esta acción civil, por su secuestro, torturas, por todo el proceso que ustedes escucharon aquí de viva voz, está interpuesta, exclusivamente, contra George Tenet, anterior director de la CIA, hasta que fue depuesto por Bush y sustituido por Porter Goss y, contra las empresas *Premier Executive, Kire Landed, Aerocontractors*, que son las empresas que fletan y manejan y operan el Boeing en Mallorca.

Está claro, es decir, no es el *Diario de Mallorca* el que habla: es El Masri quien, en su acción civil en demanda de indemnización ante los tribunales estadounidenses, pide una indemnización, primero al director de la CIA, no a la CIA, no a Washington, no al Pentágono, al director de la CIA personalmente, George Tenet, y luego a todas las compañías, que nuestro periódico ha publicado, y tiene los datos oficiales, que han operado estos vuelos en Mallorca. Está claro.

En dos puntos de esta acción civil, bastante larga, prolija e interesante, cita expresamente Khaled El Masri al *Diario de Mallorca*, es decir, no es un diario de Palma de Mallorca el que atribuye a Khaled El Masri, sino que es Khaled El Masri, sus representantes legales, quienes citan al *Diario de Mallorca*. En concreto, y perdón por la desviación, en el punto 33 se dice: "Documentos de aviación demuestran que un Boeing, etc., propiedad de *Premier Executive* y operado por *Aerocontractors*, registrado con matrícula 313P, partió de Palma de Mallorca el 23 de enero de 2004 y aterrizó en Skopie a las 8.51 de la tarde". Y ése es su secuestro que está describiendo. Creo que ha actuado con mucha ligereza si hace esta narración y luego no la asume.

El punto 62 es mucho más claro: estamos convencidos de que los términos del acuerdo de estas empresas, o sea, los términos del secuestro de El Masri, incluían volar el aparato, registrado con N313P, desde Palma de Mallorca hasta Skopie (Macedonia), donde el señor El Masri sería secuestrado y de allí a Afganistán, donde el señor El Masri sería detenido e interrogado en el foso de la CIA. Está claro, es decir, estas son palabras del señor El Masri. Los términos del acuerdo incluían volar de Palma a Skopie y de Skopie a Kabul, donde El Masri sería detenido y torturado.

El caso de Macedonia hay una declaración del fiscal alemán Martin Hoffman que interviene en el caso de El Masri. Él dice que solicitó la colaboración de las autoridades macedonias y que no colaboraron.

En el caso concreto de España y de Mallorca, cuando el *Diario de Mallorca* publica los nombres de los 13 ocupantes del avión de la CIA que secuestra a El Masri, en grado de participación que por supuesto desconozco,

Hoffman, el fiscal, hace unas declaraciones en las que dice «está claro que los españoles (por decirlo así) están más adelantados que nosotros en algunos puntos de esta investigación» y dice que pedirá estos datos. Que nosotros sepamos, no los ha pedido. Contrasta, efectivamente, con la actividad del fiscal Spataro, que vino por última vez a Palma hace un par de semanas, y que dice que está investigando otros casos relacionados con las *renditions* aunque no ha aportado ningún dato concreto de qué es exactamente lo que está investigando.

Lo que hay en Mallorca, y perdone por los resúmenes, es un caudal de información, a partir de ahí se tiene que decidir si se va a utilizar o no ese caudal.

4-102

Giusto Catania (GUE/NGL). – Signor Presidente, onorevoli colleghi, vorrei anch'io congratularmi con il signor Vallés per le cose che ha detto e ha scritto. Avrei poi un paio di domande, la prima è di ordine politico.

Quali sono state le reazioni delle autorità spagnole agli articoli del suo giornale? Il governo, la magistratura, l'autorità dell'aeronautica nazionale, come si sono posti rispetto a questi articoli? Si sono dichiarati sorpresi, oppure hanno confermato che le cose che erano scritte sul giornale erano tutte vere?

C'è stato un cambio di atteggiamento da parte del governo spagnolo nel momento in cui è cambiato il governo? Il passaggio da Aznar a Zapatero ha portato un cambiamento di approccio rispetto ai voli? I voli continuano ad esserci, ci sono stati, però volevo capire se l'approccio del governo era diverso.

Infine quando è stato l'ultimo volo da Maiorca o per Maiorca? Vorrei capire se questa attività prosegue ancora oggi.

4-103

Matías Vallés, Periodista ("Diario de Mallorca"). – Respecto a las reacciones, diríamos que se asiste a un conflicto emocional. El líder de los socialistas, del PSOE, en Baleares, cuando se empieza a hablar de estos hechos, si se puede decir, sin excesivo conocimiento, los califica de brutales.

En el Gobierno, en noviembre, cuando se produce el gran estallido del asunto, que evidentemente lo provocan el *New York Times* y, en España, *El País*, no el *Diario de Mallorca* - éste es quizá como un semillero, un germen, participante en algún grado, pero es la gran prensa la que, al hacerse eco del escándalo, realmente crea la cámara de reverberación para que esto estalle.

Hay una relación muy curiosa en el Gobierno de la que ya hemos hablado un poco, es decir, que se le encarga la defensa, por decirlo así, de lo ocurrido y la explicación, y es verdad que compareció ante el Parlamento, y es verdad que es el primer Gobierno que lo hace, al señor Moratinos, al Ministro de Asuntos Exteriores. El Ministro Alonso, entonces Ministro de Interior, hoy trasladado a Defensa y juez, lo que hace es decir que, si

esto ha ocurrido, insiste en que es una brutalidad, pero no defiende esta versión de los hechos.

Nosotros sabemos, como informadores y porque hemos estado en contacto de todo lo ocurrido, que existe o existió un notable malestar en el Ministerio de Asuntos Exteriores con respecto al Ministerio de Interior, en el sentido de que creen que esta vigilancia y este celo debería haber sido llevado a cabo por el Ministerio de Interior de su propio Gobierno. En cuanto a la actividad general, está claro, y supongo que esto lo entendemos todos, que sí, por decirlo así, todo esto hubiera ocurrido únicamente en el período del señor Aznar, o si siguiera gobernando el Partido Popular, la derecha en España, entonces la reacción de la izquierda hubiera sido distinta y también posiblemente viceversa, pero eso no son datos, eso son simplemente interpretaciones, es decir, volvemos un poco a la esquizofrenia.

¿Cómo resumo yo, que soy sólo un observador en este asunto, la postura del Gobierno? La conocemos específicamente por el señor Moratinos, quien declara «no volverá a pasar», ésta es la respuesta que da en noviembre en su comparecencia ante el Congreso de los Diputados. Sin embargo, como usted plantea también en su última pregunta, lo cierto es que ha vuelto a pasar, es decir, en el mes de marzo pasado, otro avión, supuestamente atribuible a la CIA, vuelve a pasar por Palma, y tenemos otra vez esta circunstancia: mes pasado, marzo, fuera de temporada. Como antes me preguntaba muy interesadamente ¿ha mirado usted si había otros vuelos, no vaya a ser que en realidad haya un *charter* habitual Palma-Jordania o Palma-El Cairo? ¿Ha mirado usted?

