



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 April 2006

8824/06

**PE 136
COHOM 70
USA 31**

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 Brussels on 25 April 2006

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

- Exchange of views with Mr OLESKEY, Senior Partner “Wilmer Cutler Pickering Hale and Dorr LLP”, Counsel for six citizens and/or former residents of Bosnia and Herzegovina imprisoned at Guantánamo Bay

Mr OLESKEY gave an account of the events when his clients were taken from Bosnia to Guantánamo Bay. On 17 January 2002 his clients were supposed to be released, on the basis that there were no grounds for their detention. The Human Rights Chamber of Bosnia and Herzegovina had also issued an interim order for provisional measures to prevent the deportation, expulsion or extradition of the men. The US, however, insisted that they be handed over and on their way to release, Bosnian security officials took them and handed them over to US forces. They went via Tusla and Ramstein to Turkey, where they were interrogated before being flown to Guantánamo Bay. They have now been prisoners there for four years and suffered torture and cruel and degrading treatment during that time. They have never been heard before a judge. The Bosnian Prime Minister as well as senior officials have never denied the obligation to help the six men, but

up until now they have not taken any concrete action. Mr OLESKEY also said that German military or intelligence had pretended to be journalists and interviewed friends of the men and one of the men's wife to seek intelligence about them. The conclusion of the German military was that the men were likely to be innocent victims.

To questions from Mr FAVA (PSE, IT), Mr OLESKEY said that there was no way to know who had signed the order of handing over the men to the CIA, but added that the decision had been taken at the highest level of the Bosnian Government, which had been under pressure from the US Government. Mr OLESKEY stated that he had received his information from interviews with his clients and via demands for information on the basis of the US Freedom of Information Act. While the information given out by the Government under that Act had been censored in part, it was possible to establish from that information that the plane had gone via Tusla and Ramstein to Turkey before going to Guantánamo Bay. He said that his clients had not been able to see or talk to any one except the Red Cross during the four years of imprisonment. To a comment from Mr GAUBERT (PPE-DE, FR) about the scope of the Committee being restricted to activities in Europe, Mr OLESKEY said that the American bases in Germany had been used as a staging point to pick up prisoners and that it must have been clear to any government participating in the renditions that the prisoners were sent to Guantánamo Bay where they would be tortured. To a question from Mr KREISSL-DÖRFLER (PSE, DE) about what was known to the German embassy in Sarajevo, Mr OLESKEY said that he could only speculate. He told the Committee that the report drafted by the members of the German military who had pretended to be journalists had disappeared from the German military files, but that he himself had a copy of it as well as an English translation. He was not sure whether his sources would allow him to give out the report, but stressed that he would not rely on it unless he thought it was authentic. To a question about details of the military staff participating in the abduction, Mr OLESKEY said that he had been informed that French soldiers or policemen accompanied the six men at the abduction, and that SFOR had played a role in the event. To a question from Ms BUITENWEG (Verts/ALE), Mr OLESKEY said that he did not know what the High Representative, Mr Ashdown¹, knew about it, since he had declined to meet with Mr OLESKEY. He hoped that the new High Representative would be more inclined to cooperate. Mr OLESKEY said that Mr Ashdown had, however, been constantly kept informed about the situation and that there had also been the order of release from the Supreme Court and the order of the Human Rights Chamber.

¹ At the time of the abduction the High Representative was in fact Mr Petrisch. Mr Ashdown took over in May 2002. At the time when Mr Oleskey became involved in the case, Mr Ashdown had taken over.

- Exchange of views with Ms PICARD, former President of the Human Rights Chamber of Bosnia and Herzegovina

