

## Unofficial

### **MINUTES OF THE EP CIA COMMITTEE DELEGATION VISIT TO SKOPJE – FYROM MACEDONIA – EL MASRI CASE**

**27 – 29 April 2006**

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Important disclaimer: these are notes that I took for myself for personal use and they are not official and formal minutes of what has been said by the speakers. They have not been checked with anybody, so they surely contain mistakes and errors.

For a quick read: abstract + parts underlined

*Abstract: the EP CIA committee sent a delegation to Skopje, FYROM, to meet the Macedonian authorities in order to gather information on their alleged involvement in the El Masri case (German citizen of Lebanese origin that was allegedly abducted on the 31.12.2004 at the Macedonian border by secret services agents, kept in a hotel room for 23 days, then put on a CIA-chartered plane from Skopje to Baghdad and then to Kabul and released on the 28.5.2004).*

*Macedonian authorities denied being involved and offered their version of the facts: the main point of difference are that El Masri spent the 23 days in Macedonia in that hotel – first time this information was confirmed by authorities - and then left to Kosovo on the 23.1.2005). The delegation asked for documents to prove this version, and notably:*

- *the police minutes of the interrogation of El Masri at his entry*
- *the Interpol documents on El Masri and on the search made by the Macedonian authorities*
- *an explanation of how he moved from the border to Skopje*
- *the extract of the hotel register and the police information on his stay in the hotel, as well as on other customers (CIA or Macedonian agents?)*
- *a proof of El Masri leaving Macedonia to Kosovo*
- *information detained by Macedonian authorities on the plane leaving Skopje on 23.1.04 (list of passengers, owner, etc),*

*but where provided with none of them.*

*The delegation also learnt that no enquiry was made by any of the bodies that guarantee human rights in Macedonia, such as the general procurer, the ombudsman, the Human rights standing committee of the parliament, the committee on the control of the secret services (that does not meet since 3 years!). The authorities affirm that they were waiting for an application from El Masri, but at the same time these institutions could proceed on their own decision. The only enquiry has been made by the Interior Ministry services, and a dossier has been made and transmitted to the German procurer enquiring in Munchen on the El Masri case that had requested for it; unfortunately the delegation could not access it. The delegation also visited the hotel where El Masri spent 23 days, but could not meet the Director and access the hotel register.*

*The general impression shared by the delegation was that, notwithstanding the assurances provided by the Macedonian authorities that they would cooperate in an open and transparent way, no real proof has been provided to support the authorities' version; the authorities have also not properly enquired on the alleged violation of human rights happened in the El Masri case. According to the jurisprudence of the European Court of Human Rights, this amounts to a violation of the Convention since MSs have a positive obligation to enquiry human rights violations.*

Thursday 27.4.2006

#### Meeting with the President of the Republic Branko CRVENKOVSKI

**President** - Your mission is fundamental to defend our civilization, human rights, democracy and freedoms in Europe, also on our interest. We give the highest importance to the adhesion to EU. We are ready to exchange info with you and among our institutions to ascertain the truth.

**Kaufmann** – (chairs as EP Vice-President all the meetings; recalls at all meetings that Mr Coelho could not come with us due to a health problem; introduces the members of the delegation and thanks

for the welcome and the cooperation) very important for the future of Europe, we need to clarify things through a public debate, as you know we have heard El Masri and now we want to hear you and know your views.

**Fava** – I will speak Italian since every word assumes a particular importance in our talks (reference to the diplomatic misunderstanding to the aim of the delegation: the President had understood that we could “interrogate” the authorities and at first refused to meet). Concerning the visit, as you know the Council of Europe has judged as insufficient the answer of Fyrom to the questionnaire sent. The main problem we have is the reconstruction of the 23 days that El Masri spent in Macedonia, from 31.12.03 to 23.1.04. What is your version of the facts?

**President** – we have not given too much attention to the El Masri case until it was raised by the media and the EU institutions, notably after the Commission requested to us infos to answer parliamentary questions tabled in the EP.

Macedonia firmly intends to join the EU, and this implies that common norms and standards apply to Macedonia as well. We are ready to provide complete cooperation on this or on any other issue. The information I have related to El Masri case is the one we have already provided to the Council of Europe, coming from the Ministry of Interior: on the 31.12.2003 El Masri appears on the border, is checked, additional checks are made that last for several hours since we had to search the Interpol database, he is cleared and is allowed entry on Macedonian soil. On the 23.1.2004 he is again at the border, leaving Macedonia to go to Serbia-Montenegro.

For us joining the EU is so important that nobody would risk the reputation of the State on such an issue.

**Kreissl-Dorfler** - underlines the fact that the German government of the time was the Schroeder one and that Steinmeier is now foreign affairs minister, and that he will come to the EP on this issue. The European public opinion pushes us to find answers. Thanks for readiness to receive us and answer to questions.

**President** – underlines that we shall not act being pushed to find answers to satisfy our public opinions.

**Romeva** – our role is not to satisfy public opinion or to respond to the pressure of media, but to establish the truth. There are 2 versions of the facts: the one provided by El Masri and the one provided by the Ministry of Interior of FYROM.

**President** – I have no reasons to think that my Ministry of Interior does not say the truth, since I did not come across any fact to prove the contrary.

**Fava** – I want to reassure you that our common aim is to get to the truth. In my report we don't talk about El Masri and Macedonia exactly because we are looking for the contributions of FYROM and Germany on the El Masri case. You say you don't have reasons to believe that what is being told to you by your Ministry of Interior is not the truth. This is exactly what said also the Procurer of Munchen on what El Masri told him. Our difficulty is to compare and check these two versions.