En marzo, hay en Palma un avión turbohélice, de 25 plazas, los utilizados en vuelos regionales, por ejemplo interislas, en *Air Nostrum*, en Baleares y en muchos lugares de Europa, en aviación privada. Las personas que hicieron las fotos de este avión, que nos han permitido a nosotros identificarlo, seguirlo y rastrearlo, el único motivo por el que hicieron estas fotos, es que se trata simplemente de *planespotters*, estas personas que, en vez de ser ornitólogos, en vez de ser *birdwatchers* son *planewatchers*, o sea, que miran los aviones. Lo único que les llamó la atención a estos simples aficionados, es qué hacía un turbohélice de 30 plazas en aviación privada, donde están los reactores de Claudia Schiffer, de los jeques y de Michael Douglas, y por eso hicieron las fotos. En cambio, está claro que a nadie más le llamó la atención por qué allí estaba ese avión.

En cuanto a las fuentes, evidentemente el *Diario de Mallorca*, que es un diario de provincias, no dispone del manantial para decir si un avión pertenece o no a la CIA, pero en los bancos de datos internacionales está asignado a la CIA. Está también en un informe muy interesante presentado al Parlamento escocés, que creo que obra en posesión de los miembros de esta Cámara, en que consta que su empresa es una de las que sirven de tapadera, de *front*, a la CIA.

4-104

Ana Maria Gomes (PSE). – Yo también querría felicitarlo por su premio y por todo el trabajo que ha realizado.

Quería preguntarle si estos aeropuertos que ha examinado son aeropuertos civiles. Por otro lado, ¿tiene conocimiento de que los servicios secretos españoles hayan estado al corriente de lo ocurrido? No hablo de las autoridades, como ministros, sino de la posible implicación de los servicios secretos españoles o de su desconocimiento de estas operaciones con estos aviones. Por otro lado, ¿tiene conocimiento de alguna implicación de las autoridades militares?

Otra pregunta: ¿tiene algún conocimiento de vuelos que hayan pasado por Guantánamo, utilizando también los aeropuertos de Azores y de Madeira? Y una última pregunta: ¿tiene algún conocimiento de que los puertos, sea de Azores, Madeira, Puerto Santo, Baleares o Canarias, hayan podido ser utilizados por buques, también con el propósito de *extraordinary renditions*?

4-105

Matías Vallés, Periodista ("Diario de Mallorca"). – Son aeropuertos civiles, por supuesto. El aeropuerto de Son San Juan tenía una base militar adyacente, pero ya no. Me viene bien la pregunta para decir que, entre los mínimos logros que se han obtenido, y que sirve también quizá para disipar el lógico escepticismo, figura lo siguiente:

Una empresa como *Premier Executive* - que era la propietaria del *Boeing*, del *flagship* de la CIA, y también del N8068V, antes N379P y que después cobraría todavía más denominaciones, y que finalmente fue vendido por un precio reducido, quizá porque no había forma de venderlo por su historial o porque estaba muy gastado - es una compañía de peso prácticamente nulo en el concierto de la aviación mundial, y ustedes pueden comprobarlo fácilmente. Sin embargo, siendo ínfima su participación, era una de las nueve o diez compañías que en aquel momento, en marzo del año pasado, tenía permiso para aterrizar en las bases estadounidenses. Eso está claro.

A raíz de las publicaciones periodísticas, estos permisos, de que no sólo disponían *Premier Executive* sino también *Aerocontractors*, etc., es decir, el conjunto de las compañías que van apareciendo cíclicamente en todos los casos, se han anulado, o sea que el Pentágono, el Ministerio de Defensa, por lo menos en este aspecto, se desvinculan de estas compañías, que dejan ya, a fecha de hoy, de disponer de permiso para aterrizar en bases militares estadounidenses. Se entiende que éste es otro indicio.

Me pregunta usted sobre el CNI. Periodísticamente y siendo serios, no tenemos ningún conocimiento sobre posibles implicaciones, autorizaciones, etc. Me obligaría usted, señora Gomes, a repasar todo lo que hemos dicho sobre las estancias de los vuelos, la coincidencia con Reyes y Príncipes. Está claro que todos estos actos, en

una isla como Mallorca, conllevan un desplazamiento de miembros del servicio de inteligencia, etc.

En cuanto a la implicación militar, no del ejército español, es cierto que el Ministro de Defensa, señor Bono, se devinuló absolutamente de este asunto y que lo ridiculizó. Sí se tiene constancia de que las tripulaciones, los ocupantes de los aviones tienen vinculaciones con el ejército norteamericano. En qué grado y en qué medida, y si justo antes de incorporarse al avión se les concede una exención, o sea, si son separados del servicio, es difícil de aclarar.

Respecto al caso de Azores, que supongo que le interesa por motivos obvios, lo que nosotros tenemos acreditado es que en agosto del año pasado, del 2005, un avión de CASA, un avión español, atribuido a la CIA por el *New York Times*, en su también texto canónico de mayo de 2005 - que es el texto más útil para conocer todo el entramado empresarial de la CIA - parte de Azores, llega a Palma, y hace un trayecto de vuelta a Estados Unidos, probablemente a Washington. Es decir que, como siempre, no sabemos qué hacía, pero sí que este avión estuvo, en el caso concreto que usted plantea, en las Azores, según los datos oficiales del Ministerio de Asuntos Exteriores español, recogidos de la AENA.

Hay otro dato sobre las empresas «fachada»: lo que se ha comprobado, por ejemplo, en el *Chicago Tribune*, que repasó hasta 200 nombres de presuntos gestores de estas empresas propietarias de estos aviones, es que no se ha encontrado ni una sola identidad real. Estoy pensando en concreto en *Bayard*, que es la empresa que compró tanto el *Boeing* como el *Gulfstream*. Además, las tarjetas de seguridad social de los ejecutivos, consejeros delegados y presidentes de estas empresas están expedidas en los años 90, 95, 96. En los Estados Unidos, la tarjeta de la seguridad social se expide cuando la persona es inmigrante y se naturaliza y entra como residente en los Estados Unidos, o cuando nace. Es decir, que estas empresas estarían gestionadas por señores de ocho o nueve años de edad.

Sólo se ha hablado al respecto en un texto no suficientemente difundido, y que, por supuesto, escapa al *Diario de Mallorca*, referente a una de esas empresas, en concreto *Associated Press* llegó a hablar en Memphis, Tennessee, con el administrador de *Stevens*, una de estas empresas. Este abogado es un abogado que solamente interviene en asuntos inmobiliarios, es administrador de centenares de empresas. Ha tenido problemas con la justicia y cuando se le preguntó expresamente, en el teletipo de *Associated Press*, al que todos tienen acceso, si conocía al señor Quincannon, quien es lo que llamaríamos el consejero delegado de esa empresa, contestó que no. Es decir, el segundo, el adjunto del señor Quincannon, presidente oficial de esta empresa, no conoce al presidente de esta empresa, a quién nadie, así consta en el texto del *New York Times*, jamás ha podido ver.

