

**THE DELEGATION OF THE EUROPEAN
COMMISSION TO THE UNITED STATES**

PRESS CONFERENCE

**WITH
CARLOS COELHO,
AND
CLAUDIO FAVA,**

MAY 11, 2006

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MARIA ANDRÉS: Welcome, everyone. We have here the Commission Delegation today. As you know, a group of 13 members of the commission investigating the alleged use of European countries by the CIA for the illegal detention and transfer of prisoners arrived last Monday and they conducted a series of meetings with U.S. government officials, congressmen, NGOs and think tanks. Let me please introduce you now to the president of the delegation, Mr. Carlos Coehlo, and our rapporteur, Mr. Claudio Fava, who will give the first conclusions on the outcome of these meetings.

Mr. Coehlo, please.

CARLOS COEHLO: Good afternoon, ladies and gentlemen. Thank you so much for being here. As president of this temporary committee of the European Parliament on the transportation and illegal detention of prisoners, I would like to make a first assessment to this visit to Washington. Let me first thank all of the interlocutors who have accepted to meet our delegation: lawyers, journalists, NGOs, members of Congress, and from the part of the administration, Assistant Secretary of State Dan Fried, and the legal advisor of the Department of State, John Bellinger, without forgetting former CIA director James Woolsey whom we have just met.

The aim of this trip to the United States was, first and foremost, to enter into a dialogue with our American friends in order to put some more light on the alleged practice we have been asked to investigate. We appreciate the readiness shown by Representatives Robert Wexler and Ed Markey, and by Senators Richard Durbin and Arlen Specter to cooperate with us, but we also regret that no more congressmen or members of this administration or the former, when we asked to meet, have accepted or been in a position to meet our delegation. This does not contribute to a better understanding of each other's point of view, nor to the necessary reformation of the common vows we are supposed to share on both sides of the Atlantic.

Let me outline and reaffirm our attachment as Europeans to the fundamental principles of the state of law, to the protection of human rights in whatever circumstances, and to the democratic values. All of them are, in our view, a precondition for the successful fight against terrorism, which remains one of the main priorities at the global stage. Close cooperation between Europe and America is indeed of the utmost important to defeat the scourge which is terrorism and extremism, and we are also sensible to this message – (unintelligible) – and aligned by our American partners. But this cooperation should proceed in full transparency and by avoiding to make recourse to similar practices as which are precisely used by terrorists and can only lead to hatred and perpetuation of the phenomenon.

I thank you for your attention and I invite now our rapporteur, Claudio Fava, to add his own assessment before taking questions.

CLAUDIO FAVA: Thanks to all of you. Thank you for coming. And I beg your pardon if I prefer to speak in Italian, but you will have my translation immediately. Each

word and each concept is very sensitive on this issue. (Remaining comments through interpreter.)

I agree with the introductory remarks of the chairman. We are very satisfied with the friendly and cooperative spirit which we found on the American side during our visit, and we're also happy to share the strong commitment expressed by NGOs, journalists, lawyers and members of the U.S. Congress on the question of human rights. And we all agree that it is a very difficult task to reconcile the problem of defeating terrorism while simultaneously protecting human rights.

And we're also pleased with the frank fashion in which the United States administration, in the person of John Bellinger from the State Department, agreed to meet with us and answered our questions. I think it's also appropriate that we sort out a substantive issue which arose when we talked with Mr. Bellinger and is also arising in the press conference this afternoon. And John Bellinger rightly said that the European Parliament has no jurisdiction over the U.S. government. We are indeed not a court, but we have received a mandate from our institution, which is to try to find the truth about what has happened in Europe and what has happened to certain European citizens, and we ask for information and views on certain specific cases which our committee is looking into. We noted the "no comment" which we sometimes received as a reply.

There were two views put to us today by Mr. Bellinger, views which we respect but which I personally do not agree with. The first view is that the United States is in a state of war and that international law does not provide an appropriate framework, that rendition is therefore necessary because the people concerned haven't committed any crime under United States law, and one could argue that that might have been necessary.