**President** - I am aware of the difficulties; you have the time to examine them and get to your conclusions. We are fully cooperative, and it is much easier for us to admit that we could have made a mistake than to risk our reputation. There is nothing more important for us than this to us. If you need any additional comment from the President, I am fully available to you.

#### **Meeting with Deputy Prime Minister Radmilla SEKERINSKA**

**Kaufmann** – Introduction, reference to the hearing with El Masri.

**Fava** – the reason for our visit is to understand what really happened to El Masri; in the letter you sent to the representative of the EU, according to the police reports El Masri was released on 31.12.2003 after a check on the Interpol database that proved negative. But we have different versions of the facts: that of El Masri in TDIP committee hearing and of the German Procurer of Munchen, as well as the implicit admissions of Rice and Merkel stating that mistakes had been made in relation to the El Masri

case: Merkel said that the US administration admitted that it had committed a mistake; the German Procurer said he has no reasons to believe that El Masri is not saying the truth; there is a stamp on El Masri passport in support of his version; the local newspapers also provided additional information on CIA-chartered planes in Skopje, etc. Question: your letter dates 30.06.2005, do you have now a reason to modify the content of the letter, or do you think that there are new elements?

**Deputy Prime Minister** - At that time the issue was not in the public domain, it was discussed with the Commission after parliamentary questions. Everything we can get officially from our administration on this is the only information that we have; the only police record is the entry and exit from borders or if there is a problem during the stay in the country, such as a criminal act; we have confirmed the police records: entry at 4 on 31.12.2003, then the controls of the police that led to him being allowed entry in the country, and the exit date is the 23.1.2004; we have had more exchanges of information on this and we confirm. I know that there are some inconsistencies and changes on El Masri report, but we don't make allegations; we think that El Masri did not leave the country and no Macedonian police was involved in that period and had contacts with him. You have mentioned a photo of a plane landing in Skopje? There are articles concerning alleged planes that at the beginning of 2004 on planes that land here.

**Kreissl-Dorfler** – there will be an enquiry committee on this in the German parliament; the Minister of Interior was at that time Schilly, and the German government apparently learnt about the case when the lawyer informed them on the 8<sup>th</sup> of June (*but here are allegations that US Ambassador Coates told German authorities that El Masri had been abducted already in May*). Questions:

Do you have information concerning that meeting?

On the Interpol check: what was on the database concerning him?

El Masri said to the Procurer that he has a stamp on the passport demonstrating he left on 23.1.2004 and put on a plane of which correspond to the flight logs that we have checked with Eurocontrol, and that he could not have – unless he was on that plane.

**Deputy Prime Minister** – On the flight logs, how did he know from where the plane left, that is to say Palma?

On the checks, they were made since he has a relatively new passport with few stamps which led the officers to think that it could have been fake, so they had to check as they would do with any person at the border, especially those arriving by bus.

On meeting with the US Ambassador in Germany and the information exchanged, she does not know more.

**Romeva** – some of the people that were with El Masri have stated that police forced him to get off the bus, kept him at the border and asked the bus to go on with the trip. Is it true?

In some of the papers there are allegations concerning on a company providing security services linked to the US. Do you have more info on this?

**Deputy Prime Minister** – she does not have particular information on the bus being pushed to leave, etc, but will ask the Minister to check; usually if there is a problem with 1 passenger (El Masri stayed there during 4 hours), the bus continues its trip, this could happen.

On the company she will also check. Maybe that company was involved on training the army and had been criticized for its role during conflicts in 2001.

**Kaufmann** – do you still have the records of the Interpol data and check protocol? Do you have a copy of it?

From the German perspective it is very clear that he has been detained (in Afghanistan) since Coates met Schilly and apologized for US that had made a mistake! In his role of responsible Minister, he did not protest that a German citizen was detained illegally! Another proof: the lawyer asked for a scientific analysis of El Masri hair.

**DPM** – she'll brief the Minister on all this.

On Merkel – Rice discussions, we had hoped that all the details would have been clarified, and the situation cleared.

**Fava** – maybe you should also check if you have records of the hotel.

**DPM** – you have seen that here we do not check all of this, only if a person is requested to have a visa. Our procedure is like that of European countries.

**Romeva** – But according to Macedonian law, after 2 days of stay in the country you have to register and the hotel does it normally for its customers.

To which extent the information appeared in the press after the testimony of El Masri? Did anybody check his information? Are you doing investigations?

Can we have a check on the list of people that left on the 23<sup>rd</sup> of January and how to explain that there is a stamp?

**Kaufmann** – I want to see a standard stamp.

(conclusions and thanking)

### **Meeting with Slobodan CASULE – MP, former Minister of Foreign Affairs, Conservatives in opposition**

**Casule** - As MP I tried to raise this issue in the Parliament, I believe we shall open and close the issue there. Your visit is important and will help our parliamentary system to consolidate.

**Fava** – We have asked to meet you since it is important to get the views from the opposition and appreciated your declarations stating that if a mistake was made, “we have to ask pardon, give a reimbursement and explain it to the EU”. It is difficult to explain what happened to El Masri during the 23 days in Macedonia. The version provided by El Masri on his case is corroborated by information appearing in press articles, the German prosecutor, can you help us with your evaluation?

**Casule** – it is a big question, and it does not deserve a big answer. We will discover it soon. I firmly believe that we were a country victimized by the wars. The government has probably been approached to grant additional services on the sake of the Alliance of the Willing.

I have asked for more info but the answer has been always: no. If that has happened, it is our duty to admit it, compensate El Masri and if we want to become EU Member State we have to give firm guarantees that this will not happen again in the future and that we follow guidelines from BXL on foreign and security policy.