Nosotros no hemos intervenido en el asunto de los buques. Sobre esto, sólo le puedo decir como

comentario, pero sólo como comentario, que quede bien claro, que, según los especialistas en los convenios hispanonorteamericanos, del mismo modo que usted, señora Gomes, al principio me ha planteado si eran aeropuertos civiles, ninguno de estos vuelos, porque a eso jugó también el señor Bono, ninguno ha estado registrado en el convenio hispanonorteamericano. Fuentes del Ministerio de Asuntos Exteriores lo consideran también relevante, es decir, que son vuelos estrictamente privados. Si un juez, cuando estaban en Palma, hubiera decidido intervenir uno de estos aviones por algún motivo, en principio, no hubieran contado con ningún tipo de respaldo oficial. De hecho, voy a repetirle la frase del Ministro Moratinos: «entonces no sabíamos nada». Creo que queda claro.

Ahora bien, expertos en los pactos, en los acuerdos hispanonorteamericanos, mantienen que los acuerdos, que tienen fecha de 1988, con el socialista Felipe González en el poder, modificados en el año 2002 con Federico Trillo del Partido Popular en el Ministerio de Defensa y el Partido Popular en el poder, sí contienen cláusulas que llegan a contemplar estas actividades que usted menciona y, también en el caso de los barcos, esto lo están investigado preferentemente nuestros compañeros de Tenerife. Sin embargo, hay un dato curioso al respecto: si el Ministro de Asuntos Exteriores tiene un acuerdo hispanonorteamericano que, de alguna forma o en algún modo o en algunas cautelas, autoriza este tipo de operaciones, ¿por qué, ni en el Parlamento, cuando compareció a finales del año pasado, ni en la entrevista que mantiene con nuestro diario, el 5 de enero, se agarra, se defiende, diciendo que existe tal cláusula o tal condición que nos permite hacer esto?

4-106

Presidente. – Passo agora a palavra ao nosso segundo convidado desta tarde, o Sr. Edward Horgan, antigo membro das Forças de Manutenção da Paz das Nações Unidas e oficial do exército irlandês que colocou em causa, nos tribunais, o Governo irlandês por ter autorizado que aviões militares americanos sobrevoassem a Irlanda e utilizassem o aeroporto de Shannon para se reabastecer no quadro de operações de extradição e de deportação de prisioneiros em direcção a países que praticam a tortura. De acordo com o Sr. Edward Horgan, essa situação era do conhecimento das autoridades irlandesas, que deram o seu consentimento.

4-107

Mr Horgan, thank you for accepting our invitation.

4-108

Edward Horgan, former Irish Army officer and UN peacekeeper. – Mr Chairman, first let me say that I am very honoured to be here before this committee as a private individual, as a private citizen of Ireland and of the European Union. It is also appropriate that I should be speaking just after Mr Vallés. We had never met before. He is a member of what could be described as the Fourth Estate – the media. He has given a very impressive amount of information and is a good example of what some sections of the media have been doing to expose the rendition for torture programme.

Quite a bit of the information he has given is also repeated in my folder. I have presented this folder of information to the committee, and I will not go through all of it here today. However, what I have produced in this folder in particular, is overwhelming prima facie evidence, or circumstantial evidence, that Shannon Airport, and Ireland, has been used for the transport of prisoners for the purpose of rendition. I do not have a smoking gun, for example, from the point of view of having seen prisoners at Shannon Airport.

What I describe as ‘extraordinary rendition’ I would describe as ordinary, brutal murder and torture. The term ‘collateral damage’ has been used. I ought to say first of all that I have been advised ‘not to mention the war’ – the war in Afghanistan and the war in Iraq. I choose not to accept that advice, because I believe that these two wars are inextricably linked to extraordinary rendition for torture. The prisoners who were tortured by this extraordinary rendition system were provided by these two wars, and the illegality, the breaches of international law that have occurred, are inextricably linked with the wars in Afghanistan and Iraq. If we choose to say that the torture of a couple of hundred or a couple of thousand prisoners is wrong, and ignore the war in Iraq in which over 100 000 people have died, then I think we are being disingenuous. They are inextricably linked, and if torturing a few hundred or a few thousand prisoners is wrong, then killing 100 000 is quite clearly *very* wrong.

Three thousand people were killed in New York. Around ten thousand were killed in Afghanistan in retaliation or revenge attacks. Over 100 000 have been killed in Iraq. ‘No connection between 9/11 and Iraq’. Hundreds of prisoners unlawfully killed in Afghanistan.

Over 10 000 prisoners are now known to be involved in this rendition system. Several people have mentioned, both this morning and elsewhere, that there is now a likelihood that Guantánamo Bay prison in Cuba should be closed down. Strangely enough, I disagree. If we close down Guantánamo prison, as I believe the black sites were closed down in Europe, the prisoners will be sent to black hole prisons in Cairo and elsewhere. At least at the moment Guantánamo has been exposed to the glare of publicity. I think it is of huge importance that we do not take action that leads to the torture and deaths of a lot of prisoners elsewhere in what I would describe as ‘black hole’ prisons. These prisons include places like Mazar-i-Sharif, Bagram, Abu Ghraib, Guantánamo itself, Cairo and Morocco. There are European black sites in Poland, Romania and in other countries we may not know of, and of course Shannon Airport has been used very extensively by the CIA and the US military.

I should like to quote a few examples of how leaders see torture and killing just to give an idea as to what we are up against when we as individual citizens seek to challenge. Donald Rumsfeld described the problems in

Iraq and the rendition system as ‘stuff happens’. He is also quoted ...

(sound unavailable)

... Afghanistan in 2001-2002. He was in direct breach of the Geneva Convention on Prisoners of War and was allowed to get away with it by the UN and others. He also stated, ‘I am not going to address the “torture” word. What has been charged thus far is abuse, which I believe is technically different from torture’.

We are also asked to believe by several people that the war on terror, or the war *of* terror, as I have described it, is being done in the name of God, or in the name of Allah, or in the name of humanity. The claim by the main leaders of the war of terror – President Bush and Prime Minister Blair, or even the al-Qa’ida leaders themselves, who are also terrorists – that they are doing this in the name of humanity and with the approval of God, amounts to blasphemy in any religion, or from any humanist perspective.

Prime Minister Blair in the UK was quoted as saying, ‘Well, it all depends what you mean by “rendition”. If it is something that is unlawful, I totally disapprove of it. If it is lawful, I do not disapprove of it’. Never mind the fact that it is wrong in any circumstances, but if we can pass laws to make it appear to be right, then it is OK.

Prime Minister Ahern of Ireland said, on St Patrick’s Day 2006, ‘I explained to George Bush that while we facilitate a large number of American troops, we are happy to do that. There is concern, however, about extraordinary rendition, and concern about CIA flights. I am sure they are all on totally legitimate business’. I would translate that as, ‘We are happy to be involved in the killing of 100 000 Iraqi people, but we do not want to be caught doing torture, do we?’.

With regard to obeying orders, General Franks was quoted as saying, ‘We do not do body counts’. They count the bodies of the British and American soldiers who are killed, but they do not count 100 000 Iraqis. They are not important, are they?’