The second point is on the U.N. convention against torture and its interpretation, particularly the part which bounds extradition to countries where there is a risk of torture taking place. The State Department considers this applied only to transfers which occurred from the United States. I have my doubts about this both from a legal and moral standpoint. We've had confirmation of CIA planes both in European airspace and taking off and landing at European airports, and the State Department considers that these are civilian flights and are covered by cooperation with European countries in the war on terror. And Mr. Bellinger says that the fact that there are many flights is a good thing because it's a good sign of the cooperation between the United States government and its European partners in the battle against terrorism. We would like more information and more transparency on the purpose of said flights.

We've had confirmation from journalists and other sources of considerable pressure being exerted by the White House on newspapers and television channels, in particular requesting that they don't name the names of certain European countries in their reports. And at the same time, both on these and on other matters, we see that there is considerable debate going on in the U.S. Congress itself, and I believe – and I think I can speak for all of my colleagues here – that it's a very positive thing. It's good that

there is a lively debate going on not simply in the U.S. media but in the United States' institutions as well.

I want to end by thanking all of the people who came to meet and talk with us, and I'm confident that we've learned a great deal which will be extremely useful for future work. And now I am awaiting your questions.

MS. ANDRÉS: Time for questions, then. Please don't forget to mention your name and the media you belong to. So, any questions?

Q: Adrian Bottestung (ph) from the German newspaper *Tageszeitung* (?). Was there any talk of the numbers of flights? Would you please mention this?

MR. FAVA: We talked about hundreds of flights – possibly amounting even to a thousand – a figure which we got from various sources – but we never, ever said that there were thousands of prisoners on board these flights. We did speak about definite cases of renditions taking place on CIA flights, and you can find information about that in the interim report, which we've published. We get the figure of a large number of flights from various sources. Once source was the member state government in Europe or the air traffic control bodies therein. For example, the government of the United Kingdom admitted that more than 70 CIA flights had taken off or landed from airports during the period in question, and air traffic control in Germany said that there were more than 470 flights on CIA-related company aircraft. And in particular we've relied on ad hoc information provided by EUROCONTROL on flight logs and numbers of flights and aircraft which we think were used by the CIA.

If you put all that together, you have a very high number of flights, take offs and landings, and that was admitted by John Bellinger, who said it was highly likely that after 9/11, the cooperation would have increased and the number of flights would have increased as well. Now, we have the duty to ask certain questions, and they're the same questions that certain non-governmental organizations and certain law firms have been asking on the same cases. For example, what was the purpose of the flight of the Boeing 737 number N-313P, which was definitely used in a rendition and which flew on several occasions between Kabul and Guantanamo, stopping off in Poland, Romania, or Morocco on the way? And we don't think these were merely refueling stops.

MS. ANDRÉS: Next question, please?

Q: (Inaudible) – Sorovitz (ph), NTV (ph) Television. Now, it seems the United States effectively refuses to cooperate with you, and apparently there is some cooperation between the United States and some European countries, who in turn refuse to cooperate with you. It's a fundamental problem, and what will it be able to about those uncooperative European countries? Could there be some eventual sanctions?

MR. FAVA: We don't believe that there has been a lack of cooperation up to now for European governments. We are going to be drawing the feds together when our

work ends, which won't be until the end of this year. We also were hoping for a positive reply to be able to meet with the heads of the secret services in Germany and Spain, and we would like to think we could extend that request to cover other countries that are involved in the matters into which we are looking. And we just returned from a visit to the former Yugoslav Republic of Macedonia, which was exceedingly useful – talked to all sorts of people, including the president of the republic himself, the Home Affairs minister, the head of the secret service, and the chairman of the Parliamentary Committee of Inquiry.

A final view as to the information that we have received will be given at the end of our work, but I think we can say already that we are somewhat uncomfortable, and that discomfort is perhaps in written form in the interim report which will be debated in Brussels in the next few days.

MS. ANDRÉS: Next question, please? Yes.

Q: Aya Batrawy with the Kuwait News Agency. I was wondering, how would you characterize the meeting that you had today at the State Department? And the second thing is you said that you don't agree with some of the views mentioned today by the U.S. officials, particularly the one about that the rendition is necessary and that the U.S. is in a state of war. Which part of that don't you agree with and why?

