

**Boudreau, Paul E**

SK1

**To:** Burger, David

RELEASED IN FULL

**Subject:** RE: Bellinger on European Parliament vote re: CIA flights/renditions**From:** Nardi, Alessandro P**Sent:** Friday, February 16, 2007 1:44 AM

**To:** Adkins, Jessica L(Tallinn); Anderson, Jeffrey J (Valletta); Andrews, Theodore H; Bauman, Kirsten S; Beekman, Philip M; Boly, Richard C; Boughter, Edward T; Bowers, Stephanie L; Bowman, Sharon T; Canning, Mark A; Chase, Aaron U; Chiodi, Jason J; Christensen, Casey H; Cummings, Monica L; Delare, Thomas L; Draper, Mark; Dunham, Rebecca J; Enav, Cari R; Escobar, Gabriel; Espinoza, John L; Freden, Bradley; Galus, Peter P; Garro, Susan P; Gaudiosi, Eric V; Gedacht, Daniel C; Gorkowski, John; Grant, William K; Greaney, Brian E; Griesmer, Laura A; Haas, Peter D; Harrington, Matthew T; Heung, Jason; Hubler, Stephen A; Hyland, Colleen E; Kim, Julianna; Kollist, Ingrid M; Koumans, Mark ; Lee, Peter H (Tallinn); Lewis, Glenn K; Libby, Mark W; Lundberg, Eric K; Macris, Gregory P; Marchant, Christian M; McAnulty, James P; McNamara, John F; Merrill, Chris M; Messenger, Jane S; Mosser, Katrina S; Noll, George A; Norman, Alain G; Osborne, Matthew L; Pearce, David D; Perez, John A; Phillips, Gregory E; Potts, James H; Quinville, Robin S; Radivilova, Anna; Raman, Rebecca C(Tallinn); Reddy, Kathleen M; Robl, Terri L; Rodgers, John R; Schlaefer, David A; Schonander, Carl E; Schulz, Kirsten A; Selinger, Kirsten B; Selinger, Thomas B; Sullivan, Andrew W; Tanoue, Theodore X; Thome, Gregory D; Troje, Michael T; Walker, Peggy J; Waser, Tamir G; Young, Joseph M; Zimmerman, David M; Zuniga, Ricardo F

**Cc:** Chase, Peter H; Faucher, Robert J; Robinson, John G**Subject:** FW: Bellinger on European Parliament vote re: CIA flights/renditions

FYI. I know many of you at post are dealing with this issue or getting questions about it.

**From:** Davidson, Terry R**Sent:** Thursday, February 15, 2007 12:17 PM**To:** EUR-ERA-DL; EUR-PPD-DL; EUR-PPD-PAO-DL; EUR-PPD-IO-DL**Cc:** EUR-FO-DL; EUR-PGI-DL; EUR-Directors**Subject:** Bellinger on European Parliament vote re: CIA flights/renditions

Legal Advisor John Bellinger responded to Euro Parliament report yesterday afternoon in interview with BBC Washington's Adam Brookes. His points provide good guidance for how to talk to the report and issues related to renditions/flights in general. Clear for your use, sharing, posting... Terry

**John Bellinger, Legal Advisor**  
**With Adam Brookes, BBC**  
**U.S. State Department; Washington, DC**  
**February 14, 2007**

**BBC:** The European Parliament has passed this report. It expresses considerable – it's an "outrage" report. What's your initial response to it?

**Bellinger:** Well, I think its wrong in law, wrong on the facts, utterly unbalanced, and really makes numerous outrageous allegations against the United States and Europeans.

**BBC:** Why is it wrong on the law?

**Bellinger:** Well, by suggesting, in fact, that all renditions are automatically illegal: I think one can certainly have a reasonable discussion about renditions, on the good and bad; when should they be used? But the suggestion here by sort of tarring renditions as always wrong, always illegal, I think is just not a high-quality document. And in fact, I think people around the world would say that if a terror suspect has gotten beyond the

10/29/2008  
 REVIEW AUTHORITY: ARCHIE M BOLSTER  
 DATE/CASE ID: 23 JAN 2009 200706444

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reach of normal legal processes, normal extradition relationships, that we shouldn't just let that person escape. That's why the United States and European countries have historically reached out to grab people who then could be brought back to face justice, or taken back to some other country where they can face justice.

**BBC:** I think the center of gravity and criticisms that have been leveled here is that these are people being transported through Europe outside any legal diplomatic process whatsoever. I mean, that is the defining characteristic of extraordinary renditions, isn't it?

**Bellinger:** Well any rendition, you generally reach out to grab someone because you can't get them through any other means. I mean, that's how the French got Carlos the Jackal, that's how we got numerous other people like the man who shot CIA employees in front of the CIA here. If you can't get them back through extradition or other legal means, you just don't let people escape. You use your intelligence services to get them to bring them elsewhere.

**BBC:** But this process that we are talking about and the European Parliament is talking about is about taking people to third countries for intelligence interrogations, not to face justice; correct?

**Bellinger:** Well, what they have done here is they have essentially suggested all renditions are wrong. I mean that's really what is wrong with this report. It is outrageous in the allegations and the proportions to which this is overblown in these issues. There are serious issues that can be talked about. But by suggesting, for example, that all 1,245 intelligence flights that they have identified are wrong or engaged in nefarious activities, something the Europeans need to be worried about, that's a really dangerous suggestion. There's never been any suggestion that any more than a handful of these flights might have been engaged in rendition.

**BBC:** Are you confident as the legal advisor to the Secretary of State that these renditions have been run according to the law or do you have particular areas of concern?

**Bellinger:** Well, I think that's a good question. Another problem with reports is that it focuses on events from four to five years ago. I think any country after it has been attacked, has 3,000 people murdered in an extremely short period of time, is going to respond fairly robustly. There has certainly been significant evolution in our laws, in our policies, in our practices over the last five years. Am I going to vouch for everything that is done five years ago? Was all perfectly done? These are difficult things that we went through a number of years ago. But what I can tell you is that we've got clear laws, policies, and practices in place today. We would not transfer someone to a country if we thought that it was likely that they would be mistreated.

**BBC:** But you do have concerns that four years ago, this could have taken place. Those laws were not in place. You do have concerns...

**Bellinger:** I'm not saying whether I personally have concerns or not. But I am saying is that this report by fixating on events of a number of years back and, more over, fixating on intelligence flights as a general matter suggesting that all intelligence flights are something we need to be universally concerned about, is really a dangerous thing that will undermine transatlantic cooperation. Intelligence flights are ways for us to share information, share people, and, frankly, if as the European Parliament suggests that we somehow need to restrict or condemn, which is exactly what they have done, all intelligence flights, I think that cooperation really is going to suffer.

**BBC:** When the CIA flights, specifically the ones that were carrying terrorist suspects, went through Europe, did the United States government inform the European governments involved?

**Bellinger:** Well, let me be clear, I'm not going to confirm or deny, nor is any U.S. government official going to confirm or deny any specific intelligence activities. That's the nature of intelligence activities; you don't confirm or deny them. But what we have done is said that we do think rendition, as a counterterrorism tool, is a useful thing. One of the problems with this report is that it seems to condemn all of them and suggest that they are illegal. We have said that any activities that we have conducted in Europe, we have done respecting the

sovereignty of our European allies. But we don't discuss specific activities in any country. I do think the report itself is hyperbolic in allegations that it makes against, not only the United States, but against countries in Europe. And I think that's evidenced by the fact that many, many of the members of the European Parliament voted against it; 256 members of Parliament voted against this report.

**BBC:** Would you accept the proposition that the way the United States has handled detentions in the War on Terror, not just renditions but detention policy across the border, has been a hindrance, has undermined America's standing and influence in the world?

**Bellinger:** It has certainly been controversial. This has been something the President has acknowledged, Secretary Rice has acknowledged. It is one reason that I have tried to make myself available to speak more about these issues because we understand the concerns that people have. One thing that we have tried to do is to explain that this is not just black and white. There not just easy answers that all detentions are bad, all renditions are bad. That there are nuances here, and we're willing to have that discussion here.

**BBC:** One might not be able to tap down some of that controversy, repair some of the damage, by coming clean now, particularly with your allies about what's gone on?

**Bellinger:** Well, the nature of intelligence activities and in intelligence cooperation is that you can't confirm or deny those kinds of activities. I can tell you the suggestions that we have snatched people off the streets from every European capital, from England to Portugal to Switzerland, is utterly ludicrous. We would love to do nothing more than to go around and say this is wrong, and this is wrong, and this is wrong. But, the nature of intelligence activities is that you just simply can't go around confirming or denying individual cases. Yes, it has certainly left the impression, because we do not deny individual allegations, that some of these things are true, and that is extremely troubling to us.

**BBC:** Mr. Bellinger, thank you very much.

**Bellinger:** Thank you very much.

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**Terry Davidson**  
Division Chief, Press and Outreach  
Bureau of European and Eurasian Affairs  
Room 4515, HST  
Department of State  
202-647-6291

SK2

**Boudreau, Paul E**

To: Burger, David  
 Subject: RE: Da1220-4-ENG

RELEASED IN FULL

From: Burcevski, Mitko  
 Sent: Thursday, December 21, 2006 11:58 AM  
 To: Pfeuffer, Paul; Arsova, Vesna; Bajevski, Ljupco; Hubler, Stephen A; Koljali, Bljerim; Norris, Robert E; Shott, Brian A; Ilazi, Gazmend; Cesnoska-Mrenoski, Rozita; Granger, Nikolas E; Mosser, Katrina S; Vucidolova, Marija; Neisuler, Mariana L; Hughes, Jesse X  
 Subject: FW: Da1220-4-ENG

From: Marina[SMTP:MAKFAX@MAKFAX.COM.MK]  
 Sent: Thursday, December 21, 2006 11:49:28 AM  
 To: Undisclosed-Recipient;  
 Subject: Da1220-4-ENG  
 Auto forwarded by a Rule

**makfax**

Wednesday, December 20, 2006

**Daims Daily News****Region****World****Rice says US acted responsibly in EI-Masri case**

**Washington, 21.12.2006. (Makfax)** - US Secretary of State Condoleezza Rice said the United States acted responsibly in the case of German citizen Khaled EI-Masri.

"We did everything possible to act in line with the circumstances, to act responsibly and we will continue to act responsibly," Rice told Western media.

EI-Masri, who claims the CIA tortured him at a prison in Afghanistan, sought an apology from the US government and an explanation for his arrest.

The Lebanese-born German citizen Khaled EI-Masri claims he was abducted on 31 December 2003 while crossing the Macedonian border, where he planned to spend the New Year's holidays.

AI-Masri said he was held prisoner in a Skopje hotel room for 23 days. He was taken by members of a CIA renditions team and flown to Afghanistan, where he was held as terrorism suspect for four months. /end/

**Macedonia****Regional conference on employment policy**

**Skopje, 21.12.2006. (Makfax)** - A regional conference on employment policy will take place Thursday in Bitola.

The National Employment Strategy 2010 and the National Employment Action Plan 2006-2008 will be presented at the conference.

National strategy envisages an increase in the overall employment rate. The strategy foresees that employment rate will rise to 48% by 2010. /end/

**Macedonia****Contract on low-cost telephony services**

**Skopje, 21.12.2006. (Makfax)** - The contract, due to be signed Thursday by Macedonian mobile operator Deltathree and the Spanish mobile operator Peoplecall, will cut down the price of telephony services.

Deltathree representatives will present a new package of services on landline and mobile telephony at a press conference. /end/

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SK3

**Boudreau, Paul E**

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**To:** Burger, David  
**Subject:** RE: (SBU) El Masri Cable

RELEASED IN FULL

**From:** Bauman, John K  
**Sent:** Thursday, November 09, 2006 12:56 PM  
**To:** Hubler, Stephen A  
**Subject:** FW: (SBU) El Masri Cable

Stephen,

I am forwarding a copy of this cable from ConGen Frankfurt because they neglected to include Skopje as an info addressee.

Regards, John

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**From:** Aker, Richard X  
**Sent:** Wednesday, November 08, 2006 17:39  
**To:** Bauman, John K  
**Subject:** FW: (SBU) El Masri Cable

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**From:** Slattery, Phillip T  
**Sent:** Wednesday, November 08, 2006 5:22 PM  
**To:** Aker, Richard X  
**Subject:** (SBU) El Masri Cable

<< File: view\_telegram.htm >>

Richard - FYI.

-Phill

SK4

**Boudreau, Paul E**

**To:** Burger, David  
**Subject:** RE: AP 7/16/06 article on el-Masri case

RELEASED IN FULL

**From:** Orlansky, Michael D  
**Sent:** Monday, July 17, 2006 12:11 PM  
**To:** Skopje Front Office; Hubler, Stephen A; Shott, Brian A  
**Subject:** AP 7/16/06 article on el-Masri case

An Associated Press story from yesterday FYI.

July 16, 2006

## **U.S. Won't Help German Kidnap Claim Probe**

By THE ASSOCIATED PRESS

Filed at 3:33 p.m. ET

BERLIN (AP) -- Germany said Sunday the United States has refused to help investigate the alleged abduction of a German citizen, a case that has ignited criticism of U.S. tactics against international terrorism.

Khaled al-Masri, who was born in Lebanon, says he was seized in Macedonia in December 2003 and flown by the CIA to a detention center in Afghanistan. He says he was questioned and abused during five months in custody before he was dumped in Albania.

Prosecutors in Munich have opened an investigation and Berlin asked Washington for assistance with it.

The U.S. Justice Ministry declined to help due to a civil lawsuit that al-Masri has brought against the Central Intelligence Agency, the German Justice Ministry said Sunday.

"The American side has informed us that no legal assistance can be provided in the al-Masri case, at least for the time being, in view of the ongoing civil case," ministry spokeswoman Eva Schmierer said.

The letter did not address al-Masri's allegations, Schmierer said, and she did not know when Berlin received the rejection.

Human rights advocates have seized on al-Masri's story to press the United States to stop flying terrorism suspects to other countries, where they could face abuse.

Secretary of State Condoleezza Rice and other U.S. officials have declined to address the al-Masri case. However, German Chancellor Angela Merkel has said the United States has acknowledged making a mistake with him.

German authorities insist they were unaware of al-Masri's case until after he was freed.

However, Germany's intelligence agency acknowledged in May that that one of its employees in Macedonia overheard at the time that a German citizen called al-Masri had been detained and passed to U.S. custody. It said

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the employee apparently failed to inform his superiors.

This message and attachments, if any, are Unclassified according to E.O. 12958

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FP 0074



**Boudreau, Paul E**

To: Burger, David  
 Subject: RE: EU Observer 7/12/06: Solana/Macedonia/El-Masri/Proxima Mission

RELEASED IN FULL

**From:** Orlansky, Michael D  
**Sent:** Thursday, July 13, 2006 9:12 AM  
**To:** Skopje Front Office; Hubler, Stephen A; Norris, Robert E  
**Cc:** Shott, Brian A  
**Subject:** EU Observer 7/12/06: Solana/Macedonia/El-Masri/Proxima Mission

This article in the Brussels-based "EU Observer" may be of some interest.  
 Mike

### EU's Solana in fresh CIA kidnapping spotlight

12.07.2006 - 17:44 CET |

By Andrew Rettman  
 EUOBSERVER / BRUSSELS -

Liberal MEPs investigating allegations that the CIA has been kidnapping EU citizens want EU top diplomat Javier Solana to answer a second round of questions, after news that the EU police mission in Macedonia might have inside knowledge.

Germany's Stern magazine wrote on Wednesday (12 July) that the EU's Skopje police mission - Proxima - had high-level contacts in the Macedonian counter-espionage unit - the DBK - at the time that Macedonia allegedly handed over German citizen Khalid El-Masri to the CIA in January 2004.

But the Proxima-DBK link has never been probed, despite ongoing investigations into the El-Masri affair by the Council of Europe, the German public prosecutor and the European Parliament's ad-hoc committee, Stern magazine said.

"I think we ought to invite [Mr Solana] to appear before our committee again and ask him specifically about EU police and security missions in the Balkans," UK liberal MEP and committee deputy-chair Sarah Ludford stated. "We keep stumbling across allegations, indications that they may have had some knowledge, if not involvement," she added.

Mr El-Masri was released in May 2004, accusing EU candidate state Macedonia of the hand-over and saying US agents beat him up and flew him to Afghanistan where he faced torture.

The European Commission has stated that any government's collusion with CIA kidnappings could see serious consequences on human rights grounds under the EU Treaty.

### Macedonia claims innocence

"We gave all the information we have to the German prosecutor," a Macedonian interior ministry spokesman told EUobserver. "We do not arbitrarily arrest foreign nationals. We are a free country, a democratic country."

UNITED STATES DEPARTMENT OF STATE  
 REVIEW AUTHORITY: ARCHIE M BOLSTER  
 DATE/CASE ID: 23 JAN 2009 200706444

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Mr Solana's office could not be contacted for a comment, but when Mr Solana spoke to the MEPs' CIA committee previously on 2 May he denied knowledge of any European governments' involvement in US kidnappings or "renditions."

The EU's former high representative for Macedonia - Swedish diplomat Michael Sahlin - who started work after the El-Masri affair in August 2004 also poured cold water on the speculations:

"During my term no mention of this was made by anyone of my international community or local counterparts, or bosses in Brussels," he told EUobserver. "I can't imagine Proxima could have known about it and not informed me."

Meanwhile, the European Commission reacted to the Stern story by repeating the mantra that:

"We have asked the Former Yugoslav Republic of Macedonia's authorities to cooperate fully and openly with all the investigations that are currently ongoing."

The MEPs' CIA committee has no power of subpoena over Mr Solana or anybody else and has faced criticism from EU member state governments and some of its own conservative EPP-ED group members that its work is based on flimsy evidence and is anti-American.

The committee was formed after US daily the Washington Post in November 2005 published a CIA leak about secret US prisons on EU soil.

### **Balkans leads**

The MEPs are currently following a lead that Macedonian agents put a fake exit visa stamp in Mr El-Masri's passport before he was abducted, so that they could later claim they had nothing to do with the affair.

The committee is also keen to find out more about the role of the EU's police mission in Bosnia and Herzegovina - the EUPM - which did nothing during Bosnia's alleged handover of the so-called "Algerian six" to the CIA in January 2002.

In Kosovo, MEPs want to know why the NATO-led security force - KFOR - has done nothing to investigate reports that the US at one time ran a secret Guantanamo-bay type prison for terrorist suspects in the UN-controlled region.

"The EU went to this region to help create stability and to guarantee the respect of human rights," Ms Ludford said. "If they were involved in this [CIA programme] in any way, then we might as well pack up and go home."

Michael D. Orlansky  
Public Affairs Officer  
U.S. Embassy  
Skopje, Macedonia

phone 389-2-311-6180 ext 2119  
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OrlanskyMD2@state.gov

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FP 0076

**Boudreau, Paul E**

To: Burger, David  
 Subject: RE: AP 6/15/06 article on Amnesty International Report on Alleged Renditions, Transfers

RELEASED IN FULL

From: Orlansky, Michael D  
 Sent: Thursday, June 15, 2006 9:22 AM  
 To: Skopje Front Office; Hubler, Stephen A  
 Subject: AP 6/15/06 article on Amnesty International Report on Alleged Renditions, Transfers

This article, on a topic that is also covered in the local media, makes mention of Macedonia towards the end (emphasis added).

### Amnesty Urges Nations To Prevent Transfers

Thursday, June 15, 2006  
 Associated Press  
 By Jan Sliva  
 Associated Press Writer

Amnesty International urged European governments Wednesday to prevent their airports from being used by the U.S. for secret transfers of terror suspects to countries where they might be tortured, and called for compensation for prisoners who say they were spirited through the region illegally.

The human rights group said seven European Union countries - including Germany, Britain, Italy and others - were likely complicit in abductions of individuals by U.S. intelligence agents and have stonewalled attempts to investigate them. Most of the governments have strongly denied the accusations.

"The European Council must put a resolute stop to the attitude of 'see no evil, hear no evil,'" Amnesty said in a report published before an EU summit. It called on European leaders meeting Thursday and Friday to declare such actions unacceptable.

The United States has said it does not send anyone to countries that practice torture, but critics have raised concerns about rendition of terror suspects to other countries where they might face torture.

Amnesty's report gave details on seven alleged transfers through Europe after the Sept. 11, 2001, terrorist attacks, and largely reached similar conclusions as Swiss senator Dick Marty, who released a report last week after investigating allegations of secret CIA flights and secret prisons in Europe.

Marty, investigating on behalf of the Council of Europe, the continent's leading human rights watchdog, concluded that 14 European nations colluded with U.S. intelligence in a "spider's web" of human rights abuses to help the CIA spirit terror suspects to illegal detention facilities.

Amnesty International urged EU countries to "ensure that all victims obtain prompt and adequate" compensation from responsible governments.

Some released prisoners have sued the CIA, alleging they were abducted or tortured in custody, while others have filed claims against governments they accuse of being complicit in their transfers. No compensation has been awarded to date.

Britain says the only rendition requests it has received from the U.S. were in 1997, when it granted two and rejected two, as it has previously made public.

The Amnesty report "doesn't really add anything new to previous reports," a British

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Foreign Office spokesman said, speaking on condition of anonymity in keeping with government policy. "There is no evidence to suggest that any of these flights have passed through the U.K. There's no evidence that any of the flights the report talks about have been involved in rendition."

Amnesty accused Britain of being instrumental in the arrest of two British suspects in the African country of Gambia in 2002. But Britain denied requesting their detention or playing any role.

U.S. Defense Department records confirm both men have been classified as enemy combatants and members of al-Qaida. They ended up in the U.S. prison at Guantanamo Bay, Cuba.

Amnesty also said evidence pointed to Germany's complicity in the transfer of Syrian-born German Mohammed Haydar Zammar, who was apprehended during a trip to Morocco after being accused of helping recruit Sept. 11 suicide pilot Mohamed Atta.

The circumstances of Zammar's arrest are unclear. U.S. and German officials have said he was flown to Syria, but Amnesty says his family does not know where he is or whether he is alive. Germany has denied involvement in that or any other case.

Other European nations singled out by Amnesty for possibly helping U.S. intelligence agents included Sweden, Macedonia, Bosnia and Turkey. The group said there was "little doubt" those countries "have failed in their duty to respect and protect human rights."

Italy's government declined to comment on the Amnesty report and has denied wrongdoing. Sweden's Parliament has been investigating related accusations.

Bosnia has acknowledged handing six Algerian terror suspects over to U.S. authorities in 2002, ignoring a court ruling ordering their release. All six ended up at Guantanamo.

Macedonia has denied wrongdoing, as has Turkey.

"Turkey did not and will not play any role at any stage of this process," Foreign Ministry spokesman Namik Tan said, dismissing the claims by Amnesty International.

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SK7A

FINAL GUIDANCES

WEDNESDAY, JUNE 7, 2006

POSTED	Public Announcement	-- Worldwide Caution (06-06-06)
	Taken Question	-- Korea: Kaesong Industrial Complex (06-06-06)
	Taken Question	-- Ethiopia: U.S. Support for Ethiopia Opposition (06-06-06)
AF	Somalia	-- The Situation in Somalia
	Liberia	-- UN Resolution to Ease Arms Embargo
	Sudan	-- Delay in Deployment of United Nations Peacekeepers
	Senegal	-- Today's Meeting Between Secretary Rice and Foreign Minister Cheikh Tidiane Gadio
EAP	Indonesia	-- Release of Abubakar Ba'aysir
	Taiwan	-- Visit of AIT Chairman Raymond Burghardt
EUR	Region	-- Marty Report on Renditions
	Luxembourg	-- Agenda for D's Meeting with FM Asselborn
NEA	Syria/Lebanon	-- Brammertz Report
	Egypt	-- Extension of the Detention for Egyptian Civil Society Activists
	Bahrain	-- Appointment of First Female Judge
SCA	<i>No New Guidances</i>	
WHA	<i>No New Guidances</i>	
MISC	CA	-- Worldwide Caution Public Announcement
	PRM	-- U.S. Reaction to UN Report on Migration and Development and Expectations for the High-Level Dialogue

THERE WAS A DAILY BRIEFING TODAY.

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**Boudreau, Paul E**

SK 7

**To:** Burger, David  
**Subject:** RE: 06-07-06 Final Guidances

RELEASED IN FULL

**From:** Pfeuffer, Paul(Main State)  
**Sent:** Wednesday, June 07, 2006 7:45 PM  
**To:** Hubler, Stephen A(Skopje); Wohlers, Paul(Skopje); Milovanovic, Gillian A(Skopje); Orlansky, Michael D(Skopje)  
**Subject:** FW: 06-07-06 Final Guidances  
**Importance:** High

**From:** Mailbox, EURPress  
**Sent:** Wednesday, June 07, 2006 1:27 PM  
**To:** Adams, Richard J; Allison, Alicia P; Alsace, Juan A; BerlinPA@state.gov; Poisson, Beth L(London); Boehm, Maja ; Cunningham, Candis L; Corwin, Elizabeth A; Dodman, Michael J; Draper, Mark(Riga); Durham, Robert J; Ellis, Brinille E; Gollner-Sweet, Katharina; Heller, Lisa K.; Houston, Randall W; Huckaby, Richard W; Hurst, Loren W; Jacobson, Tracey A (Ashgabat); Fogarty, John F; Johnson Maia, Jeannine E; Jones, Deborah K; Kao, Pauline A; Kelsey, Thomas A(Munich); Kovalyuk, Vadim R; Lerner, Patricia ; Libonati, Genevieve; Manso, Patricia R; Martin, Paul J; Mary Ann Peters; McCarthy, Evan; Mitchell Reiss; Morimura, Stephanie F; Motovilov, Dmitri A; Ngutter, Dorothy M; Pommersheim, John Mark ; Reid, Walter S (Adana); Robertson, Thomas B(Ljubljana); Robl, Terri L; Schoenfeld, Julia P; Siekert, Magda S; Smith, Taiya M; Willson, Ross; EUR-AMBASSADORS; EUR-DCM-DL; EUR-Deskofficers-DL; EUR-Directors; EUR-FO-DL; EUR-PPD-DL; EUR-PPD-IO-DL; EUR-PPD-PAO-DL; Brian Killgallen; H; JC; M; PG; SW; T; WH  
**Subject:** FW: 06-07-06 Final Guidances  
**Importance:** High

**L Press Guidance**  
**June 7, 2006**

### MARTY REPORT ON RENDITIONS

**Comment on Marty report to the Council of Europe regarding rendition flights. Is there anything new in this report?**

- While we continue to review today's report, based on an initial review, we are disappointed with the tone and content of the report. It appears that the report is filled with inaccuracies and innuendo. We are particularly disappointed that the report failed to account for much of the information we recently provided the European parliamentarians and U.N. Committee Against Torture on this issue.
- As we've said before, we're not in a position to confirm or deny specific intelligence activities.
- As Secretary Rice made clear in discussions with the European Foreign Ministers in December, we believe that renditions are a useful tool in fighting terrorism in certain rare circumstances where an individual would otherwise not be able to be brought to justice or would otherwise be able to escape and avoid capture.
- We note that the Marty Report affirms our previous statement that it would be irresponsible to speak of thousands or even hundreds of rendition flights through Europe. The overwhelming majority of intelligence flights have no connection at all to renditions.
- As the Secretary of State made clear in December, the United States complies with its laws and its treaty obligations, and respects the sovereignty of other countries, in engaging in such activities.

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- The suggestion that intelligence flights are engaged in illegal activity is unfounded and undermines cooperation between the United States and Europe that is essential to foiling deadly plots.
- We never transfer persons where we believe it is more likely than not that the person would be tortured.

**Background:**

- Swiss Senator Dick Marty presented a report to the 46 members of the Council of Europe today in response to allegations that the CIA was running secret prisons in Europe. The report found there was no direct evidence that any such prisons existed in Europe, although it stated, "a number of coherent and convergent elements indicated that secret detention centers have indeed existed and unlawful inter-state transfers have taken place in Europe." The report alleges that Romania and Poland were stops on a "rendition circuit," and accused 14 European countries, including the U.K., Germany, and Italy of violating human rights in connection with CIA activities.



Drafted: L/PM: VPadmanabhan (x7-7965)  
Doc # 125873 June 7, 2006

Cleared: L: JBellinger (ok)  
L/PM: JDorosin (ok)  
L/HRR: RHarris (ok)  
S/WCI: KMcGeeney (ok)  
DRL: JNoyes (ok)  
EUR/PPD: TDavidson (ok)

**Terry Davidson**  
Division Chief, Press and Outreach  
Bureau of European and Eurasian Affairs  
Room 4515, HST  
Department of State  
202-647-6291

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**From:** Davidson, Terry R  
**Sent:** Wednesday, June 07, 2006 1:26 PM  
**To:** Mailbox, EURPress  
**Subject:** FW: 06-07-06 Final Guidances

**Terry Davidson**  
Division Chief, Press and Outreach  
Bureau of European and Eurasian Affairs  
Room 4515, HST  
Department of State  
202-647-6291

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**From:** Clay, Noel C (PACE)(PA/PRS)  
**Sent:** Wednesday, June 07, 2006 1:26 PM  
**To:** PA Guidances Group  
**Subject:** 06-07-06 Final Guidances

**Boudreau, Paul E**

To: Burger, David  
 Subject: RE: Reuters 6/7/06 article on COE Marty Report

RELEASED IN FULL

**From:** Orlansky, Michael D  
**Sent:** Wednesday, June 07, 2006 1:01 PM  
**To:** Skopje Front Office; Hubler, Stephen A  
**Subject:** Reuters 6/7/06 article on COE Marty Report

Macedonia is among several European countries mentioned in this article about the report released this morning by COE's Dick Marty.

June 7, 2006

**14 Euro States Colluded with US on Prisons - Report**

By REUTERS

Filed at 5:05 a.m. ET

PARIS (Reuters) - Fourteen European countries colluded in a "global spider's web" of secret CIA prisons and transfers of terrorism suspects, a European rights watchdog said in a report released on Wednesday.

European states played an active or passive role in the network run by the U.S. Central Intelligence Agency and were not unwitting victims of the operation, the parliamentary assembly of the Council of Europe said in the report on its Web site.

"It is now clear -- although we are still far from having established the whole truth -- that authorities in several European countries actively participated with the CIA in these unlawful activities," Council of Europe investigator Dick Marty said.

"Other countries ignored them knowingly, or did not want to know," he said in the conclusions of the 65-page report that he is due to present at a news conference at 1100 GMT.

The report fingered a number of states for collusion with CIA secret flights and secret transfers known as renditions.

They include:-

- Poland and Romania on the running of secret detention centres
- Germany, Turkey, Spain and Cyprus for being "staging points" for flights involving the unlawful transfer of detainees
- Ireland, Britain, Portugal, Greece and Italy for being "stopovers" for flights involving the unlawful transfer of detainees
- Sweden, Bosnia, Britain, the former Yugoslav republic of Macedonia, Germany and Turkey were cited in

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relation to cases involving specific individuals

Marty said more cases could yet come to light.

### EVIDENCE

The former Swiss investigating magistrate denied setting himself up as judge and jury, saying hard evidence was "still not forthcoming."

However, he said there were "a number of coherent and converging elements (that) indicated that secret detention centres have indeed existed and unlawful inter-state transfers have taken place in Europe."

The Council of Europe, a pan-European body, has struggled to gain information from its member states and while it can name and shame countries it cannot launch legal proceedings.

The allegations of CIA abuses, first made by newspapers and human rights groups late last year, fanned concerns in Europe about U.S. anti-terror tactics. But European governments are now under scrutiny due to mounting evidence they at best turned a blind eye to illegal activities.

Washington insists it acted with the full knowledge of the governments concerned, acknowledges the secret transfer of some terrorist suspects between countries and denies any wrongdoing.

EU investigators said last month they believed 30 to 50 people had been handed over by the United States since the September 11, 2001 attacks on U.S. cities.

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FP 0086

**Boudreau, Paul E**

To: Burger, David  
 Subject: RE: NYTimes 6/2/06 article on German Citizen case/Macedonia

RELEASED IN FULL

**From:** Orlansky, Michael D  
**Sent:** Friday, June 02, 2006 8:58 AM  
**To:** Milovanovic, Gillian A; Wohlers, Paul; Hubler, Stephen A  
**Subject:** NYTimes 6/2/06 article on German Citizen case/Macedonia

From today's NYTimes FYI.