With regard to the CIA, this is a quotation from the former head of the CIA in Poland: ‘What has happened with institutions such as the CIA is that the most confidential information goes public’. I think we are very lucky that there have been leaks from the CIA and that good investigative reporters like Mr Vallés have explored some of what is going on.

The Irish security forces have been used against peace activists at Shannon Airport: Scorpion tanks equipped with white phosphorus grenade launchers, two water cannon were hired from the Northern Ireland police for demonstrations at Shannon, personnel carriers, police riot squads, horses, dogs, the naval and air force attachments. Up to one hundred peace activists, including me, have been arrested and charged on various occasions. The purpose of this is to prevent the

information on what is happening at Shannon from leaking out.

With regard to the complicity of the Irish Government, actions taken to prevent torture and complicity in crimes against humanity at Shannon Airport by the Irish Government are almost zero, if not zero. The US military and the CIA were invited to use Shannon Airport in contravention of international law, particularly The Hague Convention.

With regard to bogus or fraudulent investigations carried out by the Irish Government and by the Irish police, false claims were made by the Irish Government in reply to the Council of Europe’s investigation. I have documented this in detail in attachment 12 to my report. I was particularly concerned in this report to see that the Irish Government was misquoting the Irish Constitution. Very simply, Article 40(4), subparagraph 1 states: ‘No citizen shall be deprived of his personal liberty save in accordance with the law’. It very clearly says ‘no citizen’. Yet, in the report by the Irish Government to the Council of Europe, they changed this to ‘no *person* shall be deprived of his personal liberty save in accordance with the law’, thereby, I believe, falsely implying that prisoners from Afghanistan and elsewhere passing through Shannon Airport are entitled to use the Irish Constitution for protection. Well, if they were, how were they going to be released from their chains on the planes? It is a serious either mistake or deliberate attempt to misrepresent the Irish Constitution, and I find that at best quite surprising.

As regards international law, the Afghanistan and Iraq wars are clear breaches of the UN Charter. The Geneva Convention on Prisoners of War has been most seriously breached. A10 bombers were used to put down a prison riot at Mazar-i-Sharif, metal containers were used as torture chambers, and ended up suffocating tens, dozens, possibly hundreds of prisoners to death during and immediately after the war. The purpose was information extraction or torture.

As regards breaking and attempting to re-make international law, the US, Britain and others consider themselves to be above international law and consider themselves to be the makers of international law. I think it is of huge importance that the US ...

4-109

Chairman. – Sorry, is there a problem with the interpretation?

4-110

Ignasi Guardans Cambó (ALDE). – No, there is not a problem with the interpretation. I agree with most of the very important political statements that the speaker is making – I could sign up to most of them, but I am afraid that this is going beyond the activities and aims of this committee. He is reciting a succession of political statements, which I share, but we should go to the facts.

4-111

Chairman. – Mr Guardans Cambó, you can make your point after we have listened to our guest.

Ignasi Guardans Cambó (ALDE). – We should move to the facts, I think.

4-112

Edward Horgan, former Irish Army officer and UN peacekeeper. – I appreciate what you are saying. My purpose is not to make a political statement. My purpose is first of all to connect the events in Iraq and Afghanistan with the rendition for torture, which I think is of huge importance.

I believe we now have various categories of rogue states. I have no doubt that North Korea, Iran and other states are behaving like rogue states. Ireland is now a rogue neutral state. It has claimed neutral status publicly even in recent times, yet it is in clear breach of The Hague Convention on Neutrality. The US and the UK have in some respects become rogue EU or UN Member States. Poland and Romania are in danger of becoming rogue European states because of their black site prisons. Egypt, Jordan, Morocco, Uzbekistan and others can arguably be described as rogue allies.

The torture chambers we have seen include Mazar-i-Sharif, Bagram air base, the salt pits north of Kabul, Abu Ghraib, Afghanistan to Guantánamo via Shannon, Guantánamo to European black sites via Shannon. It is of interest to note that the numbers of aircraft that Mr Vallés was mentioning are very familiar to me. He quoted one in particular, N85VM. Again, I have documented this in my file, but this plane and those CIA planes quite frequently make a circular route. On 5 September 2005, it left Dulles Airport in Washington and landed at Shannon. The next day, it left Shannon and landed in Paphos in Cyprus, which is also a common landing spot for these rendition planes. On 7 September it landed in Cairo, Egypt. On 9 September it landed in Palma de Mallorca. Also on 9 September it was back at Shannon en route to Washington DC. That is just one example. There are many more in that folder. It shows that it is not only Ireland. It is probably no coincidence that Palma and Spain are used in quite a similar manner as Ireland is for the purpose of rendition for torture. They are the western European countries that are roughly half way between the Middle East and the US.

Now to some of the cold facts, or the *kalla fakta*, as they might say in Sweden. I believe Irish Government ministers perverted the course of justice at Shannon Airport by allowing the crime of torture and the crime of rendition for torture to be committed at Shannon Airport. Irish police have failed to prevent international crimes at Shannon Airport and perverted the course of justice. Quite clearly, torture, and facilitating torture, is not only against international law, but also against any form of national law. It is a crime to torture somebody in any country, and it is a crime against local criminal law. The Irish police have not only failed to investigate, but they have prevented others, including me, from finding out

what has been happening at Shannon Airport. International law is being flouted on a regular basis.

I shall now turn to some of the landings at Shannon Airport, and in particular a plane called N313P, which came to be known as the Guantánamo Express. It landed in Frankfurt 73 times. Shannon was second on the list: 23 times. Amman in Jordan: 20; Glasgow: 19; Libya: 17; Baghdad: 10; Afghanistan: 9; Palma de Mallorca: 8; Guantánamo Bay: 9. That is a fairly typical pattern. You will see Ireland is number two on the list.

N379P, another of the most common planes, has been re-registered four times, but all of those registrations have been controlled by the CIA. Again, Frankfurt tops the list with 70 landings. Prestwick in the UK had 36 landings. Ireland is third with 22; UK Glasgow: 20; Guantánamo Bay: 20; Amman in Jordan: 18; Oporto, Portugal: 15; Cairo: 14; Tashkent, Uzbekistan: 13; Czech Republic: 11; Cyprus Larnaca: 10. Again, they would be the worst offenders. Below that you have almost every other European country mentioned, but for a small number of landings.

CIA plane N85VM, the one that was mentioned by Mr Vallés: Guantánamo Bay: 114 landings; Shannon Airport is second on the list: 30 landings; UK (*inaudible*): 20; UK (*inaudible*): 10; Frankfurt: 10; Morocco: 7. Again, there are quite a few other landings in most others.

On US troops passing through Shannon Airport, again, the impression probably held by most of you is that Ireland is a neutral country and Shannon Airport is an international airport in a neutral state. In 2002, 73 000 armed US troops on their way to the Iraq War landed at Shannon Airport. In 2003 it went up to 125 000. In 2004 the figure went up to 158 000. By 2005 it had gone up to 330 000. The total so far in 2006 brings the number of troops through Shannon Airport to 802 450, all of them troops on their way to war.

