

EUROPEAN PARLIAMENT

2004



2009

*Temporary Committee on the alleged use of European countries by the CIA for the transport
and illegal detention of prisoners*

18.10.2006

NOTICE TO MEMBERS

Nº 8

Subject: Report on the TDIP Committee Delegation to Berlin (Federal Republic of Germany)

Committee Members will find attached a report on the delegation to Berlin prepared by the Secretariat under the responsibility of Committee and Delegation Chairman, Mr Carlos Coelho

DIRECTORATE-GENERAL
FOR INTERNAL POLICIES

A. Proceedings

By adopting its working programme for the second half of the year on 10 July 2006, the TDIP Temporary Committee decided to send a delegation to Germany.

By letters of 13 July 2006 (310323/D(2006)39564) and 30 August 2006 (312282/(D(2006)45860) TDIP Chairman Coelho requested that European parliament President Borrell seek the approval of the Bureau for this delegation.

On 6 September 2006, the Bureau agreed to this request, allowing 10 Committee Members (Chairman, rapporteur and one representative from each political group) to travel to Berlin on Tuesday 19 September 2006.

The delegation could not meet any representative of the German Government, since it had been told that the latter had first to appear before the inquiry Committee of the German Parliament (Bundestag), before being able to meet the TDIP Temporary Committee.

Delegation participants are listed in annex 1 and the programme is detailed in annex 2. The list of the members of the inquiry Bundestag's committee having taken part in the meeting with the TDIP delegation is attached in annex 3.

B. Summary of meetings

Tuesday, 19 September 2006

9.¹⁵ - 10.⁰⁰

*Meeting with:
Hans-Martin TILLACK, journalist (Stern Magazin)*

Mr Tillack was asked to comment on the article he published back in July 2006 in which he had pointed out that the EU Police Mission Proxima in the Former Yugoslav Republic of Macedonia may have been aware of the abduction of Khaled El-Masri in January 2004. He urged to ask EU High representative Javier Solana, as well as former Proxima Heads Bart d'Hooge and Jürgen Scholz, about the role of the mission in advising in particular the country's counter-espionage service DBK. He referred to the political dependence of the country towards the United States, which ensured its security, but at the same time considered that the EU should exert its influence on a country candidate for accession. He also recalled that Mr El-Masri had been mentioned in the report of the 9/11 commission in the United States, which means that he could have been under observation from US agents, without excluding transfer of information from German services.

10.²⁵ - 11.⁰⁵

Meeting with:
Ferdinand MUGGENTHAIER
Susanne BAUMANN
(Amnesty International Germany)

Both speakers insisted on the lack of transparency on the part of the government on the different cases (Kurnaz, Zammar, El-Masri). Very often the government is hiding behind secrecy and only answers to the parliamentary oversight committee of intelligence services, whose works are also secret and which has no sufficient means to fulfil its remit.

On the Kurnaz case it is most likely that the government did not seize the American offer to take him back in 2002 and he had to wait for four more years before being released from Guantanamo in 2006.

Concerning Mr Zammar, there is no indisputable evidence that he is still alive, but what is for sure is that there has been extensive exchanges of information between American, German and Syrian intelligence services and that he was tortured.

As far as Khaled El-Masri is concerned the Munich prosecutor Hoffmann makes an excellent job but here again the present government -but also the former Minister of Interior Schilly- lacks to cooperate, especially before the Bundestag inquiry committee.

German secret services and other officials have interrogated detainees abroad (i.a. in Syria and Guantanamo) and Germany has benefited of information likely obtained under torture. Some politicians have even admitted that this could be acceptable if as a result lives were saved.

11.⁰⁵ - 11.²⁵

Internal meeting to the delegation

The TDIP delegation then prepared its meeting with the Bundestag inquiry committee, before going to the lunch offered by its German counterparts.

13.³⁰ - 14.⁵⁰

Meeting with members of the Bundestag's Committee of inquiry

TDIP Chairman COELHO underlined that this meeting was one of the very first with the national parliaments and appealed to work together for finding out the truth. He stressed the fact that the main objective was to avoid it happening again.

He then raised the issue of the invitation addressed to Foreign Minister Steinmeier to appear before the TDIP committee. Since the Minister had agreed but pointed out that he

should first be heard by the inquiry committee of his national parliament, Chairman COELHO asked whether the inquiry committee could envisage to call Mr Steinmeier before the end of the year or whether they could accept that the minister would first take the floor before the European Parliament's Temporary Committee, which was due to finalize its hearings by the end of this year.

Furthermore one should not forget that in any case the plenary vote of the TDIP final report will take place under the German Council Presidency.

Inquiry Committee's chairman KAUDER replied that this should be first discussed within his committee before being able to answer to these requests.

On the exchange of information between the two committees it was agreed to do the utmost possible while underlining constraints due to confidentiality and legal requirements.

The specificities of each committee were also highlighted to demonstrate the usefulness of a close cooperation and coordination.

