



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 17 March 2006

7549/06

**PE 75
USA 21
COHOM 49**

NOTE

From : General Secretariat of the Council
To : Delegations

Subject : Report on the meeting of the Temporary Committee of the European Parliament on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners, held in Strasbourg on 13 March 2006

The meeting was chaired by Mr COELHO (PPE-DE, PT).

Exchange of views with Mr EL-MASRI, an alleged victim of extraordinary rendition, accompanied by his lawyer Mr GNJIDIC

Mr GNJIDIC told the Committee about the abduction of Mr EL-MASRI. Mr EL-MASRI left Germany on 31 December 2003 to go on holiday in Skopje in the Former Yugoslav Republic of Macedonia (FYROM). At the border of FYROM, Mr EL-MASRI's passport was confiscated and he was asked to leave the bus that he was on. He was taken by Macedonian policemen to Skopje where he was held at a hotel for 23 days. He was not given any opportunity to contact a lawyer, the German embassy or his family. When he tried to leave, three armed guards threatened to shoot him. He was questioned about various aspects of his life and about trips that he had made to Norway. He was told that if he confessed to being a member of Al-Qaeda he would be sent back to Germany, but refused to sign any statement that he was a member of that organisation. He objected to his confinement by going on a hunger strike. On 23 January 2004, seven or eight Macedonians arrived to the hotel. They filmed him, forcing him to say before the camera that he was being well treated.

He was taken away to undergo what was called a medical examination. He was beaten, stripped and was subjected to great violence by seven or eight men who were dressed in black and wore ski masks, before he was taken on board a plane and left Skopje. He got a stamp in his passport. He was drugged and taken to a prison where he underwent another "medical examination". He was stripped and photographed naked. He was isolated in a cell with no bed. He only had a blanket and could not sleep, since it was too cold. He was given polluted water to drink and food with insects in it. In the prison, he was interrogated all the time. Among other things, he was asked about whether he had attended Palestinian training camps and whether he knew September 11 conspirators. He went on a hunger strike but was force-fed. He was told that they knew that he was innocent but that he could not be released. In the beginning of May 2004 an American psychologist who promised that he would soon be released came to the prison. He was also interrogated by a native German speaker called "Sam". "Sam" did not reply when Mr EL-MASRI asked whether the German authorities knew that he was there. Finally he was released. He was put in a small aircraft accompanied by "Sam". When they landed, he was driven around in a car for a long time, before he was let out and told to go down a road and not look back. He thought he would be executed, but when he turned a corner he met three men who asked him why he was in Albania. He wanted to contact the German embassy but was not allowed. Finally, he got on a plane to Frankfurt, where he landed on 29 May 2004.

After the introduction by Mr GNJIDIC, the MEPs were given the opportunity to put questions to Mr EL-MASRI.

Several MEPs (among others Mr GAWRONSKI (PPE-DE, IT), Mr ROGALSKI (IND/DEM, PL), Mr SALAFRANCA (PPE-DE, ES) and Mr TANNOCK (PPE-DE, UK)) asked about Mr EL-MASRI's membership and role in the Lebanese organisation Al-Tawhid and in any other organisations. He replied that he had been a member in the Al-Tawhid group in 1985 during the civil war in Lebanon. He said that this group was only active in the North of Lebanon and that they did not use explosives. He denied having had any leading position and stressed that he had been in his early twenties at the time. He did not comment on the question of why he had asked for asylum in Germany and if it were true that he had referred to his membership of the organisation while doing so. He said that he had not been a member of any other organisation since 1985. Mr GNJIDIC underlined that his client had never tried to hide the fact that he had been a member of Al-Tawhid.

Mr EL-MASRI was asked about the identity of the German speaking man called "Sam". He thought

that there could be no doubt that "Sam" was German. "Sam" knew many details about him. Mr EL-MASRI said that "Sam", after having consulted the Americans, had refused to answer when asked whether he was representing German authorities. Later, with help of a journalist called Frank Krüger who was working for the newspaper Saar-Echo, and who had now disappeared, the man was identified as Mr Gerhard Lehmann. Mr EL-MASRI did not reply to a question from Ms LUDFORD, ALDE, UK, on how the line-up identifying "Sam" as Mr Lehmann had been done. Instead, Mr GNJIDIC referred to the photo that they had received from Mr Krüger, and which Mr EL-MASRI had identified as "Sam" with 100 percent certainty. Mr EL-MASRI did not know any more about Mr Krüger's disappearance. Mr GNJIDIC said that Mr Lehmann worked for the German authorities, and Mr EL-MASRI said that one web-site identified Mr Lehmann as a senior German official.