The New York Times

June 2, 2006

### **German Spy Agency Admits Mishandling Abduction Case**

By SOUAD MEKHENNET and CRAIG S. SMITH

Germany's external intelligence service, the BND, said yesterday that it knew about the American seizure and detention of a German citizen 16 months before the country was officially informed of his mistaken arrest. It was unclear whether that information had been passed on to senior officials.

Germany had previously maintained that it did not learn of the abduction of its citizen, Khaled el-Masri, until he returned to Germany in May 2004.

The disclosure on Thursday, made as a parliamentary inquiry into the case reconvened in Berlin, adds to suspicions that European governments, or at least their intelligence services, have abetted the American practice of "extraordinary rendition." The phrase refers to the kidnapping of terrorism suspects by American agents who then secretly transport the suspects to third countries for interrogation, beyond the jurisdiction of American laws.

Any European participation in the extrajudicial seizures and detentions, not to mention the torture that is said to be involved, would constitute a breach of the European Convention on Human Rights. The Council of Europe, which enforces the convention, is investigating the allegations of European participation in the American rendition program.

Mr. Masri's ordeal, first reported by The New York Times in January 2005, is one of the best-documented cases of extraordinary rendition. The case ignited outrage in Germany, and the government has publicly criticized the Bush administration.

Mr. Masri said he was detained in Macedonia in December 2003. His name is similar to that of a man wanted in connection with the Sept. 11 attacks.

He said the Macedonian authorities held him for 23 days before turning him over the Central Intelligence Agency, which flew him to Afghanistan, where he was held for five months. He said he was flown to Albania

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and released after his captors determined that he was not the man they were seeking.

The American ambassador to Germany, Daniel R. Coats, officially informed Berlin of Mr. Masri's mistaken arrest shortly after his release.

Although the United States has acknowledged that Mr. Masri was detained as part of the rendition program, neither American nor Macedonian authorities have officially confirmed that he was seized in Macedonia. But a Macedonian official who was directly involved in the case acknowledged Macedonia's role in the abduction after being promised anonymity.

"This declaration from the BND makes it clear that everything started in Macedonia and that he was handed over to the Americans there," said Manfred Gnjudic, Mr. Masri's lawyer in Ulm, Germany. Mr. Gnjudic maintains that the German government knew about Mr. Masri's abduction and did nothing.

In a statement on Thursday, the BND said it had interviewed all of the employees of the Germany Embassy in Macedonia this year after a Times article reported that Macedonia had informed Germany of Mr. Masri's case within days of his transfer to American custody.

The intelligence service said no one reported knowing anything. But now, with a parliamentary commission preparing to call witnesses in its investigation, one midlevel BND official at the embassy has come forward to say that he was told of Mr. Masri's arrest in early January 2004.

According to the statement, the unidentified BND employee said that while eating in a Macedonian government canteen, someone he did not know told him that a German citizen named el-Masri had been arrested in Skopje, Macedonia's capital, and handed over to the Americans.

Because the matter was unrelated to the BND employee's job, the statement said, he did not do anything. It also said there was a "high possibility" that the employee did not tell anyone else. The BND said the information should have been forwarded to its headquarters in Berlin.

"I asked during my time in Macedonia to talk to someone from the German Embassy, and one of the Macedonians told me, 'But the Germans don't want to talk to you,'" Mr. Masri said on Thursday.

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FP 0088

**Boudreau, Paul E**

SK12

To: Burger, David  
 Subject: RE: Da0601-7-eng

RELEASED IN FULL

**From:** Burcevski, Mitko  
**Sent:** Thursday, June 01, 2006 6:32 PM  
**To:** Pfeuffer, Paul(Main State); Arsova, Vesna; Bajevski, Ljupco; Hubler, Stephen A; Koljali, Bljerim; Norris, Robert E; Shott, Brian A; Ilazi, Gazmend; Vucidolova, Marija; Cesnoska-Mrenoski, Rozita; Granger, Nikolas E; Mosser, Katrina S  
**Subject:** FW: Da0601-7-eng

**From:** Makfax[SMTP:MAKFAQ@MAKFAQ.COM.MK]  
**Sent:** Thursday, June 01, 2006 6:30:36 PM  
**To:** Undisclosed-Recipient;  
**Subject:** Da0601-7-eng  
**Auto forwarded by a Rule**

**Makfax**

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 makfax@makfax.com.mk www.makfax.com.mk

**DAIMS** / 17 / 01.06.2006

/diplomatic and international mission service/

**World/Macedonia****BND admits it knew about El-Masri's arrest in Macedonia**

**Berlin, 01.06.2006 (Makfax)** - Germany's foreign spy agency BND admitted on Thursday that one of its staff knew, but failed to report, that the German citizen Khaled el-Masri had been arrested abroad and handed to CIA.

A BND's spokesperson said the employee was told in Macedonia in January 2004 about the arrest.

The BND said its employee had heard about Masri during a conversation in the canteen of a Macedonian security agency in the first half of January 2004.

"A person he did not know casually told him that a German citizen called el-Masri had been arrested at Skopje airport because he was on a wanted list. El-Masri had been handed over to the Americans," the agency said in a statement

A spokesman said the man was a low-ranking official who had not realized the significance of the information. "We are clearly in a rather embarrassing situation now... It is highly regrettable but it can't be changed," he said.

Chancellor Angela Merkel's office said in a statement it "regretted" the information had not previously come to light and would pass it on to Munich prosecutors who are investigating his alleged abduction, Reuters agency reported.

The admission puts BND and the German Government in a troublesome position, since both claimed that they learned about El-Masri case much later on in 2004.

The intelligence agency is also reeling from disclosures in an investigator's report last week that it spied on German journalists until a few months ago to try and discover their sources.

The case of Khaled el-Masri shadows awkwardly the Macedonian Government and Police also.

Both institutions have repeatedly claimed that El-Masri was never arrested, but had only transited Macedonia legally.

PM Vlado Buckovski stated this before the European Parliament (EP) few months ago, while the Interior Minister Ljubomir Mihajlovski gave similar statement before the Macedonian Parliament. He reiterated this position before Temporary Committee of the European Parliament probing into el-Masri case,

within the investigation on the alleged involvement of EU country-members or candidates in secret arrests of terrorist suspects, requested by CIA.

**Region****Bulgarian authorities seize cigarettes of Macedonian origin**

**Sofia, 01.06.2006 (Makfax)** - Bulgarian authorities seized in two separate actions a large quantity of cigarettes without revenue stamps, some of them originating from Macedonia, Bulgarian Police announced.

106.000 pieces of cigarettes and 80 bottles of liquor bottles were confiscated at a marketplace in Sofia, after conducted inspection.

Half of the cigarettes were of Macedonian and Serbian origin, while the other half were fake Marlboros.

In a different case, inspectors seized 270.000 pieces of cigarettes of unknown origin in a terracotta shop.

The price of these cigarettes that were sold at the Bulgarian marketplaces was lower than the one of the cheapest Bulgarian cigarettes without filter.

The excise duty evasion for the total of 306.000 pieces of cigarettes is estimated to 42.000 levs (21.000 euros).

**Macedonia/Greece****Sekerinska and Stylianidis on completion of highway**

**Athens, 01.06.2006 (Makfax)** - The completion of the Pan-European Corridor 10, more precisely the construction of highway roads at the sections on Macedonian territory, was the central topic of the Greek-Macedonian talks that took place in Athens today.

Macedonian Vice-Prime Minister Radmila Sekerinska and Greek Deputy Foreign Minister Evripidis Stylianidis have agreed to set up a technical-level meeting in late July, at which concrete activities for launching construction works are to be defined.

The highway road with total length of 33 kilometers is due to be constructed at Demir Kapija-Udovo-Smokvica section, Sekerinska's Cabinet announced.

The interlocutors discussed also projects that are included in the Greek plan for economic reconstruction of the Balkans, referring to Macedonia.

The highlights of Sekerinska-Stylianidis talks included also the bilateral cooperation in the fields spanning investment operations, infrastructure, as well as the cross-border cooperation.

Launching of a project worth 5,5 million euros for building a purification station in Gevgelija has been announced at the meeting.



**Boudreau, Paul E**

To: Burger, David,  
 Subject: RE: MEPs/Renditions: EU Observer article, MEP statements on Macedonia

RELEASED IN FULL

**From:** Orlansky, Michael D  
**Sent:** Monday, May 08, 2006 10:49 AM  
**To:** Skopje Front Office; Hubler, Stephen A  
**Subject:** MEPs/Renditions: EU Observer article, MEP statements on Macedonia

This EU Observer article from a few days ago has some quotes from MEPs, including a statement by one about Macedonia not wanting to become "the 51st state." Cem Özdemir is a German Green Party MEP, the first German of Turkish descent to be elected to the Bundestag.

Mike

## MEPs try to leverage enlargement in Macedonia CIA probe

04.05.2006 - 17:43 CET | By Teresa Kuchler

**EUOBSERVER / BRUSSELS** - The European Parliament committee investigating CIA activities in Europe has said that EU candidate state Macedonia should cooperate better with its investigation as part of its preparations for accession to the union.

A delegation from the parliament's special committee, probing alleged clandestine terror suspect flights by US intelligence service CIA, on Thursday (4 May) briefed fellow MEPs on a visit to the Former Yugoslav Republic of Macedonia last week.

The delegation was in Macedonia in order to probe reports on a CIA abduction of the Kuwaiti-born German Khaled el-Masri, who is believed to have been captured by American agents in Macedonia and flown from Skopje to Kabul, Afghanistan.

MEPs painted a gloomy picture of the cooperation they received from Skopje, saying they met with "reluctance and contradiction" from Macedonian officials, and were not provided with answers to all of their questions.

"We did not get all that many answers," Italian Socialist MEP and the group's rapporteur, Claudio Fava told committee colleagues in Brussels.

Macedonia in December last year got the formal status of EU candidate state.

MEPs in the committee said that in Macedonia's further road towards possible EU membership, human rights and common values should be a key topic.

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"As regards those countries that are already member states of the EU, we cannot ask much, but for the candidate states we should be able to make demands on cooperation," Mr Fava said.

Green MEP Cem Ozdemir, who declared himself a "great supporter of enlargement," told EUobserver that no matter the pressure that the US may have put on Macedonia to help carry out dodgy operations, Skopje should have chosen its collaboration partners with more care.

"Macedonia does not want to become the 51st state of America, but a member of the European Union," he said.

The MEP added "The European Commission must make it clear to Macedonia that it is important that we have full cooperation."

Mr Ozdemir stated "This is all like a really bad B-movie. They [the Macedonians] are playing with the committee," referring to "conveniently disappearing" hotel ledgers or border registration documents, hastily missing or replaced personnel who "forgot" their mobile phones and seemingly "lost" keys to important archives.

But a diplomat in the Macedonian mission to the EU said that Macedonia, contrary to what the MEPs are suggesting, had shown in all possible ways that it wishes to cooperate fully with the parliament's committee.

"A clear proof of that is that the committee delegates were accepted by the highest authorities, namely the president, prime minister and interior minister of the country," the diplomat added.

### El Masri case

On 13 March, Mr El Masri gave his testimony before the committee in Brussels, stating he was arrested by CIA agents in Macedonia in December 2003, flown to Afghanistan via Baghdad and held there for months.

Following five months of alleged torture he was then declared innocent and released in Albania.

The Macedonian government has denied knowledge of wrongdoings, saying Mr El Masri had been on holiday in the country, and then left via land into Kosovo.

Macedonian officials told MEPs that this was proven by passport stamps from the border, as well as by common border procedures on registration of foreigners exiting Macedonia.

MEPs said that these documents were however never presented to them.

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- FP 0092

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SK/H

**Boudreau, Paul E**

**To:** Burger, David  
**Subject:** RE: Reuters, AFP 5/4/06 stories on Bellinger's (L) Geneva remarks on alleged renditions, detentions; Eurosource article on Fava press conference in Brussels

RELEASED IN FULL

**From:** Orlansky, Michael D  
**Sent:** Thursday, May 04, 2006 5:30 PM  
**To:** Skopje Front Office; Hubler, Stephen A; Pfeuffer, Paul(Main State)  
**Cc:** 'emrskopje@yahoo.com'  
**Subject:** Reuters, AFP 5/4/06 stories on Bellinger's (L) Geneva remarks on alleged renditions, detentions; Eurosource article on Fava press conference in Brussels

The first two and most recent articles (Reuters and AFP) cover statements today by Department Legal Adviser John B. Bellinger on allegations of renditions and detentions in Europe. Mr. Bellinger is in Geneva for a meeting of the UN Committee Against Torture.

Following those articles is a story from a little earlier today summarizing remarks about Macedonia at a press conference in Brussels by Europarliament Rapporteur Giovanni Claudio Fava (Italy), and also reporting diverging views of EP members, including a statement from MEP Miroslaw Piotrowski (Poland) suggesting that the el-Masri inquiry be stopped. A transcript of Mr. Fava's press conference is not available at this time.

Mike

## **CIA row hits US-Europe intelligence work: US lawyer**

**Reuters May 4, 2006**

By David Brunnstrom

Allegations that CIA flights through Europe carried people bound for ill-treatment are damaging transatlantic intelligence cooperation, a lawyer acting for the State Department said on Thursday.

Speaking before heading the defense of U.S. practices at the U.N. Committee against Torture in Geneva, John Bellinger reiterated Washington's position that it does not outsource torture or transfer people it suspects of being involved in terrorism to places where it can expect them to be tortured.

Bellinger was responding to a European Parliament probe which, while producing no firm evidence, concluded last month that more than 1,000 CIA flights had transited the EU and that the CIA had been responsible on several occasions for kidnapping and illegally detaining people on EU soil.

"The suggestion that intelligence flights are somehow engaged in illegal activity really undermines the cooperation between the United States and Europe," he told a news briefing.

EU lawmakers are due in Washington next week to probe allegations of secret detention centers and flights in Europe for terrorism suspects. Bellinger is among those they will meet.

He said he did not know how many flights there had been, but the suggestion or implication that a large number had detainees aboard was "absurd."

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"Someone needs to challenge that," he said. "It's not possible for the United States to prove a negative, but responsible European governments or responsible European officials simply need to say this has gotten out of hand."

"There is no evidence for the suggestion or implication that however many flights there have been that they have all got detainees on them or that an intelligence flight is engaged in some sort of improper activity."

He said there had been "very few" cases of renditions, or the transfer of terrorism suspects from one country to another, but declined to provide details.

### "NOT TOURIST FLIGHTS"

Claudio Fava, author of the EU parliamentary report, told a news conference the suggestion was not that all flights carried detainees, but "some" had been used for detainees and often had routes linking Guantanamo, Kabul and Baghdad.

"These were not tourist flights," he said.

Bellinger said so many allegations about intelligence flights were incorrect Washington had decided not to respond to specific charges, nor to give details of the purpose of every flight, given operational security requirements.

"Intelligence activities by their very nature are simply carried out in secret because you don't want to tell the al Qaeda people that you may have captured their material or you are engaged in cooperation," he said.

A Washington Post report last year which said that the CIA had run secret prisons in Europe and flown suspects to states where they would have been tortured unleashed a spate of investigations, but none have so far produced solid proof.

The United Nations' torture investigator Manfred Nowak told the EU parliamentary committee probing the allegations there was evidence of secret detention centers outside the United States, but there was no definite proof they had existed in Europe.

"Whatever stronger action could be taken from the European Union, be it in relation to Guantanamo, or secret places in detention -- here, or whatever -- would be, in my opinion, most welcome," he said.

Bellinger said there was "understandable uncomfortableness" about the holding of al Qaeda suspects at Guantanamo Bay in Cuba, but there were not many suggestions as to an alternative.

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## US hits back over CIA prisoner flight probes in Europe

Agence France Presse

54 minutes ago (May 4, 2006)

The United States hit back at allegations that the CIA has flown thousands of suspects through Europe to third countries where they might face torture.

Two investigations are in full swing in Europe into secret flights carrying "detainees" in the US "war on terror". But the legal advisor to US Secretary of State Condoleezza Rice dismissed the claims as absurd.

"These allegations that there have been thousands of flights with the implication that they all have got detainees

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on them and worse, detainees bound for mistreatment, is simply absurd," advisor John Bellinger said.

"Many of these flights that have occurred may be carrying analysts, officials engaged in counter-terrorism cooperation ... forensic evidence," he told reporters in Brussels.

Bellinger urged European officials to speak out.

"The suggestion that the flights themselves are somehow engaged in illegal activity really undermines the cooperation between the US and Europe," he said. "Responsible European government officials simply need to say this has gotten out of hand."

Last week an Italian member of the European Parliament, Claudio Fava, said the US Central Intelligence Agency (CIA) had carried out more than 1,000 secret flights in Europe since 2001 without any EU governments raising questions.

The United States has come under intense fire over the last year following press reports about the flights across European airspace since the September 11, 2001, attacks.

The prisoners were reported mainly to have been transitted through Europe to third countries in a process known as "extraordinary rendition", and Bellinger acknowledged that some of these flights had taken place.

"There have not been thousands of flights. There have been, as we have said, very few cases of rendition."

On Wednesday, US Attorney General Alberto Gonzales said the United States has the right to send prisoners to other countries but also the legal obligation to ensure they are not sent to places where they would be tortured.

"We all know renditions, in and of itself, is nothing extraordinary," he said.

"Renditions is an activity that is practiced by the United States and other countries. It is a practice that certainly has been exercised or used by this administration and previous US administrations," Gonzales said.

"We understand that our legal obligation with respect to all renditions is that we will not transfer someone to another country where it is more likely than not that they will be tortured ... The United States strives to meet that obligation in every case."

The Council of Europe, largely a human rights watchdog, has been investigating the allegations, as has a European Parliament special committee.

In testimony to the parliamentary committee in Brussels on Thursday, the United Nations' special rapporteur on torture, Manfred Nowak, insisted that rendition contravened international law.

"Extraordinary renditions are definitely illegal. There is no question about it," he said. "It means abducting a person."

"I think there is enough evidence that this is a practice that has been used and is still being used."

"I would like that the EU takes a stronger common position in relation to these issues and says that whatever happened should be fully investigated with the active cooperation of the United States," he said.

On Tuesday, EU foreign policy envoy Javier Solana told the same inquiry that he had no certain information about the flights nor the power to demand that EU countries provide details about them.

"I have no information -- no information whatsoever -- that tells me with certainty that any of the accusations, allegations, rumours, et cetera that have taken place in the last year's time are true," he said.

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## EU questions remain on Macedonia CIA 'abduction'

EUROSOURCE (eupolitix.com)

Thu, 4 May 2006 12:53:33 GMT+02

by Daisy Ayliffe

Macedonian officials withheld crucial information from the European parliament's investigation into illegal CIA activities.

Following a visit to Macedonia last week, MEPs said officials did not provide answers to all of their questions.

"We did not get many answers," parliamentary rapporteur Claudio Fava explained on Thursday.

"Doubts still remain. We were told Mr el-Masri left by land but we were not allowed to look at the documents showing he left by land."

The Fava led team was in Macedonia probing the alleged CIA abduction of the Kuwaiti-born German, Khaled el-Masri.

Human rights groups cite the case of el-Masri as an example of US "extraordinary rendition" - or secret transfers of terrorist suspects to third countries where they face abuse or torture.

When questioned by the parliamentary committee in March, el-Masri said he was arrested by US agents at the Macedonian border in December 2003.

But Macedonia, pursuing EU accession talks and a US military ally in Iraq, denies any wrongdoing.

It has acknowledged holding el-Masri at the border, but says he was released a few hours later.

"There are no indications that foreign intelligence officers, were involved in this case", said Macedonian interior minister Ljubomir Mihajlovski after a meeting with the European parliament's delegation.

While the committee of MEPs said it was too early to draw definitive conclusions on Macedonia, they said contradictory evidence had left doubts.

"There were contradictions," German MEP Sylvia Kaufman said. "Crucial evidence is not being provided, is this just a coincidence? We as a committee have to follow up on this."

"Our visit to the hotel where el-Masri was staying was forewarned. We met two young men who had only been there two weeks so they could not answer our questions. The hotel owner was not there and could not be reached even though he knew we were coming."

But other committee members were less convinced of the Macedonian leads.

"I suggest we stop this inquiry....we have nothing to take forward on el-Masri," Polish MEP Miroslaw Piotrowski interjected.

According to Claudio Fava more than 1,000 CIA flights had transited the EU since 2001.

The European parliament committee has no legal or judicial power but can recommend sanctions against states.

Next week MEPs are due to travel to Washington to continue investigation.

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FP 0097

SK16

**Boudreau, Paul E**

To: Burger, David  
 Subject: RE: El Masri and NYT

RELEASED IN FULL

**From:** Orlansky, Michael D  
**Sent:** Thursday, May 04, 2006 1:11 PM  
**To:** Milovanovic, Gillian A  
**Cc:** Hubler, Stephen A  
**Subject:** RE: El Masri and NYT

Ambassador,

There was nothing recent in the NY Times on the el-Masri case or from Amb Fouere. I searched earlier today when we noted the press item. The last piece the NYTimes ran was Bob Herbert's column of April 20, an opinion piece largely devoted to reports on the el-Masri case.

The article and interview that Utrinski Vesnik's Slobodanka Jovanovska was apparently referring to appeared in the International Herald Tribune of Sat. April 29 (article below). Nicholas Wood writes for both the NYT and the IHT, and typically identifies himself as being from the Times, so it is not unreasonable for Mr. Fouere or the journalist to say that they were interviewed by someone from the NYT. But the article seems to have appeared only in the IHT. The article refers to a statement from Amb Fouere given via telephone (*emphasis added*), and also includes statements from EU MP Giovanni Claudio Fava.

In another article (4/28, AP), Mr. Fava is quoted as saying, "We put a lot of questions to the Macedonian government officials, institutions and NGO's ... We have received some answers, but not all the answers that we expected from them."

Below the Wood article is a more recent (5/2) Reuters story that quotes Fava as saying there is no "hard evidence" confirming el-Masri's claims of what took place in Macedonia.

We will keep looking for articles and statements related to this case, including anything new we can find today from Mr. Fava.

Mike

### **Macedonia denies role in CIA flight**

By Nicholas Wood

International Herald Tribune

Saturday, April 29, 2006

SKOPJE, Macedonia - The authorities here answered questions posed by a delegation from the European Parliament about a reported CIA kidnapping in Macedonia, but denied suggestions that Macedonia had been involved, and that the CIA had taken part.

The European delegation came to Macedonia to investigate the CIA's alleged practice of kidnapping terror suspects and flying them to other countries for interrogation.

The Macedonians told the delegation that a CIA-chartered plane bound for Afghanistan had landed at the main



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airport on the same day that Khaled el-Masri, a German car mechanic born in Lebanon, charges that he was drugged and flown from Macedonia to Kabul.

Substantial evidence has emerged indicating that Macedonia's security services had a direct role in the transfer. In February, two officials who had been senior members of the Macedonian government at the time of Masri's disappearance told *The New York Times* that the intelligence services had detained Masri on behalf of the CIA.

But in meetings Friday, officials stopped short of admitting any involvement in the matter or knowledge of Masri's whereabouts while he was in Skopje during much of January 2004. By the end of the day, the interior minister, Ljubomir Mihajilovski, said, "We had a good discussion, and we hope it will finally be clarified that there was not such a case in which Macedonian security services were involved." He added, "There are no indications that foreign intelligence services, and particularly the CIA, were involved" in a kidnapping.

The members of the EU Parliament were not persuaded. "My impression is that they are leaving all the responsibility to other people," said Giovanni Fava, the member of Parliament who will write the delegation's report.

On Wednesday the same group of Parliament members concluded that the CIA made 1,000 undeclared flights across Europe, sometimes stopping to transport terror suspects.

Masri's case is one of the most substantiated examples. In December, Chancellor Angela Merkel of Germany, after a meeting with Secretary of State Condoleezza Rice, said that Rice had admitted Masri's detention and deportation had been a mistake.

European Union officials urged Macedonia to be as open as possible about its involvement in the case so it would not risk jeopardizing its efforts to join the Union. Despite that pressure, the government officials seemed to adhere to an official and limited version of events, although Siljan Avramovski, the former head of Macedonia's counterintelligence service, the UBK, said, "We will provide maximum transparency and openness in our discussions."

In later meetings, other officials provided an account that gave the government's security services only a fleeting role. They said the police had briefly detained Masri at the country's main border crossing with Serbia and that, once he was released, he went to Skopje and took a hotel room.

The owner of the hotel, the Skopski Merak, confirmed that Masri had stayed there, but declined to show a reporter the hotel's guest book without written authorization from the government.

Masri's account is that he was arrested at the border and held captive in the hotel for 23 days, before being flown to Kabul and kept in a U.S.-run prison for five months. He finally was released at an Albanian border crossing and told to make his own way back to Germany, he has testified.

**"This is not going to go away," Erwen Fouere, the head of the delegation to Macedonia, said in a telephone interview. "The evidence does seem to be quite convincing that something did happen, that this person was subject to a treatment that was not in accordance with international law."**

"They are giving part of the truth, we are waiting for the second part," Fava said.

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## EU's Solana says has no proof of CIA renditions

By Ingrid Melander

Tuesday, May 2, 1:23 PM ET

Reuters

The European Union's foreign policy chief said on Tuesday he had no proof U.S. intelligence agents had transferred al Qaeda suspects through Europe and said he had no powers to investigate the allegations.

A Washington Post report last year that the CIA had run secret rendition flights and secret prisons in eastern Europe for al Qaeda suspects unleashed a spate of investigations, but none have so far produced a "smoking gun," or solid proof.

"I have no information whatsoever that tells me with certainty that any of the accusations, allegations, rumors, that have taken place are true," Javier Solana told a committee of European Parliament lawmakers probing the allegations.

"I do not have the information - I do not have the competence - to ask the countries how they have handled these questions," Solana added.

He said the European Union treaty only allowed the bloc's executive branch, the European Commission, or at least a third of member states acting in concert, to raise the issue.

Solana advised lawmakers to hear NATO Secretary-General Jaap de Hoop Scheffer, but he later told the parliament's foreign affairs committee: "I have no information on so-called, alleged, quote-unquote, CIA flights or alleged renditions."

Solana's comments failed to impress some EU lawmakers.

British European parliamentarian Sarah Ludford said Solana had a political duty to probe the allegations.

"It just paints such a pathetic picture of the EU," she said of Solana's assertion that he could not ask questions about the allegations and the possible complicity of some EU states.

Her comments were echoed by Dutch lawmaker Kathalijne Buitenweg. "You cannot force people to answer but can you at least ask," she said.

**"NOT MARGINAL ISSUES"**

Solana said the accusations of CIA abuses were "certainly not marginal issues for the transatlantic relations" and said terrorism should be fought within international law.

Solana's powers are limited as he has no formal role as EU foreign minister. The EU constitution would have created a post of foreign minister, but the planned law has been put on hold since French and Dutch voters rejected it last year.

According to Claudio Fava, an Italian EU lawmaker responsible for drafting the parliamentary committee's first interim report last week, more than 1,000 CIA flights had transited the European Union since 2001.

Amnesty International has given the same figure, and the Council of Europe, another rights organization investigating the allegations, said last month that one European state had admitted handing over

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terrorism suspects to foreign agents.

A team led by Fava probing the alleged CIA abduction of a Kuwaiti-born German on Saturday visited a hotel where he stayed in Macedonia in 2004 and questioned whether his 23-day stay there was voluntary.

Rights groups cite the case of Khaled el-Masri as an example of U.S. "extraordinary rendition" -- or a secret transfer of a suspect to a third country where they face abuse or torture.

Fava said on Friday there was no "hard evidence" to confirm Masri's claim he was kidnapped by Macedonian agents before being flown by the CIA to Afghanistan for interrogation.

Macedonia, pursuing EU accession talks and a U.S. military ally in Iraq, denies wrongdoing. It has acknowledged holding Masri at the border, but says he was released a few hours later.

Washington has declined public comment on the case.

The European Parliament committee has no legal or judicial power but can recommend sanctions against states.

-----Original Message-----

**From:** Milovanovic, Gillian A  
**Sent:** Thursday, May 04, 2006 12:31 PM  
**To:** Orlansky, Michael D  
**Cc:** Hubler, Stephen A  
**Subject:** El Masri and NYT

today's media notes say Fouere was interviewed in an NYT article cited in today's Utrinski. PAS please provide the NYT article to POL and me

I also see that Mr Fava is apparently going to give a press statement regarding the EU parliament committee visit here on El Masri and say something about future endeavors (same article apparently). I need PAS to follow this in all appropriate media and get what is said by Fava or anyone else in the aftermath of the visit.

Gillian Milovanovic  
Ambassador  
Skopje, Macedonia  
389- 2 311 6180  
milovanovicga@state.gov

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SK17

**Boudreau, Paul E**

**To:** Burger, David  
**Subject:** RE: Reuters 4/13/06 article on planned Europarliament visit to Macedonia re alleged detentions, renditions

RELEASED IN FULL

**From:** Orlansky, Michael D  
**Sent:** Friday, April 14, 2006 12:28 PM  
**To:** Skopje Front Office; Hubler, Stephen A  
**Subject:** Reuters 4/13/06 article on planned Europarliament visit to Macedonia re alleged detentions, renditions

A recent Reuters article makes reference to a European Parliament committee visit to Macedonia later this month.

April 13, 2006

## Crunch Weeks Ahead for Europe's CIA Probes

By REUTERS

Filed at 9:45 a.m. ET

BERLIN (Reuters) - After months without a breakthrough, European investigators probing alleged CIA abuses in the war on terrorism are starting to sound more hopeful and will seek new evidence in the next few weeks.

A Washington Post report last November that the U.S. Central Intelligence Agency had run secret prisons in Eastern Europe for al Qaeda suspects unleashed a spate of investigations which have so far failed to produce a "smoking gun."

But after several months when the issue largely faded from view, two developments in the past eight days have generated new headlines.

First Amnesty International detailed the case of three Yemeni men who were held for 13 months until May 2005 at a secret U.S. facility, possibly in Eastern Europe.

Then the Council of Europe, a human rights organization, said on Wednesday at least one European state had admitted to handing over terrorism suspects to foreign agents.

"We have received official acknowledgement of 'handing over' individuals to foreign officials" in violation of the European Convention on Human Rights, Council head Terry Davis said, declining to name the country involved.

He may have been referring to Sweden, where a parliamentary ombudsman has criticized the security services over the expulsion of two Egyptian terrorism suspects who were handed over to U.S. agents and flown home aboard a U.S. government-leased plane in 2001. Human Rights Watch has said there is credible evidence they were later tortured.

The Swedish government declined this week to comment, but opposition lawmaker Cecilia Wikstrom told

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Reuters: "I would put some money on Sweden. I would not be surprised if it's Sweden that he (Davis) meant."

Sarah Ludford, a British Liberal Democrat member of a European Parliament committee investigating CIA prisons and secret flights across Europe, agreed Sweden was an obvious possibility but it would be "intriguing" if Davis was on to something new.

### KEEP UP THE PRESSURE

Ludford said the parliament committee was making some headway and she expected its interim draft report next month to say there were strong grounds to probe deeper.

"We'll say there is enough material to go on investigating and to keep up the pressure," she told Reuters.

"We've got this vast jigsaw and we're filling in bits of the jigsaw ... I think we're making a few people a bit nervous."

**The committee will send a delegation in late April to Macedonia, where German citizen Khaled el-Masri was arrested on December 31, 2003, and from where he was flown to Afghanistan and held for months as a terrorist suspect by the United States. Masri, later freed without charge and dumped without explanation in Albania, is now suing the former head of the CIA.**

Another group of Euro-MPs will head to Washington in early May, seeking meetings with Secretary of State Condoleezza Rice and CIA chief Porter Goss.

Meanwhile a German parliamentary inquiry will start work on May 11, examining among other things the Masri case, the CIA prison allegations and the use of German airports for dozens of unexplained CIA flights.

Critics suspect some of these may have been used by the United States to transport terrorist suspects, outside proper legal channels, to countries where they would face torture. Washington acknowledges it has used secret transfers, known as renditions, but denies "outsourcing torture."

Opposition Free Democrat member of parliament Max Stadler told Reuters the German inquiry would probably seek to question Council of Europe chief Davis and his special investigator, Dick Marty, who has said he suspects European governments or their intelligence services were aware of CIA abuses.

Euro-MP Ludford said that even if investigations to date had not produced conclusive proof of such abuses, they had thrown up enough strong circumstantial evidence to force governments to provide answers, and to take steps to stop any repetition.

"We have got to the point of reversing the burden of proof," she said. "The ball is in the court of the governments ... They have to prove now that they were not involved in illegal rendition."