There is a reasonable doubt, since we can't say it never happened since documents concerning this case are classified.

Our police is known for not respecting HRs, constant complaints to ombudsman on this from all citizens. The government has assumed the worst possible position, denying the facts and denying cooperation with the opposition and with you too.

We have to clear this issue not only because of the EU but for our country.

The Minister of Interior of now – that is a good policeman - was not Minister at that time. I enquired for more information, also in the view of your visit.

The opposition does not know what El Masri has stated and said, and about what happened to him.

We'll subsequently insist on an investigation on this (they need our documents).

We had in the past similar situations: illegal immigrants, terrorists crossing the borders, notably through Kosovo, organized criminals.

It could have been a bundling of things, idiotic typical Balcanic issue, in a confused and conflictual situation.

**Romeva** – thanks for your being frank. It shows that there is the willingness to clarify the truth.

Questions:

when we ask for concrete data, we are often declared that either they don't know or that the data we have are wrong. Why these facts were not investigated by the authorities of Macedonia?

Concerning the case of the 6 Algerians abducted in Bosnia to Guantanamo: US menaced the B-H authorities saying that they would cut off all aid if they were not cooperative. Do u think the same could be true for Macedonia?

**Casule** – the pressure sometimes is brutal (from US authorities). We have one Minister that was arrested. US said: tell so and so, or you will end up in the Hague, he did not follow US instructions and he ended up in the Hague, so there are conflicts with the US. When he was Minister and the EU wanted

to keep embassies in Iran to support democratization, he was menaced by the US. The same is true for the ICG and the exclusion of the US personnel from its remit.

You will have more info than me when you will leave the country. I don't approve violations of HRs, I was founder of the Commission for HRs in Macedonia. I enjoy whatever you will have learnt after this visit.

(two references are made by the Casule to two cases that I did not get:)

*There are 2 atrocious examples of US influence: plenipotentiary ambassador now attached to Paddy Ashdown office??? Trial in Skopje on the Rashia Sjlosa case. ??? Declared the policeman innocent..???*

**Kreissel-Dorfler:** what about the 2 versions on the El Masri case?

**Casule:** he checked in and checked out, but it is quite weird to leave trough the Kosovo border without being controlled (NATO forces are over the border in Kosovo). Macedonia does not have the capabilities (planes) for such a long trip to Kabul. A third party must have been involved, and our airport has been capacitated to host bigger planes. A part of the airport is out of Macedonian control and is at the disposition of NATO and US; concerning the fight I had info from your sources. I spoke with El Masri lawyer telling them to table a complaint at the Macedonian Committee for HRs, as well as for me to raise the issue at the European Committee. If he was so high risk, how come nobody new what happened to him after he was checked and released? At least the police should have checked him and followed him.

**Fava** – can u help us to understand how the secret service UDBK works and what is the content and consequences of the bilateral agreement signed by Macedonia and US that implies that not less than 30% of the data are shared with CIA, and the alleged hosting of CIA in the offices of the secret services? What do you think?

Are there secret prisons, or covert places where questioning takes place?

**Casule** – I believe it is FBI and the Director for Security and Counter-espionage that have an agreement. CIA and Macedonian Information Agency have a training and cooperation agreement. There are agreements also with other European agencies. The Information Agency is under the President, while the counter-espionage is under the Interior Minister. You can find more information on this asking to Europol that took part in Proxima, that was present as police probably at the time when that happened. If there is any trace of this they would have it. Intelligence has an agreement with counter-intelligence, which means opening up the country to foreign agencies. Macedonian Police uses private houses for “conversations” (interrogations), as also proven in court, and judged illegal, since all interrogations have to be done in the police stations. The police does it still, there are cases where accusations have been created out of nothing in places like this, furnished with instruments, etc... We have passed a law banning this but it still happens. Probably the Minister will confirm this too.

**Kaufmann** – these are secret prisons, like the hotel where El Masri was detained and kept by CIA?

**Casule** – it is possible, it looks like a bad American movie, but it is possible

**Fava** - The government says that it does not know anything; according to El Masri, Macedonians and Americans kidnapped him and took him in a small hotel in a street close to the US Embassy?

**Casule** – yes, it looks like it.

**Romeva** – former Minister of Interior Kostov, did he do declarations? Where is he now? The Committee on control of security services has not met for 3 years, is it true?

**Casule** – Hari Kostov was a banker, then became Minister of Interior, then Prime Minister, then again he is working in one of the main banks here. He is the person that should be called for a hearing with you. He has publicly said nothing on this. Avramoski was former Minister of Interior and is now deputy director of the Security and Counter intelligence-directorate. I respect him for the reform of the police.

Concerning the committee for the control of secret services, the former Minister of Interior Ljube Boskovski when elected MP became Chief of the committee, but he is in the Hague now accused for

not prosecuting the paramilitary involved in the killing of economic immigrants. In the meanwhile the deputy president runs the committee. But he could do it only if the President of the committee steps down – which he did not - and there is a power struggle over the presidency of the committee. The deputy could convene the committee, he asked several times, but did not manage.

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**Friday 28.4.2006**

**Meeting with Siljan AVRAMOVSKI, former Minister of Interior, now deputy director of the Security and Counter intelligence-directorate**

(Requests permission to record of the conversation)

**Kaufmann** – we absolutely don't want to harm the image of Macedonia, but we have a task to fulfill, we'll also go to the US.

**Fava** – we have reasons to think that El Masri has been detained in your country and then given to secret services of other countries; Pavle Trajanov (former interior minister) is one of the sources in the press stating this; can u help us to understand what happened in the 23 days El Masri spent in Macedonia? And after that? And what was the role of the Macedonians?