With reference to a letter written by former German Minister for Foreign Affairs, Mr Fischer, and former German Chancellor Schröder, Ms GOMES (PSE, PT), asked what support he had been given by the German authorities. Mr EL-MASRI answered that he had not received any support from the Ministry of Foreign Affairs, but only from police officials investigating the case. The lack of support from the government, he said, was the reason that he had decided to go public. In June, there had been some information about another prisoner, but no steps had been taken to track down that person, who had vanished in September or October 2005. Now a new witness had appeared, but Mr EL-MASRI did not want to give any further information about that person, since it could put that person in danger. Further steps were taken with regard to this person and a third person of interest to the events had also been found.

Asked for more details about the flight from Skopje, Mr EL-MASRI, who said he had been drugged at the time, could not say if there had been any other prisoners on board. Ms GOMES said that according to the Berliner Zeitung it was possible that the German secret services had tipped off the CIA about Mr EL-MASRI's whereabouts, but Mr EL-MASRI and his lawyer could not confirm that. Mr GNJIDIC confirmed that the video-recording taken at the hotel in Skopje had not been found.

To questions put by Ms LUDFORD and Mr ALVARO (ALDE, DE) about how Mr EL-MASRI could know that the persons were CIA agents and at what time he realised that they were CIA agents, Mr GNJIDIC answered that it could be assumed that it was a black rendition team, based on parallel stories from Sweden and Canada. He said that such teams all operated according to the

same pattern. He also told the committee that it had been said that the US ambassador in Germany, Mr Coats, had informed the former German interior minister, Mr Schily, about the wrongful imprisonment of Mr EL-MASRI in May 2004, but said that he was not sure whether that was really the case. He considered that the US Secretary of State, Ms Rice, must have known about the situation in March or April 2004.

As for the language in which the interrogations were held, Mr EL-MASRI said that some of the interrogations were in Arabic, spoken with Palestinian and Lebanese accents. There were also Americans interrogating him. Although he knew only a few words of English, he claimed that he could tell that the English speaking interrogators were Americans. The interpreters spoke Arabic with Palestinian accent.

Mr GNJIDIC said that the people who had taken part in the abduction and who had interrogated Mr EL-MASRI in the hotel in Skopje were Macedonians who spoke Macedonian. Mr GNJIDIC considered it strange that the Macedonians had not contacted German authorities when they saw that Mr EL-MASRI had a German passport, but said that he did not know of any notification to the German authorities. Mr EL-MASRI said that he asked to contact the German embassy on many occasions, but was never allowed to do so. As for the guards in the hotel, they were rather nice, and acted "normally".

Asked by Mr PIOTROWSKI (IND/DEM, PL) among others how he could know that he had been taken to Afghanistan, he said that the word Kabul was written in Arabic on the wall of his cell. He also had contacts with up to 13 prisoners who told him that he was in Afghanistan. Furthermore, some of the guards had told him so.

Asked by Mr FAVA whether he had been formally asked not to talk about what had happened to him, Mr EL-MASRI said that, when he was released, "Sam" had hinted to him that he should not say anything to the German authorities or to the press. However, he had never promised not to divulge anything.

Some MEPs (Mr FAVA, Mr GAWRONSKI, Mr TANNOCK) wondered if it there were any truth in speculations about Mr EL-MASRI having been abducted by mistake. Mr GNJIDIC answered that this was not very likely, since the interrogators had very detailed knowledge about Mr EL-MASRI's life.

When asked the reasons for his trip to Macedonia and why he had left without telling his family and friends, he said that he had just wanted a break, and that it was a spontaneous decision to go there. It was his first trip there. He could not say why no-one had looked for him, but said that it was possible that his wife did not want to find him, since their marriage was not working very well at the time. She had moved back to Lebanon with the children.

Mr EL-MASRI did not comment on a question from Mr HELMER (NI, UK) about the stamps in his passport. Mr HELMER and Mr GAUBERT (PPE-DE, FR) considered it strange that he had stamps in his passport if he had been the object of an abduction.

Mr EL-MASRI said that up to date he had received no compensation from the US.

For more information: Ms Cavallin (phone 8134)