



**COUNCIL OF
THE EUROPEAN UNION**

Strasbourg, 16 January 2007

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NOTE

from : General Secretariat of the Council
to : Delegations

Subject : Report on the meeting of the Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners, held in Strasbourg on 15 January 2007

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

I. Chairman's announcements

Mr COELHO announced that Mr Piotrowski (PL) and Mr Rogalski (PL), previously members of the Independence/Democracy Group (IND/DEM), had joined the Union for Europe of the Nations Group (UEN). Necessary measures had to be taken to align the composition of the Committee before the vote on the report.

II. Exchange of views on the amendments to the draft final report

474 amendments had been made to the draft final report. According to the rapporteur, Mr FAVA (PSE, IT), many of the amendments added value to the report. Mr Fava considered that cases which had not been dealt with directly by the Committee should not be mentioned in the report. That did not imply that the Committee in any way doubted that they had taken place.

Several members commented on the cooperation of the Council and other actors with the Committee. Mr KREISSL-DÖRFLER (PSE, DE) drew the attention of the Committee to amendment 98, concerning paragraph 19 on Mr Solana's cooperation with the Committee. Although he was not completely satisfied with the information given by Mr Solana to the Committee, Mr Kreissl-Dörfler considered that the criticism raised in paragraph 19 was not entirely justified and that the paragraph should be modified so as to acknowledge Mr Solana's cooperation with the Committee. Mr ZIELENIEC (PPE-DE, CZ) drew the members' attention to amendment 104 by himself and Mr Gawronski (PPE-DE, IT) regarding paragraph 20, according to which a revision of the competences and powers of the EU Counter-terrorism Coordinator must be undertaken in the near future. Ms BUITENWEG (Verts/ALE, NL) wanted the report to be clear with regard to who had cooperated with the Committee and who had not. That matter was important not only for the European Parliament, but also for the national parliaments. She considered that the responsibility of the governments had to be stated more clearly in the report. Ms Buitenweg, acknowledging the limits of the mandates of Mr Solana and Mr De Vries, was of the opinion that they had not done all that was in their power to assist the Committee. Mr ROMEVA I RUEDA (Verts/ALE, ES) stressed that governments were the main responsible actors. While he agreed with Ms Buitenweg that Mr Solana and Mr De Vries could have done more to assist the Committee, he stressed that they had their mandate from the Member States and that it was not right to direct all the criticism towards them. Ms GOMES (PSE, PT), noting that Mr Solana had been mentioned rather often in the debate, stressed that the responsibility of other persons should not be neglected. In this context, she mentioned that Mr Barroso had been Prime Minister of the Portuguese government in place at the time of the events, and expressed her disappointment in the lack of cooperation of the previous Portuguese government with the delegation that the Committee had sent to Portugal. Mr CATANIA (GUE/NGL, IT) wanted the report to state clearly that the Council and the Member States were accomplices in the rendition programme. According to Ms IN'T VELD (ALDE, NL) the report should not give praise to those who appeared before the Committee, since they were simply fulfilling their democratic duty. Mr GAWRONSKI disagreed with expressing thanks to Mr Frattini for his cooperation with the Committee¹.

¹ See amendment 111 on paragraph 22.

Repeating questions that he had put to the rapporteur on a previous meeting, Mr GAWRONSKI asked if the rapporteur could agree that the CIA had the right to fly where and when it wanted as long as it did not infringe any laws, and if he could agree that secret services had to operate in secrecy. Mr Gawronski wanted an amendment¹ to paragraph 32, which concerned the number of flights. He noted that the number of flights that previously had been said to be "thousands" had been set at 1245 in the current draft and underlined that not all the flights had been used for extraordinary rendition.

Mr KREISSL-DÖRFLER stressed that for the Council to be able to react to the report in a clear way, the report itself had to be clear. He underlined the importance of working to find compromise solutions. Baroness LUDFORD (ALDE, UK) stressed that in trying to find the compromises, the highest common denominator, not the lowest, should be aimed for.

According to Mr ZIELENIEC, the fact that nearly 500 amendments had been made to the draft report showed a failure to involve all Committee members in the work. He considered that the Committee's work did not go beyond what was already known in the media. To be able to adopt the report with a large majority, it should focus on important issues aiming at the future. He considered that the investigative powers of the European Parliament should be increased.

Mr DE ROSSA (PSE, IE) stressed that the members of the Committee were not there to represent their respective governments. He was convinced of the existence of informal agreements on rendition, and wanted such agreements to be considered in the report. According to Mr De Rossa it was known that the CIA kidnapped people in Europe and that CIA flights had "criss-crossed" over Europe for a long time. The Committee should not hide what it knew and members should not try to protect "their own back-yard". According to Mr De Rossa, it was a fact that 147 flights had landed in Ireland, and he objected to the deletion of paragraph 99, proposed by Mr Coveney (PPE-DE, IE). Mr RYAN (UEN, IE), while agreeing that there had been stopovers at Irish airports, said that the number 147 was not proven at all.

¹ Amendment 141.

Ms INT VELD (ALDE, NL) and other members of the ALDE group had put forward an amendment regarding Articles 6 and 7 TEU. This amendment stated that the Council was expected to start hearings and the Commission an independent investigation "as foreseen in Article 7".¹ Mr ROMEVA I RUEDA (Verts/ALE, ES) expressed his support for this amendment.

Ms BUITENWEG expressed her concern for innocent persons still in Guantánamo Bay, who could not be returned to their home countries. She considered that this question, as well as the matter of people on terrorist lists, was very relevant, although those matters were not completely linked to the Committee's work.

Mr PIRKER (PPE-DE, AT) stressed that the report should be based on facts and that assumptions should be excluded. Mr COVENEY was of the opinion that if the report had to be based only on hard facts, there would be very little in it. He considered that there was a difference between the role of a political inquiry like the one carried out by the Committee on the one hand and proceedings before a court on the other, but stressed that any assumptions made in the report must be substantiated. Furthermore, it was important to stick with the remit of the inquiry, and discussions on prisoners of Guantánamo Bay should not be included in the report. Ms KLAMT (PPE-DE, DE) agreed that it was important to stick within the remit of the report and that situations outside the EU were outside the scope of the report.

Ms KUDRYCKA (PPE-DE, PL) considered that the main point of the report should be what to do in the future with existing legal loopholes. She wanted the report to show in what way there could be more stringent parliamentary control of secret services. She wondered if the rapporteur could accept amendment 391 on paragraph 144, according to which it was not possible to acknowledge that secret detention centres were based in Poland.

Ms GOMES had made several amendments regarding Portugal in the light of information she had obtained on suspicious military flights.

¹ Amendment 460 on paragraph 178.

Mr DIMITRAKOPOULOS (PPE-DEM, EL) was opposed to amendment 304 on paragraph 100, according to which the European Parliament regretted "the lack of full cooperation shown by the Greek authorities". He considered that this was a political statement by the GUE/NGL group, which was factually wrong.

According to Mr FAVA, the Committee had a political duty to reflect everything it had heard. He would put forward compromise amendments. Regarding a compromise amendment concerning paragraphs 19 and 20, which concerned Mr Solana and Mr De Vries, he said that the task of the Committee was also to assess the cooperation of various actors. He invited colleagues to read the minutes of the hearing with Mr Solana. He did not want the report to be formulated too cautiously. To Mr Gawronski's question on the right of the CIA to fly where and when it wished, Mr Fava replied that there had been breaches of international law in certain cases.

III. Administrative information

Time and place of next meeting:

23 January 2007, 09.00 in Brussels