**Avramovski** – we have first hand information; there are speculations in the media; the administration for the Security and Counter-intelligence directorate is not a secret service. Our competence covers drug trafficking, organized crime, terrorism. Speculations that secret services have done an abduction, but this is a transparent institution working for the Ministry. Great deal of pressure from media on UDBK, stating that it had kidnapped El Masri, and the case became important. Request for legal assistance from German Minister of Interior, as well as from the Macedonian office of the Public Prosecutor, concerning our sector of control and professional standards, all asked for specific data on this event. El Masri arrived on 31.12.03 at the border, activities were intense as during all holidays, control on bus, identification of passengers by authorized officers, they stopped him for further controls, and the bus left; aim of holding him was to interview him: reason for the trip, where he would stay, money to support his stay, travel documents examined, from Skopje we searched the Internet database, there was no hit, so he was released and left the border crossing point.

We also checked the hotel where El Masri was in, to check his presence there. He was registered in the guest book and stayed there until 23 January 2004 including breakfast and after he left.

After the examination of the data concerning all border crossing, we have realized that on the 23<sup>rd</sup> in the evening he left the territory from Blaze to Kosovo in the evening of that day.

**Kaufmann** – do u have a record of the search on Interpol?

**Avramovski** – a search on the Interpol database was made through the code of the person making the search and most probably the search in the Interpol database has been registered. That search was done 31<sup>st</sup> of December in the evening and this is the info we acquired.

**Kaufmann** – (who carried the checks on El Masri?)

**Avramovski** - Members of the borders police + UDBK agents were also present as in your borders, as integrated border management and security procedures foresee.

**Kaufmann** – did you contact the DE authorities to understand that the El Masri passport was real / fake?

**Avramovski** – we have experts in our police for this, that can do it through a simple visual examination of the document.

**Kaufmann** – who paid the bill of the stay in the hotel of El Masri?

**Avramovski** - by El Masri himself. The hotel shall prove it.

**K-D** – have you a certain amount of money that is considered as necessary to be accepted in Macedonia?

**Avramovski** – (the aim of the interview is to check if a person has enough money, not how much money he has)

**K-D** – stamp on the passport?

**Avramovski** – it is done not all the time

**Romeva** – registration as the law foresees after 2 days of stay in the country?

**Avramovski** – it is of the competence of the inspectorate of aliens, and not of us.

**Romeva** – (yes, but what is the data transmitted from the hotel to the administration?)

**Avramovski** - day of arrival, day of departure, it is a valid registration certified by the police; so there is no obligation on the person to register, but on the hotel to transmit the information

**Romeva** – did somebody warn you that El Masri was dangerous?

**Avramovski** – during state holidays, the police carries intensified activities compared as those that are usual and does intensified controls on persons at borders, ect; it was the assessment of the border control person that a more attentive control had to be done.

**Fava** – were there in that hotel during that period more persons apart from El Masri? Can you exclude with certainty that he has been detained in that hotel also by other services?

**Avramovski** – absolutely (referred to detention?); the 31<sup>st</sup> is holiday and there are celebrations in town, there were many guests in the hotel, and it has a high reputation.

### **Meeting with Interior Minister, Ljubomir MIHAILOVSKI**

(conversation recorded)

**Kaufmann**- El Masri said he had no special aim for the visit; we have asked for the police record of the interrogation of El Masri. Questions: did you answer to the request of the German government for additional information, and can we have it?

Can we see the stamps that shall be made in the passports, and notably that to go to Kosovo? Can we have the info the government has on registration in hotel, list of other customers present in the hotel, etc?

**Mihailovski** – to get in Macedonia the procedure is standard, as in EU countries; to get out of Macedonia, sometimes stamps are done, and sometimes not; the role of Macedonian authorities is to understand if a person is a threat, so we check people coming in; on any check made there are official notes taken.

Concerning the information sent to the German authorities, on the basis of the criminal procedures, we have to provide information as following: the Public prosecutor of Germany sent it to the Minister of Foreign Affairs of Germany, that sends it to the Foreign Affairs Ministry of Macedonia then to the Interior Ministry then to the Prosecutor, the Ministry of Interior gave all information to the office of the General public prosecutor of Macedonia; this was done in March already; so the German Public Prosecutor has all the docs they sent to them (Hoffman in Munchen)

All passengers that enter or leave Macedonia, everything is recorded.

**Fava** – we would like to access all written records and answers of El Masri made at the border by the police. How did El Masri go to Skopje after he was released at the border? Walking? What happened during his stay in Macedonia?

**Mihailovski** – the records of the interview are an official doc of the Ministry, and I am not authorized to give you these docs. I can show them to you but I cannot give them to you, they are furthermore in

Macedonian language (shows a dossier but does not give it to MEPs). We have given them only to the public prosecutor of Germany.

On the trip, it is different in Macedonia, borders have taxis, buses, people walk around, etc. 3.5 millions foreign passengers cross Macedonia every year; we don't do controls on where they are coming from or going to, unless there is some reason for suspect, we started looking into his case last year. Questions in 2005 on this, then Herald Tribune raised the issue, then the case became current since then, and we are still asking ourselves what is behind this case, I was misquoted in the EP. Usually on the borders they don't make reports, also in the EU MSs.

**Czarnecki** – cooperation with US?

**Mihailovski** – since the structure of security services is different, UDBK is not a secret service, it is made of officials. Their competence is: drugs, organized crime, terrorism and we share information with all secret services involved so to avoid crimes. But there is no foreign service allowed to make operations on our territory. But there are no checks on this.

**Kaufmann** – I am sorry but for us it is clear that he was detained, and that there was a CIA flight leaving Skopje and that the US authorities went to Schilly to ask for excuse for the mistake.

