

APROBAT

în ședința Biroului permanent al
Camerei Deputaților

din data de... 17.11.2010

Nr. 1112

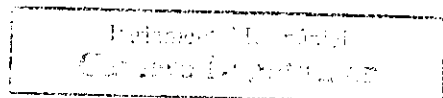



ROMANIA

PARLAMENTUL ROMÂNIEI
CAMERA DEPUTAȚILOR

Cabinet deputat TUDOR PANȚIRU

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D.P. Nr. 1112 din 24.09.2010

Către Biroul permanent al Camerei Deputaților

Informare privind ședința Subcomisiei juridice pentru alegerea judecătorilor CEDO, ținută la Paris, 10 septembrie 2010

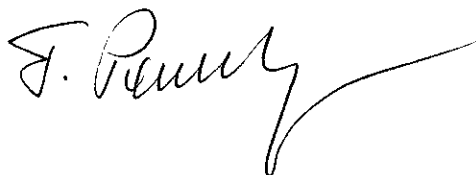
În ședința Subcomisiei juridice, au fost examinați candidații pentru funcția de judecător la Curtea Europeană a Drepturilor Omului propuși de Guvernele Estoniei, Greciei și Portugaliei. Audierile din cadrul Subcomisiei menționate sunt strict confidențiale. Consider necesar să vă informez că lista candidaților propuși de Guvernul portughez a fost respinsă din cauza lipsei de profesionalism a celor trei candidați. De menționat că în listă au fost incluși doi profesori și fostul agent guvernamental al Portugaliei la CEDO.

Raportul Subcomisiei, conform procedurilor stabilite, va fi înmănat membrilor APCE în ziua alegerilor judecătorilor pentru Curtea Europeană a Drepturilor Omului. Hotărârea Subcomisiei de respingere a listei propuse de Guvernul portughez va fi trimisă Comitetului de Miniștri.

În cadrul Subcomisiei s-a discutat despre necesitatea înființării, pe lângă Comitetului de Miniștri al CE, a unui organism care să monitorizeze cu strictețe selectarea candidaților la nivel național, pentru a exclude propunerile de candidați necalificați.

13 Septembrie, 2010.

Deputat Tudor Panțiru.



Information concerning Romanian participation in CIA extraordinary rendition program

1. Human Rights Watch Report

On 7 November 2005 organization Human Rights Watch for the first time published information that secret CIA prisons ("black spots") were located in both Poland and Romania. This was revealed in reference to the article of Dana Priest „CIA Holds Terror Suspects in Secret Prisons” (2 November 2005, The Washington Post).

2. The Report prepared by Mr Dick Marty within the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly, Council of Europe “Secret detentions and illegal transfers of detainees involving Council of Europe member states: second report” of 11 June 2007¹

The report is dedicated to the issue of CIA black spots in both Romania and Poland. Paragraphs 201 – 231 exclusively describes the mechanism of functioning of Romanian secret CIA prison.

According to Dick Marty there is enough evidence to say that secret detention facilities run by the CIA did exist in Europe from 2003 to 2005, in particular in Poland and Romania. The report is based on testimony of approximately 30 current and former members of intelligence services in the US and Europe.

The report highlights that “Romania entered a bilateral “technical agreement” with the intention of giving the US the full extent of the permissions and protections it sought. According to one of our sources with knowledge of the arrangement, there was an “... order [given] to our [military] intelligence services, on behalf of the President, to provide the CIA with all the facilities they required and to protect their operations in whichever way they requested...”. Furthermore, the document indicates that, in general, the 2001 secret agreement among NATO members provided the basic framework for CIA extraordinary rendition in Europe.

The report also states that “Romania was developed into a site to which more detainees were transferred only as the High Value Detainees (HVD) program expanded. I understand that the Romanian “black site” was incorporated into the program in 2003, attained its greatest significance in 2004 and operated until the second half of 2005. The detainees who were held in Romania belonged to a category of HVD whose intelligence value had been assessed as lower but in respect of whom the Agency still considered it worthwhile pursuing further investigations.” According to the report, the airport that supported secret CIA facilities where planes associated with CIA allegedly landed was the Mihail Kogalniceanu military airfield (near Constanta).

One of the former US intelligence officials stated that Kyle D. Foggo, at that time head of the CIA's main European supply base in Frankfurt, oversaw the construction of three CIA

¹ “Secret detentions and illegal transfers of detainees involving Council of Europe member states: second report”, Rapporteur Dick Marty, the Committee on Legal Affairs and Human Rights, Parliamentary Assembly, Council of Europe 11 June 2007 Available here: assembly.coe.int/Documents/WorkingDocs/Doc07/edoc11302.pdf

detention centers, "each built to house about a half-dozen detainees" and "one jail was a renovated building on a busy street in Bucharest, Romania.

Moreover, Dick Marty presents the attitude of the Romanian authorities regarding the cooperation for the purpose of the investigation stating that he has three main concerns in this respect. These are "far-reaching and unexplained inconsistencies in Romanian flight and airport data; the responsive and defensive posturing of the national parliamentary inquiry, which stopped short of genuine inquisitiveness; and the insistence of Romania on a position of sweeping, categorical denial of all the allegations, in the process overlooking extensive evidence to the contrary from valuable and credible sources."