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FP 0103

RELEASED IN FULL SK18

**Boudreau, Paul E****To:** Burger, David**Subject:** RE: DAS Graffy item in UK's The Guardian - "Journalists are painting an outdated picture of how the US treats detainees"**From:** Orlansky, Michael D**Sent:** Saturday, March 25, 2006 10:47 AM**To:** Milovanovic, Gillian A; Wohlers, Paul; Hubler, Stephen A**Cc:** Oakley, Carol V**Subject:** DAS Graffy item in UK's The Guardian - "Journalists are painting an outdated picture of how the US treats detainees"

FYI, EUR's DAS for Public Diplomacy Colleen Graffy had an op-ed type of piece in London's Guardian recently, commenting on detainee issues. EUR/PPD passed it to posts for possible use in connection with detainee questions that might arise.

Specific questions about Guantanamo have not been a major issue here. The questions are most often about what may or may not have taken place in Macedonia and about possible knowledge and involvement of Macedonian authorities.

Ms. Graffy spent many years in London working in international education programs before coming to State as a political appointee, and was recently in the UK for some PD programming.

Mike

## Guantánamo is not a spa, but neither is it a torture camp

### Journalists are painting an outdated picture of how the US treats detainees, says Colleen Graffy

UNITED STATES DEPARTMENT OF STATE  
 REVIEW AUTHORITY: ARCHIE M BOLSTER  
 DATE/CASE ID: 23 JAN 2009 200706444

Wednesday March 22, 2006

#### The Guardian

Victoria Brittain rose to defend the innocence of Moazzam Begg from her unbiased position as co-author of Begg's book, *Enemy Combatant (Trial by Spin Machine, March 14)*. She laid out her case on how three different journalists in three different papers were wrong to question his innocence by attacking the integrity of the journalists. Those who wondered why, for example, Begg and his bookshop were under surveillance by MI5 before he went to Afghanistan are dismissed as "spin machines".

I came into her line of ire because I was allegedly in London on a "propaganda offensive". That is, unlike Brittain and the UN special rapporteurs, I had actually been to Guantánamo. But the "spin" on Guantánamo is so entrenched it is almost impossible to speak out contrary to the perceived wisdom.

Why, then, are we continually fed pictures of Camp X-Ray when it was a makeshift facility that existed for only four months more than four years ago? Why is every single detainee pictured on the BBC's website (and frequently on TV) shown in an orange jumpsuit and depicted in a stressful position, when most don't wear them and many live communally? More than 900 journalists have been to Guantánamo, yet the photos remain the same. Is it that detainees don't engage in recreation, in call to prayer five times a day, or in interrogations done over chess; or is it that those images don't fit the narrative that all seem to want to believe?

I came to London on a "detainee propaganda defensive". Before I went to Guantánamo, I had been on Radio 4's Today programme following the "interview" of current detainee Fawzi al-Odah. He described being internally fed "using a thicker

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tube with a metal edge". The "metal edge" is not exposed metal, as he would want us to believe, but the hospital standard, which is sheathed. It was for this reason that I brought a sample on to Jeremy Vine's Radio 2 programme. Far from Vine being "speechless", as Brittain describes, he said: "It looks like a piece of string."

Al-Odah complained of "lousy food", but the 4,200-calories daily rotating halal menu plan, adjusted during Ramadan, gives a fairer picture; Al-Odah claimed there were "no reading materials", whereas more than 1,800 books and other reading materials in 13 languages are available (including the popular Arabic versions of Agatha Christie and Harry Potter); Al-Odah refers to the "bad medical care", which must include the 45 eye exams per month, full range of immunisation shots, first-class dentistry and colon cancer screening for the over-50s.

Of equal importance to their treatment and living conditions are their habeas corpus rights. Most people are unaware that each detainee has had a combatant status review tribunal to challenge his designation as an enemy combatant as well as a yearly administrative review board, similar to a parole board.

Guantánamo is not a spa, but nor is it an inhumane torture camp. It is a prison - and, as prisons go, it is well run and humane. Before you join the "close it down" chorus, look past the spin to the facts.

· Colleen Graffy is the United States' deputy assistant secretary of state for public diplomacy

cgraffy@state.gov

Boudreau, Paul E

SK19

To: Burger, David  
 Subject: RE: Makfax Daims news / 6 / 14.03.2006 - ENG

RELEASED IN FULL

From: Burcevski, Mitko  
 Sent: Tuesday, March 14, 2006 7:16 PM  
 To: Pfeuffer, Paul(Main State); Arsova, Vesna; Bajevski, Ljupco; Allen, Tanya A; Hubler, Stephen A; Koljali, Bljerim; Norris, Robert E; Shott, Brian A; Ilazi, Gazmend; Vucidolova, Marija; Cesnoska-Mrenoski, Rozita; Granger, Nikolas E; Vaden, Andrew J; Mosser, Katrina S  
 Subject: FW: Makfax Daims news / 6 / 14.03.2006 - ENG

From: Makfax[SMTP:MAKFAQ@MAKFAQ.COM.MK]  
 Sent: Tuesday, March 14, 2006 7:15:30 PM  
 To: Undisclosed-Recipient;  
 Subject: Makfax Daims news / 6 / 14.03.2006 - ENG  
 Auto forwarded by a Rule

**Makfax**

News Agency -- Bul. Goce Delcev bb Skopje PF 738  
 Tel. ++ 389 (0)2 3110-125; 3227-127 mob. (0)70 226-078  
 makfax@makfax.com.mk www.makfax.com.mk

**DAIMS / 6 / 14.03.2006**

/diplomatic and international mission service/

**Region****Lawyers of Milosevic's widow put EUR15.000 bail guarantee**

**Belgrade, 14.03.2006 (Makfax)** - The District Court in Belgrade issued a ruling today for allowing Mira Markovic to attend Slobodan Milosevic's burial without being arrested, upon setting a 15.000 euros bail as a guarantee she would appear at the Court.

Since the indictment against Mira Markovic remains in force, the decision says her passport would be confiscated upon entering Serbia, and she would be arrested upon failing to appear at the scheduled hearing.

Markovic's lawyers have already deposited the bailing guarantee.

The Court's ruling went into effect, since both Markovic's lawyers and the deputy district public prosecutor restrain from lodging complaints. /end/

**Macedonia****El Masri demands clarifying of his abduction**

**Strasbourg, 14.03.2006 (Makfax)** - The German with Lebanese lineage Khaled el-Masri and his lawyer Manfred Gnjidic demanded in Strasbourg on Monday thorough clarifying of the affair over El Masri's kidnapping, including the role of Macedonia, Radio Deutsche Welle - Macedonian language service reported.

El Masri's testimony before the European Parliament's special committee included already known facts that 23 days after his apprehension by the Macedonian police on 31 December 2003, he was transferred to Afghanistan to be interrogated by US, and possibly German secret services over suspicions for his ties with islamic terrorists, before he was finally freed in May 2004.

However, according to the members of the special committee, the testimony failed to offer any evidence to substantiate involvement of European authorities in the affair.

The surprise came when El-Masri stated the Macedonian Police have given him a correct treatment, which

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UNITED STATES DEPARTMENT OF STATE  
 REVIEW AUTHORITY: ARCHIE M BOLSTER  
 DATE/CASE ID: 23 JAN 2009 200706444 **FP 0106**



contradicts his previous complaints of mistreatment.

When the Committee brought up allegations against El-Masri for his involvement in the Lebanese radical movement Al Tawhid and contacts with the Kosovo Liberation Army, the German citizen denied having any connections of such kind.

"The reason for his traveling to Macedonia, his links with radical movements, whether he is good or bad person, all that does not concern me. I am interested in the institutional problems, in what has been happening to a German citizen who was abducted and illegally held in Afghanistan", Giovanni Fava of the special committee told Deutsche Welle.

At the end of the hearing, Khaled el-Masri and his lawyer Manfred Gnjidic urged for thorough clarifying of the whole case, calling the European Parliament to insist for providing information on the role of Macedonia.

The chairman of the special committee Carlos Coelho notified the pannel that "Mr. Bozinovski, employed in the daily newspaper 'Vreme' based in the Former Yugoslav Republic of Macedonia withheld his testimony before the committee, stating no reason for abrupt change of mind".

Namely, the Macedonian journalist was summoned to appear before the committee in Brussels on 21st of March, Macedonian language service of Radio Deutsche Welle said. /end/

SK20

**Boudreau, Paul E**

To: Burger, David  
 Subject: RE: Renditions piece

RELEASED IN FULL

**From:** Pfeuffer, Paul  
**Sent:** Monday, March 13, 2006 4:21 PM  
**To:** Wohlers, Paul(Skopje); Milovanovic, Gillian A(Skopje); Hubler, Stephen A(Skopje); Orlansky, Michael D(Skopje)  
**Subject:** FW: Renditions piece

**From:** Davidson, Terry R  
**Sent:** Monday, March 13, 2006 10:09 AM  
**To:** EUR-Directors; EUR-FO; EUR-Deskofficers-DL; EUR-PPD-DL  
**Subject:** Renditions piece

Here's the UPI piece on renditions I mentioned at 9 a.m. meeting... Terry

**Intl. Intelligence U.S.: EU Governments 'allowed Renditions' (STRANGE, UPI)**  
**Saturday, March 11, 2006**  
**United Press International**  
**By HANNAH K. STRANGE, UPI U.K. Correspondent**

LONDON, March 10 (UPI) -- U.S. flights conducting renditions of terror suspects have passed through Europe with the knowledge of European governments, a senior U.S. State Department official confirmed to United Press International Friday.

Speaking to UPI on condition of anonymity, the official said the United States would not and had not conducted renditions through Europe without the knowledge of European partners. There was a "sense of grievement" in Washington that European governments and citizens had benefited from information obtained through rendition, yet were now expressing "shock" at the policy.

"European governments and publics expect there to be broad, mutual intelligence cooperation," he said. "These are simply not the things that are talked about publicly."

On the eve of her European tour in December, U.S. Secretary of State Condoleezza Rice spoke of the cooperation of national governments in intelligence efforts that "helped protect European countries from attack, helping save European lives."

Asked whether those remarks meant European governments had knowingly allowed rendition flights to pass through their territory, the official replied: "Yes, that's exactly what that means. We would not conduct renditions in Europe without the knowledge of European partners."

The official would not confirm or deny whether rendition flights had passed through Britain, an allegation the British government denies. He would only say the idea that rendition flights had taken place through all the European countries where allegations were now surfacing was "absurd."

The allegations currently circulating in the European media were "mostly inaccurate," he said, adding that the suggestion that hundreds of rendition flights had passed through Europe was "simply absurd."

Those making such allegations were not distinguishing between what might have been simply intelligence flights, for example carrying intelligence officials, and what may have been rendition flights, he added. There were in fact only "two or three cases" in Europe in which any evidence that rendition had taken place had been put forward.

"If people were truly disappearing off the streets of Europe by the hundreds I think someone would have noticed," he

Questioned as to why terror suspects would be transferred abroad for interrogation if it was not to evade human rights protections, the official said that in the majority of cases, renditions took place because an individual captured in one country was wanted by another country.

"What happens is, all intelligence agencies around the world share information with each other and cooperate with each other," he said.

If an individual was picked up by the security services of one country, which then discovered that person was wanted by or was on the watchlist of another country, then instead of simply letting them go the security services would transfer them over, he explained.

"The United States is basically the only country in the world that has the intelligence services and the resources to perform such a service," he added.

If they were wanted in the United States, or suspected by the U.S. authorities of links to terrorism, they would in most cases be rendered back to the United States, he said.

Asked by UPI whether there were any cases in which an individual was wanted or suspected by U.S. authorities, and instead of being transferred to the United States were held by another country on behalf of the U.S., the official said he could not vouch for every single circumstance. There could be some cases in which individuals were held abroad on the behalf of the United States, he said, if another country had an interest in doing so.

"Contrary to what Europe thinks, we really do not want to become the world's jailers," he added.

But, he stressed, if the United States had any doubt about the recipient nation's human rights record, or had reasonable grounds to believe the individual could be mistreated, they would seek specific guarantees from that nation.

Questioned as to why such individuals could not be extradited, the official said that intelligence was often insufficient to extradite a person; therefore rendition was used to "get people who are beyond the reach of the law."

Giving a theoretical example of someone found to have received a telephone call from a person who then shortly after committed a terrorist attack, he asked: "Do we let someone like that simply disappear off into the ether? Frankly the rest of the world would not want people like that to be floating around."

The official stressed that rendition had been practiced "for many decades, by many countries," and until its recent recharacterization had been an "accepted practice and not a dirty word."

"Renditions are an important tool for all countries in fighting terrorism," he added.

The practice had been reviewed and upheld by the European Court of Human Rights, he said, specifically in the case of Carlos the Jackal, a terrorist captured in Sudan in 1994 and rendered back to France, where he is now imprisoned.

It used to be that finding terror suspects and bringing them to justice "was a heroic thing to do... people were applauding this," he continued.

"The purpose of rendition is not to send people where they could be tortured. It is to ensure that people who are wanted for terrorist acts around the world are brought to justice."

The United States shared an enormous amount of intelligence gathered as a result of renditions with European governments and felt there was now a certain degree of hypocrisy in their public displays of shock at the practice, he said.

The U.S. administration was concerned about the characterization of renditions as being wrong, illegal and always improper, he said, acknowledging the potential of that "misconception" for undermining efforts to spread democracy

"This image is damaging, but rather than stop doing them, we are trying to emphasize that there is value for all our societies, that we are not just doing it for ourselves."

 Print

**Terry Davidson**  
Division Chief, Press and Outreach  
Bureau of European and Eurasian Affairs  
Room 4515, HST

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Department of State  
202-647-6291

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SK21

**Boudreau, Paul E**

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**To:** Burger, David  
**Subject:** RE: Guidance/Talking Points on Renditions, Council of Europe Report (RRU 3/2/06)

RELEASED IN FULL

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**From:** Orlansky, Michael D  
**Sent:** Thursday, March 02, 2006 4:01 PM  
**To:** Skopje Front Office; Hubler, Stephen A; Clark, Jeanne L  
**Subject:** Guidance/Talking Points on Renditions, Council of Europe Report (RRU 3/2/06)

You may have seen this already, but in view of media interest here in the Terry Davis statements and ongoing inquiries on the topic of renditions, I'll send for your attention and use as needed.  
Mike

**Europe Blames Itself for Renditions:**

Council of Europe (EC) report on CIA renditions shifts spotlight from the US to European oversight failures. EC Secretary General Terry Davis's comments played widely: "[Europe] appears to be a happy hunting ground...hardly any country in Europe has any legal provisions to ensure an effective oversight over the activities of foreign agencies on their territory." French press says the report "fingers Poland and Italy," and skies are "too open." No new evidence of secret prisons was reported, which Danish media criticize as a "sparse" investigation.

*Message:*

- \* **The United States has respected -- and will continue to respect -- the sovereignty of other countries.**
- \* **There have been many cases where local governments cannot detain or prosecute a suspect, and traditional extradition is not a good option. The local government can make the sovereign choice to cooperate in a rendition. Such renditions are permissible under international law and are consistent with the responsibilities of governments to protect their citizens.**

This message and attachments, if any, are Unclassified according to E.O. 12958

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**Boudreau, Paul E**

**To:** Burger, David  
**Subject:** RE: el-Masri abduction - NYT report (INR/EU highlighting)

RELEASED IN FULL

**From:** Orlansky, Michael D  
**Sent:** Tuesday, February 21, 2006 4:07 PM  
**To:** Milovanovic, Gillian A; Wohlers, Paul; Hubler, Stephen A  
**Cc:** Oakley, Carol V  
**Subject:** FW: el-Masri abduction - NYT report (INR/EU highlighting)

I sent this article earlier today, but you might also want to see the points highlighted by Henry Kelley of INR/EU.  
 Mike

-----Original Message-----

**From:** Larson, Ingrid D  
**Sent:** Tuesday, February 21, 2006 3:31 PM  
**To:** Orlansky, Michael D(Skopje)  
**Subject:** FW: el-Masri abduction - NYT report

FYI.

**From:** Kelley, Henry  
**Sent:** Tuesday, February 21, 2006 9:29 AM  
**To:** DiCarlo, Rosemary A; English, Charles L; Sainz, Francisco D; Pfeuffer, Paul; Larson, Ingrid D; Kabumoto, Kevin C; 'ACscoffe@us-state.osis.gov'; 'ACdvalde@us-state.osis.gov'  
**Subject:** el-Masri abduction - NYT report

Today's front page NYT story on the el-Masri abduction draws on backgrounding by US, German and Macedonian officials.

Highlights:

- "A senior Macedonian government official who was directly involved in Mr. Masri's detention told The Times that not long after Mr. Masri's capture, Macedonian officials notified the German Embassy in Skopje. C.I.A. officers in Macedonia conducted the interrogation of Mr. Masri, according to Macedonian officials."
- "Two senior German officials, who spoke on condition of anonymity because of the case's sensitive nature, denied that Germany's Embassy had been told about Mr. Masri's capture. "The German Embassy in Skopje was not informed by Macedonian authorities while German citizen el-Masri was in custody in Macedonia," a Foreign Office spokesman said. Another official said Germany did not learn about Mr. Masri's detention until May 31, 2004, when the American ambassador to Germany at the time, Daniel Coats, informed German officials about Mr. Masri's capture and eventual release."
- "In Washington, a senior State Department official said Monday that the department would not comment on Mr. Masri's case, noting that it was a matter of litigation in both Germany and the United States. In late 2003, Mr. Masri left his family in Ulm for a trip to Macedonia. Macedonian and German officials said he was arrested at a border checkpoint on Dec. 31, 2003, because his name was on an Interpol terror watch list. But they said the name referred to another Khaled el-Masri. Mr. Masri was then held in a hotel in Macedonia for several weeks, where he was questioned by the C.I.A., according to senior Macedonian and American officials. A senior Macedonian official said the German Embassy was notified about Mr. Masri within days of his capture. "Unofficially, they knew," the official said of the Germans. A C.I.A. spokesman declined to comment."
- "Two senior Macedonian officials said the Americans had asked to have Mr. Masri detained in Macedonia for 23 days. "We consider the Americans as our partners," a senior Macedonian official said. "We cannot refuse them."

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- "Publicly, Macedonia has denied that Mr. Masri was held illegally. "There is nothing the ministry has done illegally," Hari Kostiv, the minister of interior at the time and later the prime minister, said in an interview. "The man is alive and back home with his family. Somebody made a mistake. That somebody is not Macedonia."

### Germany Weighs if It Played Role in Seizure by U.S.

New York Times  
February 21, 2006

By **DON VAN NATTA Jr.**

*This article was reported by Don Van Natta Jr., Souad Mekhennet, and Nicholas Wood, and was written by Mr. Van Natta.*

MUNICH, Feb. 20 - For more than a year, the German government has criticized the United States for its role in the abduction of a German man who was taken to an American prison in Kabul, Afghanistan, where he said he was held and tortured for five months after being mistaken for a terrorism suspect.

German officials said they knew nothing about the man's abduction and have repeatedly pressed Washington for information about the case, which has set off outrage here. At a meeting in Berlin last December, Chancellor Angela Merkel demanded an explanation from Secretary of State Condoleezza Rice <<[http://topics.nytimes.com/top/reference/timestopics/people/r/condoleezza\\_rice/index.html?inline=nyt-per](http://topics.nytimes.com/top/reference/timestopics/people/r/condoleezza_rice/index.html?inline=nyt-per)>> over the incident.

But on Monday in Neu-Ulm near Munich, the police and prosecutors opened an investigation into whether Germany <<<http://topics.nytimes.com/top/news/international/countriesandterritories/germany/index.html?inline=nyt-geo>>> served as a silent partner of the United States in the abduction of the man, Khaled el-Masri, a German citizen of Arab descent who was arrested Dec. 31, 2003, in Macedonia before being flown to the Kabul prison.

The action came after a two-and-a-half-hour meeting at police headquarters in which Mr. Masri told the police that he was "90 percent" certain that a senior German police official was the interrogator who had visited him three times inside the prison in Kabul but had identified himself only as "Sam." The German prosecutors said Monday that they were also investigating whether the German Embassy in Skopje, Macedonia, had been notified about Mr. Masri's kidnapping within days of his capture there, but then had done nothing to try to help him.

Mr. Masri's case has come to symbolize the C.I.A. practice known as extraordinary rendition, in which terror suspects are sent to be interrogated in other countries where torture is commonly used. In broadening its criminal inquiry into the abduction of Mr. Masri to the activities of its own government, German prosecutors are trying to determine whether the German government worked secretly with the United States in the practice.

"I feel deceived and betrayed by my own country," Mr. Masri, a 42-year-old unemployed car salesman from Neu-Ulm, said in an interview.

The German police official identified as "Sam" denied that he had visited Mr. Masri in Afghanistan and said he was "on holiday" at the time in Germany, but that he could not remember exactly where. The man was present on Monday at the police station, where Mr. Masri picked him out of a 10-person lineup. After speaking with him, Mr. Masri said that his voice was similar but that his hair style was different.

Martin Hofmann, a prosecutor in Munich, said Monday that his office would not "assume that this man is Sam" but would "go forward with our investigation."

A senior German official familiar with the case said that Mr. Masri was "at best mistaken" and that the police official "cannot be Sam."

The New York Times is withholding the official's name at the request of Germany's intelligence services because he often does undercover intelligence work. He frequently gets "sensitive" assignments and helps clean up "dirty work" for the German foreign intelligence service, said one of his longtime colleagues, who spoke on condition of anonymity.

A senior Macedonian government official who was directly involved in Mr. Masri's detention told The Times that not long after Mr. Masri's capture, Macedonian officials notified the German Embassy in Skopje. C.I.A. officers in Macedonia conducted the interrogation of Mr. Masri, according to Macedonian officials.

August Stern, the Munich-based federal prosecutor who is leading Germany's criminal investigation of Mr. Masri's kidnapping, said his investigators were trying to determine whether the German Embassy had been told about Mr. Masri's capture, and then sent a German agent to the American prison in Kabul to talk with him. Mr. Stern and other senior police officers and prosecutors said they would try to interview the officials in the embassy in Skopje in coming weeks.

August Hanning, secretary of state for the Ministry of the Interior, denied in an interview that any member of Germany's

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secret services had visited Mr. Masri while he was held captive. "He has never been to Afghanistan," Mr. Hanning said of the German police official.

Two senior German officials, who spoke on condition of anonymity because of the case's sensitive nature, denied that Germany's Embassy had been told about Mr. Masri's capture. "The German Embassy in Skopje was not informed by Macedonian authorities while German citizen el-Masri was in custody in Macedonia," a Foreign Office spokesman said. Another official said Germany did not learn about Mr. Masri's detention until May 31, 2004, when the American ambassador to Germany at the time, Daniel Coats, informed German officials about Mr. Masri's capture and eventual release.

"According to our investigation, I am convinced that German officials did not have any knowledge before his release," the official said.

Later this week, the German government is expected to turn over a report to Parliament about Mr. Masri's case.

Meanwhile, investigators at the Council of Europe, led by Dick Marty, a Swiss lawmaker, are looking into whether there was quiet cooperation between the C.I.A. and its counterparts in European countries, including Germany, Italy and Sweden, where suspected terrorists were kidnapped and sent to third countries for interrogation.

In Italy, the authorities in June charged 23 C.I.A. agents with the abduction of a terrorism suspect from the streets of Milan. Italian officials insist that they did not know about the procedure, but some elected officials in Italy said the Americans must have tipped off their counterparts in the Italian intelligence agency.

European officials have been sharply critical of the C.I.A.'s rendition program. In particular, German officials have rebuked the United States for playing a role in the abduction of one of their citizens and then transporting him to Afghanistan on a chartered C.I.A. plane.

"I have no explanation for the whole case," a senior German official said. "To bring such a man like el-Masri from Europe to Afghanistan and to ask him some questions and six months later, the explanation is that it's a terrible error is not very convincing. To me there are still a lot of questions."

Manfred R. Gnjidic, Mr. Masri's lawyer, said he is convinced that Germany "stood by like a little school boy, watching what was going on with my client and doing nothing."

After more than five months in captivity, the United States released Mr. Masri without filing charges. His case was first disclosed in *The Times* in January 2005.

At the meeting last December in Berlin between the German chancellor and Ms. Rice, the kidnapping of Mr. Masri was discussed privately, but the two leaders seemed to disagree about the substance of that conversation afterward.

Ms. Merkel said the Bush administration had admitted that it had mistakenly abducted Mr. Masri. But Ms. Rice declined to discuss with reporters anything about the case. She said only that she had pledged to Ms. Merkel, "When and if mistakes are made, we work very hard and as quickly as possible to rectify them."

In Washington, a senior State Department official said Monday that the department would not comment on Mr. Masri's case, noting that it was a matter of litigation in both Germany and the United States. In late 2003, Mr. Masri left his family in Ulm for a trip to Macedonia. Macedonian and German officials said he was arrested at a border checkpoint on Dec. 31, 2003, because his name was on an Interpol terror watch list. But they said the name referred to another Khaled el-Masri.

Mr. Masri was then held in a hotel in Macedonia for several weeks, where he was questioned by the C.I.A., according to senior Macedonian and American officials. A senior Macedonian official said the German Embassy was notified about Mr. Masri within days of his capture. "Unofficially, they knew," the official said of the Germans.

*A C.I.A. spokesman declined to comment.*

Two senior Macedonian officials said the Americans had asked to have Mr. Masri detained in Macedonia for 23 days. "We consider the Americans as our partners," a senior Macedonian official said. "We cannot refuse them."

Mr. Masri said he had pleaded with his captors to let him go. "Call the German Embassy," Mr. Masri said he had repeatedly told them. "I'm a German citizen. Please tell them I am here!"

"They don't want to talk to you," he said one of his captors had replied.

In a recent interview, Mr. Masri said: "I thought it was strange that they kept telling me the Germans didn't care about me. Now I know why they said that - because it was true."

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At the hotel, Mr. Masri said he had been asked whether he was a member of Al Qaeda. But he was struck by the many questions he was asked about his time in Germany. He said the questions had led him to suspect that the Germans were cooperating with the Macedonians.

A German official disputed that assertion, saying Germany often shared information with their American counterparts about suspected terrorists. But the official acknowledged that the German police had not considered Mr. Masri to be an "important" suspect.

Publicly, Macedonia has denied that Mr. Masri was held illegally. "There is nothing the ministry has done illegally," Hari Kostiv, the minister of interior at the time and later the prime minister, said in an interview. "The man is alive and back home with his family. Somebody made a mistake. That somebody is not Macedonia."

By late January 2004, Mr. Masri was sent to Afghanistan, where he said he was held and beaten over the next five months.

For Mr. Masri, one of the biggest mysteries was the identity of the interrogator who identified himself as Sam, and who spoke fluent German. He visited three times during Mr. Masri's final month at the Kabul jail.

During the first meeting, Mr. Masri said he had asked the man if he was from Germany, but the man declined to answer. Mr. Masri said he had asked him, "Do the Germans know I'm here?"

"He said he did not want to answer," Mr. Masri said. "I asked him if my wife knew I was there. Sam said she doesn't know. He then said, I shouldn't ask questions, I should only answer them."

During their second meeting, the man was no longer belligerent, Mr. Masri said, bringing him cookies, chocolates and a copy of the German newsmagazine Focus. The man also asked if Mr. Masri wanted "anything from Germany."

"I said, 'Nothing, thank you,'" Mr. Masri said.

In their last meeting, a week before Mr. Masri's release, the man told him that he would be returning home soon. The last time Mr. Masri saw Sam, the interrogator was speaking with a man who he believed was an American. Soon afterward, Mr. Masri was released.

On Dec. 12, 2005, Mr. Gnjidic, the lawyer for Mr. Masri, received an e-mail message from a German journalist named Frank Kruger, who suggested that Sam might be a German police official. Earlier this month, Mr. Gnjidic said he had obtained a videotape of the police official that convinced Mr. Masri that he was Sam. On Monday, after meeting the man at police headquarters, Mr. Masri said he was 90 percent certain that the police official was Sam.

"The man was very nervous, and he could not look at me into my eyes," Mr. Masri said. "The hair is different, but the voice sounded very similar."

"For me, it is very important that we know who this man was," he said.

Mr. Gnjidic said he found it hard to believe that other than the prosecutors in Munich, no one in the German government has sought Mr. Masri's testimony about his ordeal. "The scandal for me is that the Germans did nothing when they heard a German had been captured," he said. "They should have protested very hard and tried to stop this."

Don Van Natta reported from Munich for this article, Souad Mekhennet from Neu-Ulm and Munich, and Nicholas Wood from Skopje.

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SK23

**Boudreau, Paul E**

To: Burger, David  
Subject: RE: NYTimes 2/21/06 article on Germany/Macedonia, Alleged Renditions, Detentions

RELEASED IN FULL

From: Orlansky, Michael D  
Sent: Tuesday, February 21, 2006 11:08 AM  
To: Milovanovic, Gillian A; Wohlers, Paul; Hubler, Stephen A; Clark, Jeanne L  
Cc: Oakley, Carol V  
Subject: NYTimes 2/21/06 article on Germany/Macedonia, Alleged Renditions, Detentions

If you haven't yet seen, this article from today's New York Times discusses the el-Masri case in some detail, with considerable content on Macedonia and quotes from Macedonian officials off- and on-the-record (including former PM Hari Kostov). Balkans-based correspondent Nick Wood contributed to the story.

A caption below a photo of Mr. el-Masri in the Times says *Khaled el-Masri says he is "90 percent" certain he was interrogated by a German police official in an American prison in Kabul.*

Mike

## The New York Times

### Germany Weighs If It Played Role In Seizure By U.S.

Tuesday, February 21, 2006

By Don Van Natta Jr.

*This article was reported by Don Van Natta Jr., Souad Mekhennet, and Nicholas Wood, and was written by Mr. Van Natta.*

MUNICH, Feb. 20 - For more than a year, the German government has criticized the United States for its role in the abduction of a German man who was taken to an American prison in Kabul, Afghanistan, where he said he was held and tortured for five months after being mistaken for a terrorism suspect.

German officials said they knew nothing about the man's abduction and have repeatedly pressed Washington for information about the case, which has set off outrage here. At a meeting in Berlin last December, Chancellor Angela Merkel demanded an explanation from Secretary of State Condoleezza Rice over the incident.

But on Monday in Neu-Ulm near Munich, the police and prosecutors opened an investigation into whether Germany served as a silent partner of the United States in the abduction of the man, Khaled el-Masri, a German citizen of Arab descent who was arrested Dec. 31, 2003, in Macedonia before being flown to the Kabul prison.

The action came after a two-and-a-half-hour meeting at police headquarters in which Mr. Masri told the police that he was "90 percent" certain that a senior German police official was the interrogator who had visited him three times inside the prison in Kabul but had identified himself only as "Sam." The German prosecutors said

Monday that they were also investigating whether the German Embassy in Skopje, Macedonia, had been  
UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: ARCHIE M BOLSTER  
DATE/CASE ID: 23 JAN 2009 200706444

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notified about Mr. Masri's kidnapping within days of his capture there, but then had done nothing to try to help him.

Mr. Masri's case has come to symbolize the C.I.A. practice known as extraordinary rendition, in which terror suspects are sent to be interrogated in other countries where torture is commonly used. In broadening its criminal inquiry into the abduction of Mr. Masri to the activities of its own government, German prosecutors are trying to determine whether the German government worked secretly with the United States in the practice.

"I feel deceived and betrayed by my own country," Mr. Masri, a 42-year-old unemployed car salesman from Neu-Ulm, said in an interview.

The German police official identified as "Sam" denied that he had visited Mr. Masri in Afghanistan and said he was "on holiday" at the time in Germany, but that he could not remember exactly where. The man was present on Monday at the police station, where Mr. Masri picked him out of a 10-person lineup. After speaking with him, Mr. Masri said that his voice was similar but that his hair style was different.

Martin Hofmann, a prosecutor in Munich, said Monday that his office would not "assume that this man is Sam" but would "go forward with our investigation."

A senior German official familiar with the case said that Mr. Masri was "at best mistaken" and that the police official "cannot be Sam."

The New York Times is withholding the official's name at the request of Germany's intelligence services because he often does undercover intelligence work. He frequently gets "sensitive" assignments and helps clean up "dirty work" for the German foreign intelligence service, said one of his longtime colleagues, who spoke on condition of anonymity.

