



**COUNCIL OF
THE EUROPEAN UNION**

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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 Brussels on 9 and 10 October 2006

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

I. Exchange of views with Mr Spataro, prosecutor (Milan, Italy)

In his introductory remarks, **Mr Spataro** informed the Committee that the investigations regarding the kidnapping of Abu Omar in 2003 had been closed on 6 October 2006. Referring to questions put by Members at his previous appearance in the Committee regarding the possible cooperation by or knowledge of the Italian government in the kidnapping of Abu Omar, Mr Spataro emphasised that there were still no evidence of any such involvement. During his investigations, he had interrogated or interviewed several persons from the Carabinieri and from SISMI, the Italian intelligence service. Among them were Mr Pironi from the Carabinieri, Mr D'Ambrosio, SISMI station chief in Milan at the time, Mr Mancini, head of the counterintelligence division of SISMI, General Pignero, SISMI agency chief for Northern Italy, and the head of the SISMI station in Trieste. He had wanted to interrogate Mr Pollari, the head of SISMI, but the latter had refused to answer any questions since the information that he had was covered by state secrecy. During interrogations, the Carabinieri official Mr Pironi had admitted that he had taken part in the kidnapping by asking Abu

Omar for his identification papers. He had used the opportunity of the identity check to take Abu Omar to the van in which he was abducted. According to Mr Pironi, the kidnapping had been prepared by the CIA and SISMI. SISMI had assisted by carrying out checks and observing Abu Omar for a certain period of time. Mr Pironi had agreed to take part in the kidnapping because he was told that SISMI was involved and with the hope that Mr Robert Lady, the CIA station chief in Milan, would help him to be transferred from the Carabinieri to SISMI. Mr Pironi did not know who the other people involved were, but there were two persons who spoke Italian. One he only heard briefly, the other he spoke with for a long time, and he spoke very good Italian. The identity of these persons had not been established. Mr D'Ambrosio, SISMI station chief in Milan, had told the prosecutors that it was Mr Castelli, CIA station chief in Rome and responsible for the CIA in Italy, who had planned the Abu Omar kidnapping, and that Mr Robert Lady had been opposed to the plan. According to Mr D'Ambrosio, Mr Robert Lady had asked him to tell his superiors about the plan, in the hope that SISMI would prevent CIA from going ahead with it. Mr D'Ambrosio had raised the matter with his superior, Mr Mancini, head of the counterintelligence division of SISMI. According to Mr D'Ambrosio, Mr Mancini had not expressed any views on the matter, and only asked whether Mr Lady was the source of the information, which Mr D'Ambrosio had confirmed. Mr D'Ambrosio was not able to go above Mancini, who said that he would convey the message to his superiors. Shortly thereafter, Mr D'Ambrosio was forced to leave the Milan office. Some time later he also left SISMI. The head of the Trieste SISMI office had said that he had been approached by Mr Mancini who had asked if he would be counted on for using "unorthodox methods" with regard to terrorists. He refused and was transferred around the same time as Mr D'Ambrosio. In their investigations, the prosecutor had intercepted telephone communications between General Pignero, and Mr Mancini. The latter had expressed concerns that the prosecutor might identify people who on his orders had carried out checks on Abu Omar in preparation of the kidnapping. Mr Mancini admitted having organised a meeting of SISMI heads from northern Italy where it was decided to carry out the checks. According to Mr Mancini, General Pollari, the head of SISMI, had given him a list of names, including the name of Abu Omar, and given him indications to keep Abu Omar under observation in the run-up to the kidnapping. Mr Mancini had said that SISMI was only involved in the surveillance before the kidnapping. Mr Spataro had not found any evidence that SISMI had taken part in the kidnapping itself. General Pollari had refused to answer any questions, claiming that the information that he had was classified as a state secret which if revealed would compromise Italy's relations with other governments.

Mr Fava (PSE, IT) considered that the investigation showed a serious case of complicity on the

part of the intelligence services of a Member State with the CIA and was very critical of Mr Pollari having lied to the Committee. He and other Members asked for further details concerning the document classified as a state secret. **Mr Spataro** told the Committee that it was up to the Prime Minister to decide whether or not to lift a state secrecy classification. The document had been classified as a state secret by the previous government, and the current one had decided not to change that classification.

Mr Spataro considered impossible the hypothesis put forward by **Mr Gawronski** (PPE-DE, IT) and **Mr Rogalski** (IND/DEM, PL) that Abu Omar himself had been implicated in his kidnapping. With regard to the question of whether Abu Omar had been kidnapped with the objective of recruiting him, **Mr Spataro** said that it was possible that there had been attempts to recruit him after the kidnapping, but he did not consider that Abu Omar's possible recruitment was the aim of the kidnapping.