**Mihailovski** – we don't have data that this plane is of the CIA or about its ownership, and I don't know that the US Ambassador said, it is the first time I hear this. We have provided info to German Procurer... we have no records on foreign services activities in Macedonia. We have the number of the plane (civilian) leaving from Skopje, that is all (in this way the Minister confirms information provided by El Masri and Eurocontrol).

**Fava** – the sky over Baghdad was closed in a period of war, and how do you explain this plane flying there from Skopje and being allowed?

**Mihailovski** – we don't check private planes. If you know what is behind all of this, please let me know.

**Meeting with the MPs in the Macedonian Parliament from the Committee for European Affairs and other relevant committees (foreign policy, joint parliamentary committee Macedonia-EP, Standing committee on human rights, committee on the control of the secret services, parliamentary delegation of the Council of Europe Parliamentary Assembly, NATO Assembly)**

**Fava** – what did the parliament do to enquiry on this case?

**Ristova-Asterud** – we did not have time, we are overwhelmed with work, and in our custom we do not create ad hoc bodies, El Masri did not instigate a procedure in our parliament; he did not address our Parliament directly, he went to the media, but there have been many issues on the agenda.

**Sojne Andov, liberal, opposition, President of human rights standing committee** - there is a special committee to control the administration for State security but it does not work properly; HRs issues are risen in our committee and people can address us with a petition and we send it to the competent committees, administration, NGOs, Helsinki committee, Prosecutor, OSCE, etc. We get documents and official answers from the institutions, the party is convoked with the lawyer, the conclusions of the committee are then sent to the Parliament, we have stated in the past that the Ministry of Interior has used excessive force, etc we take note that HRs have been violated, and Ministry takes action, dismiss and fire people responsible; I have learnt about El Masri case last year. I wrote to colleagues to see if we had to address the Minister on this. The Ministry said on the newspapers that it was not true, so I closed the dossier and informed the members of the EP in March as well as ELDR party during a visit they had here. In mid-january of this year enquiries started. I was called by the lawyer of El Masri and then he asked me if a procedure would be started if a petition was tabled, I explained them the procedure and told them they would be invited to take part. But no petition was received until now.

**Ristova-Asterud and Andov** – (argue on the actual competencies of the HRs committee on foreign nationals, for Andov it has competence, for Ristova it does not) HRs committee could verify if a violation takes place on HRs, but then it is for another committee to make conclusions since he is a

foreign national; the fact that El Masri has not formally made a petition does not help, we could have done it on our own motion, but we do not run political enquiries before the legal proceedings are finished.

**Fava** – detained for 23 days, proven that El Masri was in Afghanistan, so we need to know why he was blocked at the borders. But we try to know if the Macedonian authorities have ever asked themselves what happened to him during these days, since there are proofs of a CIA chartered flight to Baghdad and Kabul. I understand that he did not make any petition, but I try to understand how he came to Macedonia in a hotel and that he disappeared for 23 days. Did you ask yourself what happened or not?

**Ristova-Asterud** – informally we tend to trust the government and not the story of El Masri.

**Ganka Samoilovska Cvetanova** – there is no justification for HRs violations. This case is strange and complex. What I ask myself is the issue of the reason for his arrival in Macedonia. To select this place is a very naïve story for Christmas. How was it possible for him to pay the hotel? But we don't have any proof on how much money he had on him, except what he said. Please clarify also these issues.

### **Meeting with the President of the Parliament, Ljupco JORDANOVSKI**

**Fava** – do you think that your parliament could have done more on the issue of El Masri?

**President** – the case did not come through regular ways to our parliament. We have the HRs committee but El Masri never informed us formally, not even the State of which he is a national (Germany). According to our rules of procedure we need a request of a citizen (*comment: the parliament can also act on its own motion*). We have a committee on control of secret services that annually reviews the annual report of the secret services, and if there is a problem is it examined. We have done what we had to do (*comment: the committee does not meet since 3 years...*).

**K-D** – thanks and recalls proceedings in Germany, and the establishment of a committee of enquiry in the German parliament.

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**President** – we never had the impression you came to blame somebody or trial somebody. If there are violations of HRs we have to make light. Maybe the new parliament will be in a position to establish a parliamentary committee on this, although it is a matter of legal proceedings, etc.

**Romeva** – we are not prosecutors, but we aim at establishing the truth, try to clarify at least.

**President** – the parliament has a control power. We have received info from the Ministry of Interior but if you have conflicting info let us know we will start procedures.

### **Meeting with the Helsinki Committee President Mirjana NAJCEVSKA**

**Najcevska** - Is it possible that such a thing happen in Macedonia? Yes, it is possible, knowing the way of working of our police, and the agencies, we do think that this situation as described could be possible, and it is something that happens quite often, with police and secret services overcoming of their competences. There are leaks from the Ministry of the Interior and agencies. This is a small country and it is easy to know something. When newspapers announced the strange plane in Skopje in connection with an unknown person placed on this place, many thought it was possible.

On the second stage, investigation and proof of what comes out of the Ministry is much more difficult, to run an investigation to have a case. For a lack of will, of control mechanism, of the behaviour that is a mixture of communist and semi-democratic regime, you can deny everything. This concerns all cases that we are trying to investigate. The denial comes out very soon and then the barrier is impossible to break. The judiciary and all state bodies are controlled by parties and they don't investigate, in the paper they do it, but they don't. The ombudsman has the power but he did not show interest in the case and did not try to get confidential information. Problems are so many that cases of HRs are forgotten after a few days. The government silences newspaper. The first news is the closer to the truth and then there is either silence or denial. On another case we have 7 cases of people killed and now the case is

closed and nobody is guilty. More than 20 deaths in prisons and nobody enquiries. People dead in the psychological hospitals.