A senior Macedonian government official who was directly involved in Mr. Masri's detention told The Times that not long after Mr. Masri's capture, Macedonian officials notified the German Embassy in Skopje. C.I.A. officers in Macedonia conducted the interrogation of Mr. Masri, according to Macedonian officials.

August Stern, the Munich-based federal prosecutor who is leading Germany's criminal investigation of Mr. Masri's kidnapping, said his investigators were trying to determine whether the German Embassy had been told about Mr. Masri's capture, and then sent a German agent to the American prison in Kabul to talk with him. Mr. Stern and other senior police officers and prosecutors said they would try to interview the officials in the embassy in Skopje in coming weeks.

August Hanning, secretary of state for the Ministry of the Interior, denied in an interview that any member of Germany's secret services had visited Mr. Masri while he was held captive. "He has never been to Afghanistan," Mr. Hanning said of the German police official.

Two senior German officials, who spoke on condition of anonymity because of the case's sensitive nature, denied that Germany's Embassy had been told about Mr. Masri's capture. "The German Embassy in Skopje was not informed by Macedonian authorities while German citizen el-Masri was in custody in Macedonia," a Foreign Office spokesman said. Another official said Germany did not learn about Mr. Masri's detention until May 31, 2004, when the American ambassador to Germany at the time, Daniel Coats, informed German officials about Mr. Masri's capture and eventual release.

"According to our investigation, I am convinced that German officials did not have any knowledge before his release," the official said.

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Later this week, the German government is expected to turn over a report to Parliament about Mr. Masri's case.

Meanwhile, investigators at the Council of Europe, led by Dick Marty, a Swiss lawmaker, are looking into whether there was quiet cooperation between the C.I.A. and its counterparts in European countries, including Germany, Italy and Sweden, where suspected terrorists were kidnapped and sent to third countries for interrogation.

In Italy, the authorities in June charged 23 C.I.A. agents with the abduction of a terrorism suspect from the streets of Milan. Italian officials insist that they did not know about the procedure, but some elected officials in Italy said the Americans must have tipped off their counterparts in the Italian intelligence agency.

European officials have been sharply critical of the C.I.A.'s rendition program. In particular, German officials have rebuked the United States for playing a role in the abduction of one of their citizens and then transporting him to Afghanistan on a chartered C.I.A. plane.

"I have no explanation for the whole case," a senior German official said. "To bring such a man like el-Masri from Europe to Afghanistan and to ask him some questions and six months later, the explanation is that it's a terrible error is not very convincing. To me there are still a lot of questions."

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At the meeting last December in Berlin between the German chancellor and Ms. Rice, the kidnapping of Mr. Masri was discussed privately, but the two leaders seemed to disagree about the substance of that conversation afterward.

Ms. Merkel said the Bush administration had admitted that it had mistakenly abducted Mr. Masri. But Ms. Rice declined to discuss with reporters anything about the case. She said only that she had pledged to Ms. Merkel, "When and if mistakes are made, we work very hard and as quickly as possible to rectify them."

In Washington, a senior State Department official said Monday that the department would not comment on Mr. Masri's case, noting that it was a matter of litigation in both Germany and the United States. In late 2003, Mr. Masri left his family in Ulm for a trip to Macedonia. Macedonian and German officials said he was arrested at a border checkpoint on Dec. 31, 2003, because his name was on an Interpol terror watch list. But they said the name referred to another Khaled el-Masri.

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A C.I.A. spokesman declined to comment.

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Mr. Masri said he had pleaded with his captors to let him go. "Call the German Embassy," Mr. Masri said he had repeatedly told them. "I'm a German citizen. Please tell them I am here!"

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"They don't want to talk to you," he said one of his captors had replied.

In a recent interview, Mr. Masri said: "I thought it was strange that they kept telling me the Germans didn't care about me. Now I know why they said that - because it was true."

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"The man was very nervous, and he could not look at me into my eyes," Mr. Masri said. "The hair is different, but the voice sounded very similar."

"For me, it is very important that we know who this man was," he said.

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Mr. Gnjidic said he found it hard to believe that other than the prosecutors in Munich, no one in the German government has sought Mr. Masri's testimony about his ordeal. "The scandal for me is that the Germans did nothing when they heard a German had been captured," he said. "They should have protested very hard and tried to stop this."

*This message and attachments, if any, are Unclassified according to E.O. 12958*

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FP 0120

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SK24

**Boudreau, Paul E**

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To: Burger, David  
Subject: RE: Media Coverage of Ambassador's Remarks and Comments Yesterday

RELEASED IN FULL

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**From:** Orlansky, Michael D  
**Sent:** Thursday, January 26, 2006 9:06 AM  
**To:** Milovanovic, Gillian A; Wohlers, Paul; Hubler, Stephen A  
**Cc:** Oakley, Carol V  
**Subject:** Media Coverage of Ambassador's Remarks and Comments Yesterday

We are compiling media reports on yesterday's activities.

Regarding the COE report and the el-Masri case, which focus on the Prime Minister and Public Prosecutor, as well as the Ambassador, headlines and points of emphasis vary considerably. Will send a summary in 15 minutes or so.

The most recent guidance from the Department on the situation (below) did in fact point out that there is a lack of evidence at this point. Swiss Europarliamentarian Dick Marty has also been quoted as saying that he does not have hard evidence to support allegations of secret prisons in Europe.

Ambassador's remarks at the opening of the Public Prosecutor's office for fighting organized crime -- highlighting that crime and corruption are significant obstacles to political and economic development -- and at signing of S&T Agreement, are also widely and positively covered in the media.

Mike

**(Summary from NHQS Skopje Dawn 1/26/06)**

**Subject: El Masri Case**

Macedonia was the topic in the Council of Europe, not only because of the El Masri case, but also because the country is more frequently mentioned as one of the few European countries that have secret CIA prisons. MoI is supposed to give information on this case, but they have not yet initiated any special investigations in reference with the serious accusations by Germany, since they believe that this is a cleared case. Macedonian and the US state representatives continue to keep quiet in reference with the El Masri case despite the criticisms of the EU on Tuesday. PM Buckovski does not want to prejudge anything about the case and dismisses the allegations that the Lebanese who has a German passport was kidnapped and maltreated in Macedonia. **US Ambassador to Macedonia Milovanovic is aware of the criticisms and everything else that has been said about the case, but she has nothing to say because she knows there is no evidence.** Now the ball is passed to the Public Prosecutor Prcovski. *"The German Public Prosecutor requested information and legal assistance from Macedonia in reference with the El Masri case. We did receive a request for legal assistance, but it is still too early to discuss this since the case must be assessed from all aspects and consequently we should give to them whatever is within the frames of the International and European convention, as well as in accordance to our provisions for legal assistance,"* Prcovski announced yesterday. Igor Ivanovski, the chief of Macedonia's delegation to the Council of Europe PA, met yesterday with Dick Marty, the Swiss official appointed to investigate the alleged existence of CIA secret prisons in Europe, and told him that the Macedonian Government would submit all required information to the CE until February 21. (Dnevnik; Utrinski Vesnik; Makedonija Denes; Vreme; Vecer; Lajm; Fakti; A1; Telma; Kanal 5; Sitel, MTV, MIA)

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(From State Dept. Rapid Response Unit, 1/24/2006) -- **Europe Aware of Renditions, No Secret Prisons Found:**

European media headlines the just-released interim report in which Council of Europe investigator Dick Marty states: "It is highly unlikely that European governments, or at least their intelligence services, were unaware of the 'rendition' of more than 100 persons." While the report is still critical of the US practice of "outsourcing" torture and confirms renditions, **no firm evidence found to support allegations of CIA prisons in Europe.**

Message:

- The United States has respected -- and will continue to respect -- the sovereignty of other countries.
- Rendition is a vital tool in combating transnational terrorism. Its use is not unique to the United States, or to the current administration.
- In conducting such renditions, it is the policy of the United States, and I presume of any other democracies that use this procedure, to comply with its laws and comply with its treaty obligations, including those under the Convention Against Torture. (Sec. Rice)

This message and attachments, if any, are Unclassified according to E.O. 12958

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FP 0122



SK26

**Boudreau, Paul E**

**To:** Burger, David  
**Subject:** RE: Sean on Council of Europe-from today's briefing

RELEASED IN FULL

**From:** Orlansky, Michael D  
**Sent:** Wednesday, January 25, 2006 8:30 AM  
**To:** Milovanovic, Gillian A; Wohlers, Paul; Hubler, Stephen A  
**Cc:** Oakley, Carol V  
**Subject:** FW: Sean on Council of Europe-from today's briefing

Points on alleged renditions/secret prisons for our possible use or adaptation from yesterday's Dept briefing, drawing on the Secretary's comments prior to and on her Europe trip last month (emphasis added).

The El-Masri story and Dick Marty - COE investigation are widely covered in today's local press. Sean McCormack's "bumper sticker rhetoric" phrase is picked up in major international media; that term may require some clarification here.

Mike

-----Original Message-----

**From:** EUR Press  
**Sent:** Tuesday, January 24, 2006 11:42 PM  
**To:** EUR-PPD-DL; EUR-PPD-IO-DL; EUR-PPD-PAO-DL  
**Subject:** FW: Sean on Council of Europe-from today's briefing

Gerry Keener  
 Press Office  
 Bureau of European and Eurasian Affairs  
 U.S. Department of State  
 202-647-8602  
[KeenerGF@State.gov](mailto:KeenerGF@State.gov)

UNITED STATES DEPARTMENT OF STATE  
 REVIEW AUTHORITY: ARCHIE M BOLSTER  
 DATE/CASE ID: 23 JAN 2009 200706444

**From:** Keener, Geraldine F  
**Sent:** Tuesday, January 24, 2006 4:59 PM  
**To:** Carnie, Amy A; Chase, Peter H; Dorosin, Joshua L; Olson, Peter M; Johnstone, Kari A (DRL); Baker, Kim E; Faucher, Robert J  
**Subject:** Sean on Council of Europe-from today's briefing

Washington used European territories to send detainees to third countries to be tortured. I wanted to know if you have a comment on that.

**MR. MCCORMACK:** I think it's the same old reports wrapped up in some new rhetoric. There's nothing new here; old ground having been plowed. In the most recent remarks on this topic, the Secretary went through this topic at length during her trip to Europe and she made a few points.

**One, the United States does not torture. We respect the sovereignty of our European friends and allies. That the United States does not transfer people where they have a reasonable expectation that they might be subjected to torture. And where there are questions, the United States gets assurances. And most importantly, the United States and Europe are fighting a common fight against terrorism. And I think as a result of the Secretary's discussions in Europe, that's what you saw, when we started to cut through**

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some of the more breathless reporting on this topic in some corners that we got down to the core issue. And the core issue is this, how do free societies fight terrorism when the enemy is living among us? How do free societies deal with that? It's a tough problem.

And what the Secretary underlined was the fact that we need to work together to fight that problem. That we are facing a common threat from this enemy and that the United States and Europe will continue to work together to fight this common enemy. The United States and Europe, the freedoms that we enjoy in the United States and various countries in Europe, come from a common pool. We draw upon the same set of ideas.

Now, based on different histories, different developments over time, different cultures, those same values are interpreted in different ways in terms of the law. You know, what laws are passed by different societies. The example -- one example is freedom of speech. In the United States, we adhere to very strong protections under the First Amendment regarding freedom of speech. In some European countries, there are laws against -- anti-incitement laws. In the UK, for example, there is the Official Secrets Act that it places some constraints on speech.

Now, I daresay in the United States those restrictions on freedom of speech probably wouldn't be accepted. But that's not to be critical of the European laws regarding freedom of speech. It's just that there's a common value there about freedom of speech; how that manifests itself in particular countries through the laws will vary from country to country, but the principle remains the same.

So this is a long way of saying that while there may be some differences in terms of how we deal with these issues, we are fighting the same fight, we share the same core values, and what we need is discussion and dialogue about how to deal with the issues that confront us.

**QUESTION:** So if I can follow up, so when you say we work together, we respect the sovereignty, does it imply the European governments were aware?

**MR. MCCORMACK:** Again, we've been over this. We've been over this ad nauseum with me, with the Secretary, with Mr. Ereli. Like I said, **this is more of the same sort of wrapped up in some different bumper sticker rhetoric.**

**QUESTION:** But the investigation is going on and so it's not going to go away, even if we've talked about it before.

**MR. MCCORMACK:** And I'll keep on answering your questions up here to the best of my ability.

**QUESTION:** We have to keep at it. What is -- and I'm sure we've done this before, maybe I've mercifully forgotten some of what we talked about before, but if it's not to torture or to use methods that aren't acceptable on U.S. territory, what is the reason that prisoners would be put in facilities in other countries? What's useful about that?

**MR. MCCORMACK:** Again, you'd have to talk to the various people involved in those -- answering those kinds of questions. The practice of renditions is one that is accepted, an internationally accepted practice. Beyond that, I don't have anything to add.

**QUESTION:** Well, but if you say it's an internationally accepted practice, I mean, what's the purpose of it? I mean, if you know --

**MR. MCCORMACK:** Well, I'll give you -- the Secretary talked about these -- I'll give you the example of Carlos the Jackal. This is an internationally wanted terrorist. He was brought to justice through the use of rendition. So that's just -- that's one example the Secretary talked about in her trip. So again, this is something that is recognized as a recognized international practice and it is an important tool in fighting the war against

terrorism.

**QUESTION:** But I mean, I know you say that these -- you don't send suspects to countries where you believe they'll be tortured, but some of these countries that you're sending them to, in your own Human Rights Report you've criticized them for abusing prisoners; isn't that right?

**MR. MCCORMACK:** Like I said, the United States policy is that if there is any question about whether or not somebody is more likely than not to face torture if they are turned over to another country, the United States Government gets assurances that they will not be.

**QUESTION:** The other thing that Marty said today, or one of the other things he said, is that the U.S. needs to be prepared to provide answers and that the Europeans -- he criticized them as well -- need to be prepared to ask harder questions. There was a big deal about questions and answers when this first came up. Have you now answered any and all of the questions -- or I should say all of the questions that the European countries put to you?

**MR. MCCORMACK:** The Secretary -- Foreign Secretary Straw, before the Secretary's last trip to Europe, sent her a letter.

**QUESTION:** Right.

**MR. MCCORMACK:** We provided -- tried to provide you with information about that letter. You, of course, have access to her reply to that letter and then her subsequent discussion of her reply to that letter. If there are any other questions that may arise from individual governments, I am not aware of those specific questions, but I'm sure that we would endeavor to answer them to the best of our ability.

**QUESTION:** Do you think that no countries did pose bilateral questions? Romania or Poland or the countries that were pinpointed? You don't know if they --

**MR. MCCORMACK:** I don't have any particular information on that.

Gerry Keener  
Press Office  
Bureau of European and Eurasian Affairs  
U.S. Department of State  
202-647-8602  
[KeenerGF@State.gov](mailto:KeenerGF@State.gov)

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SK27

**Boudreau, Paul E**

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To: Burger, David  
Subject: RE: LATimes 12/18/05 story on alleged detention issues

RELEASED IN FULL

**From:** Orlansky, Michael D  
**Sent:** Monday, December 19, 2005 9:06 AM  
**To:** Wohlers, Paul; Hubler, Stephen A  
**Cc:** Oakley, Carol V  
**Subject:** LATimes 12/18/05 story on alleged detention issues

This story in yesterday's *Los Angeles Times*, presented as a first-hand account, may lead to some additional inquiries from Macedonian or foreign media. We will stay with our policy of not commenting on the case.

Mike

## **America kidnapped me**

**12/18/2005 3:38:50 AM**

**Los Angeles Times**

**Khaled El-Masri**

The U.S. policy of "extraordinary rendition" has a human face, and it is mine.

I am still recovering from an experience that was completely beyond the pale, outside the bounds of any legal framework and unacceptable in any civilized society. Because I believe in the American system of justice, I sued George Tenet, the former CIA director, last week. What happened to me should never be allowed to happen again.

I was born in Kuwait and raised in Lebanon. In 1985, when Lebanon was being torn apart by civil war, I fled to Germany in search of a better life. There I became a citizen and started my own family. I have five children.

On Dec. 31, 2003, I took a bus from Germany to Macedonia. When we arrived, my nightmare began. Macedonian agents confiscated my passport and detained me for 23 days. I was not allowed to contact anyone, including my wife.

At the end of that time, I was forced to record a video saying I had been treated well. Then I was handcuffed, blindfolded and taken to a building where I was severely beaten. My clothes were sliced from my body with a knife or scissors, and my underwear was forcibly removed. I was thrown to the floor, my hands pulled behind me, a boot placed on my back. I was humiliated.

Eventually my blindfold was removed, and I saw men dressed in black, wearing black ski masks. I did not know their nationality. I was put in a diaper, a belt with chains to my wrists and ankles, earmuffs, eye pads, a blindfold and a hood. I was thrown into a plane, and my legs and arms were spread-eagled and secured to the floor. I felt two injections and became nearly unconscious. I felt the plane take off, land and take off. I learned later that I had been taken to Afghanistan.

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There, I was beaten again and left in a small, dirty, cold concrete cell. I was extremely thirsty, but there was only a bottle of putrid water in the cell. I was refused fresh water.

That first night I was taken to an interrogation room where I saw men dressed in the same black clothing and ski masks as before. They stripped and photographed me, and took blood and urine samples. I was returned to the cell, where I would remain in solitary confinement for more than four months.

The following night my interrogations began. They asked me if I knew why I had been detained. I said I did not. They told me that I was now in a country with no laws, and did I understand what that meant?

They asked me many times whether I knew the men who were responsible for the Sept. 11 attacks, if I had traveled to Afghanistan to train in camps and if I associated with certain people in my town of Ulm, Germany. I told the truth: that I had no connection to any terrorists, had never been in Afghanistan and had never been involved in any extremism. I asked repeatedly to meet with a representative of the German government, or a lawyer, or to be brought before a court. Always, my requests were ignored.

In desperation, I began a hunger strike. After 27 days without food, I was taken to meet with two Americans - the prison director and another man, referred to as "the Boss." I pleaded with them to release me or bring me before a court, but the prison director replied that he could not release me without permission from Washington. He also said that he believed I should not be detained in the prison.

After 37 days without food, I was dragged to the interrogation room, where a feeding tube was forced through my nose into my stomach. I became extremely ill, suffering the worst pain of my life.

After three months, I was taken to meet an American who said he had traveled from Washington, D.C., and who promised I would soon be released. I was also visited by a German-speaking man who explained that I would be allowed to return home but warned that I was never to mention what had happened because the Americans were determined to keep the affair a secret.

On May 28, 2004, almost five months after I was first kidnapped, I was blindfolded, handcuffed and chained to an airplane seat. I was told we would land in a country other than Germany, because the Americans did not want to leave traces of their involvement, but that I would eventually get to Germany.

After we landed I was driven into the mountains, still blindfolded. My captors removed my handcuffs and blindfold and told me to walk down a dark, deserted path and not to look back. I was afraid I would be shot in the back.

I turned a bend and encountered three men who asked why I was illegally in Albania. They took me to the airport, where I bought a ticket home (my wallet had been returned to me). Only after the plane took off did I believe I was actually going home. I had long hair, a beard and had lost 60 pounds. My wife and children had gone to Lebanon, believing I had abandoned them. Thankfully, now we are together again in Germany.

I still do not know why this happened to me. I have been told that the American secretary of State, Condoleezza Rice, confirmed in a meeting with the German chancellor that my case was a "mistake" - and that American officials later denied that she said this. I was not present at this meeting. No one from the American government has ever contacted me or offered me any explanation or apology for the pain they caused me.

Secretary Rice has stated publicly, during a discussion of my case, that "any policy will sometimes result in errors." But that is exactly why extraordinary rendition is so dangerous. As my interrogators made clear when they told me I was being held in a country with no laws, the very purpose of extraordinary rendition is to deny a

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person the protection of the law.

I begged my captors many times to bring me before a court, where I could explain to a judge that a mistake had been made. Every time, they refused. In this way, a "mistake" that could have been quickly corrected led to several months of cruel treatment and meaningless suffering, for me and my entire family.

My captors would not bring me to court, so last week I brought them to court. Helped by the American Civil Liberties Union, I sued the U.S. government because I believe what happened to me was illegal and should not be done to others. And I believe the American people, when they hear my story, will agree.

KHALED EL-MASRI, a German citizen born in Lebanon, was a car salesman before he was detained in December 2003.

Michael D. Orlansky  
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FP 0128

SK28

**Boudreau, Paul E**

To: Burger, David  
 Subject: RE: Dept Daily Press Briefing (excerpt) 12/15/05

RELEASED IN FULL

**From:** Orlansky, Michael D  
**Sent:** Friday, December 16, 2005 8:44 AM  
**To:** Milovanovic, Gillian A; Wohlers, Paul; Hubler, Stephen A  
**Cc:** Oakley, Carol V  
**Subject:** Dept Daily Press Briefing (excerpt) 12/15/05

FYI from yesterday's briefing at the Department.

**QUESTION:** Linked to that topic. In Germany, apparently there are reports that a Al-Masri was paid off by the U.S. Government to keep quiet about his case for quite a while. I just wondered whether you had any comment on that.

**MR. MCCORMACK:** Well, the Secretary --

**QUESTION:** (Inaudible) the U.S. Ambassador paid him off?

**MR. MCCORMACK:** I saw those news reports. The Secretary addressed this topic when she was in Germany and on her trip to Europe. I don't have anything to add to what she said. There's currently pending litigation, not only in the United States but in Germany as well, concerning this topic. So there's little that I can add to what the Secretary said.

**QUESTION:** But would paying off a suspect -- someone like this be something that you would approve of? Disapprove of? Doesn't seem terribly legal.

**MR. MCCORMACK:** Again, it's a -- this is a matter of pending litigation and as such I don't have anything further to add to what the Secretary has previously stated on this issue.

**QUESTION:** Sean, is that really -- I mean, if it's already done, would that be something that's included in the lawsuit, if a payment had already been made?

**MR. MCCORMACK:** Well, questions surrounding this entire -- questions surrounding these allegations made by Mr. Al-Masri are all part of the pending litigation in the United States as well as in Germany. So as is the case when you have a case that is before the court, there are certain constraints on making any comment in public concerning the case.

Yes.

**QUESTION:** Sean, can you confirm that the German Foreign Minister is coming back next week to have a meeting with the Secretary here?

**MR. MCCORMACK:** I'll check the schedule. I didn't -- I haven't looked that far ahead on her schedule but I'll check and if in fact he is, we'll let you know.

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FP 0130



**Boudreau, Paul E**

To: Burger, David  
 Subject: RE: COE committee report on CIA abduction allegations

RELEASED IN FULL

From: Pfeuffer, Paul  
 Sent: Tuesday, December 13, 2005 5:34 PM  
 To: Orlansky, Michael D(Skopje); Hubler, Stephen A(Skopje); Wohlers, Paul(Skopje); Milovanovic, Gillian A(Skopje)  
 Subject: FW: COE committee report on CIA abduction allegations

**CIA abduction claims 'credible'**

Story from BBC NEWS: [http://news.bbc.co.uk/1/1/news/2005/12/13\\_144307\\_gmt.shtml](http://news.bbc.co.uk/1/1/news/2005/12/13_144307_gmt.shtml) Published: 2005/12/13 14:43:07 GMT

*Allegations that the CIA abducted and illegally transported terror suspects across European borders are credible, an investigator has said.*

Swiss senator Dick Marty has submitted a report on the claims, made in the media, to a meeting of the human rights committee of the Council of Europe. Mr Marty criticised the US for refusing to confirm or deny the allegations. The US government and its intelligence agencies say that all their operations are conducted within the law.

**Extra pressure**

Mr Marty's findings were released in an official statement by a committee of the Council of Europe, the continent's human rights watchdog. "The elements we have gathered so far tend to reinforce the credibility of the allegations concerning the transport and temporary detention of detainees - outside all judicial procedure - in European countries," he said. He went on: "Legal proceedings in progress in certain countries seemed to indicate that individuals had been abducted and transferred to other countries without respect for any legal standards." The BBC's Alix Kroeger in Strasbourg says the strongly worded report will add to the pressure for more in-depth inquiries.

The European Union has so far declined to investigate, although it has said any member state with secret prisons on its territory could have its EU voting rights suspended. Poland and Romania have been named by the media as possible locations of CIA secret prisons, but have denied the allegations.

Mr Marty said it was "still too early to assert that there had been any involvement or complicity of member states in illegal actions". But, he warned, if the allegations proved correct any European states involved "would stand accused of having seriously breached their human rights obligations to the Council of Europe".

**Torture ban**

Mr Marty urged the US to comment formally on the allegations, saying he "deplore[d] the fact that no information or explanations" were given during last week's tour of Europe by US Secretary of State Condoleezza Rice. Ms Rice refused to address claims the CIA operated secret prisons abroad, where suspects could be interrogated without reference to international law. She said American interrogators were bound by a UN treaty banning the use of torture, regardless of whether they were working in the US or abroad.

A group of British MPs investigating the matter, the All Party Parliamentary Group on Extraordinary Rendition, said the UK could be at risk of breaching its legal obligations. International law expert Professor James Crawford, of Cambridge University, told the group the UK government must satisfy itself on the issue of torture rather than relying on US assurances. "A government is not exonerated from conduct which leads directly to a person being tortured merely by closing its eyes to that prospect," he said.

**Boudreau, Paul E**

---

**To:** Burger, David  
**Subject:** RE: Guidance 1/24/06: Council of Europe Investigation of Renditions, Secret Prisons

RELEASED IN FULL

**From:** Orlansky, Michael D  
**Sent:** Wednesday, January 25, 2006 8:34 AM  
**To:** Milovanovic, Gillian A; Wohlers, Paul; Hubler, Stephen A  
**Cc:** Oakley, Carol V  
**Subject:** Guidance 1/24/06: Council of Europe Investigation of Renditions, Secret Prisons

From EUR: More points for our possible use on the topic, though you may have seen.  
Mike

**EUR Press Guidance**  
**January 24, 2006**

**Council of Europe Investigation of Renditions, Secret Prisons**

**Q: What is your reaction to the Council of Europe report on alleged CIA secret prisons and "outsourcing torture?"**

- This preliminary report was issued today and we have not yet thoroughly reviewed it. I can offer preliminary reactions:
- These are the same allegations that have been repeated numerous times over the past two months. The facts have not changed:
- With respect to detainees, the United States Government complies with its Constitution, its laws and its international treaty obligations.
- The United States does not condone torture. Nor does it transport detainees from one country to another for the purpose of being tortured.
- We have also stated that as a matter of policy the U.S. will not authorize interrogations involving cruel, inhuman, or degrading treatment, as defined by U.S. obligations under the Torture Conventions, regardless of where those interrogations occur.

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- The recently-enacted Detainee Treatment Act, which represents constructive cooperation between the executive branch and Congress and which received strong bipartisan support, codifies this policy and should send an important message underscoring the commitment of the United States to uphold the values of freedom and humanity on which it was founded.
- The United States works closely with allies across Europe and around the world in facing the threat of terrorism. We respect fully the sovereignty of our partners as we collaborate to capture, detain and question terrorists.
- Rendition is a vital tool in combating international terrorism. It is not new. Renditions are permissible under international law and have been used by other U.S. Administrations and by other governments.
- This tool is consistent with the responsibilities of those governments to protect their citizens.
- As the Secretary has made clear, we need a more balanced dialogue on this issue, one which recognizes:
  - the serious threat posed by terrorists,
  - the appropriateness of making use of military and intelligence tools in confronting this threat, and
  - that most of the criticism, including unfortunately the criticism contained in this report, is based on misperceptions and not facts.

**[If pressed for specific comments on specific allegations:]**

- As regards specifics or locations, we have not changed our policy of not talking about intelligence matters.

+++++

**Background:** Raporteur Dick Marty released his official preliminary report on alleged secret detentions in Council of Europe (COE) member states January 24. The Parliamentary Assembly of the Council of Europe (PACE) debated the issue following the release of the report. Due to time constraints on the debate, only 18 of 31 Pace Members were able to voice their opinions.

The report indicates that "...no cogent evidence has yet emerged on the existence in Europe of detention camps like the one at Guantanamo Bay. On the other hand, it has been proven (and in fact never denied), that individuals have been abducted, deprived of their liberty and all rights, and transported to different destinations

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in Europe, to be handed over to countries in which they have suffered degrading treatment and torture. This is serious enough to justify the continuation of the council of Europe's inquiries and strenuous efforts from all member States to ascertain the truth."

The report also credits the "factual elements secured to date" thanks to the action of the CoE, with the establishment of the European Parliament's 46-member ad hoc committee (which commences work January 26). In addition to this investigation, the Secretary General of the CoE in accordance with the European Convention on Human Rights asked all contracting parties for information about the allegations, which is due to the Secretary General on February 21. The CoE has also asked the Venice Commission to determine the legality, or illegality of renditions. The Venice Commission is expected to produce an answer in March.

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Drafted EUR/PPD/PA: TDavidson; EUR/PPD/PA: LHartley, x7-8341

Cleared:

EUR/FO: KVolker (info)

EUR/FO: CGraffy ok

L/JBellinger ok

EUR/ERA: PChase ok

S/WCI: ASagor ok

L/EUR: JDorosz ok

DRL: SLohmann ok

P: DBame ok

D: TSmith (info)

Paris/Strasbourg: KBaker ok

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FP 0135

Boudreau, Paul E

SK30

To: Burger, David

RELEASED IN FULL

Subject: RE: Rapid Response 01-19

From: Orlansky, Michael D  
 Sent: Thursday, January 19, 2006 2:35 PM  
 To: Wohlers, Paul; Hubler, Stephen A  
 Subject: FW: Rapid Response 01-19

Today's RRU report includes a note on the "reignited" controversy concerning alleged renditions and secret prisons, which has been the subject of continuing coverage in the European media, including in Macedonia.

Mike

-----Original Message-----

From: Amach, Omar H (PACE)  
 Sent: Thursday, January 19, 2006 1:39 PM  
 To: RRU  
 Subject: Rapid Response 01-19

**HOT ISSUES**

**France Leads EU3 in Rejecting Negotiations With Iran:** Despite 11<sup>th</sup> hour statements by Iran's nuclear negotiator that it is ready to compromise, French press assert: "the EU 3 is out of patience;" Teheran interlocutors are "insincere;" Europeans are "determined to transfer the issue to the UNSC." European press report Russian proposal to defer formal decision on UN referral until March. The IAEA will hold an emergency meeting on Feb. 2 on Iran's nuclear activities at the request of EU3.

**Message:**

- ✓ *"The EU has made quite clear that the Iranians have crossed an important threshold, that it is now important for the IAEA Board of Governors to act so that Iran knows that the international community will not tolerate its continued acting with impunity against the interest of the international community."*
- ✓ *"Iran must not be allowed to get a nuclear weapon, it must not be allowed to pursue activities that might lead to a nuclear weapon and on that we are fully united." (Sec. Rice)*

**Syria Gets Help From a Friend:** Pan-Arab media report the US freezing assets of Assef Shawkat, head of the Syrian military intelligence. *Al-Jazirah* says McClellan "justified" the move by citing Syria's support for terrorism, destabilization in Lebanon, and the insurgency in Iraq. Iranian President Ahmadinejad, visiting Syria, rejects pressure on Syria, the disarming of Hizballah in Lebanon, and any international intervention into regional affairs. *Al-Quds al-Arabi* says Ahmadinejad's visit comes at a critical moment, as both countries are facing increasing American and international pressure.

UNITED STATES DEPARTMENT OF STATE

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- ✓ *"Mr. Shawkat, as Syria's chief of military intelligence, has directly contributed to Syria's support for terrorism including the insurgency in Iraq, Palestinian terrorist groups, given shelter in Damascus and Hezbollah and other terrorist groups in Lebanon."*
- ✓ *"Mr. Shawkat has also been deeply involved in Syria's ongoing interference in the destabilization of Lebanon."*
- ✓ *"Those, like Mr. Shawkat, who support Syrian terrorism will be held to account." (McClellan)*

**Renewed Optimism for Six-Party Talks:** Asian media widely report meeting between A/S Chris Hill and North Korean negotiator in Beijing, speculating on the possibility that the stalled six-party talks will be renewed. South Korean press says "Ball Is in US to Kick Off NK Nuke Talks" following Kim Jong Il's statement that he remains committed to ending the international dispute,

**Message:**

- ✓ *Six-party talks offer the best opportunity to achieve a peaceful resolution of the nuclear issue.*
- ✓ *We remain ready to move ahead to impement the principles laid out in the September joint statement and hope that the North Koreans return promptly to that process.*

**UK Memo Leak Revives Rendition Issue:** European media report leak of "top-level" FCO memo suggesting that there have been post-9/11 rendition flights through Britain and questioning legality of renditions under international law. Memo reignites controversy over renditions, as will upcoming European Parliament inquiry into CIA secret prisons and recently released Human Rights Watch Report criticizing "deliberate" use of torture by US.