Asked by Members about the possible involvement of the Italian government, **Mr Spataro** repeated that there was no evidence of government involvement. The head of SISMI had a duty to inform the minister of defence, but Mr Spataro did not know if that duty had been fulfilled. The head of SISMI was the highest level the prosecutors had reached. Mr Spataro stressed that he would not make any political assessment or express any political views on what had happened. He emphasised that he had not said that the whole intelligence service was implicated.

Mr Kreissl-Dörfler (PSE, DE) considered that the investigation showed that there had been serious violations of national and international law, including human rights laws. Asked by him about the cooperation between the Milan prosecutor's office and its counterparts in other countries, **Mr Spataro** said that there had been excellent cooperation with the Saarbrücken and Munich prosecutors' offices, as well as with Spanish and Swiss authorities. A request for cooperation had been sent to Egypt four times, but he had received no reply.

With regard to the extradition of CIA agents involved in the Abu Omar case, **Mr Spataro** said that the Milan prosecutor's office had requested that the Ministry of Justice ask for the extradition of the agents in question. The first request had been rejected, and a second request had been submitted after the change of government. No decision had been taken by the Ministry yet, but since there was no English translation available of the request, the Ministry should not be criticised for not yet having taken a decision.

To questions about the CIA approaching SISMI for cooperation in other cases, **Mr Spataro** mentioned that Mr Batelli, former chief of SISMI, had been asked by Mr Castelli to cooperate with the CIA regarding the capture of suspected terrorists shortly after the events of 11 September 2001. However, Mr Batelli, who was about to leave the service at the time, had said that Mr Castelli would have to talk to his successor. Mr Spataro did not know if the demand was related to a specific case, or if it was a more general request for cooperation.

II. Exchange of views with Mr Lahodynsky, journalist and European editor of Austria's weekly magazine "Profil", and with Mr Behari, Sudanese citizen residing in Vienna, alleged victim of extraordinary rendition

Mr Lahodynsky told the Committee how the magazine Profil had stumbled across the story of a Muslim preacher in Vienna, Mr Menshawi, when the stories about Abu Omar were published in Italian media. Mr Menshawi was an Egyptian national who knew Abu Omar and had been in contact with him in Milan. According to Mr Lahodynsky, Mr Menshawi had been arrested in late 2002, when his flight stopped over in Amman, Jordan, during a trip to Mecca. He was taken to Egypt where he was detained for about a year. After his release, he stayed in Egypt where he was said to work as a doctor. Mr Menshawi was suspected of belonging to the Egyptian Islamist extremist group Jemaah Islamiyah. The group was still active in Egypt but had agreed with the Egyptian authorities not to resort to terrorism. Although Mr Menshawi was well known in the Islamic community in Austria, no-one seemed to want to know what had happened to him. The Austrian authorities seemed not to know much about the case, and said that Mr Menshawi was not their responsibility since he was not an Austrian citizen.

Mr Lahodynsky had also written about what had happened to Mr Behari, a Sudanese citizen living in Vienna. Mr Behari flew to Sudan at the beginning of 2003. Twelve days later, as he stopped over in Amman during his return flight, he was picked up by the Jordanian security services who, after a brief interrogation, took him to a prison where he was held for three months without any charges being brought. He was interrogated about the Islamic scene in Austria. Austria had not taken any action in the Behari case, and had simply declared that Mr Behari was not an Austrian citizen. A German journalist, Mr Wilke, had mentioned similar cases where Saudi Arabian nationals were held in detention in the same prison, also without charge. Mr Behari's account of what he had experienced was in line with the account given by other victims. When Mr Behari was released and left Jordan, he received two stamps in his passport, one for entering the country and one for leaving

it. However, although he had been held in Jordan for three months, the entry stamp had the same date as the exit stamp.

Mr Behari said that he had never imagined that anything like this could happen to him. He had been living in Vienna since 1989. He had not cooperated with either the US or the Austrian intelligence services. Officials of the Austrian security services had visited him just after the events of 11 September 2001. He had said that he was not interested in what had happened in the US and that he was not interested in cooperating with the Austrian intelligence services. During his detention in Jordan, he did not get any help from the Austrian embassy. He confirmed that there were very elaborate methods of interrogation and torture in the prison. On a regular basis, the prisoners had been sent to a basement, where they were forced to hang upside down. They were beaten on their feet until they bled, then forced to stand on the floor which was covered with salt. The guards poured water on the salt and later, when the prisoners were back in their cells, warm water and salt was poured on them. There was also psychological torture.