**Fava** – what about the standing committee on HRs?

**Najcevska** – we collaborate with them but then the report goes to plenary and the plenary rejects it. In many cases there was nobody to oppose facts but then the report was rejected. So they don't have a tool to run the case in another way.

**Fava** – 23 days of El Masri here?

**Najcevska** - We don't have information on this from different and credible sources: he came here for the period he claims he was here, it was a soft investigation, they kept him in a hotel or closed house, with the knowledge and instructions from some outside body and gave him in the hands of that organization. Most of the people either work according communist rules or trained in the US and according CIA rules. The main idea is not to loose a big friend like the USA notably in a situation of having a person between EU and US.

**Fava** – did anybody ask them to do so?

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**Najcevska** – there are two possibilities that have been alleged: either on request of the German government to check this person, or after that US arise interest, through their sources they found out that there was a person in Macedonia that was of interest.

**Romeva** – parliament needs an initiative of the victim to start enquiry? How did he go from border to hotel? bilateral agreement of protection of US personnel? Positive obligation to enquiry?

**Najcevska** – Parliament can start initiatives on its own, so there is no need for an initiative of the victim.

There are written tracks of the interrogations they do for they own protection; we could ask the ombudsman with knowing if there is a dossier in the Ministry of interior.

We tried to have a judgment of the bilateral agreement with US in front the Constitutional Court, but we were dismissed. All high officials run courses in the US. No enquiry, they don't want to do this, funny excuses from the government, such as they don't know who committed a certain crime of the police and who was there and if they had weapons, and then the public prosecutor stops everything. This is a problem we have everyday in our work! They even tried to arrest me when we opposed the bombing of Albanian villages.

Bodies that have powers to act in this case:

- \* Ombudsman is independent, elected by the parliament, since 2003 has many powers to access government files, of all institutions, but they don't use this power much
- \* Standing committee for human rights of the parliament
- \* Internal enquiry body of the Ministry of interior
- \* Public Prosecutor - chosen by the parliament
- \* Committee on control of the secret services: the issue of the absence of the President is an excuse not to control the services.

You cannot have a foreigner without the police to come and check after a few days if you have forgotten to register. It is impossible that a person leaves the country without being registered and without being checked, they always check. Registers are classified. They don't systematically check on money.

Opposition will become majority with next elections and so they don't have special interest in this. The government and the secret services knew about what was happening, so they are all involved, and it is difficult to find anybody among politicians to provide a different version than that given by the Minister of Interior.

**Meeting with Esad RAHIC, Chairman of the committee on defence and security, Member of the parliamentary committee for control of secret services**

**Kaufmann** - How do you evaluate the activities of CIA in Macedonia?

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**Rahic** – I asked for info to the Ministry of Interior on the El Masri case. The President of the committee for control of the secret services is detained in the Hague. I asked repeatedly to appoint a new President. Fyi, on the 8<sup>th</sup> of March we had a seminar on parliamentary oversight of governments. Secret services always try to hide away from public issues. I will give you these 2 docs (*comment: I don't have it, but maybe they gave it to us*): the 13<sup>th</sup> of April request to the Minister, and the answer of the Minister that I will not comment.

**Fava** – 1<sup>st</sup> issue: is it true that this committee does not meet since 3 years? The El Masri issue is quite important to meet, I say it as parliamentarian.  
2<sup>nd</sup> issue: there was a plane confirmed by the Minister of Interior of the 23<sup>rd</sup> of Jan, and he was in a hotel; was he under control of the Macedonian services, or of US authorities? We don't have reasons to believe that he stayed closed in a hotel room for 23 days. Can you exclude this or is there a margin of doubt?

**Rahic** – I am one of the signatories to elect a new President of the committee, I was tapped when I was in opposition and I am a democrat. Then there is a solidarity of members of opposition on changing the president of the committee and elect the vice-president.

The President of the parliament could start the initiative but we discovered quite late the case of El Masri (*comment: new version again of parliamentary procedures*).

2<sup>nd</sup> issue: he was on the plane most probably. I must speak in a situation of speculation. There are 2 theories: he was under control of the Macedonian secret services or by CIA. The Ministry of Interior states that he left Macedonia...

**Fava** – I understand that you say what you say, but how is it possible that the gov, the secret services have not enquired on what he did in these 23 days, such as shopping, or preparing a terrorist attack?

**Rahic** – The Minister of Interior was not Minister when El Masri was here. The suspect was on his passport and then he was checked. Why he did not address the institutions of this country?

**Czarnecki** – can you absolutely reject that the services of your country have escaped the government control?

**Rahic** – and are your secret services under the control of your governments?

**Fava** – yes, but this does not exclude your case (or eventual deviated secret services).

**Romeva** – which is the level of cooperation between Macedonia and US?

**Rahic** - After what has been happening after the attacks, we have an unconditional cooperation with all secret services of EU and US. Sometimes mistakes can happen – I don't refer to this peculiar case.

**Romeva** – Rice apologized to Merkel

**Rahic** – apologies have to be given if mistakes have been done. There are speculations that he is a member of an intelligence service that came here with a task and that he has been held as a scapegoat in the conflict between 2 ways of handling the fight against terrorism, the European way and the American way (+ *comment: some terrorist organizations that are looking for people that could not rise suspects and commit terrorist attacks*)

**Fava** – can your committee evaluate if this is the case?

**Rahic** – I trust my government. I could convoke my committee but it is not in the competences of it. There have been abuses on interceptions, etc, but the director of UDBK has given the same kind of answer.