**Message:**

- ✓ *The US abides by both US law and our international obligations.*
- ✓ *The US does not condone torture.*
- ✓ *We respect the sovereignty of other nations.*

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**Boudreau, Paul E**

**To:** Burger, David  
**Subject:** RE: New Republic 12/12/2005 Forsyth article on Secretary's EUR trip

RELEASED IN FULL

**From:** Orlansky, Michael D  
**Sent:** Monday, December 12, 2005 6:12 PM  
**To:** Milovanovic, Gillian A; Wohlers, Paul; Hubler, Stephen A  
**Subject:** New Republic 12/12/2005 Forsyth article on Secretary's EUR trip

FYI if you have not yet seen. Now that the "on vacation in Macedonia" phrase is out there, it is being picked up widely by media, and has now made it into the New Republic. It is a generally positive assessment of the Secretary's recent visit to Europe.

Mike

**CONDOLEEZZA RICE'S FINEST HOUR****Damage Control****12/12/2005****New Republic****James Forsyth**

It was a quick turnaround even by the standards of the 24-hour news cycle. Last Monday, The New York Times reported on Condoleezza Rice's "rock star status." But by Wednesday, a Times headline blared "Skepticism Seems to Erode Europeans' Faith in Rice." The cause of this reversal? Rice's arrival in Europe amidst an ongoing dispute over whether the United States has been torturing terrorist suspects in Eastern Europe, plus allegations from a Lebanese-born German national who claims he was abducted by the United States while on vacation in Macedonia, taken to Afghanistan, and held in appalling conditions for several months. According to The Washington Post, more than three-quarters of the questions Rice was asked by reporters during her European visit concerned the detainee issue.

In other words, the week had all the makings of a disaster for the secretary of state. And yet the trip was far from disastrous. Rice and European foreign ministers agreed to an increased NATO role in Afghanistan, with 6,000 more troops to be deployed to the south of the country. By week's end, Rice even seemed to have placated European leaders on detainees. German Chancellor Angela Merkel told a joint press conference that the "information she provided me with here today is good information, valuable information for the German people." The Dutch foreign minister, who began the week by criticizing Rice, ended it by proclaiming himself "very satisfied." Belgium, which has vocally opposed Bush's foreign policy, also had supportive words for Rice. Even the French foreign minister pointed out that Rice had made clear the United States did not violate international law on torture and inhumane treatment. Meanwhile, notably absent were the kinds of mass anti-American demonstrations that roiled the continent back in 2003. What could have been Rice's worst week since becoming secretary of state ended as perhaps her finest hour. And the reason she pulled it off was simple: Condoleezza Rice is a uniquely effective representative of American values and interests in Europe.

If President Bush, Dick Cheney, or Donald Rumsfeld had gone to Europe to explain America's policy on torture,  
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the outcome would surely have been worse. Each man, rightly or wrongly, fits easily into one or another predetermined European narrative about Americans: that they are dumb, naive, primitive, religious, racist, arrogant, or greedy. Rice neutralizes all these lines of attack.

For starters, it is hard to accuse a woman who was the provost of a university superior to any in continental Europe of being dumb. It is also hard to accuse someone who grew up in the segregated South of naivete about how easy it is to build a multiethnic democracy, a favorite charge of Europeans who oppose Bush's Iraq policy. Rice is particularly effective at invoking the civil-rights struggles of her childhood to argue for Bush's democratization push in the Middle East. In October, she told the BBC:

The United States has had a particularly long journey, given our heritage of slavery, but indeed we have made enormous progress, and of course, we continue to have problems of poverty and some that are linked to poverty and race. But I would stand and ask anyone whether they think that the United States of America has made a little progress on the racial front. Of course we've made enormous progress on the racial front and that is an important lesson to countries that are just beginning their struggle for multiethnic democracy.

Europeans are fond of criticizing Americans for being overly religious-and therefore primitive. The British novelist Martin Amis opined in 2003 that "we are obliged to accept the fact that Bush is more religious than Saddam: of the two presidents, he is, in this respect, the more psychologically primitive." Rice may be more religious than the average European; but on religious issues, she likely gets a pass from many Europeans, who are more apt to associate African-American faith with Martin Luther King and the civil rights movement than with opposition to the teaching of evolution in schools. Even the most fervent European atheist would find it hard to mock the faith of someone who lost a friend in a racist church bombing.

European critics of America also love to imagine the United States as a racist society where Jim Crow never really died; hence the gleeful nature of some of the European coverage of the aftermath of Hurricane Katrina. (The Guardian's Gary Younge, for instance, defended Kanye West's infamous outburst that "George Bush doesn't care about black people," arguing that "West's comments expressed a blatant truth for all with eyes to see.") But Rice challenges this assumption-indeed, Europeans are all too aware that there is no minority woman approaching Rice's political importance on their continent.

It is also hard to depict Rice as a bully. She does not derisively lecture her European critics as Rumsfeld famously did during the run-up to the Iraq war. She also eschews the doom laden, and slightly menacing, tone that Cheney often employs. Last week, even when hitting back against charges aimed at the United States, Rice stressed the importance of cooperation. "We share intelligence that has helped protect European countries from attack, helping save European lives," she said. Unlike Bush, Rumsfeld, and Cheney, Rice acknowledges that America makes mistakes, defanging allegations of American arrogance. On Thursday she told Europeans that further abuses were "entirely possible" and that "Just because you're a democracy it doesn't mean that you're perfect."

Finally, Rice avoids the charge of crony capitalism that Europeans love to level against other Bush appointees. It sometimes seems as if every European news story on Cheney includes an obligatory reference to Halliburton. Yet it is relatively rare to see mentioned that Rice once had a Chevron oil tanker named after her. (A quick search of The Guardian website gets 266 results for "Cheney" and "Halliburton" and only 10 for "Rice" and "Chevron.") Rice's race also makes it far harder to associate her with what Europeans perceive as the worst excesses of American capitalism.

Europeans' affinity for Rice has never served America quite as well as it did last week. To be sure, the flap over torture has undoubtedly harmed America's image in Europe. And with Poland launching an inquiry into the issue, it seems unlikely to go away anytime soon. But the fact that it was Rice who went to Europe certainly limited the damage. Europe's leaders and their constituents still appear to trust her-at least as much as they will

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ever trust an American politician. (At Prime Minister's Questions on Wednesday, Blair invoked Rice's name at every opportunity in an attempt to close down the issue.) For Rice, there will probably be other trips more like her February tour when she was feted across the continent. But few visits to Europe will be as important as this one; and few will provide as compelling evidence of just how much Europeans like her. A rock star, indeed.

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**Boudreau, Paul E**

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To: Burger, David  
Subject: RE: WashPost 12/9/05 E.Robinson column on Secretary's Trip, Detainee Issues

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**From:** Orlansky, Michael D  
**Sent:** Friday, December 09, 2005 9:59 AM  
**To:** Milovanovic, Gillian A; Wohlers, Paul; Hubler, Stephen A  
**Subject:** WashPost 12/9/05 E.Robinson column on Secretary's Trip, Detainee Issues

The characterization of the person who said he decided to go "vacationing in Macedonia" on New Year's Eve two years ago appears again in this column by Gene Robinson.

Mike

## Many Words, Little Clarity From Rice

Friday, December 9, 2005; A31

12/9/2005 12:35:00 AM

Washington Post

By Eugene Robinson

I've been trying my best to follow the "clarifications" on kidnapping and torture that Condoleezza Rice has been offering to our European allies, and there seems to be only one clear message: Shut up and don't ask too many questions.

When Rice was in Kiev, Ukraine, the other day, I thought I heard her say that the United States government has never tortured people we suspect of being terrorists - How could anyone even think such a thing? - or maybe she said that, in any event, we promise to stop doing this awful thing we've never done.

The secretary of state pledged that we wouldn't inflict "cruel and inhumane and degrading treatment" on anyone, even foreign nationals on foreign soil. But was she doing to the words "cruel, inhumane and degrading" what Bill Clinton did to the word "is"? And did this new policy apply not only to U.S. personnel but also to civilian contractors working for the military or the CIA? Just as I was starting to get lost in the tall weeds of the U.N. Convention Against Torture, the White House helpfully explained that Rice's comments didn't represent a change of policy at all.

Glad we cleared that up.

Earlier in her trip I'm sure I heard Rice say that we would continue abducting terrorist suspects and making them vanish into months or years of secret detention. She didn't want to talk much about those clandestine "black site" CIA prisons in Eastern Europe, which of course don't exist, depending on what the meaning of the word "exist" is. I'm pretty sure I heard her say we still reserve the right to hold people in these nonexistent prisons as long as we want, without charges or due process. I guess if she told us anything more about the nonexistent prisons, she'd have to kill us.

I'm certain I heard from Rice's lips a not-so-veiled threat to any European governments that might be inclined to play holier-than-thou on the issue of these "extraordinary renditions," which normal people would call

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"kidnappings." (Remember when "extraordinary rendition" meant nothing more sinister than what Jimi Hendrix did to "The Star-Spangled Banner" at Woodstock?) "Some governments choose to cooperate with the United States in intelligence, law enforcement or military matters," she said as she embarked on her trip. "It is up to those governments and their citizens to decide if they wish to work with us to prevent terrorist attacks against their own country or other countries, and decide how much sensitive information they can make public. They have a sovereign right to make that choice."

In other words, all you sanctimonious Eurocrats, it's your choice: Keep your mouths shut about the kidnappings and the secret CIA prisons, or else one day you might find yourselves in a dark alley on the bad side of town and maybe the cavalry won't arrive in time. Tony Soprano couldn't have said it better.

German Chancellor Angela Merkel believed she had heard Rice admit that the United States made a "mistake" when it sent one of the CIA's ninja-style squads to kidnap Khaled Masri, a German citizen whose only crime was that his name sounds like that of some suspected terrorist. Rice's people say Merkel misunderstood; Rice merely acknowledged that unspecified mistakes might have been made.

Masri says he was vacationing in Macedonia on New Year's Eve 2003 when local authorities arrested him and handed him over to the Americans. Five months later, long after it was clear this was a case of mistaken identity, he was released on a lonely hill in Albania.

We know the details of Masri's case, or at least his version of events, because earlier this week he filed suit in U.S. District Court in Alexandria against the CIA, former director George Tenet, the operators of the CIA-front air transport firm that flew him from Macedonia to a prison in Afghanistan, and the "John Doe" ninjas who kidnapped him.

Here is the lawsuit's account of the moment when, after Masri had been stripped naked, the CIA - representing you and me and our great nation - took him into custody:

"[He] saw seven or eight men dressed in black and wearing black ski masks. One of the men placed him in a diaper. . . . Mr. El-Masri was marched to a waiting plane, with the shackles cutting into his ankles. Once inside, he was thrown to the floor face down and his legs and arms were spread-eagled and secured to the sides of the plane. He felt an injection in his shoulder, and became lightheaded. He felt a second injection that rendered him nearly unconscious."

I'm still puzzling over Rice's words. Masri's, though, are quite clear.

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FP 0142

**Boudreau, Paul E**

To: Burger, David  
 Subject: RE: Echo Chamber - SecState Rice on Detainees

RELEASED IN FULL

From: Orlansky, Michael D  
 Sent: Friday, December 09, 2005 9:07 AM  
 To: Milovanovic, Gillian A; Wohlers, Paul; Hubler, Stephen A  
 Subject: FW: Echo Chamber - SecState Rice on Detainees

Yes, we received the Echo Chamber message from several different sources in Washington and no doubt you did, too.

These look like good general points, and along with the statements from the Secretary's European trip, complemented by the NATO Sec-Gen's constructive statement yesterday, will give us some helpful material to draw on in upcoming speeches and meetings.

Despite the wide play detainee issues received in the past week, there have been only a few media inquiries related this issue here, probably because the case that is now receiving attention elsewhere in Europe and in the U.S. dates back for nearly two years and was reported on previously in Macedonia. However, if the case or Macedonia's response to it becomes an issue in EU and/or NATO accession, interest could revive and we will be further pressed by media and other contacts.

Mike

-----Original Message-----

From: Davidson, Terry R  
 Sent: Thursday, December 08, 2005 11:00 PM  
 To: EUR-PPD-IO-DL; EUR-PPD-PAO-DL; EUR-DCM-DL; EUR-AMBASSADORS  
 Cc: EUR-FO; EUR-Directors  
 Subject: Echo Chamber - SecState Rice on Detainees

If you didn't see the cable...

Subject: Echo Chamber

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FOR AMBASSADORS AND PAOS FROM U/S KAREN HUGHES

E.O. 12958: N/A

TAGS: KPAO, PREL

SUBJECT: ECHO CHAMBER MESSAGE ON SECRETARY RICE'S STATEMENT ON DETAINEES

REF: STATE 219905

STATE 00221655 001.2 OF 002

1. Secretary Rice this week provided a comprehensive explanation of U.S. policy regarding detainees and renditions in the context of the global war on terror and the threats that terrorists pose to people everywhere.

Below are points that Ambassadors, country teams, and PD officers should aggressively use to refocus the public debate on this subject:

- The United States and many other governments are engaged in a difficult struggle against a ruthless enemy, transnational terrorists.
- All governments have a responsibility to protect their citizens from harm. The United States works cooperatively with countries around the world to achieve this objective.
- We are working together closely with allies and partners in Europe and globally to protect our citizens against a vicious terrorist adversary.
- The war on terrorism sometimes involves the capture, detention and questioning of terrorists. We must question them to gather potentially significant, life-saving intelligence.
- Our law enforcement and intelligence cooperation has resulted in foiling a number of deadly plots against cities and citizens in Europe and elsewhere.
- As Secretary Rice and CIA Director Goss have recently stated, U.S. intelligence agencies have handled the gathering of intelligence from a very small number of extremely dangerous detainees, including individuals who planned the 9/11 attacks.
- United States policy is that this questioning is to be conducted within U.S. law and treaty obligations,

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without using torture.

-- We will not confirm or deny specific intelligence activities; we cannot discuss information that could compromise the success of intelligence, law enforcement, and military operations.

-- No one should be surprised that intelligence agencies, both in America and around the world, engage in intelligence gathering activities.

-- With respect to detainees, the United States government complies with its Constitution, its laws and its treaty obligations. The United States does not commit, authorize, or condone torture.

-- Where there have been cases of unlawful treatment of detainees, the U.S. has vigorously investigated and, where appropriate, prosecuted and punished those responsible.

-- The United States does not transport detainees from one country to another for the purpose of interrogation by torture and has not used the airspace or airports of any country for the purpose of transporting a detainee to a country where he will be tortured.

-- The United States has not transported anyone, and will not transport anyone, to a country when we believe he will be tortured. Where appropriate, the United States seeks assurances that transferred persons will not be tortured.

-- In conducting renditions, this Administration has respected and will continue to respect the sovereignty of other countries.

End Talking Points.

2. During her European trip, Secretary Rice has been asked a number of questions related to the Convention Against Torture's provisions on "cruel, inhuman, or degrading treatment" and whether it applies both inside and outside the United States. If raised, posts may use the Secretary's direct quotes to respond to such questions. (Below is a relevant quote from the Secretary's press conference in Kiev on December 7.)

Secretary Rice: "~ As a matter of U.S. policy, the United

STATE 00221655 002.2 OF 002

States obligations under the CAT, which prohibits, of course, cruel and inhumane and degrading treatment, (those obligations) extend to U.S. personnel wherever they are, whether they are in the United States or outside of the United States."

RICE

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**Boudreau, Paul E**

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**To:** Burger, David  
**Subject:** RE: CFR Qs and As on U.S.-EU relations and the war on terror

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**From:** Orlansky, Michael D  
**Sent:** Thursday, December 08, 2005 10:04 AM  
**To:** Milovanovic, Gillian A; Wohlers, Paul; Hubler, Stephen A  
**Subject:** CFR Qs and As on U.S.-EU relations and the war on terror

This item, evidently from the Council on Foreign Relations (where President Bush spoke yesterday) and picked up by the New York Times, may be of interest in connection with U.S.-EU relations, detainee issues and the Secretary's current meetings in Europe. The last item mentions the el-Masri case.  
Mike

<< File: CFRQ&AonEU-US,GWOT120705.doc >>

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NYTimes.com

December 7, 2005

**Q&A: EU-U.S. relations and the war on terror**

BY MARY CRANE

From the Council on Foreign Relations, December 7, 2005**Introduction**

In response to media reports that the United States is detaining top al-Qaeda suspects in secret prisons in eight countries, including Romania and Poland, European officials have launched a series of investigations. These moves follow a spate of stories in Europe alleging that the Central Intelligence Agency (CIA) is ferrying terrorist suspects by air between the so-called black sites and countries in the Middle East that regularly torture detainees. The allegations have deepened dismay among European Union (EU) members over Washington's conduct leading up to the Iraq war, which was widely unpopular in Europe, as well as over revelations of torture in U.S.-run facilities inside Iraq and Afghanistan.

**What, exactly, is being alleged?**

Media reports suggest that aircraft operated by the CIA have been spotted at airports in Finland, Germany, Hungary, Iceland, Italy, Poland, Portugal, and Spain and that these planes were used to carry terrorist suspects and other detainees. There is little doubt that planes operated by the CIA flew through and stopped over in Europe since airport records that note flight plans and identification numbers are publicly available. At issue for the Europeans is whether these flights are a breach of international law and whether local intelligence agencies were aware of--or even complicit in--the operations that many allege involved human rights violations.

The allegations are part of a continuing debate between the U.S. and European governments on the practice of "extraordinary renditions," CIA jargon for arresting or even abducting suspected terrorists on foreign soil and then transferring them to countries or sites where they might face torture. British Foreign Minister Jack Straw, who supported the U.S. war in Iraq, wrote to Washington on behalf of the European Union (EU) formally asking for clarification on the policy--specifically raising the issue of covert prisons in Eastern Europe and CIA airplanes stopping in European bases, which may be in violation of international law. Secretary of State Condoleezza Rice will address Straw's letters and European concerns during a four-nation tour of Europe.

**What has been the U.S. response?**

In her December 5 briefing to journalists before leaving for Europe, Rice was careful to note that interrogations of terror suspects have produced intelligence that helped "save European lives." Rice also defended the legality of U.S. tactics against stateless "enemy combatants" and reminded Europe that terrorism is a global threat. "We share intelligence that has helped protect European countries from attack," she said. Rice added that the United States does not permit, tolerate, or condone torture under any

circumstances, but defended rendition as a "lawful weapon" for taking "terrorists out of action" and saving lives. She made no reference to secret prisons. According to Charles Kupchan, the Council on Foreign Relations' director for Europe studies, Rice has taken a "relatively tough line" with the Europeans and seems to be saying, "You need to choose whether you're with us or against us on this question."

The administration's critics in Europe, however, say Rice's reassurances and defense of U.S. treatment of terror suspects are undermined by memories of prisoner-abuse scandals at Abu Ghraib, Guantanamo Bay, and Baghram, a U.S. facility in Afghanistan. The White House's opposition to congressional anti-torture legislation proposed by Senator John McCain (R-AZ) has further undermined Rice's defense of U.S. policies, experts say.

#### **What are Europe's objections to the U.S. treatment of terror suspects?**

The controversy touches on a broader European discomfort with the Bush administration's approach to countering terrorism. Experts say the outrage over the clandestine prisons and secret flights stems from two broader issues plaguing transatlantic relations: Europe's discontent with Washington's unwillingness to grant due process to terror suspects and making assurances that these suspects' human rights were not violated. News reports indicate the United States has captured more than 100 terrorism suspects since 9/11 and rendered them to detention centers or third countries, some of which are known to practice torture. Experts say both issues--due process and the alleged use of torture--contradict European norms on human rights.

#### **What actions have European governments and courts taken?**

Currently, there are at least six investigations into alleged CIA flights in various countries, as well as a Council of Europe inquiry on allegations of secret prisons in Eastern Europe. Lead investigator for the Council of Europe probe, Swiss Senator Dick Marty, has asked for data from the European air traffic control agency and requested images from the EU's satellite center for images that might indicate the construction of detention facilities at Polish and Romanian military bases. Poland, already an EU member, and Romania, currently petitioning for EU membership, deny their involvement in the alleged U.S. clandestine prison network.

The investigations are putting pressure on governments across Europe. Most notably, EU Justice and Home Affairs Commissioner Franco Frattini warned November 28 that any EU member found guilty of participating in the CIA's alleged conduct would lose its voting rights. While this threat has been dismissed as hyperbole by some, Frattini notes that secret prisons would violate the European Convention on Human Rights. European human rights groups and opposition parties are also demanding assurances from their governments that their officials were not involved in secret U.S. rendition plots. The prison reports are "ammunition for the opposition, a gift to the anti-Americans," says Guillaume Parmentier, director of the Paris-based French Center on the United States. In Italy, prosecutors are charging twenty-two Americans with the kidnapping of Islamic militant Hassan Mustafa Osama Nasr in February 2003 and "rendering" him to Egypt. Some skeptics claim Prime Minister Silvio Berlusconi may have been complicit as well. "Someone knew," said Daria Pesce, lawyer for one of the CIA station chiefs in Milan, in a November interview with the New York Times. "I don't think that it is possible that an American comes into Italy and kidnaps someone. It seems really unlikely."

**What does this mean for EU-U.S. relations?**

The news about U.S. rendition operations in Europe "plays into the Europeans' worst fears about the Bush administration," says John Glenn, director of foreign policy at the German Marshall Fund of the United States. On the one hand, the renditions allegations against the United States--which remain speculative and without hard evidence--have reinvigorated already-strong anti-war, anti-American sentiment, experts say. "Even in places [in Europe] where governments have been supportive, the populations have been opposed to American actions," says James Goldgeier, adjunct senior fellow for Europe studies at the Council on Foreign Relations.

On the other hand, "neither side is looking for another bloody nose," Kupchan says. "If the European [governments] had their way, this issue would quietly disappear, but there is a lot of public outrage about it." The accusations of rendition come at a time when the United States and the European Union have made a concerted effort to improve transatlantic ties. Experts say that in his second term President Bush has been much more concerned with European partners, and there has been concrete cooperation on a host of important issues, including the administration's Middle East policy.

Additionally, many European governments are reluctant to push Washington on the rendition charges for fear their own intelligence agencies' cooperation with CIA operations will be revealed. Opposition parties and the media in many European countries are seizing this opportunity to criticize their governments. In Germany, where newly elected Chancellor Angela Merkel campaigned on the promise to improve transatlantic ties, the opposition has demanded an explanation for a list of at least 437 U.S. flights and landings in German territory.

**Will this controversy hurt EU-U.S. intelligence-sharing operations?**

The intelligence-sharing relationship has remained quite strong since the 9/11 attacks, despite political discord over the unpopular war in Iraq, experts say. But renditions could pose a real political obstacle to future collaborative intelligence operations. Little is publicly known about the nature and frequency of U.S. renditions. Some of the more politicized cases include Lebanese national Khaled el-Masri, a German citizen, who claims he was picked up by Macedonian authorities in Skopje and turned over to U.S. officials in Afghanistan, where Rice has admitted he was wrongfully detained for five months. German prosecutors are currently investigating the possibility that former German Interior Minister Otto Schily knew of Masri's abduction. In December 2001, Swedish police handed two Egyptian nationals over to U.S. agents, who rendered the men to their home country. Sweden's security police, in response to public outrage over the renditions, have since promised never to allow foreign agents control over an intelligence operation on Swedish soil.

The political fallout from questionable renditions in Italy, Sweden, and Germany has made it more difficult for these countries to cooperate in future counterterrorism exercises with U.S. intelligence. "It's at least conceivable," Kupchan says, "that this row could, to some extent, be a setback on the intelligence and law-enforcement front and make the parties more reluctant to share information."

**Boudreau, Paul E**

To: Burger, David  
 Subject: RE: 12/7/05 Daily Briefing Excerpts

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From: Orlansky, Michael D  
 Sent: Thursday, December 08, 2005 9:15 AM  
 To: Milovanovic, Gillian A; Wohlers, Paul; Hubler, Stephen A  
 Subject: 12/7/05 Daily Briefing Excerpts

Contrary to a note in the guidance package, there was a press briefing yesterday. About half of it was related to USG policy on treatment of detainees, including mention inter alia of the el-Masri case and the Secretary's meetings in Germany:

State Department Daily Press Briefing with Deputy Spokesman Adam Ereli  
 December 7, 2005 (excerpt)

Q So can we have - go to interrogation, the topic of the day. I don't want to dominate the - I think everybody wants to know.

MR. ERELI: Okay.

Q If the - how would you describe the secretary's remarks today, as an elaboration of existing policy, an extension of what she said at the airport, as a refinement? Pick your word. She covered ground she hadn't covered before, and some people think she's signaling some sensitivity and some shift. But of course, policy never changes, so.

MR. ERELI: Well, I think the secretary is stating as correctly and forthrightly as we can our policy.

Q But when did the policy change?

MR. ERELI: It's existing policy. Her statement is a statement policy, and it's been the U.S. policy.

Q How long has it been the U.S. policy for?

MR. ERELI: At least since the secretary said it.

Q (Off mike.) Can I follow up? (Laughter.) If this isn't a new - if what she said today is not new and that you follow international law, you follow the U.N. Convention on - against Torture, whether it's in the United States or out of the United States, why is the administration objecting to the language posed by Senator McCain prohibiting cruel and unusual and degrading punishment by - against any detainees by U.S. personnel, whether it's in the United States or out?

MR. ERELI: Yeah, I think we've also made clear, and the secretary made clear in her statement on Monday, that - and others have as well - that we are looking - the

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administration is looking to reach a mutual agreeable solution with the members of Congress on this issue. And I would have that to say in response to your question.

Q Is it because it's actual U.S. legislation? I mean, the - in the - when the U.S. signed the - or ratified the Convention on Torture, I think it says something to the effect of that the United States doesn't feel that the Convention on Torture - that it's bound by any - that it's bound by it. If U.S. legislation in the United States is against anything in the convention, or that U.S. interpretation of anything in the convention is against the U.S. Constitution, does the United States feel more bound by its own legislation than it does by any U.N. conventions or international obligations that it signs?

And that's why it's hesitant to pass any new legislation on this.

MR. ERELI: Well, when you ratify a convention, it becomes part of your domestic law - or maybe I shouldn't say that, because there might be some legal sophistications that I'm missing.

But I think the best way to understand that, best way to answer your question is to again look at the statement of record, which is the United States will be bound by or will follow U.S. law and international law and its international treaty obligations, which are legal obligations, and that those are the principles that will guide us in our actions on this issue and on other issues.

Q Why do you think it's so important for the secretary to clarify this position?

MR. ERELI: I think she was responding to questions.

Q But it became obvious that details of the German detainee and other issues, such as Murtha coming out speaking about the war and these situations - seems to have moved the secretary several times on this trip to have to deal with this question.

MR. ERELI: Well, as we've made clear - look, as we've made clear, this is an issue about which there's debate in the United States and around the world. And it's an issue about which there is debate because we're really on unfamiliar ground here, for everybody - unfamiliar ground in the sense that we are engaged in a struggle, engaged in a conflict with a new kind of enemy that doesn't - that is outside many of the norms and practices which the world has hitherto had to deal with. And in confronting that threat and in dealing with these actors, we have - again, we have found ourselves in uncharted territory.

So obviously there's a discussion about what is necessary, what is appropriate and how does that - how do we reconcile that with past practice and existing norms.

And the secretary's responses to your questions, legitimate and important questions, are, I think, a sincere attempt to try to participate in that debate and participate in that discussion and to present to you and help you work through how the U.S. government sees the problem, how we are working through the difficult choices that they present, and how we're trying to adapt, again, existing norms for past conflicts to new and unprecedented challenges.

Q Do you believe that Secretary of Defense Rumsfeld has placed Secretary Rice in a very sort of embarrassing light, where she has to explain the possibility of the military not behaving properly?

MR. ERELI: Absolutely not. I think Secretary Rice, President Bush, all - Secretary Rumsfeld, all the members of this administration have made it clear that we are engaged in a war, that there are those out there who are trying to kill Americans, who have killed and who remain bent on killing Americans, and that it is the first duty of any government to act to protect its citizens. And that's what all of us in the administration, I think, keep at the front of our minds every single day. And the point Secretary Rice is making and the point, I think, that the others are making is that we are going to do that in ways that are consistent with our laws, our values, our principles and our international obligations.

Q But why should people believe that, because we've seen Abu Ghraib, we've seen continuous positions of torture, more pictures, more - (inaudible) - more and more the administration being plummeted (sic) -

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MR. ERELI: Pummeled?

Q - pummeled with questions and - well, even worse - in the press regarding this situation that doesn't see to change, it only seems to be revealed, and the American people may feel that they're being lied to.

MR. ERELI: Well, actually I think they're the same incidents being recycled and repeated, as opposed to new incidents. But I would have this to say in response. And again, the secretary spoke to it, I think, very forcefully on Monday.

We have our laws. We have our - those entrusted by the government to act on behalf of the people, whether they be diplomats or judicial officials or brave men and women in uniform, have instructions to act consistent with those laws. And the vast, vast majority of them every day do that with honor and dignity.

As in any system, there's not a system in the world where there are not going to be failures of individuals to conform to the laws and instructions and norms that they are entrusted and sworn to uphold.

Q But if they're not -

MR. ERELI: And - and when that happens, as it did in Abu Ghraib, the system is designed to act, to investigate, to find and to punish so that it - and to take actions so that it doesn't happen again, which was done in Abu Ghraib. So at Abu Ghraib or - or - or - or other instances show is that - that although we have laws, although we have instructions, although there are clear things that people are supposed to do and not supposed to do, if they're - when there are abuses and when things do go wrong, there's a way to deal with it. And I think that is an important lesson for anybody observing our system to know that we have laws, we follow them, but when there are problems we also have transparency and accountability.

Q Why do you think your European allies were so surprised, then, that you had hidden prisons, or there was discussions of these prisons and that Europeans seem to be quite taken back and that she has to explain this?

MR. ERELI: Well, again, there are - there are questions about how - there are questions about and examinations of the threat and how you respond to the threat. That is - that is healthy, that is necessary in a democracy and in open societies, and we're speaking about it openly.

Q But I'm talking about your European - your European leaders and allies. They - they were taken off guard, that she had to explain to them. We're not talking about here domestically, we're talking about her as a secretary of State who is out there doing diplomatic liaison.

MR. ERELI: Again, referring back to the secretary's statement on Monday, I think she addressed this very well in saying that we're engaged in a global war on terror, and we have partners that are working with us, and that we are engaged in a common endeavor. That includes Europeans who have been victims of the same kind of wanton terrorism that we have - the Spaniards, the British, the Italians - and that we have, I think, had a good and productive partnership in confronting the war on terror in all spheres: economic, political, military, law enforcement, and intelligence.

But, as in the United States, there is a debate in Europe and there are questions asked in Europe. That is as it should be. And we, as friends and partners and allies of the Europeans, and others who work - with whom we work in the war on terror, it's important to address those questions.

Q Adam, can I just -

Q Chancellor Merkel said on Monday that Secretary Rice did apologize for - or did say there were mistakes being made in the abduction - CIA abduction of the German citizen al-Masri. Later on it was reported that U.S. officials said Secretary Rice did never say that.

MR. ERELI: Yeah.

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Q Did Chancellor Merkel get that wrong? Did the secretary of State say there were mistakes being made in the case of Masri or not?

MR. ERELI: I think what's clear, if you look at the transcript from the press conference yesterday, was that if and when mistakes are made, corrective actions will be taken, and that we, obviously, respect the sovereignty of our friends and work with our friends.

The secretary also, I think - and it's important to underscore this - the secretary and Chancellor Merkel had an excellent meeting, that they - that it was - it was very positive, very cordial and very productive, and that they agreed on a broad agenda for both Germany and the United States in the bilateral relationship and in the transatlantic relationship; and that - and that with respect to all the issues, including this one, there was a real meeting of the minds.

And I think I'd just leave it at that because, frankly, I think more has been made of the specific issue that you raised than is necessary - than is warranted, and it detracts, frankly, from the very positive tone and substance of their meeting.

Q Can we talk about an inference here? If mistakes - perhaps she said if mistakes were made, we'll correct them. And could it be that the Germans inferred from that that she is acknowledging a mistake? And that you and she and the State Department are saying she was speaking in general terms: if mistakes were made, they would be corrected?