Asked by **Mr Fava** about possible cooperation between Austrian and Italian intelligence services in the Abu Omar case, **Mr Lahodynsky** said that it was difficult to make any statements regarding such cooperation. However, according to Italian media reports, CIA agents in Rome had stated that not only Italian, but also Austrian authorities had been involved in the matter. Austrian authorities had however said that they had no knowledge of this. Mr Lahodynsky said that another Muslim preacher in Vienna, immediately after the capturing of Abu Omar in Milan and before there were any records about the events, had been visited by the Austrian intelligence services. According to Mr Lahodynsky, this showed that there was a close cooperation between Italian and Austrian intelligence services. Mr Lahodynsky had also obtained information about contacts between Luxembourg authorities that had been in touch with the Austrian authorities regarding Mr Behari. However, Mr Lahodynsky said that there was not much substance to that information. The Austrian prosecutor's office had investigated Mr Behari in September 2001, but after six months the investigation was concluded without any charges being brought. It was absolutely clear that Mr Behari's itinerary was known to the Americans. Jordan Airlines had said that they had given the information to the US authorities upon their request. As regards any cooperation between the Austrian intelligence services and the CIA concerning Mr Behari's arrival in Amman, Mr Lahodynsky said that he could only speculate. While the new US Ambassador in Vienna did not seem to know much about the case involving Mr Behari, very detailed questions had been put to Mr Behari during his detention in Jordan. Mr Lahodynsky considered that the Jordanian intelligence

services must have obtained information from their Austrian counterparts.

Asked by Members for further details about attempts by the CIA to recruit him, **Mr Behari** told the Committee that he had been approached by someone with an American accent in Vienna who had wanted to obtain information about the Muslim community in Vienna. Mr Behari had refused to cooperate. Mr Behari also claimed to have documents concerning illegal cooperation between the US and the Austrian intelligence services as well as between the Luxembourg, the Austrian and the German intelligence services.

Regarding the nationality of other prisoners, Mr Behari said that there had been French nationals, or French residents of Arab origin. Most of the prisoners were however of Saudi Arabian or Jordanian origin. Some soldiers allowed the prisoners to have conversations with each other. He was told by other prisoners and by the guards that people were sent to the prison by the UK or the US. When he asked why, he was told that the interrogation methods were better in Jordan.

Mr Behari had not been informed of the reasons for his release. As regards any proof of involvement of the CIA in his case, Mr Behari said that before being captured and detained, he had been approached by an American in Vienna. The man claimed to know him and suggested that they work together to protect Muslims. Mr Behari had refused to cooperate with him.

Asked whether he knew about any other cases involving Austrian nationals or citizens, **Mr Lahodynsky** answered in the negative. In the cases of Mr Behari and Mr Menshawi the Austrian government had been passive. As regards other incidents which might be related to the events under investigation by the Committee, Mr Lahodynsky told the Committee that on one occasion when a US-registered plane had entered Austrian airspace unannounced, the Austrian air force had taken immediate action. The defence ministry had protested and lodged a complaint with the US embassy. The US embassy replied that it regretted the case, and that the incident was the result of an oversight. The incident had had no further legal or diplomatic consequences. Mr Lahodynsky also mentioned a case where the Austrian minister of interior had been pressured by the US to extradite certain Egyptian asylum seekers, but had not given in to that pressure. Furthermore, Austria had not deported the asylum seekers to Egypt despite guarantees from Egypt that they would not face the death penalty.

III. Outcome of the mission of the delegation to London

The delegation had been chaired by Baroness Ludford, and had had meetings with lawyers, NGOs, alleged rendition victims and family members of alleged victims. **Baroness Ludford** (ALDE, UK) was pleased that the visit had deepened the knowledge of the Committee of certain cases involving UK citizens or residents. Her overall conclusion was that the possible role of the UK needed closer examination, also as regards its possible role in supplying information. She found the cooperation with the UK parliament's foreign affairs committee and its joint committee for human rights excellent. She saw it as problematic that the members of the committee in the UK responsible for supervising the security and intelligence services were appointed by and reported to the Prime Minister, and that his cabinet could have influence over the drafting of the reports. She felt that there was a tendency of the government not to respect the parliamentary committees since it would focus on giving information to the committee supervising the security and intelligence services. The delegation had had a single meeting with the Minister for Europe, Mr Hoon. Baroness Ludford did not consider that meeting very fruitful in terms of getting detailed answers.

Mr Fava and **Mr Catania** (GUE/NGL, IT) shared Baroness Ludford's account of the mission of the delegation. **Mr Gawronski** disagreed and did not consider that the UK government had been uncooperative. He was critical of a discussion between Baroness Ludford and Mr Hoon that had been held before the minister's meeting with the delegation. Mr Gawronski and other Members considered that it was wrong that a delegation was chaired by a national of the State of the mission. **Mr Tannock** (PPE-DE, UK) stressed that the UK government had acknowledged two cases of rendition, but that these cases were not unlawful. He was not surprised that the government was not very cooperative towards the Committee, since the inquiry concerned matters of sovereignty.

IV. Time and place of next meeting

23 October 2006 in Strasbourg at 19:00.