**K-D** – (what about CIA-chartered flights information?)

**Rahic** -it is horrible to know that all these planes have been flying and landing all over Europe. You have to understand that we have been building our new security system.

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### **Meeting with Sojan ANDOV, President of the Standing HRs Parliamentary committee**

**Andov** - I believe that its competence covers also foreigners, and it has to be ascertained by the committee if it has competence or if another committee is competent. In Jan 2005 there has been an article on El Masri. I tried to contact the editors but they did not have further information, consulted the members of the committee, the Ministry of Interior made a release to deny the case, so for us there was no way to open the case. We work upon petitions, I mentioned it with the parliamentary group of ALDE when they came over here. They never communicated back with me on this. When the European parliament opened the case, and the lawyer of El Masri stated that he would table a petition, I waited from them to get more info and the petition. But since this did not happen, I raised the issue and the majority of the members were against. I preferred to wait and get the official documents from the lawyer.

**Fava** – to be correct, I will have to tell you that I don't agree with you. In the EP we have established the temp. committee without having a petition from somebody, we just did it. Why here the only evidence is the article of the 10 of January in the newspaper by Bozinovsky? Since then there are so many other documents, reports, articles written by journalists, even awarded with the Pulitzer Prize! Why this committee, the committee on secret services, the ombudsman, the Procurer, that should enquiry and did not do it in 2 years?

**Andov** – Mr Banka sent me the documents concerning El Masri. But El Masri did not send us the information or requested us for a hearing or a petition! How to say it... It was a secret services issue and we risked to interfere with the work of the secret services. The media here – which are not the media of democratic countries - did not pay attention to this. If I started procedures, there would have been fights among parties... I don't know how to explain it... The majority of the committee votes with the government, and we lose the battle. The risk is to become counterproductive. 1/3 of the population is muslim, priests are educated in Saudi Arabia, we have to be careful on not to harm sensibilities. Secret services take care about this, and CIA does the same, that is why we do not object on secret services persecuting terrorists. If somebody that is innocent is apprehended, then there are suffers, and in this case his name corresponded to that of somebody else and a mistake was made... (Our liberal party here is the only party in favor of sending troops in Irak also if no decision from UN was there.) But we also fear to have bad consequences here for hate. He should have submitted a petition. Our police is not equipped enough even to do the simple work. I don't exclude they could have made a mistake. But I could not make conclusions on this unless there is a real review. Some MP says it was an "enigma", we need to hear him here, we would create a mess, regardless of the fact that we are in opposition. There should be no unnecessary dramatization in intercommunity and inter-religion relations, our muslims would be upset, they would think that we record them when they go to mosques. Islam has a different understanding of democracy and human rights. The case of El Masri shall be treated as a simple HRs case, but it is not like in other countries, here we have 33% of muslims, we must not run the case here, but this could harm the State. When ELDR came here I told them. I am too old and I could not correct an event such as poisoning the relations among communities.

### **Press conference of MEPs on the visit**

**Kaufmann** – explains mission, agenda and meetings, very open talks, we have been declared that Macedonian authorities want to cooperate with EU and our committee, we appreciate attitude; of course for the work of our committee it is very important to shed light on cases, we are not here to criticize and blame, we appreciate the cooperation initiated. But we still have a series of questions.

**Fava** – we appreciate the spirit of cooperation; this is the first phase, we still have to work on this case as well as other cases. We have made many questions to representatives of the government, we have received some answers, not all of these we had expected. We have found no specific proof of El Masri's version, but it is also true that we did not receive proofs that it was not true.

- We know that, as the Minister of Interior and the chief of the secret services have admitted - he stayed in that hotel, but no proof was provided on what he did there to deny El Masri's version.
- How he went out of Macedonia? For the government he left for Kosovo. But we wait for a proof of this, we know there are registers and it would have been useful to see such a register, until now this proof has not been given to us.

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- on the plane chartered by CIA we have received no information. Info we have stemming from Eurocontrol coincides with what El Masri said, and the gov. did not provide further information to deny this, nor provided more info.

- another thing that surprised us is the fact that organs charged with examining such situations have not done anything. Ombudsman, committee of control on secret services, human rights standing committee waited for a petition; we think that on a case like this, also since there is an enquiry in Germany, NGOs such as AI, HRW, press and journalists, there were enough reasons for these institutions and the procurer to intervene.

We know that one month ago docs have been sent to Germany as requested, and that the German enquiry committee and magistrates are active.

In conclusion we are a political body of enquiry, not a court; we want to work in the most open way with everybody. So this is why this is the beginning of this work on the case of El Masri, and on Macedonia, knowing that we all look for truth.

**Q** – (did you find proofs that he has been detained here?)

**Fava** – we have found no proofs that he has been detained by CIA here, as well as we did not find proofs of the opposite. We have learnt that CIA is consistently present and cooperation is underway, notably after 11 september. We have received confirmation also from government representatives.

**Q – Ass Press** – so this is half of truth that you find here?

**Fava** – we have an additional questions since we discovered that he stayed in the hotel, and on who paid the bill for it, and that we have an important declaration of Rice with Merkel whereby she acknowledged the error that they did.

**Q** – Min of Interior said that he left to Kosovo. Do you mean that the Minister is lying?

**Fava** – I just say that they did not prove it. And still we have doubts on the coincidence of a flight to Bagdad on that day – that is not for turism, since there was a war there. But we still don't have the information we requested for (police records, etc).

**Q NYT** – Macedonia in the EU?

**Kaufmann** – we are not here to evaluate that. We have a mandate on violation on human rights linked to CIA. We highly appreciate the attitude of the government.