As regards the priorities, and what you as a committee can do to ease the plight of those who are suffering from torture, my big concern is not about the big figures: it is for the individuals. I think it is very important that we are not blinded by statistics, because the human mind has difficulty in coping with large numbers. Think about the individual: the guy having his fingernails pulled out; the guy who Craig Murray mentioned was literally boiled to death in boiling liquid. Those are the realities of torture that we must not forget.

Also, it is of huge importance that people are being tortured right now. Probably up to a hundred prisoners were being held in the European black sites, including in European Union Member States. They were moved very quickly from these black sites in November/early December 2005 to Morocco, Cairo, and other places we do not know about. They are being tortured probably as we speak. Many of them may well be executed to prevent the fact of their torture and their very existence from becoming public. I would point out to you in

particular that we all have a huge responsibility to try and ease the suffering of those individuals, many of whom have committed no crime, some of whom may have been involved in terrorism. However, it is also of huge importance that we look at terrorism and describe it for what it is. What happened in the United States was a clear act of terrorism. Suicide bombings and so on are clear acts of terrorism, but there is also state terrorism that we have been trying to ignore, and which is happening on a huge scale. Dropping bombs on Baghdad and killing innocent children is a gross act of terrorism, in my view, and it must be linked to what is happening in these areas.

What could this committee do? I believe we need to get a dossier similar to the one I have presented and to the information provided by Mr Vallés from each European country that may have been involved. A small number of countries like Switzerland, Austria, and I think even Sweden, as neutral country, behaved mainly properly, possibly with one exception. However, many countries like Ireland have behaved in gross breach of international law in this issue of rendition for torture.

This committee should seek as much information as possible. What I have presented here is one part of the jigsaw, part of a mosaic. On its own it may not mean a whole pile; put it together with the information presented by Mr Vallés and by others and you will get a much clearer picture of the extent to which these crimes of torture were and are being committed even as we speak. I have had information coming to me even in the last couple of days that CIA planes are still landing at Shannon. Three times in the last month I received information that planes were leaving the US and were about to land at Shannon. We managed to get peace activists out to Shannon and log these planes as they were landing at Shannon.

It has not gone away. The torture is still happening. Rendition for torture is still happening in several places all over Europe. You in this committee and the European Union need to confront each state on the specifics of each CIA flight and the prisoners rendered. Of the greatest importance, I believe, is the need to document all the prisoners within the system. A significant advance happened in the last 24 hours, when the US was forced to publish a list of most of the prisoners who are now at Guantánamo. Of course, they have not published the list of prisoners who were rendered from the European black sites to the North African and Middle East black holes in which they are now quite clearly being tortured and possibly killed.

This documentation is of huge importance, and anything you can do to improve their lot from a basic human rights point of view is extremely important. You need to prepare a macro-European database of rendition for torture, submit it to the Council of Ministers and to the UN Secretary-General.

There are clearly costs and benefits to what you are doing. As a former military officer involved in various

ways in intelligence and security, I know that torturing a prisoner is a most dreadful and inefficient way of getting information. A prisoner being tortured will tell you what you want to know, and this has happened on several occasions, as was recorded by Craig Murray. There are other ways of getting information via good intelligence work, and it has nothing to do with torture. Torture is hugely counter-productive. It devalues international law and the safeguards we need to protect us as individuals and to protect states.

I am a huge believer in democracy and in the European Union. The European Union is a huge example of what can be done by the rule of law and by the rule of peace, which the European Union has exemplified ever since it started as the Common Market. It was a great honour for me to accept the invitation to come here and talk to you on this particular subject.

The UN has, in many respects, become devalued and has been made powerless by its principal member states. That places the European Union in a unique and important position from an international law point of view. You are one of the few supra-national organisations which can take action. I believe you have a huge responsibility, and I know many of you take that very seriously.

The benefits of ending torture will be humanitarian. There will be security and economic benefits, and it will also enhance the rule of international law. It is a question of doing what is right because it is right. Justice itself is a huge issue. This is a quotation from Kenneth Roth of Human Rights Watch, which I strongly support: 'Once the leading governmental defender of human rights around the world, the US Government has now become the most influential abuser of human rights'. I have great respect for the United States, and am in some respects almost a person of the United States – my mother was a US citizen for over ten years. I am not a knocker or a critic of the United States or its people, but we must help the US to help itself by helping it return to the rule of law and the hugely important protection that the US provided for Europe during and after World War II.

Great Britain was one of the few European countries to stand up to Hitler during World War II. I think we owe that country a huge debt of gratitude for that. Where has British justice gone now in its complicity with rendition for torture and in the wars in Iraq and Afghanistan? Up to 500 000 Iraqi children died as a result of the UN sanctions in the 1990s. The UN itself was in gross breach of its own charter. Up to 46 000 Iraqi children have died as a result of the Iraq War since 2003. I am a father and a grandfather: I have three lovely little grandchildren, who, as it happens, are half English and half Irish. I love both halves equally. However, I am horrified at the thought that somebody would drop a bomb and kill my little grandchildren. Yet around 46 000 children have been killed in Iraq so far. That is a gross breach of every aspect of international law. Ireland has gone from being a human rights defender – and a very strong one, at that – to being a human rights

destroyer by its complicity in the war in Iraq and in the rendition for torture.

Finally, I would quote Dag Hammarskjöld, the Swedish UN Secretary-General back in the 1950s and 60s: 'From injustice – never justice. From justice – never injustice'. I would ask you, in particular, the members of this parliamentary committee, to take those words to heart and do your best. You must succeed in this. Do not let the huge efforts that will be put into stymieing the work of this committee deter you. There are people dying and being tortured on a daily basis still. The work that you are doing is helping to prevent that, but you must succeed.

4-113

Giovanni Claudio Fava (PSE), relatore – Signor Presidente, onorevoli colleghi, vorrei rassicurare il nostro ospite, le intenzioni e gli obiettivi di questa commissione in buona parte coincidono con quelli che lui ci suggeriva. Il problema è il metodo di lavoro per dare questo contenuto alla nostra commissione: abbiamo bisogno di lavorare innanzitutto su fatti, su evidenze, su certezze, su prove, su testimonianze concrete!

Il collega Guardans poco fa l'ha interrotta, ma non voleva mancarle di rispetto, rispettiamo le sue opinioni e a mio parere in buona parte credo coincidono con le nostre. Però ora le sue opinioni sono totalmente ininfluenti nel senso che noi abbiamo bisogno di trarre utilità dalla sua esperienza e solo dalla sua esperienza; vorremmo insomma avere da lei un contributo, per cui le mie domande tenderanno di riportarci nel solco, nella ragione di questa audizione.

Quali funzioni svolgeva nell'aeroporto di Shannon? Dette funzioni in qualche modo le hanno permesso di avere una cognizione, una conoscenza diretta dei voli di cui stiamo parlando? Lei ha parlato di evidenze di prima mano sul fatto che questi voli siano stati utilizzati per *rendition*, che prove aveva che ci fossero prigionieri?

E' un procedimento logico oppure ci sono elementi più concreti che le permettono di dire che alcuni o molti dei voli che sono transitati da Shannon avessero dei prigionieri a bordo? Quali controlli sono stati svolti su questi aerei durante il loro transito da Shannon?