MS. ANDRÉS: We found that on certain issues it wasn't just ourselves but members of the U.S. Congress who don't always agree with the position of the Council to the State Department. And the meeting we have with Congressman Markey today was extremely useful and very illuminating. Since the United States Congress is discussing banning extraordinary rendition and banning the removal of people to countries where they're likely to face torture, it's always that the debate isn't simply going on in our delegation but in the U.S. Congress as well. But we found obviously different views – diametrically opposed views to ours and different positions as well. Let me give you a specific example in the case of Mr. al-Masri.

Mr. Markey told us that he decided to come out against extraordinary rendition when he discovered that one of his constituents, Mr. Arah (ph), had been arrested and placed on a CIA flight to Syria. But when we raised the same case with Mr. Bellinger, he said that it wasn't a case – Mr. Arah's case – of extraordinary rendition; it was a simple administrative decision taken by an immigration court.

MS. ANDRÉS: Next question. Yes, please?

Q: (Inaudible) – with Al Jazeera International. I wanted to ask – you said that the EU has no jurisdiction over the U.S., and I was curious to ask ultimately whatever you conclude from your findings, what can you do with those findings, at least in terms of what the U.S. – or in terms of what the U.S. has done with the flights? And secondly, do these flights continue today? Are they still taking place – (inaudible)?

MS. ANDRÉS: Our report will contain proposals affecting the European Union – the member states, the candidate countries, and associate countries. It's possible that the report would contain suggestions for more transparent forms of cooperation between the secret services of the European Union and the United States, and it might possibly contain a suggestion for a more restrictive reading of – application, rather, of the Chicago Convention. As you are aware, the Chicago Convention would only cover civil aviation and civil flights that are used for police purposes. We think that CIA flights could be – the definition of a CIA flight could be extended to cover civil police flights as well. And for none of these hundreds and hundreds of flights that have been logged was it possible to find out the names of the crew, the names of the passengers, and sometimes even the airport from which it left.

MS. ANDRÉS: Yes?

Q: Mr. Coelho, you regretted the fact at the beginning – Justine (ph) – (inaudible) – News Agency. He regretted the fact that no more congressmen had met with you. Does that indicate to you, after spending a week here, that there is less concern here among the lawmakers about these rendition flights and torture than there is in Europe?

MR. COELHO: I don't want to comment that there is lower concern here than in Europe. I can provide the list of the congressmen we have asked to meet and the decline, and I think sincerely each case is a case. Perhaps there are people who have no time at all in their schedule during this week, or because they were not in Washington or because they have a full schedule already. Perhaps there were people, without knowing anything about that, and they feel no need or interest to meet us. Perhaps, I will say a more malicious way, there are people who know too much and they don't want to share what they think about the issue. Or perhaps there are people who want to hide something. I don't know. I have no data enough to elaborate on each case. I must respect the fact they don't have time or will to meet us, but at the same time I respect their decision, I regret it.

Q: (Inaudible.)

MS. ANDRÉS: Yes.

Q: You have indicated that in your meetings with Bellinger, he said that as far as you know, the extraordinary rendition flights did not take place with flights taking off from the United States. Does that mean that they're not denying that these flights took place in Europe? I'm not sure I understood what you said – (inaudible).

MR. FAVA: Mr. Bellinger didn't deny that there were a large number of CIA flights, and as I said, he said that this was a positive thing, showing the cooperation between the two sides has increased recently. And on the actual questions of flights bearing prisoners, he would neither confirm nor deny, and when we raised specific cases with him, he would give us a no comment, saying that that was the policy of the State Department not to comment on specific cases.

MS. ANDRÉS: Next question.

Q: (Inaudible.) The first question is how were your meetings with the NGOs? Second, did you discuss the case of Mr. al-Masri in your meetings?

MR. FAVA: We met with several various NGOs, so we've met with some in Brussels as well, Human Rights Watch, Amnesty International, Human Rights First, and the American Civil Liberties Union. Personally speaking, I considered that the work carried out by the NGOs over the last few months on possible illegal consignments has been exceedingly valuable, and that does indeed touch upon the case of Mr. al-Masri, but that's not the only case.

MS. ANDRÉS: Okay – (inaudible) – next question.