Ms PICARD said that the six men, who were Algerians, had been arrested by the Bosnian Federation police in October 2001 on suspicion of involvement in planning attacks on the UK and US embassies in Sarajevo. During their time in detention, their citizenships of Bosnia and Herzegovina were revoked during a general review of citizenships given to people who had joined the Bosnian Muslim Army during the 1992-1995 war. During their detention it was made clear that Algeria refused to let them return to Algeria. On 17 January 2002, the US Embassy declared that the US was ready to take responsibility for them. The same day, the Supreme Court ordered their release. This order was issued at 16:00, but the release did not take effect until 23:45 the same day. The Human Rights Chamber could not see any reason for this delay. Five of the men had requested an interim order preventing their extradition, deportation or expulsion from Bosnia. Ms PICARD made such a decision and called the Bosnian authorities about it at 17:00. At 17:20, she sent them a fax containing the decision, which they received. At 19:00 the men's lawyers held a press conference and told the press that the men should not leave Bosnia. However, at 05:00 on 18 January 2002 the Federation police transported them to a military airport in Sarajevo where they were handed over. It was not clear if they were handed over to SFOR forces or to US authorities. SFOR later declared that it had not participated in these events and that it was US authorities that had taken charge of the men. There was a document marked "SFOR" with the names of the six men who were handed over, but no signature of any individual SFOR staff. The 18 January 2002 the US Embassy announced that the six men had been detained and taken to another European country. The men later got back their citizenship of Bosnia and Herzegovina and they have been given financial compensation (received by their wives). Ms PICARD said that there was a certain confusion and lack of clarity in the case, due to the confused situation between the State and the Federation. For that reason, the case was shipped back and forth. Furthermore, some of the state and federation laws were contradictory. She was sure that the international community knew about the case, since among others the Helsinki Committee and Amnesty International had talked about the risk of the men being extradited, and the treatment they were risking if they were indeed handed over.

To a question from Mr FAVA, Ms PICARD answered that the men had been handed over to Federation police officers under the supervision of international police forces.

To a question from Ms BREPOELS (PPE-DE, BE) and Mr ROMEVA (Verts/ALE), Ms PICARD replied that at the time of the handing over, it was not clear whether five of the men had citizenship of Bosnia and Herzegovina, but clear that one did not. Nor was it clear to the High Representative at the time, Mr Petrisch, whether the handing over was to Algeria or to the US.

Responding to a question from Ms LUDFORD (ALDE, UK), Ms PICARD said that while the international community was aware of the events, it was not clear at the time whether the handing over was legal or not. The Bosnian authorities had always said that it was legal, and it was the Human Rights Chamber that had said that it was not.

- Exchange of views with Mr DIZDAREVIC, President of the Helsinki Committee for Human Rights in Bosnia and Herzegovina

Mr DIZDAREVIC told the Committee about how Mujahedin soldiers had fought with the Muslims in Bosnia during the war and how citizenship had been awarded them as a sign of recognition. While many had left Bosnia and gone to other countries after the war, others had stayed and married local women and become citizens. Later on, the granting of citizenship to these people had been revised. According to Mr DIZDAREVIC, the decision on expulsion was taken by the Ministry for Human Rights, and the handing over of the men was made without any guarantee that they would not face torture or the death penalty. He said that the ambassadors did not object, since the handing over happened during the only period when non-nationalists were in power, and the ambassadors did not want to endanger the situation of the non-nationalist government. He also claimed that SFOR and ITPF had been involved in the case.

To a question from Mr FAVA about the knowledge of the EU embassies in Sarajevo, Mr DIZDAREVIC said that EU diplomats had expressed their solidarity with his work, but clearly stated that they were not ready to take action or make public statements. He also told the Committee that Bosnia had not taken action on the matter, but that the Prime Minister and the Human Rights Minister had simply made statements about it.

Asked by among others Ms GOMES (PSE, PT) and Mr KREISSL-DÖRFLER about the possible involvement of SFOR, Mr DIZDAREVIC replied that masked special policemen had waited for the men outside the prison at their release, and that they had taken the six men to the airport in the presence of ITPF and SFOR. According to Mr DIZDAREVIC, the American General Sylvester, then commander of SFOR, justified the rendition by saying that it was in the mandate of SFOR to protect itself.

Asked by Ms GOMES about the evidence for the charges against the six men, Mr DIZDAREVIC said that the tape which supposedly contained a recording of phone calls in preparation of attacks on the US and UK embassies had not been produced either in Bosnia nor in Guantánamo Bay. He confirmed that the six men were still in Guantánamo Bay.

For further information: Ms Cavallin (phone 8134)