**Q NYT** – was there full cooperation?

**Fava** – it is the start of a cooperation, we are sure that cooperation will continue.

**Q France Press** – you said that if you see the police records proving that he left to Kosovo you would be satisfied. Are there secret prisons here?

**Fava** –we did not go hunting secret prisons, it is not a film. We go back to the issue of the burden of proof. We believe that it is useful for everybody to see a public record showing that El Masri left Macedonia not on a CIA plane but on that border.

We asked for such a proofs, but we cannot oblige the government to show it. We hope that we will receive it in the future. We have had the impression that they don't exclude an error, but if there are the proofs of that error we would acknowledge it. The ending of the electoral campaign will make it easier.

**Q TV?** – did you get answers on the fact that Macedonian police checked El Masri?

**Fava** – this is what the police officially recognises: he has been stopped for 4 hours. A check was made with Interpol and then he was released at 20h56.

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**Saturday 29.04.2006**

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**Meeting with Zvonimir JANKULOVSKI, University professor of international law, former Ambassador of Macedonia to the Council of Europe 2002-2005**

**Fava** – what are the relations between the Macedonian Secret services and CIA, and would the case of El Masri fall in this kind of cooperation? + **Romeva** + **supplementary questions K-D** + **Kaufmann**

**Jankulovski** – my area of interest is a little bit different. I am not an expert in police cooperation, and on CIA-secret services cooperation. I was involved in some projects on the issue of reform of interceptions, police and human rights, as far as I know there is cooperation but not freedom for other security services to act without controls. I learnt about the El Masri case when it came out in the newspapers. The borderline is controlled by the army, but border points by police. Macedonia decided to sign the agreement with US on ICG and this issue was raised so many times in the CoE it is a matter of foreign policy priorities, the gov. has chosen the best way to balance the different interests of relations with EU and US. He thinks – but is not sure about it – that suspicious people can be extradited to US. El Masri did not make a formal complaint, but different organs can act without this anyway. The Ministry of Interior said what it said, and there is no reason not to believe that, nothing happened here.

**Marzocchi** – do you think that Macedonia respected the positive obligation to make investigations as ECHR jurisprudence requests State parties to do?

**Jankulovski** – I know Macedonia would lose this case against it in front of the European Court of Human Rights. There are 400 cases concerning Macedonia in front of the Court, mainly related to art. 6 fair trial and length of proceedings.

**Visit to the Hotel where El Masri was detained**

The aim of the visit was to get from the Director of the Hotel the register with the list of customers in the hotel for the period El Masri was there. The Director was on holiday, notwithstanding he had been contacted to hold the visit and that apparently a misunderstanding took place (???), so it was impossible to access the registers.

**ANNEX 1**

<b>possible scenarios</b>	<b>Government</b>	<b>FYROM Secret Services</b>	<b>CIA</b>	<b>consequences</b>	<b>notes</b>
<b>joint operation, everybody knows but all cover up (Helsinki committee President, Casule MP)</b>	...organised abduction with...	...and with	..that flown El Masri to Afghanistan	violation of ECHR and EU norms (art. 6 TUE)	- could be consistent with El Masri's version - engages strong political responsibility of government and administration in violating HRs and cooperating with foreign services - explains why authorities did not provide EP delegation with documents
<b>deviant FYROM secret services co-operating without the gov. knowing directly with CIA</b>	...did not know...	...but organized in secret the abduction with...	..that flown El Masri to Afghanistan	government does not control its own secret services, and neither the Parliament; violation of ECHR and EU norms (art. 6	- could be consistent with El Masri's version - engages political responsibility of government and administration, reveals weakness of democratic

				TUE); also secret services engage State responsibility	institutions, and does not avoid the fact that ECHR would have been violated - explains why authorities did not provide EP delegation with documents
<b>CIA secret operation without anybody else knowing</b>	...did not know...	...did not know...	CIA secretly organized the abduction with Macedonian private agents	government and secret services do not control foreign secret services and are not efficient; rule of law is put at risk; violation of Mr El Masri's human rights, but question on Macedonian State responsibility according to ECHR	- this would be the easiest solution for authorities, - but would put at risk FYROM-CIA/US cooperation

## Annex 2: LIST OF DELEGATION MEMBERS

Delegation of  
the Temporary Committee on the alleged use of European  
countries by the CIA  
for the transport and illegal detention of prisoners  
to the former Yugoslav Republic of Macedonia

### MEP

- **Chairman**

1. COELHO, Carlos [PPE-DE, Portugal]

- **Rapporteur**

1. FAVA, Giovanni Claudio [PSE, Italy] +

- **Political Groups:**

1. GROUPE PSE: KREISSL-DÖRFLER Wolfgang [Germany] +
2. GROUPE VERTS/ALE: ROMEVA I RUEDA Raül [Spain] +
3. GROUPE GUE/NGL: KAUFMANN Sylvia-Yvonne [Germany] +
4. NON INSCRITS: CZARNECKI Ryszard [Poland] +

### STAFF

- **TDIP:**

1. François NÉMOZ-HERVENS, Head of the Secretariat +
2. Tomasz BANKA, Administrator

- **Political Groups/Assistants/Others:**

1. MARZOCCHI Ottavio (ALDE) +
2. TUSAR Anita (PSE) +
3. WOLFRAM Jens (GUE)
4. ROBERT Jean-Luc (Greens)
5. SIMPSON Gavin (PACE) +

## **INTERPRETERS**

- **IT**

1. Mrs Maria Monterisi-Liberti
2. Mrs Livia Riboldi (team leader) +

- **MK**

1. Mr Vladimir Ognjanovski
2. Mrs Jasna Vrteva-Soptrajanova
3. Natasa Kolekevaska Georgievaska (only for 27.04.2006)