Q: Ken Timmerman from NewsMax. Could you tell us if you've been meeting in New York in particular with former officials of the U.S. government as sources? You mentioned EUROCONTROL is turning over the flight logs, but have you also met with former members of the Central Intelligence Agency or former U.S. government officials as sources for these investigations?

MR. FAVA: No, we didn't meet with any U.S. government representatives in Europe. We thought the best place was here.

Q: Former.

MR. COELHO: Ah, former. We did offer a meeting with the head of NATO in Brussels, which would have touched upon United States policy, and we've just come from a meeting with James Woolsey, who was director of the CIA between 1993 and 1995 regarding current officials from secret services. We have met already with the director of the Italian Secret Service, General Pollari. And as Mr. Claudio Fava, our rapporteur, already told you, there are requests to meet his counterparts, either from the Spanish government and from the German government.

I don't hide from you the fact, probably some members of the commission by itself have contacts with former secret agents of European countries – (unintelligible) – but they are not contacts made by the committee itself, so they are not adding meetings between all the committee and the former agents, but of course each member of parliament has its own sources, as you have your own sources as journalists, I'm quite sure, and the same way you are not going to share your sources with me, I'm not going to share my sources with you. Thank you so much.

MS. ANDRÉS: Okay, next question.

Q: (Inaudible.) Two questions. Are you going back to Europe with any more official information than you had before coming to United States? And second question, did you ask to meet any CIA official, or not current CIA official?

MR. FAVA: We had asked to meet with the then-head of the CIA, Porter Goss, but he resigned, and we hadn't received a reply from him anyway and we felt that it wasn't really, given our timeframe, possible for us to repeat the request to meet the new head of the CIA only a day or two after he had taken office. And we are going to go back to Europe with valuable information, and we do consider that even a "no comment" can be construed as providing valuable information.

And we think that the detail confirmation that we had of pressure being exerted by the White House on journalists not to name certain European countries is an extremely important point for our work. But we've also received confirmation of the fact that the attention, from a moral and political and ethical standpoint, that the committee is paying to some of the victims of extraordinary rendition isn't just some quirk of the European Parliament. I think it's very important for us to learn, for example, as we learned this very afternoon, that the draft law banning renditions to countries where torture might be carried out derives from the direct experience of Mr. Markey with his constituent, Mr. Arah.

MS. ANDRÉS: Okay, I think we have time for one or two more questions.

Q: Alexander Gloch (ph), ITAR-TASS News Agency. In initial press reports, some former USSR republics were mentioned in connection with the Syria flights and secret detention centers. Your findings – your new findings, do they show something new in that respect? Do they confirm or deny this allegation? Thank you.

MS. ANDRÉS: Last question? Sorry, sorry. (Laughter.)

Q: As I assume you will be aware, we did hear in Brussels from Craig Murray, the former British ambassador to Uzbekistan, and his testimony was both significant and very moving.

MR. FAVA: As far as new information on the question you ask is concerned, we weren't here for that purpose. We were here to talk to representatives of the U.S. government and to look at the matter from the point of view of U.S. institutions, and not just institutions – U.S. non-institutions.

MS. ANDRÉS: Okay, now we come with the last question.

Q: (Inaudible) – to follow up basically on whether you got any further in some – (inaudible) – secret CIA detention centers and have found things in Poland or Romania that came out with during your talks.

MR. FAVA: No, as I said before, we do not have any jurisdiction over the U.S. government and so they gave us no comment as far as that was concerned, but this is something we'll be looking into in the second stage of our work, possible clandestine prisons on European territory. We figured out one thing, which might seem a little odd –

it's not part of the mandate but definitely one of the things that we want to try and do is make sure that if these things did happen in the past, that they do not occur again. And we feel as the initiatives carried out by nongovernmental organizations, by journalists and indeed by ourselves in the committee, are useful because they add to the broad-ranging debate on the use of renditions as part of the war on terror.

MS. ANDRÉS: Thank you very much to all of you.

MR. FAVA: Thank you so much.

MS. ANDRÉS: To those interested in following the works of the committee, let me remind you that the 12th of June there will be the vote in the committee of the preliminary report, which will also be adopted by the plenary of the Parliament in July. If you wish to receive more information about it, don't hesitate to contact me and give me your email. And there is a copy of the statement made by President Coelho if you want to get one copy now. Thank you.

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