

ORIGINAL

COUNCIL OF THE EUROPEAN UNION
THE SECRETARY GENERAL / HIGH REPRESENTATIVE

2006-12-06
A(2006)14733
5356/16059

Brussels, 14 -12- 2006

Quels Trop.

Dear Mr. President,

I am writing to you in relation to the draft report of the EP's *Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners*. This draft report contains comments on Mr De Vries's and my own behaviour that are unjust and erroneous.

I wish to make it clear that I have cooperated with the Committee to the best of my ability and knowledge. So did Mr. De Vries (readily and not reluctantly as is alleged in paragraph 20). We both appeared before the committee even though the object of the latter's investigation, i.e. *the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners*, is not part of our responsibilities and we did not have, nor could have had, any information about this matter. We clearly stated the limits of our possible contribution to the committee's work, while at the same time responding to the committee's questions to the best of our knowledge. I wish to mention that I did appear before the Committee even although most others whose testimony was requested refused to do so. I would like to add that the Council of Europe and its Parliamentary Assembly publicly acknowledged my help in providing access to the images held by the SATCEN in the framework of their enquiry.

There are two different issues here. First, what actually did or did not happen on the ground in terms of flights, abductions or transfers of prisoners. As I repeatedly stated in my appearance, I have no mandate nor authority to request and obtain information about these matters from the air traffic control authorities or the police and intelligence services of the Member States. Therefore I am not able to supply this kind of information. This is a simple statement of fact. I did not make any "omission or denial" as the draft report wrongly states. Nor did Mr. De Vries.

H.E. Mr Josep BORRELL i FONTELLES
President of the European Parliament
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The second issue concerns the line taken by the Council and myself on the alleged illegal activities of the CIA and the framework of international law in the fight against terrorism. This question is of major interest to the EU and the Council. The Union has constantly upheld the position that the fight against terrorism must be conducted fully respecting international humanitarian law and human rights. As I stated in my appearance, " .. the Union has said to the United States that to succeed in the fight against terrorism we should uphold our core values", and I added that "the central EU message in the dialogue with the US has always been that values are our greatest asset". This position has been stated very clearly in our contacts with the U.S. administration. The Union has always refused to adopt or condone measures incompatible with respect for the law and our liberties. I also stated clearly the points of disagreement with the US, for example as regards the so-called "stateless combatants". I was very clear about this in front of the Committee, and so was Gijs de Vries, who has frequently spoken out in public about these questions and also raised the issue with the U.S. administration on many occasions.

Before the Committee I also gave a detailed account of political contacts with US authorities up to the date of my appearance (May 2) and how we use every contact to restate our policy and ask the US for clarifications on the allegations.

I hope that this clarifies matters. I made no "omissions or denials" either on the facts or on the policy followed vis à vis the United States. That accusation is completely wrong and unfair.

I am sending a copy of this letter to Mr. Coelho, Chairman of the Committee.

Yours sincerely,



Javier SOLANA