Se potesse rispondere in modo specifico su questi punti ci darebbe un grande contributo. Naturalmente rispettiamo le valutazioni, ma le faremo in una seconda fase del nostro lavoro. A questo punto ci serve sapere esattamente cosa è accaduto!

4-114

Edward Horgan, former Irish Army officer and UN peacekeeper. – The information I have in this dossier contains overwhelming prima facie evidence of what has been happening at Shannon Airport. It does not contain specific evidence that particular prisoners were taken through Shannon. However, it is inconceivable that over 100 flights passing through Shannon Airport, flights that we know were involved in the rendition process, went

through Shannon Airport without carrying some prisoners too.

Refuelling flights at Shannon Airport, even if they were empty at the time, on their way to or on their way back from rendering prisoners for torture, is quite clearly in contravention of the UN Convention against Torture. So that is part of the evidence.

I have been involved at Shannon Airport as a peace activist in monitoring what has been going on, initially monitoring the US military use of the airport during the Afghanistan and Iraq wars. It was in this process that we managed to discover some suspicious planes that subsequently turned out to be CIA-owned planes, as was clearly outlined by Mr Vallés. The numbers of the planes he mentioned were specifically also the ones that were seen at Shannon Airport.

We then became involved in quite detailed research in tracking down these planes and their ownership, and tracking them down to the CIA. It eventually involved cooperation with others, including people in Sweden, the US and elsewhere. It was in that manner that we managed to compile much of the information that we have here.

So yes, I have very specific information on flights to Shannon. Earlier on a member of the committee asked a question concerning whether US military planes have brought prisoners through airports. Again, I do not have direct evidence, because we do not get onto the aircraft. We are prevented from doing so. But I believe and have anecdotal evidence that particularly US military C-130 Hercules planes passing through Shannon Airport are very likely also to have been used as part of the rendition process. I have not included those in my figures, but I think there is a strong likelihood that is the case.

I have what I would describe as comprehensive and substantial prima facie evidence that Shannon Airport, and clearly other European airports, have been used in contravention of the UN Convention against Torture on a regular basis.

4-115

Simon Coveney (PPE-DE). – First I should like to welcome our guest here today. I should like to say, however, that the remit of this committee was clear from the outset. It is specifically to look into rendition and extraordinary rendition activity within the European Union. So, although there are validly held concerns in relation to the wars in Iraq and Afghanistan and indeed the transit of troops and military aircraft through Shannon or any other airport in EU Member States, unless there is proof of a direct link between those flights and the rendition process, then it is opinion. That is valuable on one level, but it is not directly relevant to the work that we are doing here in this committee. I think it is important to put that on the record.

For the record, I also reject the assumption that Ireland is now a rogue state.

I should like to ask a number of direct questions that hopefully Mr Horgan can answer and give us some hard fact and evidence that can help us in the work we are trying to do.

First, is he satisfied that the Irish Government, following 9/11, was fully aware of CIA rendition activity in or around the European Union, and the possibility of the use of Shannon Airport for that activity? I am not asking for an opinion, I am asking for evidence.

Second, what is the basis for the assumption that detainees were being held on flights that passed through Shannon Airport? We know that many flights that have been chartered by the CIA have travelled through and from European countries, but not all of them are involved in the rendition process. Apart from the Abu Omar case – which we know has a direct link with Shannon Airport because the flight that dropped Abu Omar off in Cairo stopped off and refuelled at Shannon – are there other cases like that, in which we have flight numbers that are directly linked with rendition missions that are landing and taking off at Shannon, either refuelling or carrying detainees?

Could we please have some hard evidence in relation to the work we are trying to do?

4-116

Edward Horgan, former Irish Army officer and UN peacekeeper. – Just to repeat, the wars in Iraq and Afghanistan were the roots of the rendition problem. That is not just an opinion. They provided the raw material for the rendition process. That is why I mentioned them.

I did not describe Ireland as a rogue state. I described it as a rogue neutral state, because it is roguishly claiming to be a neutral state while it is in gross breach of international laws on neutrality.

With regard to whether the Irish Government has been aware since 9/11 that Shannon was being used for rendition purposes, probably not initially, but at the same time I suspect – and this is an opinion – that the Irish Government made some secret agreements, possibly as early as March 2002, with the American Government in connection with the military use of Shannon Airport. I do not know whether that would have included the CIA use of Shannon Airport.

The bases for those assumptions are obviously not specific information or prisoners that I have seen. It is the basis of my experience: what I have seen at Shannon from the point of view of planes going through; what I have seen from my research and my knowledge of international relations. I have no doubt that the Irish Government has been aware for some considerable time – at least two years – that Shannon Airport has been used by the CIA in the rendition process.

As to whether the Irish Government is aware that prisoners had been on board, I strongly suspect that it is, given my study of the statements made by the Minister for Foreign Affairs. He has been very careful in these statements not to state that prisoners have not gone through Shannon Airport. I suspect that is careful wording. I believe that in time leaks from the CIA and elsewhere will show that actual prisoners have been taken through Shannon Airport.

4-117

Stavros Lambrinidis (PSE). – Welcome to our committee, Mr Horgan. I will be forced to repeat what a number of my colleagues have said before, i.e. that while I think many of us share your sentiments, it is very important not to derail this discussion on suspicions. I do not mean to degrade the suspicions that you state, clearly you are very well informed: your suspicions are more informed than most people's. Still, we need facts, so I have two very specific questions for you.

First, have you attempted to tie any of the flights that you have established to have landed in Ireland with any known renditions? This was asked before, but my question to you is, have you personally, or through others, attempted to tie them to known renditions?

Second, what types of measures or regulations exist at Shannon Airport? What practices are there in terms of investigating planes that land in or over-fly Ireland? Are there any known, specific practices, and if so, have they been applied – to the best of your knowledge – in respect of the particular flights that you mention?

4-118

Edward Horgan, former Irish Army officer and UN peacekeeper. – First of all, with regard to evidence to tie specific landings at Shannon with rendition, yes, that has been done. Abu Omar is just one example. The information I have here – particularly the flight logs I have included, if they are combined with other flight logs in other countries, and even as they stand, clearly show that several of these flights were associated with the rendition of particular prisoners.

We have not as yet associated them with prisoners having been taken through Shannon, because we do not have that information as yet. But quite clearly they have been associated with actual renditions of prisoners through other parts of Europe – planes either refuelling at Shannon on the way to a rendition or on the way back from a rendition.

4-119

Stavros Lambrinidis (PSE). – So do I have to read through the whole file and do the work myself?

4-120

Edward Horgan, former Irish Army officer and UN peacekeeper. – To some extent, yes you do. Again, I would advise that possibly a database expert might examine this file and other files that others will produce. Obviously, as a private citizen and doing this work at my own cost, I have limited ability to carry out investigations.

You mentioned in particular what measures the Irish Government was carrying out at Shannon to investigate these. I can tell you that all the measures carried out by the Irish Government at Shannon are directed to prevent information from arising and to prevent investigations from taking place. I have personally asked the police at Shannon Airport on numerous occasions – many of those requests are documented there, as well as others – to search particular planes that we had reason to believe were carrying prisoners. On all occasions the police refused to search those planes.