MR. ERELI: I would simply say that, you know, we and the Germans are very well knit up on this and that it's not an issue of discord or disagreement.

Q Well, I don't think that's true, Adam.

Q Adam, can I -

Q The Germans -

MR. ERELI: It is. I'm telling you.

Q Well, the Germans today are coming out and saying that she did say el-Masri was a mistake. Regardless of what you say up here, in Germany they're saying -

MR. ERELI: And I'm telling you that we - they had a good meeting. We are moving -

Q I believe that.

MR. ERELI: We are moving forward.

Q What we're talking about is whether she said it was a mistake. Regardless all of those -

MR. ERELI: I don't have anything more to add to what the secretary said on this issue publicly yesterday.

Q Not necessarily what the secretary said, but didn't yesterday the U.S. government say Mr. el-Masri is entitled to come to the United States if he wishes?

MR. ERELI: I did not see that statement. I would tell you that Mr. Masri tried to come to the United States. He was denied entry by Department of Homeland Security. He returned from where he came. He is required, if he wants to come back to the United States, to apply for a U.S. visa, after having been denied entry, and that if he applies, that visa will be adjudicated by U.S. consular officials.

Q Well, apparently yesterday the U.S. government said that if he wanted to come to the United States, he's free to come -

MR. ERELI: Yes.

Q - which means that there was a mistake in the first place. Don't you think so? Government officials on the road apparently -

MR. ERELI: Yeah.

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Q - told our people on the road that he was welcome to come. Can you not confirm that?

MR. ERELI: I would say that if he applies - my understanding is that if he applies for a visa, we would expect to be able to resolve this satisfactorily.

Q Can I just ask you - just as a point of information, just on - it was my understanding, as printed in The Washington Post and all the other commentaries I've read, that U.S. policy had been that torture restrictions apply to U.S. personnel only on U.S. soil. Is that an accurate characterization -

MR. ERELI: I think the accurate characterization is what the secretary said in Kiev today.

Q But you just said before, maybe in jest, beginning today.

MR. ERELI: No. Look, what the secretary said is existing U.S. policy. I'm not going to do a - forensics for you on all the discussions that have taken place on this issue. I think it's clear what the policy is. The secretary said it, and you can take it to the bank. (Cross talk.)

Q Of course what she said today - when she speaks, it is policy.

We're not asking for a history of interrogation. It's a very simple question. Until today, were the rules applicable only to interrogation in the United States, and as of today, have they expanded abroad? Or were they - did they always apply in the U.S. and abroad? That's all.

MR. ERELI: Yeah. And, frankly, I'm not going to - to - I can't describe for you the - and give you a timeline for all the discussions and consultations leading up -

Q Nobody's asking you to.

MR. ERELI: - and those - you know, if you want to look at the public record, look at the public record. But the policy stated by the secretary of State is existing U.S. policy.

Q Are you not aware - we're not asking for all the discussions. We're asking what was the policy up till today, and what the policy is from this day forward.

MR. ERELI: The policy of the United States - the policy of the United States was as - was, as was said repeatedly by the president, that we do not condone torture and we do not tolerate torture.

Q But do we commit torture on -

Q (Inaudible) - the United States -

MR. ERELI: Whoa, whoa, whoa, whoa. One at a time.

Q No - on - on - but is that distinguishable by territory? That's the question.

MR. ERELI: That was a pretty comprehensive statement, and I think what the secretary said is consistent with what U.S. officials have said previously.

Q But can't you just answer the question? Has this policy changed? That's what we're trying to find out. Has this policy - from the secretary's comments -

MR. ERELI: From what?

Q - from - on torture, on -

MR. ERELI: Has it changed from what?

Q Has it changed from before? In other words -

MR. ERELI: U.S. - U.S. policy has always been we don't conduct torture. Now - and we don't condone torture. And, as I said before, there has been discussion and debate about how you adapt norms to the situation at hand. That debate has obviously covered some of the issue

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that you're raising. But having not having been in all those debates, not having been in all those discussions, I can't tell you: At this date, there was this decided; at that date, there was that decided; et cetera, et cetera because it's -

Q Well, you could -

MR. ERELI: - but I can tell you that the policy has always been, A, that we abide by U.S. law and our international obligations; B, that that includes torture and the Convention Against Torture; and, C, that the formulation as expressed by the secretary of State today is existing policy; and, finally, that's as much as I can do for you.

Q So I think you answered my question. So in other words, the convention applied to those suspects who are being held abroad, not in America?

MR. ERELI: It applies to -

Q It applied.

Q Always.

MR. ERELI: Look, the secretary said what the policy is. I'll leave it at that.

Q So under the - (inaudible) - just made, let me ask that.

Q Adam, a quick question -

MR. ERELI: No. This gentleman.

Q Under the convention, practices being used in Guantanamo, for example, such as water boarding - that we all have heard about - is banned. So if you say the U.S. has adopted in the past, even last week, this Convention Against Torture, it would imply that all that - those practices would have been illegal.

MR. ERELI: I'm not going to speak to allegations of specific treatment. I will say that the United States and officials of the United States and employees of the United States are subject to and act according with U.S. law and our agreements under the - our international agreements including the Convention against Torture.

Q Just one more on that. But the U.N. Convention on Torture doesn't specifically - without you speaking to any one specific act - the convention itself doesn't lay out any specific acts. So is there a list that you follow that's kind of an addendum to the Convention on Torture or a list that you have of specific acts that you're prohibited against?

MR. ERELI: I don't know.

Yeah?

Q A quick question on this. I mean, I know you don't want to get into timelines, but was the secretary's comments today necessitated to clarify, to restate potential misunderstandings or misstatements that are being made about her comments - about her statement on Monday; that - some people thought that a loophole may have applied, may have opened because they were reading into her fully vetted statement on Monday? Is this what necessitated, potentially, her comments today?

MR. ERELI: There's - requests for - this was in response to questions. We felt that there was a need to answer those questions, and that's why the secretary said what she said.

Q So there's a causal effect, then, because - I mean, I know there it was a question -

MR. ERELI: And the answer's the -

Q - it was an answer to a direct question and on the road. But I mean, obviously, there had been some consideration given to the fact that she - that we needed to get out to clarify something that potentially had been omitted or something that other, let's say, newspapers were misinterpreting.

MR. ERELI: Again, we want to - as I said before, there's a good and honest and well-

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intentioned debate, and we want to contribute to that debate. And we want to help the American people and those everywhere with interest in this issue to understand why we do what we do and what principles we're guarded by. And I think there's a lot of misunderstanding based on an incomplete - a lot of misunderstandings based on incomplete consideration of what's out there. So that's what we're - that's what's behind our attempt to let it out.

Yeah?

Q You said there's incomplete consideration of what's happening. But don't you think there's been an incomplete - at least until this point -

MR. ERELI: Yeah. Yeah.

Q - I mean, do you think that - that it's an incomplete consideration because there's been an incomplete explanation?

MR. ERELI: It's obviously, as I said before, an ongoing process, an ongoing process of discussion and adaptation. So, you know, it's something that evolves. It's not an issue that's going to be fully answered today, I mean, because there are going to be, again, new developments, new threats, new actions that people will want to understand, people will evaluate in the light of what's been done in the past. I mean, that's the spirit in which we're coming - that's the spirit in which we're engaging on this.

Q You said that you're engaged in a struggle with a new kind of enemy outside the norms and practices, that that enemy is not following the regular norms and practices, and you've never been faced with dealing with an enemy of this nature before within the context of your own norms, practices and obligations. Is there a move in this administration to reinterpret your obligations to these treaties and international law when faced with an enemy that's not necessarily acting within the bounds of the obligations that you adhere to?

MR. ERELI: I think what we're trying to do and what we've been trying to do from the beginning is to both confront and defeat an enemy and to do it consistent with our laws and our - both domestic and international, because in the struggle, we're never forgetting that we are a nation of law, that we are governed by the rule of law and that we are answerable to the law. And I think that is a fundamental principle that guides us in our discussions and assessments of what is necessary and appropriate, all the while bearing in mind that it's important to do everything we can to protect the American citizens.

Q But the difference - I'm sorry, one more on this. But the difference with Europe is that they feel that no matter who the enemy is, you need to follow the parameters of international norms and obligations that you've all signed on to.

MR. ERELI: I know. And we're saying the same thing. We're saying the same thing.

Q No matter who the enemy is.

MR. ERELI: We're saying that we've got a new enemy, it poses unprecedented challenges, and that we are going to meet those challenges consistent with our laws and international obligations.

Q You said more than that. And you said and we'll have to adapt our norms to meet these unforeseen -

MR. ERELI: Well, that is -

Q "Adapt" means to fiddle with. It means to refine.

MR. ERELI: Adapt, interpret -

Q There are people who think the First Amendment ought to be sort of refined every now and then. Then there were a few lonely people, like William Douglas and Hugo Black, who thought that the First Amendment meant what it said. Okay?

Now, if the Convention on Torture means explicitly what it says, or if it's something that can be adapted to changing and unforeseen and, you know, awful, terrible enemies, then

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that's your rationale for changing your behavior.

MR. ERELI: I think that any lawyer or legal scholar would tell you that the law is organic and dynamic.

Q No, the First Amendment isn't organic and dynamic.

Q I have a question - a question about Masri. There's a report circulating in Germany that U.S. officials are negotiating with German officials about a package of compensation measures. Can you -

MR. ERELI: Don't know anything about that, and I would also note that, you know, this is a matter that is obviously the subject of legal action. So -

Q Okay. Well, okay. Then -

MR. ERELI: - of course there are constraints what can be said.

Q Okay. The follow-up question: the secretary has said that if mistakes were made, that she would - or that the United States would rectify them.

MR. ERELI: Take actions to rectify. Mm-hmm.

Q Right. Okay. Does rectification include people who were wrongly abducted and imprisoned and abused, that they should be compensated?

MR. ERELI: Well, I don't want to engage in hypotheticals. I think that the point the secretary made is - is - is fairly clear, that we believe it's important to correct our mistakes.

Q So you're saying a mistake was made?

MR. ERELI: Pardon?

Q You said it is important for us to -

MR. ERELI: Correct our mistakes.

Q - correct our mistakes. So then you're saying that it was a mistake -

MR. ERELI: I'm not speaking about any case in specific, or specific circumstances. I'm saying that as a general matter -

Q Well, he - (inaudible) -

MR. ERELI: Yeah. And I'm not speaking to specifics. I'm just saying -

Q You're not answering the question, then?

MR. ERELI: (Laughs.) To the degree that he's asking about a specific case and I'm not talking about specifics, I guess you could say I'm not answering his question, yes.

Q Can I move on?

Q (Inaudible.)

Q Yeah, exactly.

Q One - one more question on this topic?

Q Okay, Jonathan.

Q Is that all right?

Q Go ahead. ONE more.

Q You sort of - the Department of Defense has issued a statement about access to

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prisoners, saying that the International Red Cross has access to all prisoners being held on Department of Defense property, prisons, whatever. Clearly, Europe wants reassurances about the treatment of all prisoners, not just those being abducted by the Department of Defense, but also by the CIA. Can you now give reassurances, because the speculation about secret prisons continues, that the International Red Cross has access to all prisoners, not just those being held by the Department of Defense?

MR. ERELI: Yes. Yeah. Yeah. Yeah, I'm not prepared to - I'm not prepared to speak to that. I'll leave it at that.

Q But, then, that's just going to - you know, I mean, why not? It's just - it - that's the reassurance -

MR. ERELI: I think, again, as the secretary made clear in the - in her - again, in her statement on Monday, there are certain activities because of the nature, because of the intelligence, that we're just not going to talk about, and - beyond saying that we will act in accordance with the law, with our international obligations, and respecting the sovereignty of our partners.

Q But their reports are confidential. Why wouldn't you let them do what you're doing if it's completely legal?

MR. ERELI: I think I've said what I can say on the subject.

This message and attachments, if any, are **Unclassified** according to E.O. 12958

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SK 38

**Boudreau, Paul E**

**To:** Burger, David  
**Subject:** RE: U.S., Intl. Press: Secretary Rice Visit, other Macedonia-related issues

RELEASED IN FULL

**From:** Orlansky, Michael D  
**Sent:** Wednesday, December 07, 2005 9:28 AM  
**To:** Milovanovic, Gillian A; Wohlers, Paul; Hubler, Stephen A; Latham, Michael E; Clark, Jeanne L  
**Cc:** Oakley, Carol V  
**Subject:** U.S., Intl. Press: Secretary Rice Visit, other Macedonia-related Issues

Among the stories highlighting detainee issues are items below from the New York Times (stories, editorial), Financial Times, BBC, CNN and Wall Street Journal. Following those items are two stories from yesterday's press on other issues of regional interest: Washington Times' "Embassy Row" item on name issue; Financial Times piece on trade issues.

Mike

The New York Times

December 7, 2005

## Skepticism Seems to Erode Europeans' Faith in Rice

By RICHARD BERNSTEIN

BERLIN, Dec. 6 - Secretary of State Condoleezza Rice did what was expected, many people in Europe said Tuesday, after her meetings with Chancellor Angela Merkel and other German officials. She gave reassurances that the United States would not tolerate torture and, while not admitting mistakes, promised to correct any that had been made.

She accompanied that with an impassioned argument for aggressive intelligence gathering, within the law, as an indispensable means of saving lives endangered by an unusually dangerous and unscrupulous foe.

Did anybody believe her on this continent, aroused as rarely before by a raft of reports about secret prisons, C.I.A. flights, allegations of torture and of "renditions," or transfers, of prisoners to third countries so they can be tortured there?

"Yes, I did," Karl-Theodor zu Guttenberg, a conservative member of the German Parliament, said in a telephone interview on Tuesday. "The thing I believe is that the United States does obey international law, and Mrs. Merkel said that she believes it too."

Not everybody here is of that view, to say the least. Indeed, it would be hard to imagine a more sudden and thorough tarnishing of the Bush administration's credibility than the one taking place here right now. There have been too many reports in the news media about renditions - including one involving an Lebanese-born German citizen, Khaled el- Masri, kidnapped in Macedonia in December 2003 and imprisoned in Afghanistan for several months on the mistaken assumption that he was an associate of the Sept. 11 hijackers - for blanket disclaimers of torture to be widely believed.

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"I think what she means is, 'We don't use it as an official way to do things, but we don't look at what is done in other countries,'" Monika Griefahn, a Social Democratic member of Parliament, said in regard to Ms. Rice's comment on torture. "And that's the problem for us."

Ms. Griefahn also expressed skepticism about Ms. Rice's assurance that where mistakes are made - presumably in Mr. Masri's case - the United States will do everything in its power to rectify them. Indeed, Bush administration officials said nothing about rectifying mistakes before reports of Mr. Masri's kidnapping.

"I don't believe they wanted to do anything to rectify the al-Masri case," Ms. Griefahn said.

In Britain, members of Parliament from both parties reacted with even greater skepticism to Ms. Rice's statement, saying it had neither answered their questions nor allayed their concerns about American policy.

"It's clear that the text of the speech was drafted by lawyers with the intention of misleading an audience," Andrew Tyrie, a Conservative member of Parliament, said in an interview. Mr. Tyrie is chairman of a recently formed nonpartisan committee that plans to investigate claims that the British government has tacitly condoned torture by allowing the United States to use its airspace to transport terrorist suspects to countries where they are subsequently tortured.

Parsing through the speech, Mr. Tyrie pointed out example after example where, he said, Ms. Rice was using surgically precise language to obfuscate and distract. By asserting, for instance, that the United States does not send suspects to countries where they "will be" tortured, Ms. Rice is protecting herself, Mr. Tyrie said, leaving open the possibility that they "may be" tortured in those countries.

Others pointed out that the Bush administration's definition of torture did not include practices like water-boarding - in which prisoners are strapped to a board and made to believe they are about to be drowned - that violate provisions of the international Convention Against Torture.

Andrew Mullin, a Labor member of Parliament, said he had found Ms. Rice's assertions "wholly incredible." He agreed with Mr. Tyrie that Ms. Rice's statement had been "carefully lawyered," adding: "It is a matter of record that people have been kidnapped and have been handed over to people who have tortured them. I think their experience has to be matched against the particular form of language the secretary of state is using."

To a great extent, the latest trans-Atlantic brouhaha reflects a very real division between Europe and the United States, reminiscent of the arguments that took place over the Iraq war two years ago. In the view of the Bush administration and its supporters, the Europeans' moral fastidiousness reflects a lack of realism about the nature of the terrorist threat and what needs to be done to defeat it.

The view of Europeans, by contrast, is that they understand the terrorist threat perfectly well, but that the Bush administration's flouting of democratic standards and international law incites more terrorism, not less.

"I resent the fact that my country is foolishly being led into a misguided approach into combating terrorism by this administration," Mr. Tyrie said. "European countries have a far greater experience over many decades dealing with terrorism, and many of us have learned the hard way that dealing in a muscular way can often inflame the very terrorism you're trying to suppress."

In Mr. zu Guttenberg's view, the reports filling both the German and American news media these days and fostering a surge of renewed indignation against the Bush administration are based on unproved allegations and rumors that have been transformed into established fact.

"What's important is that the balance between democratic principles and secret services needs to be maintained," Mr. zu Guttenberg said. "I take it as a reaching out of the hand when she says mistakes have happened and we have to rectify them."

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To some Americans at least, the way the charges about secret prisons and C.I.A. flights have gained currency illustrates the readiness of many Europeans always to believe the worst about the United States.

More than one commentator over the last few days has referred to the secret prisons as a Gulag Archipelago, even though Romania and Poland, the countries where the prisons are said to be situated, have denied their existence. Moreover, their total prison population would be at most a few dozen - compared with the hundreds of thousands that were confined in Stalin's real Gulag Archipelago.

The Bush administration's treatment of imprisoned suspected terrorists, coupled with the problems the United States continues to encounter in Iraq and Vice President Dick Cheney's resistance to Congressional curbs on the handling of prisoners, has not made Ms. Rice's job of persuasion any easier.

"The Europeans lack of realism is a big problem, but I'm also frustrated with the inability of the United States to behave like a successful big power," said John Kornblum, a former American ambassador to Germany and now director of the investment bank Lazard Frères in Germany.

He added that "the Europeans do have this propensity" to put the worst possible interpretation on American actions, "but unfortunately, we have given credibility to that sort of behavior."

To some extent, the comment by Ms. Rice that seems to have had the most effect in Europe was her statement made in Washington on Monday that many governments have cooperated with the United States on intelligence gathering.

That remark did not so much reassure European commentators that the United States was abiding by international treaties as it has led them to accuse their own governments of hypocrisy, silently acquiescing in American practices while publicly criticizing them.

"If the European services knew," the Italian daily La Repubblica said Tuesday, referring to the reports of secret prisons and C.I.A. flights in Europe, "how is it possible that the governments and the parliaments, which these services must answer to, weren't informed?"

The New York Times

December 7, 2005

### **German Held in Afghan Jail Files Lawsuit**

By SCOTT SHANE

WASHINGTON, Dec. 6 - A German citizen who says he was abducted in 2003, beaten and taken to Afghanistan by American agents in what was apparently a case of mistaken identity filed a lawsuit in federal court on Tuesday against George J. Tenet, the former C.I.A. director, and three companies suspected of being involved in secret C.I.A. flights.

The plaintiff, Khaled el-Masri, 42, a German of Lebanese descent, was refused entry to the United States after arriving Saturday in Atlanta on a flight from Germany to appear at the news conference Tuesday in Washington where the lawsuit was announced. Instead, Mr. Masri addressed the conference from Germany by video link, describing how he was seized on the Serbian-Macedonian border, kicked and hit, photographed nude and injected with drugs during five months in detention in Macedonia and in Afghanistan.

"I want to know why they did this to me," said Mr. Masri, whose German was translated into English by an

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interpreter. Now living with his wife and children in Germany, Mr. Masri, who has worked as a car salesman and carpenter but is currently unemployed, said he had not fully recovered from the trauma of his experience.

"I don't think I'm the human being I used to be," he said.

In an interview on Tuesday in Germany, Mr. Masri said his weekend encounter with immigration officers in Atlanta made him briefly fear that his ordeal in 2003 and 2004 might be repeated.

"My heart was beating very fast," he said. "I have remembered that time, what has happened to me, when they kidnapped me to Afghanistan. I have remembered and was afraid."

A spokeswoman for United States Customs and Border Protection, Kristi Clemens, confirmed that Mr. Masri was denied entry. She said he was turned away based on information received from other American agencies, but she declined to describe the information or to say whether Mr. Masri's name had again been confused with that of a wanted operative of Al Qaeda, the reason officials have given for his mistaken detention in 2003.

The lawsuit was filed in Federal District Court in Alexandria, Va., by lawyers for the American Civil Liberties Union.

Since it was first reported in January by The New York Times, the Masri case has often been cited as an example of tough American counterterrorism policies gone awry.

Mr. Masri's lawyers allege in the lawsuit that Mr. Tenet learned of the mistake but left Mr. Masri in detention for two more months before having him set free at night on a hillside in Albania in May 2004.

The lawyers argue that even though he is not an American citizen, the treatment of Mr. Masri violated his right to due process under the Fifth Amendment as well as the Geneva Conventions and other bans on torture. He is suing under the Alien Tort Statute, adopted in 1789, which permits noncitizens to sue in the United States for violations of international norms. The suit seeks unspecified monetary damages "in an amount over \$75,000."

His lawsuit is the latest development in a legal assault by human rights groups on the Central Intelligence Agency's clandestine operations to detain, transport and interrogate suspected terrorists since the attacks of Sept. 11, 2001.

The lawsuit appears to be the first to single out a web of companies that operate a fleet of aircraft believed to be used by the C.I.A. The companies identified in the suit were Aero Contractors, a Smithfield, N.C., company that provides crews and maintenance; Premier Executive Transport Services of Dedham, Mass., which in 2003 owned the Boeing business jet that the lawsuit says was used to take Mr. Masri from Macedonia to Afghanistan; and Keeler and Tate Management L.L.C., of Reno, Nev., which owns the jet now.

The lawsuit could force the C.I.A. to acknowledge its secret relationship with the companies, said Anthony D. Romero, executive director of the A.C.L.U. He said the A.C.L.U. took the case to penetrate what he called the "culture of impunity" in the Bush administration for human rights violations and to force the C.I.A. to abandon practices in conflict with American values.

A spokesman for Mr. Tenet, who served as C.I.A. director from 1997 to 2004, said he had no comment, as did a spokesman for the C.I.A.

Robert W. Blowers, an executive at Aero Contractors, said, "I don't have anything to say about it." Attempts to reach representatives of the other two air companies were unsuccessful.

Michael Greenberger, a law professor at the University of Maryland who teaches a course on the law of counterterrorism, said Mr. Masri's lawyers faced "a steep uphill climb" in making their case in the Eastern District of Virginia and the conservative United States Court of Appeals for the Fourth Circuit in Richmond, Va. But Mr. Greenberger said the Supreme Court, in a ruling last year, suggested the Alien Tort Statute might

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apply to claims of torture.

Souad Mekhennet contributed reporting from Germany for this article.

The New York Times

December 7, 2005

Editorial

## Secretary Rice's Rendition

It was a sad enough measure of how badly the Bush administration has damaged its moral standing that the secretary of state had to deny that the president condones torture before she could visit some of the most reliable American allies in Europe. It was even worse that she had a hard time sounding credible when she did it.

Of course, it would have helped if Condoleezza Rice was actually in a position to convince the world that the United States has not, does not and will not torture prisoners. But there's just too much evidence that this has happened at the hands of American interrogators or their proxies in other countries. Vice President Dick Cheney is still lobbying to legalize torture at the C.I.A.'s secret prisons, and to block a law that would reimpose on military prisons the decades-old standard of decent treatment that Mr. Bush scrapped after 9/11.

Pesky facts keep getting in the way of Ms. Rice's message. Yesterday, the new German chancellor, Angela Merkel, said that Ms. Rice had acknowledged privately that the United States should not have abducted a German citizen, Khaled el-Masri, who says he was sent to Afghanistan and mistreated for five months before the Americans realized that they had the wrong man and let him go.

Mr. Masri tried to appear at a press conference in Washington yesterday to discuss a lawsuit filed in Virginia on his behalf by the American Civil Liberties Union, a suit alleging wrongful imprisonment and torture - but the United States government has refused to allow him into the country.

At issue is the practice of extraordinary rendition. When a government captures someone really dangerous, like a terrorist leader, who cannot be charged under that government's own laws, it sends him to another country where authorities are willing to charge the suspect or at least can get away with locking him up indefinitely without charges.

It's been going on for decades, infrequently and selectively, but the United States is reported to have stepped it up since 9/11 and violated international law by sending suspects to places where it knows they will be tortured. Recently, European governments expressed outrage at reports that some detainees were held at secret C.I.A. prisons in Europe.

Ms. Rice, like other American officials, will not comment on these reports. But before leaving Washington on Monday, she read a statement implying that if there were any secret prisons out there, the host countries knew about them. She rather bluntly warned that European countries who want American intelligence had better not betray any secrets.

Certainly, some of Europe's shock at the news of the C.I.A. camps is political theater aimed at the widely anti-American European public. But that doesn't make it any less disturbing that the United States government seems to have lost its ability to distinguish between acts that may occur sub rosa in some exceptional, critical situations and the basic rules of proper international behavior.

Ms. Rice said Monday that rendition had been used to lock up some really dangerous bad guys, like Carlos the Jackal and Ramzi Yousef, who masterminded the 1993 World Trade Center bombing. But both men were

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charged in courts, put on trial, convicted and sentenced. That's what most American think when they hear talk about "bringing the terrorists to justice" - not predawn abductions, blindfolded prisoners on plane rides and years of torture in distant lands without any public reckoning.

### 'Abduction' case tarnishes Rice's efforts to repair ties with Berlin

Published: December 6 2005 23:29

Financial Times

By Bertrand Benoit and Hugh Williamson in Berlin

Attempts to repair strained relations between the US and Germany backfired on Tuesday after Angela Merkel, Germany's new chancellor, said Condoleezza Rice, the US secretary of state, had admitted that in the case of a German citizen who says he was abducted and detained for several months two years ago the US had made "a mistake", a claim swiftly denied by US officials.

"We talked about the case, which the US government has accepted as a mistake," Ms Merkel said after meeting Ms Rice in Berlin. "I am very glad that the secretary of state has repeated again here that when mistakes happen they must of course be corrected immediately."

Ms Rice gave a more circumspect account of the meeting. "As I told the chancellor, I cannot comment on specific aspects of our intelligence activities... I have also stressed that on the political area, mistakes sometimes happen," she said.

Lebanese-born Khaled el-Masri was allegedly abducted in Macedonia and detained in Afghanistan for five months.

A senior US official travelling with the secretary of state said the US government had informed Germany of Mr Masri's detention two years ago but did not say that it was a mistake. "We are not quite sure what was in her head," he said, referring to Ms Merkel.

The Masri affair has undermined efforts by Ms Merkel to repair relations with Washington, damaged by German opposition to the Iraq war, by agreeing on a forward-looking co-operation agenda. Controversy over the activities of the US Central Intelligence Agency in Europe has also turned into a serious domestic political problem for the new German government, as the extent of its own participation, or its acquiescence, in such activities has come under the spotlight.

Berlin is under pressure to reveal how much, and for how long, it had known about allegations the CIA ferried terrorist suspects through Germany on their way to being questioned in secret prisons operated by the agency in third countries:

Frank-Walter Steinmeier, the foreign minister, is to face questioning by a closed-door parliamentary committee. He was chief-of-staff to the former chancellor Gerhard Schröder at the time of Mr Masri's alleged abduction two years ago. Mr Masri is living in Germany.

Press reports in Germany and the US this week claimed the German interior ministry had known about the alleged abduction as early as May 2004 and that the chancellery had been informed a month later.

Should that be the case, Mr Steinmeier, who at the time was holding weekly briefings in the chancellery with the heads of German intelligence services, will face questions on why he did not inform the Munich state prosecutor who had been investigating the case.

Gernot Erler, the deputy foreign minister and a senior ally of Mr Steinmeier in the Social Democratic party, said the government faced an "unexpected challenge" from the Masri case. The German public sees the need for an explanation for "any activities concerning Germany that reportedly take place without the knowledge of German authorities", he said.

Wolfgang Bosbach, the deputy head of the parliamentary group of Ms Merkel's Christian Democrats, said Otto Schily, the former interior minister, and Mr Steinmeier "must give full details of what they knew and when they knew it".

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Sebastian Edathy, the SPD chairman of the parliament's interior committee, said the "seriousness of the allegations regarding a German citizen" meant the findings of the parliamentary committee questioning Mr Steinmeier should be made public. It was unclear last night when the committee would meet.

## **Rice and Merkel discuss CIA row** 12/6/2005

### **British Broadcasting Corporation**

US Secretary of State Condoleezza Rice has met German Chancellor Angela Merkel for talks dominated by reports that CIA planes flew terror suspects via Europe. Mrs Merkel told a joint news conference that democratic rules should be adhered to, but added that intelligence services must be able to do their job.

Ms Rice reiterated that the US does not carry out or condone torture.

The CIA flights and reports that the US spy agency ran secret prisons in Europe is set to dominate Ms Rice's tour.

Her next stop, Romania, is one of the countries that human rights activists believe housed a CIA secret prison - a charge the Romanian government denies.

Ms Rice has refused to address claims of secret prisons where suspects are said to have been interrogated without reference to international law.

In Berlin, Ms Rice and Mrs Merkel sought to dampen down the discussion about alleged CIA practices, the BBC's Ray Furlong reports.

Mrs Merkel said Ms Rice had given "important" reassurances that the US would use "every lawful means" to protect citizens from the threat of international terrorism.

Ms Rice said the US respected the sovereignty of its partners, adding that the US had an obligation to defend its people and would use every lawful means to do so.

"We will live up, in the United States, to our commitments under our laws; and to our international obligations," she said.

### 'Form of kidnapping'

The new German chancellor came to power pledging to improve links with Washington and emphasising the importance of the war on terror.

Ms Rice's trip, which will also take in Kiev and Brussels, follows claims from Germany that it has a list of more than 400 CIA flights and landings on its territory.

Before she left the US, Ms Rice admitted that terror suspects were flown abroad for interrogation but denied they were tortured.

She said suspects were moved by plane under a process known as rendition, and that this was "a lawful weapon".

A leading US-based human rights group accused Ms Rice of seeking to "mischaracterise" the true nature of rendition.

"Secretary Rice made extra-legal rendition sound like just another form of extradition," said Tom Malinowski, a Human Rights Watch official in Washington.

"In fact, it's a form of kidnapping and 'disappearing' someone entirely outside the law."

New revelations

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The controversy surrounding claims of covert CIA operations on foreign soil has been swirling for weeks.

In Germany, it has been alleged that some German officials knew about the secret flights.

According to media reports, former German Interior Minister Otto Schily was informed last year by the US about a German citizen seized in Macedonia and then flown to a prison in Afghanistan, where he was kept for five months.

Mr Schily has not commented and the ministry says it is investigating.

Meanwhile, ABC News claims the CIA moved 11 top al-Qaeda suspects from prisons in eastern Europe to a new facility in North Africa last month.

Current and former CIA members reportedly told the US channel the move was carried out hurriedly ahead of Ms Rice's visit to Europe.

### **Rice, Merkel Discuss Anti-Terrorism Tactics**

12/6/2005

**Cable News Network**  
**David Gollust**

German Chancellor Angela Merkel, left, welcomes U.S. Secretary of State Condoleezza Rice during their meeting in Berlin

Secretary of State Condoleezza Rice and German Chancellor Angela Merkel said German-American counter-terrorism cooperation will continue, despite the controversy over alleged secret U.S. detention sites in Europe. Ms. Merkel said the United States has admitted it erroneously detained a German citizen suspected of terrorist links.

Ms. Rice preceded her departure for Europe with a public statement reiterating that the United States does not condone torture and conducts its anti-terrorism efforts within American laws and international obligations.

The issue dominated discussions here with the new German chancellor. And, although Ms. Merkel said, while the U.S. declaration may not end the public controversy in Europe, it does provide a good base for continued anti-terrorism cooperation between the two countries' intelligence services.

At a joint news conference with Ms. Rice, Chancellor Merkel said she was grateful for the U.S. clarifications.