3. UN Report "Joint study on global practices in relation to secret detention in the context of countering terrorism of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances" of 26 January 2010

The UN Experts sent the questionnaire to Romanian authorities regarding Romanian participation in the CIA rendition program. In response, Romania provided a copy of the report of the Inquiring Committee of the Romanian Parliament concerning the investigation of the statements regarding the existence of some CIA imprisonment centers or of some flights of aircrafts hired by CIA on the territory of Romania. The conclusions of the inquiry are:

- "The suppositions of Human Rights Watch and Amnesty International are not confirmed: the same for those of American and European Officials as regard organization and working of CIA secret detention centers in Bucharest and Timisoara, where it is supposed the prisoners were subject to savage treatments or tortures".
- All the foreigners, including the military personnel getting off aircraft on the Romanian territory were checked-in by authorities with duties in the field of human rights watch, having in view the legal border crossing;
- A supposition cannot be completely excluded: that of air transfer of prisoners suspected of terrorism, when, after landing, they did not leave the foreign aircraft that were in transit and are subject to non-national regulations and law."

4. European Parliament's Working document no. 8 "On the companies linked to the CIA, aircraft used by the CIA and the European countries in which CIA aircraft have made stopovers" of 16 November 2006 prepared by the Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners²

The document provides list of planes operated by companies linked to or controlled by the CIA with the description of its e.g. flight route, point of entry and destination place. The document analyzed flight logs obtained from Eurocontrol and confirms that since 11 September 2001 several of above planes repeatedly landed *inter alia* in Romania. Some of them might have been used in the "extraordinary rendition".

² Working document no. 8 "On the companies linked to the CIA, aircraft used by the CIA and the European countries in which CIA aircraft have made stopovers" Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners, European Parliament, 16 November 2006 available at: www.statewatch.org/cia/documents/working-doc-no-8-nov-06.pdf.

5. Flight of the plane no. N313 P from Szymany airport, Poland to Bucharest, Romania on 22 September 2003³

The Helsinki Foundation for Human Rights obtained information that the plane no. N313 P (allegedly used in "extraordinary rendition") landed in Szymany airport, Poland on 22 September 2003 with no passengers on the board and on the same day departed from Szymany to Bucharest, Romania taking 5 passengers on board. According to the profound analysis made by the aviation experts of the flight data that the Foundation received, the flight from Szymany to Bucharest was subject to a cover up procedure.

Detail of the flight:

- Arrival: 22.09.2003
- Departure: 22.09.2003
- Point of Entry: Kabul - Szymany
- Destination After Departure: Szymany- Bucharest, Romania
- Source of information: Public information - letter of the Polish Air Navigation Service Agency of 16.09.2009 r. obtain by the Helsinki Foundation for Human Rights in response to the freedom of information request
- Persons on Board-
Arrival: Crew 7, Passengers 0
Departure: Crew 7, Passengers 5
- Source of information: Public information - letter of the Border Guard Office dated 23.07.2010 r.

The UN Report describes the root of this flight as follows:

"The aircraft (N313P) embarked from Dulles Airport in Washington, DC on Saturday 20 September 2003 and undertook a four-day flight "circuit", during which it landed in and departed from six different foreign territories – the Czech Republic, Uzbekistan, Afghanistan, Poland, Romania and Morocco – as well as Guantanamo Bay, Cuba. Focus was also placed on a flight between the two listed European "black site" locations – i.e. from Szymany, Poland to Bucharest, Romania – on the night of 22 September 2003, although it was conceivable that as many as five consecutive individual routes on this circuit – beginning in Tashkent, concluding in Guantanamo – may have involved transfers of detainees in the custody of the CIA. The Experts were not able to identify any definitive evidence of a detainee transfer into Romania that took place prior to this flight circuit."

6. Amnesty International Annual Report on 2008 – focus on terrorism issues⁴

According to the report, in February 2008, the European Commission stated that Romania's response to a request by the EU Commissioner on Justice, Freedom and Security for judicial

³ This information is based on two document that the Helsinki Foundation for Human Rights obtained in response to the freedom of information request. This is: flight data disclosed by the Polish Air Navigation Agency Services on 16 September 2009 (available at: http://www.hfhrpol.waw.pl/pliki/OBS_CIA.zip) and the document of 23 July 2010 of the Border Guard (the translation into English available here: http://www.hfhr.org.pl/cia/images/stories/Letter_23_07_2010.pdf)

⁴ Amnesty International Annual Report on 2008, available at: <http://archive.amnesty.org/report2008/document/101.pdf>

inquiries into the existence of secret CIA detention centres on its territory was not complete. The EC again requested that Romania provide information on the possible transfer or detention of people suspected of involvement in terrorism. President Traian Băsescu declared he had no knowledge of any suspect packages being transferred at Mihail Kogălniceanu airport and noted that the airport was open to Romanian and foreign journalists.

The document states that Romanian government repeatedly denied any involvement in US rendition and secret detention programs. It noted that an investigation conducted by a Senate commission of inquiry during 2006 and 2007 had found no evidence of such involvement. The commission's report, much of which remained classified, concluded that "the accusations brought against Romania are groundless." The report was adopted by the Senate in April 2008.

7. Statement of the Romanian Government, September 2009⁵

On 14 September 2009 media published information that Romania denied the reports stating that it hosted a secret prison of the U.S. Central Intelligence Agency (CIA) in Bucharest. Foreign Ministry spokesman Alin Serbanescu said the Romanian parliament has established a special investigation committee to probe the allegations and the committee has found the reports groundless.

⁵ Information available at: http://news.xinhuanet.com/english/2009-08/14/content_11881324.htm