The Government of Ireland has claimed that it has carried out three specific investigations. I believe that is actually a false statement. It may have followed up in a very small way, but I have no doubt that all the efforts of the Irish Government at Shannon Airport have been put into preventing the information from coming out. In particular, the Garda had been told by the Irish Government not to search planes. In addition, the Irish Foreign Minister and the Irish Minister for Justice have repeatedly declared publicly that US CIA planes passing through Shannon Airport will not be searched. That is the equivalent of giving *carte blanche* to the US Government and the CIA to use Shannon Airport in any way they please. That is a gross breach of the UN Convention against Torture, given all the information that has been made public about the likelihood of Shannon Airport being used for torture.

The UN Convention against Torture does not just oblige countries not to torture people themselves. It obliges countries not to be complicit in torture and to investigate any possible complaints involving torture.

Stavros Lambrinidis (PSE). – So, if it is easy for you, could you please submit to the committee both official records of those statements by the ministers that CIA planes will not be searched, as well as a record of the requests you made. You said you made ten or twenty such requests. I am guessing you have them. We need to know when you made them, and why, if at all, they were denied.

Edward Horgan, former Irish Army officer and UN peacekeeper. – Sure. Many of them are already in the attachments there.

4-121

Cecilia Malmström, ALDE. – Let me assure you, Mr Horgan, that we share your disgust about torture and the violation of human rights. Everybody here in this House will do their utmost to try to find out the truth about what has been happening in these cases.

You accuse the Irish Government of breaching several international conventions, including the UN Convention against Torture. In order to prove that we need to know the connection between these flights and the possible

people on those flights. If there is proof in your material then we will study it with great interest.

Has there been any attempt by you, the group of people involved in watching the airport, journalists or researchers that resembles what the journalists at the *Diario de Mallorca* have done in trying to map staff on these airports, or people staying over? Have they been at hotels? Are there names? Are there lists? How long have they stayed where and how? Do you know anything about that? Is that also in your material?

4-122

Edward Horgan, former Irish Army officer and UN peacekeeper. – Some of it would be in my material. I can tell you that on one occasion I personally followed the crew of a US plane from Shannon Airport to a local hotel. I actually interviewed the crew of that plane. As it happens, they claimed there were on an emergency landing. It may well have been so, and for that reason I did not follow it up any further. Unfortunately, in Ireland there has not been as much or as detailed a journalistic investigation as that carried out by Mr Vallés. I would be a bit critical of Irish journalists from that point of view. A number of them have carried out small investigations, but they have been relying to a large extent on information provided by peace activists like me. I would very much welcome much more in-depth work by journalists in Ireland to expose what is going on at Shannon.

As a private individual, I do not have the resources to carry out investigations that the Irish police and Government should be doing. One of the big problems we have, in fact, is the active hindering of our activities at Shannon by the Irish Government. I have been arrested or detained four times so far for taking photographs of US planes. I have made numerous complaints to the police.

Inevitably, ministers have made public statements that unless we come up with solid evidence of prisoners taken to Shannon Airport, they will not investigate further. Again, that is a spurious way to investigate crimes. If the police used those criteria to investigate a bank robbery, no bank robberies would ever be investigated unless somebody is caught red-handed. Likewise, significant efforts are being made by the police and the Government in Ireland to hide what is going on, as probably also happens in Spain and elsewhere. Partly, your committee needs to get under that and to use the information we have provided with other information to find things out. You will not in the short term get solid incontrovertible evidence, but you will have – I think you already have – comprehensive *prima facie* evidence that the crimes of torture and rendition for torture have been committed in many places in Europe, including Shannon Airport.

4-123

Seán Ó Neachtain (UEN). – As an MEP who has Shannon Airport in his constituency, Mr Horgan, I just want to say to you that I use the airport on a weekly basis. I abhor the abuse of human rights in the world, as

do you and all my colleagues here. However, I find it extraordinary that you would have made the allegations you have made without any substantial evidence of any kind coming forward from what you have said.

How can you claim that up to 100 rendition flights have gone through Shannon Airport without being able to produce any concrete evidence to prove that this is the case? How can you say that there are secret agreements between the Irish Government and the US Government? Where is the evidence? You say 'prima facie' – it is not prima facie, it is made up! It is totally and absolutely based on your opinion, and you are not contributing to the work of this committee one iota. I am disappointed at that.

There are assurances given to the Taoiseach of our country, Ireland, from the highest level in the US that this is not the case. As late as on our national holiday last March our Taoiseach, Bertie Ahern, asked President Bush for the assurance – which he was given – that Shannon is not used.

I find it totally and absolutely incredible that you would come here, as an Irish citizen, and make these allegations. They are without foundation. You said we were disingenuous, Mr Horgan. I put it to you that unless that evidence comes forth from you, you should withdraw your remarks to save your own credibility.

4-124

Edward Horgan, former Irish Army officer and UN peacekeeper. – I will not withdraw any of my remarks. I think it is unreasonable to suggest that I should produce the evidence that prisoners were brought to Shannon Airport unless I break the law, break down the fence and break open an aircraft, which I am sure you would be the first to condemn, because it would involve violence. I am a peace activist, not a man of violence. There is no way I can force my way past the security at Shannon Airport.

Shannon Airport is now guarded not only by armed police but also, on many occasions, by members of the defence forces. It would be ridiculous for me to try and force my way into Shannon Airport, and I would not do so. It is the job of the Irish Government and the Irish police to get the information you want.

I also firmly believe – and this is a belief, not a fact – that the Irish police, the Irish Army intelligence service and the Irish Government are aware that prisoners were taken through Shannon Airport.

4-125

Miroslav Mikolášik (PPE-DE). – Pán Horgan, vážim si Vaše presvedčenie a Váš boj za spravodlivosť, ale musím povedať a podporiť to, čo predtým povedal kolega z Írska, že zatiaľ Váš dôkazový materiál je ďaleko najslabší z toho, čo sme tu doteraz počuli.

Povedali ste na inom mieste aj iné obvinenia, že v Európe sú rôzne čierne diery – ako ste to nazvali – čiže miesta, kde sú väzni mučení, a s istotou ste menovali

dve krajiny – Poľsko a Rumunsko – že tam takéto väznice určite sú. Mohli by ste nám podať dôkaz, že je to tak? V prípade, že to tak nie je, aj Vy by ste sám osobne mohli mať ťažkosti, keď niekoho obviňujete a nemáte na to dôkazy. To sa predsa nesmie.

Vlády týchto dvoch krajín, Poľska a Rumunska – čo nie je vláda mojej krajiny – tvrdia, že tam takéto väznice nie sú. Môžete nám teda podať dôkaz, že pravdu máte Vy?

Takisto ste pred chvíľkou povedali – to bola taká zaujímavá poznámka – že írsky vláda inštruovala ochranu letiska, aby nebolo možné prehliaďať lietadlá. Máte o tom dôkaz?

4-126

Edward Horgan, former Irish Army officer and UN peacekeeper. – Taking your last question first, yes, I had been informed by the police at Shannon Airport that they had been instructed not to search the plane in Shannon Airport. I have also been informed by them that they did not and will not search aircraft at Shannon. The evidence, or statements, were made verbally to me. I do not have written evidence but again I think that evidence does exist. I am sure the Irish Government already has that evidence. It is them that you need to ask.