"I am very grateful to the American secretary of state that she's reiterated that America stands by its international commitments, that it stands by its rejection of torture, and that it adheres to the laws of the United States of America," she said. "In the meeting we had, I myself made it quite clear that I, as the chancellor of the Federal Republic of Germany, work under and adhere to German laws and the international commitments that my country has entered into. And, I believe that it is a good basis on which we build."

In addition to the general discussion on anti-terrorist tactics, the talks here also focused on the specific case of a Lebanese-born German citizen - Khaled el-Masri - who says he was abducted by American agents in Macedonia on suspicion of terrorist connections in 2003, and later tortured at an Afghan detention site before being released.

Chancellor Merkel said the Bush administration has admitted that Mr. el-Masri was erroneously taken and that Ms. Rice said that such a mistake, if it occurred, has to be rectified.

For her part, Ms. Rice said she could not comment on the el-Masri case because it may be the subject of U.S. litigation. Still, she conceded that mistakes in the anti-terrorist struggle can be made.

"I did say to the chancellor that, when and if mistakes are made, we work very hard and as quickly as possible to rectify them," she said. "Any policy will sometimes have mistakes and it is our promise to our partners that should that be the case, we'll do everything that we can to rectify those mistakes. I believe that this will be handled in the proper course here

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in Germany, and if necessary in American courts as well."

Secretary Rice says she assured Ms. Merkel the United States will do everything its power to gain the release of a German aid worker taken hostage in Iraq, late last month. They also discussed Afghanistan and European nuclear contacts with Iran, in preparation for Ms. Merkel's first visit to Washington as chancellor next month.

### **Rice Says U.S. Will Fix Mistakes In War on Terror** **December 7, 2005**

#### **Wall Street Journal**

BERLIN - Secretary of State Condoleezza Rice said Washington would work to rectify any mistakes it has made in its war on terrorism, but she didn't address specific questions of whether the U.S. has kept terrorist suspects in secret prisons in Europe.

"When and if mistakes are made, we work very hard to try to correct them," Ms. Rice told German Chancellor Angela Merkel during a news conference marking the first stop on a four-nation European trip, during which the issue of U.S. transport of prisoners already has sparked tensions.

Ms. Merkel said she spoke with Ms. Rice about Khaled al-Masri, a Lebanon-born German national who says he was seized in Macedonia and taken to a U.S. prison in Afghanistan, tortured and interrogated over a period of five months, and then released. Ms. Merkel said "the government of the U.S. has, of course, accepted as a mistake" the Masri case.

But senior U.S. officials traveling with Ms. Rice said later that the U.S. had informed Germany about Mr. Masri's detention and release but didn't say that a mistake had been made. Mr. Masri is suing the Central Intelligence Agency for wrongful imprisonment.

Ms. Rice's trip to Germany, Romania, Ukraine and Belgium is meant to build on generally improved relations between Europe and the U.S. after strains over Iraq. The war remains widely unpopular in Europe, as does President Bush.

While in Germany, Ms. Rice defended the rendition program, which has faced bitter criticism in Europe, saying the U.S. has "saved American lives and we've saved European lives" with international intelligence efforts

Ms. Rice is encountering resistance. Dutch Foreign Minister Ben Bot dismissed her response to questions about the CIA's reported secret prisons as inadequate. "It doesn't give a satisfactory answer in regard to these detention centers," Mr. Bot said.

Ms. Merkel said her meeting with Ms. Rice - her highest-level meeting with a U.S. official since she became chancellor last month - signaled a "good start" for future German-U.S. relations.

She also welcomed Ms. Rice's pledge that U.S. officials in Iraq are providing all the assistance they can to help secure the release of a German aid worker kidnapped there on Nov. 26.

In Romania yesterday, Ms. Rice signed an agreement to open U.S. military bases there, one of them to be located at an airfield that advocacy group Human Rights Watch has identified as a site for a clandestine prison. Ms. Rice refused to address the claims, and Romania has denied the allegations.

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## Embassy Row

12/6/2005

Washington Times  
James Morrison

Balkans stability?

The Balkans might be one of the most politically unstable regions in the world, but one Greek diplomat provided a measure of reliability as he tried to negotiate peace throughout southeast Europe for more than 10 years.

Alexandros P. Mallias, Greece's new ambassador in Washington, thinks stability in the Balkans is in the national security interests of the United States, which intervened militarily during the Clinton administration to end civil wars in Bosnia and in Kosovo.

"We need a spirit of cooperation to prevail throughout the Balkans," he told Embassy Row recently. "The Balkans is an ideal zone for a U.S.-European Union strategic partnership."

Mr. Mallias began his official duties in the Balkans in 1993 when he joined the team from the Greek Foreign Ministry that tried to find an acceptable name for one of Greece's northern neighbors.

Whether that northern neighbor is known as Macedonia or the Former Yugoslav Republic of Macedonia might sound like a silly dispute to outsiders. But Greeks have an ancient claim to the name Macedonia and have been demanding that its neighbors find a new title for their country.

Mr. Mallias said Greek negotiators thought they had proposed a reasonable compromise when they suggested the use of the name in the Macedonian language, Republika Makedonia-Skopje. (Skopje is the capital.)

"To our surprise, our friends in Skopje rejected it," the ambassador said. "They felt self-confident after the American recognition."

In November 2004, the Bush administration decided to recognize the country as the Republic of Macedonia.

Mr. Mallias said that one of his tasks in Washington is to get the United States to support NATO membership for Albania, Bosnia and Herzegovina, Croatia, and Serbia and Montenegro.

"Greece's goal is to have all of the region as members in NATO and the European Union," he said.

Mr. Mallias also reiterated Greece's support for Turkey's membership in the European Union, adding that the Muslim nation must meet the same qualifications as other EU candidates.

"We want Turkey to change, not Europe," he said. "It may be the biggest challenge in Turkey's history."

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Mr. Mallias has served under 11 Greek governments and 13 foreign ministers. He was the Greek representative in Macedonia in 1995 and ambassador to Albania in 1999.  
Split from Serbia

The Greek ambassador might be hoping for stability in the Balkans, but the Bush administration is preparing for more disruption with its plans to appoint a former top diplomat to talks on the future of Serbia sponsored by the United Nations.

Frank Wisner, who served as ambassador to India and Egypt, is expected to be appointed to the talks that could decide whether the restive province of Kosovo gets independence. Serbia has offered a considerable amount of autonomy but rejects a division of the country.

Reuters news agency yesterday quoted diplomatic sources as saying that Mr. Wisner's appointment will be announced soon.

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### **Using trade agreements to help bind the Balkans**

12/6/2005

**Financial Times**

**Eric Jansson in Belgrade and Kerin Hope in Athens**

Recent moves have raised hopes that the Balkan region may one day join the European Union. Accession negotiations have been launched with Croatia, Serbia-Montenegro is in talks on a "stabilisation and association agreement" and Brussels decided this month to start talks with Bosnia.

But while praise flows thick and fast to presidents and prime ministers in Zagreb, Belgrade and Sarajevo for invigorating efforts to apprehend fugitives indicted for war crimes of the 1990s, efforts to build a regional market economy in the former Communist enclave have barely attracted notice.

The region's trade negotiators have undertaken a quiet but ambitious effort to bind the republics of the former Yugoslavia together with Romania, Bulgaria and Albania, thereby creating Europe's second-largest trading area, bridging the large territory between the Adriatic and Black seas.

Last month saw the establishment under EU tutelage of the South East Europe Energy Community, slashing regulations on cross-border electricity trading between Romania, Bulgaria, Croatia, Serbia-Montenegro, Bosnia, Macedonia, Albania and Kosovo. Officials from the Stability Pact, the international community's Brussels-based office for conflict-prevention in the Balkans, praised the electricity deal as a "highly ambitious" step. Although it will take time and at least \$15bn (€12.8bn, £8.7bn) of investment to create a genuine electricity market,

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officials compared it to the European Coal and Steel Community Treaty, which in 1951 planted the seeds for the EU.

Following the conclusion of more than two dozen bilateral trade agreements since 2002, western companies active in the region say the elimination of tariffs on most products has encouraged them to take more seriously small, poor Balkan markets such as Macedonia with only 2m people.

"The countries we have grouped together have a population of 55m, a sizeable market worth developing and investing in, provided we can treat the sub-region as one market," says Martina Kastler, chairman of Unilever South Central Europe, which co-ordinates the consumer goods manufacturer's business in seven Balkan countries from headquarters in Romania.

Since signing a raft of trade agreements, Bosnia has watched its exports grow 50 per cent annually, says Seadeta Cerić, the Sarajevo economist who signed the deals as Bosnia's chief trade negotiator.

With other cash-strapped Balkan countries benefiting from export growth, support is growing for a unified regional treaty to simplify trade. Imports have grown even faster thanks to remittances from southeast Europeans working in the EU, and an explosion in consumer lending by foreign-owned banks in the Balkans.

Such trading zeal counteracts the political fragmentation that became widely known as "Balkanisation" and followed the collapse of communism in 1989.

Further fragmentation is still possible, especially in Serbia, whose partner republic Montenegro and breakaway province Kosovo aim to declare independence next year. But EU officials argue that closer economic relations will create incentives to patch the region back together again politically.

However, some officials and traders still warn against exaggerating the progress on Balkan trade. A catalogue of non-tariff barriers governments have failed to eliminate include items as absurd as Serbia's practice of testing imported cosmetics for radiation levels.

Inadequate roads, rail networks and large numbers of bureaucratic border crossings, resulting from countries' small size, have also slowed the growth of trade within the region. For example, a Romanian truck driver hauling goods to Bosnia must obtain visas for both himself and his vehicle at Bosnia's consulate in a third country, Hungary.

New trade disputes also dog some Balkan capitals, with Ms Cerić accusing Bosnian political leaders of applying the new trade rules selectively. Officials in Sarajevo act "without any economic logic" in order to protect favoured domestic companies such as meat exporters, she says.

Mary O'Mahoney, trade expert at the Stability Pact, that helped negotiate the bilateral deals, says some of the "non-tariff barriers" will have to be left to an over-arching trade deal that is next on the region's menu.

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SK39

**Boudreau, Paul E**

**To:** Burger, David  
**Subject:** RE: Statements for background and guidance on detainee issues

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**From:** Orlansky, Michael D  
**Sent:** Wednesday, December 07, 2005 8:52 AM  
**To:** Milovanovic, Gillian A; Wohlers, Paul; Hubler, Stephen A; Clark, Jeanne L  
**Subject:** Statements for background and guidance on detainee issues

For information and convenience, attached are three statements to media and Qs and As from Secretary Rice's European tour, plus excerpts from yesterday's Daily Press Briefing at the State Dept having to do with allegations of renditions and detentions. EUR is encouraging posts to disseminate the Secretary's statements widely. Let me know if further information is needed.

Mike

1. **Press availability: Secretary of State Condoleezza Rice And German Chancellor Angela Merkel, Berlin, Germany, December 6, 2005**
2. **PRESS AVAILABILITY: Secretary of State Condoleezza Rice And Romanian President Traian Basescu, Bucharest, Romania, December 6, 2005**
3. **Secretary of State Condoleezza Rice Interview with Julie Etchingham of Sky News, December 6, 2005, Berlin, Germany**
4. **State Department Daily Press Briefing (excerpts) with J. Adam Ereli, December 5, 2005**

<< File: SecRiceBerlin120605Merkel.doc >> << File: SecRiceBucharest120605.doc >> << File: SecRiceSkyNewsIntrvwBerlin120605.doc >> << File: DPBexcrpts120505.doc >>

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Office of the Spokesman

For Immediate Release  
6, 2005  
2005/T20-2

December

PRESS AVAILABILITY

Secretary of State Condoleezza Rice  
And German Chancellor Angela Merkel

Berlin, Germany  
December 6, 2005

**CHANCELLOR MERKEL:** *(Via interpreter)* Ladies and gentlemen, it gives me great pleasure to be able to welcome here to the Federal Chancellor's Office the U.S. Secretary of State Condoleezza Rice. This is a continuation of the dialogue between both our countries that we started in Washington and that we've continued over the course of this year -- earlier this year -- during the visit of the American President to Mainz. It gives me great pleasure today, Secretary, to be able to welcome you in my new capacity as Federal Chancellor, because when we met during the visit of the President on earlier occasions, we meet with me still being the leader of the opposition.

In our meeting today we agreed on the close partnership and the cooperation between the United States of America and the Federal Republic of Germany as close partners and friends. And in a very comprehensive sense indeed we intend to cooperate and to continue our cooperation; that is to say, to cover all areas, the political issues, of the field of economical -- economic cooperation.

I also used the opportunity to explain that my government has a very clear objective -- is guided by clear principles in the field of foreign policy. The German foreign policy is a policy that serves the interests of the German people and, in so doing, it basically serves on two pillars, one of which is a European unity and the other is a close transatlantic partnership. Those are interdependent; those go together. Those are very important pillars for us. I tried to highlight that in the meeting today.

Our partnership is based on common values, on our belief in democracy and democratic principles and values, that is. Indeed we believe that to be a very high good, a good that has to be defended against all the threats that may come up. And we're also fully aware of the fact that these threats are changing and that in the 21st century, too, these threats come up against which we have to defend ourselves.

We have to fight the challenges of the 21st century. We have to face up to them and we have to face up to quite demanding challenges indeed in many areas and we have to do so convincingly. And we have been so doing always to try to strike a certain balance. While trying to defend ourselves against the threats that endanger our values and the

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freedom on which our societies are based, we at the same time have to see to it that we seek the right means, means proportionate that allow us to stay in line with the legal system and the laws in which we believe.

In this particular context we also touched upon an issue that is very much in the public eye these days, a subject of public debate, and that is the issue of the alleged CIA --- the issue of the CIA's overflights, which brings me to the following point. I've talked about the direction and the principles which guide our foreign policy. When we talk about this, we always have to bear in mind how we can then actually implement our foreign policy so as to achieve the desired results. We have to, on the one hand, adhere to the rules of democracy, the democratic principles and rules to which we've expressed our commitment; but at the same time, we have to see that our intelligence services can actually do the job that they've been created to do, which is to say we need intelligence services in order to be able to face up to the threats to our society in this century of ours.

It's very important that whilst we adhere to the rules and the international obligations, to laws that govern us and the international obligations to which we've committed ourselves, it can also mean that in specific cases, like in the case of this gentleman -- we've talked about Mr. Masri -- and I've made that very clear because I went public and said I think it's desirable for the Foreign Minister, Mr. Steinmeier, to go and to report to the parliament and to do so in a respected parliamentary body, which is the parliamentary control body. We believe that to be -- I believe that to be the right place for such a discussion. We want to make it clear, on the one hand, that we can't go public about all the details, but at the same time we need to introduce a certain degree of transparency. If such a case like the case of Mr. Masri were to be repeated, then again we would take the matter to this particular body in the parliament, the parliamentary control body. I think that is the responsible body in Germany for such a debate.

We had an opportunity to talk about a number of other issues, too. We touched upon the situation and the role that NATO has to play. We talked about relations with Russia. We talked about the conflict in Iran and the state of discussions there. We talked about the situation in Iraq. And we also talked about our common commitment in Afghanistan. In a nutshell, we covered the complete spectrum of foreign policy. We did a complete *tour d' horizon*. And it will indeed give a great pleasure and I'm looking forward to the upcoming visit that I will take to the United States of America and the opportunity I will then have to speak to the American President. Indeed our meeting today, Secretary of State, I believe was a very good start for an intensified relationship between both our countries.

**SECRETARY RICE:** Thank you, Chancellor Merkel. First of all, it's a delight to be back in Berlin. This great city that is in and of itself something of a miracle given that just a couple of decades ago, or not even that long ago, this city was divided and was a symbol of East-West conflict. It's great to be here to see its beauty and to enjoy the holiday preparations that are being made here in Berlin.

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It is a pleasure to meet with Chancellor Merkel and I congratulate you on your election victory.

We had a very extensive discussion -- following our discussions that I've had with Foreign Minister Steinmeier and I also look forward, as I know the President does, to your visit to Washington in January to continue to strengthen the foundations of the U.S.-German relationship, of the relationship that -- a transatlantic relationship which has much work to do in the efforts to support and bring democracy to areas that have not yet experienced the blessings of liberty.

As the Chancellor's mentioned we did talk about a wide range of issues: Afghanistan, Iraq, the potential for progress in the Middle East between Israel and the Palestinians. We talked about the challenges in the European neighborhood, continuing the progress of democracy in Russia and hoping for progress in places like Belarus where Europe's last dictator still resides.

I mentioned also to the Chancellor that I will soon go to Ukraine and of course this is a country that is also making a very important transition and we look forward to intensifying our cooperation there. The European Union has been very involved in the development of a plan for action with Ukraine as has the United States and this is an area that really does bear our attention. The people who launched the Orange Revolution now need to deliver on that revolution and we look forward to cooperation with Germany on this very important task.

Let me say also that I could not agree more with the Chancellor that the challenges that we face in the new war, the war on terrorism, are indeed challenges that challenge us to make certain that we are doing all that we can to protect our populations from the threats of those who would wantonly kill innocents. But we must do this within the context of laws and our international obligation.

As such, we had a discussion of the issues that have been in the press concerning detainees. I reiterated for the Chancellor what I said yesterday is that first of all, the United States does not condone torture. It is against U.S. law to be involved in torture or conspiracy to commit torture. And it is also against U.S. international obligations and the President has made it very clear that U.S. personnel will operate within U.S. law and within our international obligations.

I also reiterated that our cooperation with our partners around the world, our intelligence cooperation, is extremely important to protecting the citizens of the United States but also the citizens of our partners. And we do have to have intelligence organizations that can cooperate, that can be effective, that can bring to bear intelligence on the terrorism problem because without good intelligence, you can simply not protect innocent civilians from the kinds of attacks that we have experienced across the globe.

I reiterated, finally, that we respect the sovereignty of our partners. We are going to be best at fighting the war on terrorism and protecting our citizens if we cooperate. And we have been cooperating. I just want to note that it is completely -- completely important

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and indeed proper in democracies that when issues come up that they are debated. It is also proper that friends be able to talk about issues of concern. It is also important, though, that any debate have a healthy respect for the challenge that we face when we face an enemy that operates from within our societies and that is intent -- intent, not by collateral damage, but intent on killing innocent civilians as they have done in New York and in Washington and in London and in Madrid and in Casablanca and in Amman and all over the world. We have an obligation to defend our people and we will use every lawful means to do so.

Thank you, Chancellor, for your warm reception.

**QUESTION:** Madame Chancellor. (Inaudible). Have you been satisfied with the information and the explanations given to you by the American Secretary of State on the CIA flights and the kidnapping of a German national?

**CHANCELLOR MERKEL:** (*Via Interpreter*) First, I was very grateful and I am very grateful for the American Secretary of State, that she has reiterated that America stands by its international commitments, that it stands by its rejection of torture and that it adheres to the laws of the United States of America.

In the meeting we had, I myself made it quite clear that I, as the Chancellor of the Federal Republic of Germany, work under and adhere to German laws and to the international commitments my country has entered into. And I believe that that is a good basis on which we build. I can build it on which we can attend to those commitments that we have made as members of the same alliance. And if doubts, if questions come up, we know full well that our partners, too, work on the basis of the laws applying in their countries and in line with their international commitments.

Now as far as to the German hostage, that is an issue we, too, talked about. And I asked the Secretary of State for the help of the American services to the extent that that help can be provided and ultimately made it clear that we will be very grateful, indeed, if any kind of assistance could be made available here.

**SECRETARY RICE:** Thank you. And on the hostage, I said to Chancellor Merkel that we will do everything that we can through our people in Iraq and through our intelligence services to try and help resolve that issue, hopefully, in a favorable way.

As to the case of Mr. Al-Masri, I am not going to comment on any specific case. There are reports to -- newspaper reports and, of course, I believe this is going to be a matter for litigation, so it's properly handled in that channel. I did say to the Chancellor that when and if mistakes are made, we work very hard and as quickly as possible to rectify them. Any policy will sometimes have mistakes and it is our promise to our partners that should that be the case, that we will do everything that we can to rectify those mistakes. I believe that this will be handled in the proper courts here in Germany and if necessary in American courts as well.

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**QUESTION:** Yes, Madame Secretary, I know you just said you don't want to comment on any specific case, but in the Al-Masri matter, is it ever appropriate for the U.S. to ask another sovereign government not to release information regarding one of its own citizens? And of course, he ended up going public himself, but like sort of an explanation of how that decision was made? And to Chancellor Merkel, do you think that the German people will be satisfied with Secretary Rice's explanation yesterday of U.S. policies and how do you think that maybe a year from now the German people will view this whole matter?

**SECRETARY RICE:** Concerning your first question, the Chancellor has said how she intends to deal with this matter here in Germany in a proper committee of the Bundestag and we respect that decision. We very often, when intelligence matters are involved, we, of course, respect the fact that intelligence matters need to be -- that intelligence needs to be treated sensitively, because in order for intelligence agencies to operate we cannot publicize everything that they do. It should be no surprise to anyone that intelligence agencies gather intelligence and that that is a process and an activity that is largely out of public view. But we're completely supportive of how the Chancellor intends to handle this case.

**CHANCELLOR MERKEL:** I think that the statement, the information that the American Secretary of State provided yesterday, the statement that she made to the press before she left for Germany yesterday and the information she provided me with here today, is good information, valuable information for the German people. Now, you can imagine it's a teeny bit difficult for me at this point in time to gage what the position would be like in a year from now, what point of view the German public will then take.

On the one hand, we are under certain obligations as members of the same alliance. We have obligations and commitments that we have to fulfill. And on the other hand, we are obliged and have certain obligations to our own laws and international commitments. I do believe that we can do both; we can attend to the one and the other at the same time. And if questions or if problems occur, then of course we have to talk about them, but I intend to do so in an open and a friendly and in a way that is based on partnership.

**QUESTION:** Thank you. Nicholas Kralev of *The Washington Times*. Madame Chancellor, you now have heard what the Secretary had to say about the issue today. I assume you read her statement yesterday. Do you -- first of all, do you agree with the American definition of torture? Second, do you think that the renditions are an effective tool in the war on terrorism, as the Secretary said yesterday? And under your government, are these German intelligence services going to cooperate fully with the United States in the next two or four years of your -- four years of your administration? Sorry to make both -- (laughter). Please erase from the record. (Laughter.)

And Madame Secretary, you talked yesterday about the responsibility of every government to protect its citizens and you implied that perhaps other countries and other governments know enough about what you are doing in those countries and on their territories. Do you think that there has been a lot of pointing to Washington in Europe or

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do you think that the governments here should actually offer some of the answers to those questions that have arisen in the past few weeks?

**CHANCELLOR MERKEL:** Yes, indeed, I believe it's not only a question of the American laws, it's also a question of -- we're talking about a country that has signed the International Convention Against Torture. So that is indeed a very important point and therefore the statement by the American Secretary of State has been a very important one.

As far as that goes, I think this is a basis (inaudible) based on the legal system in the respective country, the laws and the international commitment of the respective country. I do believe that there is room and it is good to have full cooperation of the intelligence services and that they should indeed cooperate.

We are talking about two countries that are committed to the same values, that share the same international commitment. And I think these countries should make use of the scarce resources available, the best use possible, in the difficult fight that they (inaudible) against a common threat (inaudible) of the 21st century. And therefore, I think cooperation of the intelligence services is indeed feasible. It's something that ought to be done, all based though on the basis of the respective countries -- the countries involved adhering to the laws and the commitments it has entered into.

**SECRETARY RICE:** And I would simply underscore that we are countries of laws. That's why we -- one of the reasons that our alliance has worked so well is that we do share values and we do share a belief in the rule of law. We will live up, in the United States, to our commitments under our laws and to our international obligations. We will, in that framework, do everything that we can do lawfully to protect our people. We will do everything that we can to cooperate with likeminded intelligence services because we need to remember that this is essentially a war in which intelligence is absolutely key to success. If you are going to uncover plots, if you are going to get to people before they commit their crimes, that is largely an intelligence function.

And if you don't get to them before they commit their crimes, unlike in the traditional law enforcement area, they will have committed mass murder against innocent people whom, by the way, they target. They target innocent people. That was a wedding party in Amman. Those were schoolchildren in Beslan. This was a subway in Madrid and a subway in -- a transportation system with people going to work in London. They weren't targeting "enemy soldiers." They were targeting innocent civilians.

When you face that kind of threat, you have an obligation to do everything that you can to protect people, and that means getting to the perpetrators of such crimes before they can commit them. That's why I am so grateful to our partners for that all that we have done. I think we have saved American lives and we have saved European lives and we have saved lives in other parts of the world, too.

And I look forward to our continued cooperation with German intelligence and German law enforcement, and of course at the political level. Because ultimately, as the

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Chancellor and I discussed today, while we want to stop every terrorist attack that we can, we also have to deal with the fundamental circumstances that are producing terrorism. And that's why the work that is being done in the Broader Middle East Initiative or in the Barcelona process, why the work that we are doing to find a just and peaceful solution to the Palestinian-Israeli conflict and why the work that we are doing together to strengthen the new democracies in places like Afghanistan and Iraq is so central to the war on terrorism.

**CHANCELLOR MERKEL:** One last question, possibly -- if possible, please don't make it three questions to each and every one of us. (Laughter.)

**QUESTION:** Madame Chancellor -- what -- sorry, I apologize State Department Secretary to understand.

What does the federal government -- I'm not referring to any particular case now, any case in discussion these days. But what in general is the position or the views of federal government on the practice of rendition, the transfer -- rather, the capture of German nationals then to be transferred to a third country for interrogation? And is that something that you talked about with the Secretary of State today?

And a question to the Secretary of State. Are you in a position to say that that practice has never been used against a German national and will never be used against a German national?

**CHANCELLOR MERKEL:** Actually, the two parts of your question seem to be mutually exclusive and I've very relieved and pleased that I'm able to say that we actually talked about that one particular case and that the American Government, the American Administration, has admitted that this man had been erroneously taken and that as such the American Administration is not denying that it has taken place.

I am also very pleased to note that the American Secretary of State has said that such a mistake, if it occurred, has to be rectified. And as for the rest of its activities, the American Government has made it very clear that they act on the basis of American laws and American international commitments.

As for the rest, we have not talked about any other cases.

**SECRETARY RICE:** And we act within our obligations internationally, within our own U.S. laws, and that is what I have reiterated to the Chancellor. Obviously, I'm not going to get into specifics of what we have or have not done in particular intelligence operations because intelligence operations can be easily compromised. What I did say is that while I could not talk about the specifics of the Al-Masri case, that we recognize that the Chancellor will be reviewing this in a committee of the Bundestag. We also recognize that any policy will sometimes result in errors, and when it happens we will do everything we can to rectify it.

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U.S. DEPARTMENT OF STATE  
Office of the Spokesman

For Immediate Release  
6, 2005  
2005/T20-5

December

PRESS AVAILABILITY

Secretary of State Condoleezza Rice  
And Romanian President Traian Basescu

December 6, 2005  
Bucharest, Romania

**PRESIDENT BASESCU:** (In Romanian.)

**SECRETARY RICE:** Thank you very much, Mr. President. We had a very constructive discussion on a wide range of issues. I first want to say that I'm delighted to be here to sign this historic military access agreement. It is a remarkable thing to think that some 16 years after the collapse of communism here in Romania, an eventful period in which Romania has become a strong ally within NATO, that we would be signing an agreement that will allow America to have forces here on Romanian soil for training and for the use of those -- that access. And I just want to thank you very much for the hard work and the hard work that your team has put in to make this agreement a reality. And so I look forward to signing the agreement.

The last time that I was in Bucharest, I was here with President Bush when he gave the speech in the square and we all remember that what was a cold and gray and rainy day suddenly became a day with a rainbow and we have all since that day expect the belief that this was a symbol of a burgeoning and brightening relationship between Romania and the United States. And everything since that day has demonstrated indeed that Romania is one of our strongest friends, a friend with whom we share common values, a friend with whom we share a belief that those who are fortunate enough now to be on the right side of history's divide in terms of liberty and freedom have an obligation to those who are on the other side of the divide and have not yet had the blessings of liberty and freedom, that we have an obligation to them to extend those blessings.

And it is therefore fitting that the United States and Romania are not just friends, that indeed that our forces are brothers and sisters in arms in Iraq, in Afghanistan, in the Balkans. I especially would like to take a moment to thank the Romanian people for their sacrifice and to the families of Romanian soldiers who are serving with us in difficult and dangerous places, to thank them for the sacrifice and for the commitment because there is no stronger commitment that one can make to the future of new democracies like Iraq and Afghanistan than to be willing to put one's people in harm's way so that the blessings of liberty can be secured.

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Mr. President, we have had an opportunity to talk about a wide range of issues. We share an interest in the development of this region, the development of the Black Sea region and in good relations among all neighbors. Tomorrow I will be with the Romanian Foreign Minister at NATO and I'm sure that we will have further discussions of the many challenges that we face. But whatever challenges come in this historic period, whatever challenges come in this time of testing for nations of the free world, we know that we have a great and committed partner in Romania which is willing to make the sacrifices and to make the commitments that are necessary to spread liberty and freedom and to make it a more peaceful and stable world.

Thank you very much.

**QUESTION:** (Inaudible) from now on because of this American military presence?

**PRESIDENT BASESCU:** (In Romanian.)

**QUESTION:** Mr. President, is Romania reevaluating its troop presence in Iraq or are you committed to staying there for the duration?

And Madame Secretary, have you given any examples to European leaders today of where renditions have actually saved lives, as you've told us? And if you haven't, are you concerned about whether they will accept your argument regarding this matter?

**PRESIDENT BASESCU:** (In Romanian.)

**SECRETARY RICE:** First of all, I've had discussions with our allies about the importance of our intelligence activities in taking terrorists off the streets. Let's remember that you can't prevent an attack if you don't know about it, and so in intelligence is the only way that you know about an attack before one is actually to take place.

I have said before I have faced an inquiry about whether or not all was done that could have been done, and what we know from that inquiry is that we were not able to mobilize the intelligence that we needed inside and outside of the country to prevent the attacks of September 11th. Perhaps it wasn't possible to prevent them, but we know that we put a great deal of emphasis on the importance of intelligence in doing precisely that.

Now, as to renditions, I think it's probably a good argument that having Ramzi Yousef off the streets saved lives, given his history and given what he has plotted and planned. And so I feel quite confident in the argument that I have made to our -- my colleagues publicly through the statement that I made yesterday that we -- that taking terrorists off the streets, not simply releasing them back into the general population, making certain that you use every lawful means to capture them and to interrogate them and to make certain that you're getting the information that you need, that that is a practice that saves

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lives. I know this business well enough to know that without doing those things and without gathering intelligence, you're not going to save lives.

**QUESTION:** (Inaudible) for Madame Rice. What was the strongest argument that convinced the United States to sign this treaty? Was it a political one or a geostrategical one? And why did you sign this treaty with Romania and not with Bulgaria, for instance?

**SECRETARY RICE:** Well, with Romania we have a particularly close relationship, a military relationship that is playing out in Afghanistan and in Iraq. We have very good relations also with Bulgaria, a NATO ally. But the President and President Bush talked about the possibility of doing this. Both geographically it makes sense for the United States and in terms of what we have been doing with Romania in terms of military training. I know that Romania takes particularly good advantage of our International Military Training Program and sends a lot of officers to the United States.

But I said to the President that I thought that Romania has made a commitment to the transformation of its military, to the strengthening of its military, to technological capabilities to getting real capacity in the Romanian military to be able to do the kinds of military activities that Romania is engaged in in Afghanistan and in Iraq and in the Balkans. And that is perhaps a recognition as well that this is a very close relationship where our military capabilities can help around the world, not just in the region but around the world, because of the commitment that Romania has made.

We will be at NATO tomorrow and in the future, actually on Thursday and in the future, talking about the need of NATO to transform its forces, to make the commitment of resources that is needed to put real military capability in the hands of the alliance to be able to meet the challenges that we face. And I think increasingly Romania is demonstrating that it is one of the most active countries in doing precisely that.

**MODERATOR:** The final question to Glenn Kessler of *The Washington Post*.

**QUESTION:** Madame Secretary, I know you never talk about intelligence matters --

**SECRETARY RICE:** Right. Good lead-in, Glenn. (Laughter.)

**QUESTION:** I'm anticipating the answer. (Laughter.) But the base in this agreement has been cited as a potential detention center by Human Rights Watch in a letter to the Council of Europe and ABC News last night reported that detainees were moved before your arrival here in Europe. Can you reassure the American public that this base has never been used for any sort of detentions?

And for the President, as an incoming or a hopeful member of the EU, are you concerned about the reports of secret CIA prisons wherever they may be?