If indeed the inquiry committee has court-alike powers, and can investigate fully in one country, namely Germany, the temporary committee has an overview of many cases throughout Europe and can go much more easily in all the countries where illegal actions have allegedly taken place. As a matter of fact it already went to the former Yugoslav Republic of Macedonia and the United States and will go to the United Kingdom, Romania, Poland and maybe Portugal and in all these countries representatives of national governments have been or will be met.

As a general rule, the inquiry committee's members were not in a position to already draw any decisive conclusions on the truthfulness of the allegations on which they investigate, nor as a consequence on the responsibilities involved. They have decided to discuss one by one the different elements of their mandate and started by investigating the El-Masri case, before looking at the Kurnaz and Zamar cases, the CIA flights over Germany and the German intelligence services' activities in Irak (order to be confirmed). The inquiry committee does not expect to complete its work before the end of 2007 at the earliest.

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Since the members of the inquiry committee were not in a position to hold a joint press conference with the TDIP delegation, no such conference was organised at the end of the works.

**LIST OF PARTICIPANTS
TDIP Delegation to Berlin, Tuesday 19th September 2006**

MEPs¹

1. COELHO, Carlos (Chairman)
2. FAVA, Giovanni Claudio (Rapporteur)
3. GAWRONSKI, Jas (EPP-ED)
4. KREISSL-DÖRFLER, Wolfgang (PSE)
5. ALVARO, Alexander (ALDE/ADLE)
6. ÖZDEMIR, Cem (GREENS/AFE/ALE)
7. KAUFMANN, Sylvia Yvonne (GUE/NGL)

TDIP Committee Secretariat:

1. NÉMOZ-HERVENS, François (Head of Secretariat)

Political Groups/Assistants:

2. SPEISER, Michael (EPP-ED)
3. TUSAR, Anita (PSE)
4. LAMBERZ, Ulrich (GUE)²
5. RASMUSSEN, Anders (ALDE)
6. MARZOCCHI, Ottavio (ALDE)

Interpreters

1. COLETTA BAUER Maria Grazia (team leader)
2. GRUBENMANN Verena
3. FERGUSON Helen
4. MANGELS Doris
5. POZZECCO-ARBOGAST Serena
6. ROSS Magdalena

¹ Mrs Eva KLAMT (EPP-ED), will participate in the meetings as European Member elected in Germany

² Mr Ulrich LAMBERZ (GUE) is the assistant to Mrs Kaufmann in Germany

AGENDA

Delegation of
the Temporary Committee on the alleged use of European countries by the
CIA
for the transport and illegal detention of prisoners (TDIP)
to the Federal Republic of Germany

Tuesday, 19th September 2006

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|---------------|--|
| 08.25 | Arrival to the Berlin Tempelhof airport |
| 09.15 - 10.30 | Meeting with Mr. Hans-Martin Tillack , Stern Magazin
<i>Venue : EU Office in Berlin</i> |
| 10.30 - 11.45 | Meeting with Mr. Ferdinand Muggenthaler and
Ms. Susanne Baumann , Amnesty
International
<i>Venue: EU Office in Berlin</i> |
| 12.00 | Lunch with members of the Bundestag's Inquiry Committee
on invitation of the Bundestag |
| 13.00 - 15.00 | Meeting with members of the Bundestag's Inquiry
Committee
interpretation: D - EN -IT
<i>Venue: Building of the Bundestag</i> |
| 17.15 | Departure from the Berlin Tempelhof airport |

ANNEX 3

11011 Berlin, 12. September 2006
Platz der Republik 1

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Geschäftszeichen: PA 25 - 5403
Bearbeiterin: Frau Zádor

Provisional List of Participants

1st Committee of Inquiry of the German Bundestag, 19th September 2006 in Berlin

MPs:

1. Siegfried Kauber (Chairman), CDU/CSU
2. Michael Hartmann (Vice-Chairman), SPD
3. Hermann Gröhe, CDU/CSU
4. Kristina Köhler, CDU/CSU
5. Stephan Mayer, CDU/CSU
6. Anette Hübinger, CDU/CSU
7. Bernhard Kaster, CDU/CSU
8. Thomas Oppermann, SPD
9. Johannes Jung, SPD
10. Ursula Mogg, SPD
11. Dr. Max Stadler, FDP
12. Hellmut Königshaus, FDP
13. Wolfgang Neskovic, DIE LINKE.
14. Petra Pau, DIE LINKE.
15. Hans-Christian Ströbele, Bündnis 90/Die Grünen
16. Winfried Nachtwei, Bündnis 90/Die Grünen

Assistants of political groups:

1. Rudolf Seiler, CDU/CSU
2. Christian Heyer, SPD
3. Tim Heerhorst, FDP
4. Jens Lehmann, DIE LINKE.
5. Martina Kant, Bündnis 90/Die Grünen

Secretariat of the committee:

1. Dr. Hans-Joachim Berg, Secretary
2. Katalin Zádor