With regard to the allegations concerning Poland and Romania, the information I have there again is circumstantial and it comes from the international media reports, particularly from I think the *New York Times* and the *Washington Post*. I am merely citing those.

I now believe that those black site prisons within Europe were closed down in November last year and the prisoners in them were then moved to North Africa and elsewhere.

So, while I do not have specific information, I think that information I have no doubt does exist. It will take time. It may take ten or twenty years. You used the words 'feeble evidence'. I think the real aspect of people who are feeble here are the prisoners who have been tortured. Many of them have been tortured to the point of ...

(*sound unavailable*)

... or beyond and I think it is not good enough for the governments of the European Union and others, including yourself, Sir, to demand that people like me would produce solid evidence, concrete evidence. That evidence requires 'beyond reasonable doubt' and that is not the criteria required under the UN Convention against Torture. The UN Convention against Torture obliges all European Governments and all governments in the world, not only not to torture but to prevent torture and to investigate any possibility that torture is being committed.

My accusation against the Irish Government is that it has very definitely not investigated the possibility of torture and prevented others from doing so.

4-127

Ana Maria Gomes (PSE). – Mr Horgan, I am one of the people who believe that the assurances provided by President Bush and Mr Blair are worth as much as their assurances that there were weapons of mass destruction in Iraq. So that is not an argument. This morning, Mr de Vries also made the point that assurances by countries or authorities where illegal practices have been actually identified are not worth much.

But I understand your difficulty, because you have been there, you have been documenting the planes passing. You just have to link this with the other information we have, but yet you have not actually been able to push any authorities to actually investigate what is going on in the planes. I am very sympathetic with you on that, because although I have not been in the airports like you, I have not been able to get the same information from my own government in Portugal, and probably if I were in the airports like you I would face exactly the same problems you are facing. I would like to ask you, did the police provide you with any justification for not searching? I mean, you have said that they had been instructed not to do so, but did they have any justification, any authority responsible for this?

Secondly, did the prosecutors – whom you have already met because you have been arrested – also provide you with justification as to why they do not prosecute, considering that there are reasons to believe that indeed some crimes might be being committed inside those planes which stop off at Shannon Airport?

4-128

Edward Horgan, former Irish Army officer and UN peacekeeper. – I fully agree with your comments that the assurances given diplomatically are actually worthless. They are worthless in law anyway because diplomatic assurances are not legally enforceable and I believe they are worthless because they are untrue. But that is my belief.

As far as a justification provided by the authorities is concerned, in most cases there was none. I made several written requests to the police at Shannon Airport to search particular planes and to search in some respects all military aircraft passing through Shannon Airport. My requests were quite often logged but no justification was given by the police for not searching those planes or for not actually checking them. In the case of the peace activists who were arrested, I can assure you that all possible measures were taken against the peace activists, including imprisoning some of them for periods of up to a month or more for very often spurious claims that they were acting against the law. The extent to which the government prosecuted several people, some of which cases I have documented in that particular folder, is in itself surprising. Some of those cases are still ongoing as we speak.

In no case has the Irish Government investigated any of the US military planes passing through Shannon Airport; in no case has it arrested any of the crew of the CIA aircraft, even though quite often, or on several

occasions, those crews would have parked their aircraft, would then have been protected overnight by the Irish police and sometimes by the Irish military. The crew would then drive from the airport, ten or twenty miles, stay overnight in a hotel and drive back the following morning. In no such case was the plane searched. The statements issued by Irish Government Ministers that they would not be searched provides effective immunity to those people.

4-129

Proinsias De Rossa (PSE). – I may be last but it is nice to know that I am not the least! First of all, can I welcome our speaker here today. I think for a private citizen to come here in what are fairly imposing circumstances and present his views and his experiences at Shannon is an important witness account of what he has actually seen which I think it the importance of his presentation here today. I am sorry I missed the beginning of it, but I have his document here before me.

It seems to me too that one of the other services which he can render to this committee is the CD which he has produced of the photographs taken of the aircraft which have landed at Shannon Airport. This is also referred to in the documentation here. I think also that it is important that he has drawn attention to the fact that the Irish Government has in fact prevented parliamentary inquiries into the landing of planes in Shannon Airport and indeed in other Irish airports. It has blocked an inquiry in the lower house in Ireland, the Dáil, and in the upper house, the Senate. No explanation has been given for this other than that they do not want an inquiry into the use of Irish airports by CIA planes.

On a recent visit to the United States, the Irish Prime Minister raised with Mr Bush the issue of CIA planes landing at Shannon. Mr Ahern said, ‘I explained that while we facilitate a large number of American troops and we are happy to do that, there is concern about extraordinary renditions and concern about CIA flights. We have asked for the President’s understanding and cooperation. We are going to look at how we might bring more transparency to that process if it is possible’.

So, there is clearly an issue here about what Shannon and other Irish airports are being used for. What we have established from the presentation here today is that something close to a hundred CIA flights have landed at Irish airports; some of those planes – not necessarily those flights – are associated with other rendition flights that apparently are known to have carried prisoners. I think what we need to do is to approach the Irish Government for an explanation as to what it is doing to investigate whether or not Irish airspace or Irish airports are being abused by these CIA flights.

4-130

Edward Horgan, former Irish Army officer and UN peacekeeper. – Thank you, Proinsias. I do not underestimate the importance of this committee and I do not underestimate the honour and the respect for democracy and the rule of law that the actual establishment of this committee has actually done and

achieved. I would ask you as well not to underestimate the importance of what you are doing. The rule of international law has been degraded in recent times and you have a huge responsibility to use your efforts to try and recover the strength of international law that we all need to protect ourselves.

I am proud to be an Irish person, I am proud to be European and I have great respect for what has been achieved in Europe from the point of view of peace and the rule of law. We are now at a crossroads. If we fail, and if you fail, to challenge the illegality which is going on ... asking me to produce concrete evidence or evidence beyond all reasonable doubt is not the way forward.

Take what I have given you as a small piece of the jigsaw, a small part of the mosaic and add the other parts to it and you will provide yourselves with overwhelming evidence that crimes have been committed.

I have little doubt that the vast majority of you here, if not all of you, are fully satisfied that prisoners have been rendered and have been tortured in some parts of Europe and in many parts of the Middle East and elsewhere and in Guantánamo Bay. Exposing that is always going to be difficult. There will always be huge forces operating against any such exposure. That is the very nature of secret imprisonment and secret torture. What I have done is to try to the best of my ability to present as much information as I have. I have not falsely tried to present information I do not have and I think the same applies to the other people who have come before you, including Craig Murray and others.

But do not underestimate the importance of what you are doing and the importance of what you have yet to do.

Thank you very much. I am honoured and appreciate being invited to be here and I hope you will succeed in achieving your aims, as you deserve to.

4-131

Chairman. – Thank you for accepting our invitation, Mr Horgan. I should like to apologise for the technical problems that meant you could not show your slides.

(The meeting closed at 17.40)