**SECRETARY RICE:** Glenn, first of all, this defense agreement is transparent. It will be debated, I am certain, in the parliament. It will be clear for everyone to see that this is

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a base where we intend to keep access for training and to enhance our capabilities and Romania's capabilities to be able to do the sorts of activities that we're doing together in Iraq and in Afghanistan.

I've spoken earlier to the reports about activities, but I've said and I will say again that I am not going to talk about whether such activities take place because to do so would clearly be to get into a realm of discussion about supposed or purported intelligence activities, and I just simply won't do that.

**PRESIDENT BASESCU:** (In Romanian.)

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December

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INTERVIEW

Secretary of State Condoleezza Rice  
With Julie Etchingham of Sky News

December 6, 2005  
Berlin, Germany

**QUESTION:** Secretary of State, thank you very much indeed for joining us on the Sky Report. I'll go straight into the main topic. I know that it's been a subject of discussion here. Are there CIA secret prisons operating in Europe or elsewhere in the world?

**SECRETARY RICE:** Yesterday, before I left Washington, I made several assurances for my European colleagues: first of all, that the United States does not condone torture, the President does not and will not; and secondly, that we are living up to U.S. law and to our international obligations; that we are respecting the sovereignty of our partners and that there are intelligence activities that obviously we will not talk about. And as I said, I can't talk about whether there are or are not certain kinds of activities going on.

**QUESTION:** Would they contravene international law if they were --

**SECRETARY RICE:** Well, I'm not going to speculate on activities that I can't confirm or deny. We have to remember that intelligence is key to this war on terrorism. If you cannot have good intelligence, you can't prevent an attack. And we have to remember that these are people who are living among us, who are wantonly killing innocent civilians. And I mean going after civilians. Not collateral damage of civilians but a wedding party in Amman or a subway stop in Madrid. So this is a different kind of war and we're fighting it with all of the lawful means at our disposal.

**QUESTION:** You spoke about renditions in your speech when you left Washington. Are they going through UK airspace, using UK airports? And if so, is the UK Government fully aware of that?

**SECRETARY RICE:** Well, we are not using the airspace or the airports of any of our partners for activities that would lead renditions to torture. We don't send people to be tortured.

**QUESTION:** But they are happening otherwise --

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**SECRETARY RICE:** Again, I'm not going to comment on specific intelligence activities. But we have obligations under U.S. law. We have obligations under our international conventions and we are respecting the sovereignty of our allies.

**QUESTION:** People have reported extensively that you use countries like Egypt and Jordan, that you've received assurances, that you don't deliver people into the hands of torture; and yet, advice that's been given to the State Department in recent history has shown that those countries have a history of torturing people.

**SECRETARY RICE:** Well, let's remember that rendition is a practice that has been in place before September 11th and after September 11th. It is a practice that we believe is consistent with the law and it is a practice that takes terrorists off the streets. Now, you face a difficult decision as a democratic state: If you cannot prosecute someone that is either a known terrorist or a suspected terrorist, do you simply release them into the general population so that they can kill innocents? Of course not. Sometimes it is important to get them back to their home country, where they may face charges. But we do seek assurances that people will not be tortured. We are a country of laws and we do not believe in torture as appropriate in the international system.

**QUESTION:** But are those assurances documented? Is that something that is transparent and viewable for people to know? If they are being handed to a third country that there are categorical, written assurances that torture is not being practiced?

**SECRETARY RICE:** Well, there are assurances and they go through channels and they are assurances that the United States Government relies on.

**QUESTION:** But they're transparent?

**SECRETARY RICE:** Well, any intelligence activity is, of course -- has some degree of transparency because we have intelligence agencies that -- intelligence oversight of our agencies. But our practices are consistent with our laws, consistent with our obligations and consistent with our insistence that people are not going to be transferred in order to be tortured.

**QUESTION:** Why not provide a full list of the detainees? We know that this is an extraordinary operation that the U.S. and its allies is conducting. Why not provide a list of detainees and the locations in which they are held? It would provide people with a picture and presumably would make your life easier on a trip around Europe when so many questions like this are being raised.

**SECRETARY RICE:** Well, CIA Director Goss has made clear that we do indeed engage in getting intelligence from a small number of extremely dangerous, extremely high-ranking al-Qaida detainees. These are people who plotted September 11th, who we know to be making other plots against civilians. And so that much we have said.

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But intelligence activities are, by their very nature, have to -- where you have to maintain some secrecy about them or they will not be effective. And I would ask people to stop and think about the importance of the effectiveness of intelligence operations. You cannot prevent attack unless you have intelligence and our first priority has to be -- within the law our first priority has to be to protect innocent people from terrorist attack.

**QUESTION:** But what about due process and due process being seen to be done? If you're going to bring people to account and show your own people that you are operating effectively, that has to be done presumably and people need to know who has been lifted and on what charges.

**SECRETARY RICE:** Well, we do hold and have made clear that we hold some al-Qaida detainees as unlawful combatants under the law of war. We do so because they have to be taken off the battlefield. We do so because they are valuable for the gathering of intelligence. But we also do so within U.S. law and within our international obligations.

What we can reveal, we do. But we are very careful not to compromise intelligence operations because the goal here is to make certain that another attack does not take place.

**QUESTION:** Do you agree with Vice President Cheney that the CIA should be exempt from Senator McCain's proposals, the tough legislation underlining the outlawing of torture, that it should be applied to the CIA? Should there be a reassessment of what defines torture?

**SECRETARY RICE:** Well, I think it is absolutely healthy that in a democratic society we are debating this issue. It's been four years --

**QUESTION:** That's a yes, so it should be readjusted --

**SECRETARY RICE:** Well, no, it's been four years since September 11th and so it's not surprising that, as a democracy, we are looking at these issues. And the President has made very clear that he wants to work with the Congress to come to a solution, a good solution that would allow us all to have confidence about what we are doing, but also to preserve our ability to get very important intelligence so that we can save lives.

**QUESTION:** I'd just ask you one final question on that, a point. Not separate to this entirely, but that's about your own future. You're the only person in this Administration whose poll ratings have held up. If you are pressed by your party to run, would you, for the next candidate as President?

**SECRETARY RICE:** Oh, I just don't have a calling to do so. I love what I'm doing as Secretary of State. I think this is an extraordinary time. It's a time when the challenges are great because we do face a war on terrorism, we face challenges in trying to help extend the blessings of liberty in places like Iraq and Afghanistan, in Lebanon, in the

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Palestinian territories. But it's also a time when a diplomat like me has a chance to try and make a difference. And so I'm absolutely focused on that. I don't --

**QUESTION:** But if you're pressed, would you consider it, presumably --

**SECRETARY RICE:** It's not -- it's not what I want to do. I want to complete this job and then I think I'll go off to Stanford and probably reflect on this extraordinary time.

**QUESTION:** And that you would acknowledge that it's been a hard time for this Administration, particularly since the reelection of this President?

**SECRETARY RICE:** Well, there is nothing easy about big historical changes. Nothing easy about times of consequence. You don't get times of consequence in which it's easy. If you look back to the challenges after World War II of reconstructing Europe, of facing down the Soviet threat, of dealing with the fact that the Chinese Communists won their war, their civil war, in 1949, you would never have imagined that I would sit in a unified Berlin in 2005, a Berlin that was divided by those very events of the late 1940s, and in a Berlin now that is at the center of a democratic, unified Germany in a Europe that is almost completely free. You would never have guessed that 1947 and 1948 were going to produce the outcome that makes Berlin what it is in 2005.

That's the nature of consequential times and that's why we are very fortunate, though the times can sometimes be hard, to watch what is going on in places like Iraq and Afghanistan as they are coming to freedom for the first time in their histories, to watch as Lebanon has expelled finally Syrian forces of occupation, and to watch as the Palestinians and the Israelis both have leaders who want to find a path to peace. That's why it's worth whatever difficulty we might be experiencing, whatever disruption we might be experiencing. This is a consequential time and if we do our work well, then some future generation will say that we laid the foundation for a more peaceful and democratic world.

**QUESTION:** Secretary of State, thank you very much indeed for joining us.

**SECRETARY RICE:** Thank you.

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U.S. DEPARTMENT OF STATE  
DAILY PRESS BRIEFING

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DPB # 207

TUESDAY, DECEMBER 6, 2005  
(ON THE RECORD UNLESS OTHERWISE NOTED)

12:56 p.m. EST

**MR. ERELI:** Hello, everybody. We can go straight to your questions today. I don't have any statements.

...

**QUESTION:** Do you have any information on Masri? There seems to be a bit of a discrepancy between whether the Secretary acknowledged making a mistake over his detention and --

**MR. ERELI:** Who? Who?

**QUESTION:** Masri. Al-Masri. And also -- because Merkel said in her news conference -- Chancellor Merkel said that the U.S. had acknowledged making a mistake over this particular case. But I understand that on the flight to Bucharest, U.S. officials have said that, indeed, that was not the case and that the U.S. did not acknowledge it. So there seems to be a bit of a discrepancy between the two versions.

**MR. ERELI:** Well, you have sort of -- and it's difficult because you're asking me to give real-time commentary on events that I'm not in.

**QUESTION:** Then, I'll be straightforward. Did the U.S. make a mistake?

**MR. ERELI:** I think the Secretary was very clear in her public remarks and I will echo those remarks. Number one, we're not going to comment publicly about specific cases. And number two, if and when mistakes are made in the lawful practice of renditions, we will take every effort and every step possible to rectify them and ensure that they don't happen again.

**QUESTION:** Also, Mr. Al-Masri was denied entry to the United States on Saturday. Do you have any details as to why? Was he on the no-fly note? This is probably a Homeland Security issue but do you have any details on that? Have you provided any more information to that?

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**MR. ERELI:** I don't have any information about that.

**QUESTION:** If I could just follow up. Why do you not comment on a case if it is indeed a mistake and this man is innocent and something has happened to him that's been untoward? Why do you not acknowledge that?

**MR. ERELI:** This gets to the whole -- and this is part and parcel of the whole issue about what we do and how we do it. And that is not something we're going to comment public about, beyond -- it's talking about individual cases and specific actions, beyond saying that what -- when we act, we do so lawfully, in accordance with our laws and international laws. And as again, the Secretary said, no system is perfect, no legal -- no system's perfect. And if and when mistakes are made, we will take actions to rectify them. But again, it's a principle and I think a reasonable one not to talk publicly about specific cases.

**QUESTION:** Do you plan on issuing an apology to --

**MR. ERELI:** You know, this is not a case that I have the details on and that I'm in a position to provide you information about.

**QUESTION:** Well, without getting into details about the specific case, can you say whether the Secretary did discuss a case with the German Chancellor and what she is disappointed that the Chancellor raised it? I mean, did she make comments to the Chancellor that that the Chancellor like really shouldn't have made public?

**MR. ERELI:** Well, I was not in the meeting so I'm not able to speak to the specifics about what was said or not said in the meeting. It is my understanding that the Secretary made privately the same points that she made publicly, which is that we work in partnership with our friends, including Germany, to confront a common threat. And we do so mindful and respectful of our international -- of international law, of U.S. laws, of the sovereignty of our partners and that was the message.

**QUESTION:** Well, it must -- I mean, that's a far cry from the United States admitted that they made a mistake in this particular case. So I mean, without telling us-- I understand that you don't want to talk with us about specifics of the case, but can you say whether she spoke to the German Chancellor about the case and the Chancellor, you know, kind of made her private --

**MR. ERELI:** Well, again I would --

**QUESTION:** -- to make her private comments public.

**MR. ERELI:** I'd refer you to the public remarks of the Secretary where she said that she did say to the Chancellor that when and if mistakes are made they'll be rectified.

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**QUESTION:** Why didn't Secretary Rice correct the Chancellor in the press conference if Merkel misspoke? Why did they wait until afterwards to do that?

**MR. ERELI:** I don't know if I'd agree with that assessment about the remarks that were made. I mean --

**QUESTION:** The Chancellor did not misspeak?

**MR. ERELI:** I can't -- look, I'm not going to interpret for you the Chancellor's remark. I will speak for you about what U.S. policy is, what the message of the Secretary of State is and that, frankly, the meeting was cordial and I think agreement and understanding on the points that both were making.

**QUESTION:** Well, Adam, is it correct to say then, as Chancellor Merkel did, that the United States accepts that the Al-Masri case was a mistake.

**MR. ERELI:** I didn't see that she said that.

**QUESTION:** "I'm pleased to say we spoke about the individual case which was accepted by the United States as a mistake."

**MR. ERELI:** I think I've characterized for you what the view of the United States is and what the Secretary said.

**QUESTION:** No, you haven't.

**QUESTION:** Can I just follow up here? Adam, I'm sorry. What we're looking for is to connect the dot here is are you denying what the Chancellor said, which is that she said Secretary Rice spoke to her, acknowledged that it was mistake. Are you denying that that happened?

**MR. ERELI:** What I'm saying is not being in the conversation, I can't speak to what this Chancellor said. What I can tell you is the American position is that without speaking to the specifics of any particular case, any individual case, we do make the point and we did make the point that if and when mistakes are made, they will be rectified.

**QUESTION:** Can I ask you about something else or --

**QUESTION:** No --

**QUESTION:** This is productive.

**QUESTION:** Everybody knows this was a mistake and yet you are not prepared to accept that it was a mistake or to apologize for it. I mean, does this get to the heart of the way you conduct foreign policy, that if you can't -- if you do make a mistake, why couldn't you just simply accept it?

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**MR. ERELI:** I don't think there's any -- I think the United States has made a couple points which are important and which underscore, number one, our respect for our partners and respect for their sovereignty; number two, our respect for our own legal obligations and international law; and number three, our recognition that this is the war on terror and the actions that we and our partners in the war on terror take to prevent our enemies from killing our citizens, that those actions are -- taking action on those issues presents very difficult challenges in a new -- in the new environment in which we face; and that we are working diligently to take action that protects our citizens, that is consistent with our law, that is responsive and is effective and is legal and is done in partnership with others. We have been very clear that meeting all those standards is a challenge and does require us to adapt, and I think that by and large there's a recognition and -- a recognition and an understanding of that.

So I guess I'd answer your question that way.

...

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SK40

**Boudreau, Paul E****To:** Burger, David**Subject:** RE: Reports, PA Actions on Detainee Issues

RELEASED IN FULL

**From:** Orlansky, Michael D**Sent:** Tuesday, December 06, 2005 7:12 PM**To:** Fitzgerald, Christopher(Main State); Fleming, Mark L(Main State); Graffy, Colleen P(Main State); Lockard, Joann M**Cc:** Milovanovic, Gillian A; Wohlers, Paul; Hubler, Stephen A; Pfeuffer, Paul(Main State)**Subject:** Reports, PA Actions on Detainee Issues

In response to this tasking, PA Skopje reports:

1. Summary of significant Macedonian media coverage today and yesterday of alleged secret flights and detentions:

**(Dec. 6) – Macedonian Information Agency** story cites an ABC report saying that until November, suspected Al-Qaeda terrorists were kept in secret CIA prisons in Europe. Eleven prisoners have been or will be transferred to CIA facility somewhere in Northern Africa, the story cited CIA agents as saying. It was said that the CIA declined comment on the allegation. Tabloid **Vreme** (page 5), often hostile to U.S., cites a **Washington Post** Dec. 4 ry saying that besides the U.S. and Macedonia, Germany was also involved in the kidnapping of its citizen Khaled el-Masri, in Macedonia. As German media report, **Vreme** says in a separate box, Secretary of State Condoleezza Rice will meet with the German Chancellor today and discuss, among other topics, allegations of secret CIA prisons in Europe and the el-Masri case. **Vreme** adds that the meeting coincides with the first court hearing on the el-Masri case to be conducted in the U.S. today.

**(Dec. 5) – Media** continue to carry follow up stories. Influential, left-leaning **Utrinski Vesnik** (page 12) carries a **BBC** report saying that the German Government has a list of at least 437 airplanes for which there are indications that they were used for CIA operations in German airspace. **Utrinski Vesnik** and national news agency **MIA** also carry a **Mail on Sunday** report alleging that CIA planes flew over Great Britain without the knowledge of British authorities. Citing the London **Sunday Telegraph**, **MIA** reports that during her forthcoming European tour, Secretary of State Condoleezza Rice will ask European allies not to insist on investigating allegations of CIA secret prisons in Eastern Europe, as well as CIA secret flights for transferring prisoners in third countries where prison torture is allowed or tolerated. Popular independent tabloid **Vest** quotes foreign media reports saying that a luxurious Boeing 737-700 is the "flying CIA prison" which transported terrorism suspects and landed in Skopje last year. Under the headline "CIA Prison Landed In Skopje, Too" the paper reports that the plane picked up Lebanese-German Khalid el-Masri in Skopje in January 2004 and took him to Afghanistan. The date when Masri was picked up at Skopje airport coincides with an article published in **Vest** on January 27, 2004, under the headline: "What Was Luxurious U.S. Plane Doing At Skopje Airport the Evening Between Friday and Saturday: Mysterious Passenger At Skopje Airport (page 5)."

2. On December 6, post distributed Secretary Rice's statement at Andrews AFB prior to her departure for Europe widely to all media and selected other contacts. Placements and commentaries will be reported tomorrow.

3. Also on Dec. 6, Political-Economic Section Chief met with Aleksandar Matovski, the National Security Advisor to Macedonian Prime Minister Vlado Buckovski. Matovski is a close contact of post and was a participant in a U.S. Studies Institute on American foreign policy and national security issues at the University of Delaware, Jan.-Feb. 2005. Following that meeting, Public Affairs, through POL-ECON, provided Mr. Matovski with three texts: Secretary Rice's Andrews AFB statement; her press availability en route to Berlin; and the White House Spokesman's Dec. 5 press gaggle aboard Air Force One.

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UNITED STATES DEPARTMENT OF STATE  
 REVIEW AUTHORITY: ARCHIE M BOLSTER  
 DATE/CASE ID: 28 JAN 2009 200706444

10/29/2008

FP 0192

Post appreciates EUR support and will continue to report on how these issues and statements by USG officials are reported in the media.

Regards,  
Mike

Michael D. Orlansky  
Public Affairs Officer  
U.S. Embassy  
Skopje, Macedonia

phone 389-2-311-6180 ext 2119  
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OrlanskyMD2@state.gov

This message and attachments, if any, are **Unclassified** according to E.O. 12958

-----Original Message-----

**From:** Fitzgerald, Christopher  
**Sent:** Tuesday, December 06, 2005 1:11 AM  
**To:** EUR-PPD-PAO-DL  
**Cc:** EUR-PPD-IO-DL; EUR-PPD-DL; EUR-PPD-PA; EUR-PPD-Dirs  
**Subject:** Important tasking re detainee issues  
**Importance:** High

PAOs/IOs,

Please see STATE 219905 (confidential) with PD tasking on detainee issues (I sent it to PAOs in an email on the classified side as well). It's an ALDAC, but there is of course great interest in how this issue plays during the S visit to Europe this week. We await your reports - please copy me, your PD desk officer, and Joann Lockard, as well as DAS Graffy.

Thanks.

Chris

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**Boudreau, Paul E**

To: Burger, David  
Subject: RE: Statements to Press Dec 5, 2005

RELEASED IN FULL

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**From:** Orlansky, Michael D  
**Sent:** Tuesday, December 06, 2005 2:33 PM  
**To:** Hubler, Stephen A  
**Cc:** Wohlers, Paul  
**Subject:** Statements to Press Dec 5, 2005

Steve,

Attached are three statements from yesterday (Dec. 5) that Washington is encouraging us to use with key contacts and media:

1. Secretary Rice statement at Andrews AFB prior to departure for Europe.
2. Secretary Rice press availability en route to Berlin.
3. White House Spokesman Scott McClellan press gaggle aboard Air Force One.

I hope these are helpful. If you do send any or all of these to Aleks Matovski and other key contacts, please advise. EUR is calling on us to document how we are using these points to clarify questions on detainee issues. I would like to send in at least a short report to EUR/PPD today; passing the statements to the PM's National Security Advisor would certainly be seen as a positive and proactive step.

Thanks,  
Mike

<< File: Remarks by Sec Rice AndrewsAFB120505.doc >> << File: Remarks by Sec State Rice Enroute Berlin.doc120505.doc >> << File: WHPressGaggleAFOne120505.doc >>

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U.S. DEPARTMENT OF STATE  
Office of the Spokesman

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For Immediate Release

December 5, 2005

REMARKS

Secretary of State Condoleezza Rice  
Upon Her Departure for Europe

December 5, 2005  
Andrews Air Force Base

(7:15 a.m. EST)

**SECRETARY RICE:** Good morning. We have received inquiries from the European Union, the Council of Europe, and from several individual countries about media reports concerning U.S. conduct in the war on terror. I am going to respond now to those inquiries, as I depart today for Europe. And this will also essentially form the text of the letter that I will send to Secretary Straw, who wrote on behalf of the European Union as the European Union President.

The United States and many other countries are waging a war against terrorism. For our country this war often takes the form of conventional military operations in places like Afghanistan and Iraq. Sometimes this is a political struggle, a war of ideas. It is a struggle waged also by our law enforcement agencies. Often we engage the enemy through the cooperation of our intelligence services with their foreign counterparts.

We must track down terrorists who seek refuge in areas where governments cannot take effective action, including where the terrorists cannot in practice be reached by the ordinary processes of law. In such places terrorists have planned the killings of thousands of innocents – in New York City or Nairobi, in Bali or London, in Madrid or Beslan, in Casablanca or Istanbul. Just two weeks ago I also visited a hotel ballroom in Amman, viewing the silent, shattered aftermath of one of those attacks.

The United States, and those countries that share the commitment to defend their citizens, will use every lawful weapon to defeat these terrorists. Protecting citizens is the first and oldest duty of any government. Sometimes these efforts are misunderstood. I want to help all of you understand the hard choices involved, and some of the responsibilities that go with them.

One of the difficult issues in this new kind of conflict is what to do with captured individuals who we know or believe to be terrorists. The individuals come from many countries and are often captured far from their original homes. Among them are those who are effectively stateless, owing allegiance only to the extremist cause of

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transnational terrorism. Many are extremely dangerous. And some have information that may save lives, perhaps even thousands of lives.

The captured terrorists of the 21<sup>st</sup> century do not fit easily into traditional systems of criminal or military justice, which were designed for different needs. We have to adapt. Other governments are now also facing this challenge.

We consider the captured members of al-Qaida and its affiliates to be unlawful combatants who may be held, in accordance with the law of war, to keep them from killing innocents. We must treat them in accordance with our laws, which reflect the values of the American people. We must question them to gather potentially significant, life-saving, intelligence. We must bring terrorists to justice wherever possible.

For decades, the United States and other countries have used "renditions" to transport terrorist suspects from the country where they were captured to their home country or to other countries where they can be questioned, held, or brought to justice.

In some situations a terrorist suspect can be extradited according to traditional judicial procedures. But there have long been many other cases where, for some reason, the local government cannot detain or prosecute a suspect, and traditional extradition is not a good option. In those cases the local government can make the sovereign choice to cooperate in a rendition. Such renditions are permissible under international law and are consistent with the responsibilities of those governments to protect their citizens.

Rendition is a vital tool in combating transnational terrorism. Its use is not unique to the United States, or to the current administration. Last year, then Director of Central Intelligence George Tenet recalled that our earlier counterterrorism successes included "the rendition of many dozens of terrorists prior to September 11, 2001."

- Ramzi Youssef masterminded the 1993 bombing of the World Trade Center and plotted to blow up airlines over the Pacific Ocean, killing a Japanese airline passenger in a test of one of his bombs. Once tracked down, a rendition brought him to the United States, where he now serves a life sentence.
- One of history's most infamous terrorists, best known as "Carlos the Jackal," had participated in murders in Europe and the Middle East. He was finally captured in Sudan in 1994. A rendition by the French government brought him to justice in France, where he is now imprisoned. Indeed, the European Commission of Human Rights rejected Carlos' claim that his rendition from Sudan was unlawful.

Renditions take terrorists out of action, and save lives.

In conducting such renditions, it is the policy of the United States, and I presume of any other democracies who use this procedure, to comply with its laws and comply with its treaty obligations, including those under the Convention Against Torture. Torture is a term that is defined by law. We rely on our law to govern our operations. The United

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States does not permit, tolerate, or condone torture under any circumstances. Moreover, in accordance with the policy of this administration:

- The United States has respected -- and will continue to respect -- the sovereignty of other countries.
- The United States does not transport, and has not transported, detainees from one country to another for the purpose of interrogation using torture.
- The United States does not use the airspace or the airports of any country for the purpose of transporting a detainee to a country where he or she will be tortured.
- The United States has not transported anyone, and will not transport anyone, to a country when we believe he will be tortured. Where appropriate, the United States seeks assurances that transferred persons will not be tortured.

International law allows a state to detain enemy combatants for the duration of hostilities. Detainees may only be held for an extended period if the intelligence or other evidence against them has been carefully evaluated and supports a determination that detention is lawful. The U.S. does not seek to hold anyone for a period beyond what is necessary to evaluate the intelligence or other evidence against them, prevent further acts of terrorism, or hold them for legal proceedings.

With respect to detainees, the United States Government complies with its Constitution, its laws, and its treaty obligations. Acts of physical or mental torture are expressly prohibited. The United States Government does not authorize or condone torture of detainees. Torture, and conspiracy to commit torture, are crimes under U.S. law, wherever they may occur in the world.

Violations of these and other detention standards have been investigated and punished. There have been cases of unlawful treatment of detainees, such as the abuse of a detainee by an intelligence agency contractor in Afghanistan or the horrible mistreatment of some prisoners at Abu Ghraib that sickened us all and which arose under the different legal framework that applies to armed conflict in Iraq. In such cases the United States has vigorously investigated, and where appropriate, prosecuted and punished those responsible. Some individuals have already been sentenced to lengthy terms in prison; others have been demoted or reprimanded.

As CIA Director Goss recently stated, our intelligence agencies have handled the gathering of intelligence from a very small number of extremely dangerous detainees, including the individuals who planned the 9/11 attacks in the United States, the attack on the U.S.S. Cole, and many other murders and attempted murders. It is the policy of the United States that this questioning is to be conducted within U.S. law and treaty obligations, without using torture. It is also U.S. policy that authorized interrogation will be consistent with U.S. obligations under the Convention Against Torture, which prohibit cruel, inhuman, or degrading treatment. The intelligence so gathered has stopped

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terrorist attacks and saved innocent lives – in Europe as well as in the United States and other countries. The United States has fully respected the sovereignty of other countries that cooperate in these matters.

Because this war on terrorism challenges traditional norms and precedents of previous conflicts, our citizens have been discussing and debating the proper legal standards that should apply. President Bush is working with the U.S. Congress to come up with good solutions. I want to emphasize a few key points.

- The United States is a country of laws. My colleagues and I have sworn to support and defend the Constitution of the United States. We believe in the rule of law.
- The United States Government must protect its citizens. We and our friends around the world have the responsibility to work together in finding practical ways to defend ourselves against ruthless enemies. And these terrorists are some of the most ruthless enemies we face.
- We cannot discuss information that would compromise the success of intelligence, law enforcement, and military operations. We expect that other nations share this view.

Some governments choose to cooperate with the United States in intelligence, law enforcement, or military matters. That cooperation is a two-way street. We share intelligence that has helped protect European countries from attack, helping save European lives.

It is up to those governments and their citizens to decide if they wish to work with us to prevent terrorist attacks against their own country or other countries, and decide how much sensitive information they can make public. They have a sovereign right to make that choice.

Debate in and among democracies is natural and healthy. I hope that that debate also includes a healthy regard for the responsibilities of governments to protect their citizens.

Four years after September 11, most of our populations are asking us if we are doing all that we can to protect them. I know what it is like to face an inquiry into whether everything was done that could have been done. So now, before the next attack, we should all consider the hard choices that democratic governments must face. And we can all best meet this danger if we work together.

Thank you.

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**Boudreau, Paul E**

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To: Burger, David  
Subject: RE: Remarks by Sec State Rice Enroute Berlin (12/5/05)

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From: Orlansky, Michael D  
Sent: Tuesday, December 06, 2005 1:11 PM  
To: Milovanovic, Gillian A; Wohlers, Paul; Hubler, Stephen A; Clark, Jeanne L  
Cc: Oakley, Carol V  
Subject: Remarks by Sec State Rice Enroute Berlin (12/5/05)

In case you have not already seen this follow-up to the Secretary's statement at Andrews AFB yesterday, below are remarks and Qs and As with press en route to Berlin -- mostly on the topic of allegations of renditions and secret prisons, in the context of the European trip.

Mike

**Remarks by Sec State Rice Enroute Berlin, Germany**

**12/5/2005 5:30:53 PM**

U.S. DEPARTMENT OF STATE

Office of the Spokesman

For Immediate Release December 5, 2005

REMARKS

Secretary of State Condoleezza Rice  
En Route Berlin, Germany

December 5, 2005

SECRETARY RICE: All right. I'd like to start by just saying a few brief words about the bombing in Natanya this morning. Obviously, this kind of terrorist attack has to be condemned and condemned thoroughly. I believe that the Palestinian Authority has done so. I've spoken with Israeli officials. I intend to speak with Palestinians very soon.

Clearly, there are people who wish to arrest the potential progress toward peace that Israel and the Palestinians are trying to make. This does call upon the Palestinians to fight terror and to begin to deal with the terrorist organizations that are in their midst because clearly there are terrorist organizations who do not intend to be a part of a national consensus but rather intent to try to continue to kill innocent people.

It's been a rather complicated security situation over the last week or so in any case, and so we're working with both parties. I know that General Ward is going to be talking to both parties to see if we can try and keep matters on track. But our thoughts and our condolences and our prayers go out to those who were killed as well as those who have been injured, and we'll continue to work for peace.

QUESTION: Thank you. Can we go back to the issue that you raised this morning? You talked about the Convention on Torture prohibiting the cruel, inhuman and degrading treatment, but the Bush Administration in the past has asserted that the obligations do not apply outside the United States and, in fact, it has been

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documented that the CIA has used this loophole to conduct so-called "enhanced interrogation techniques," which include water boarding.\* Are you saying now that the Administration believes that it does apply, the language on CID applies outside the United States?

SECRETARY RICE: The United States has obligations under the Convention Against Torture. Those obligations are determined by and are interpreted and enforced by U.S. law and by our Justice Department. So the United States is operating - all agencies of the United States are operating under our obligations concerning the CAT. And our obligations include a prohibition on cruel and unusual punishment, or cruel, inhumane - you know the list - punishment.

The important point here is for people to recognize that we are in a war on terror and yes, as I said this morning, it has challenged traditional norms that come out of either law enforcement or in which you're dealing with lawful combatants. But the President made very clear from the beginning that he doesn't condone torture, he doesn't intend for Americans to practice torture, and that we're going to live up to both U.S. law and to our international obligations.

QUESTION: By your silence on the underlying question of whether the secret sites actually exist this morning, many people will conclude that they do or that, if the answer was no, that you would have said so or someone would have said so by now. Do you think that your taking this - sort of taking it to the Europeans, as you did this morning, will be sufficient or will the questions continue?

SECRETARY RICE: Well, whether - whatever the answer is, I wouldn't comment because whether or not we engage in certain activities is a matter of classification because they're intelligence activities, so it wouldn't matter what the answer is; I wouldn't comment. And people should understand that. I assume other countries don't comment on intelligence activities and we're not going to comment on intelligence activities. I'm not going to compromise intelligence activities that have a chance to save lives and therefore no one should assume that a yes or no answer would have been made whether or not we were engaging in activities of this kind.

The important points here are that we are respecting the sovereignty of our partners. We are determined that the U.S. and U.S. personnel will operate in a way that conforms to U.S. obligations under U.S. law as well as under our international obligations. And I want to go back to another point that I made, which is that it shouldn't be surprising, as Director Goss said, that intelligence agencies are engaging in the collection of intelligence. This war on terrorism, this war against these terrorists who have killed thousands of innocent civilians, is a war that is very intelligence-driven. There is no doubt that we can do everything that we want to try to do, that we try to do to protect ourselves, to harden our sites, to go after the war of words and the war for the hearts and minds. We're trying to take away terrorist safe havens.

But ultimately, if you want to stop attacks, you have to use intelligence to do it. We found that out on September 11th. That was what was lacking. And the President is going to use every lawful means to fight the war on terror.

QUESTION: You said this morning and other of your colleagues have said in the past few days that the United States has not engaged in any illegal activities, yet the European Justice Commissioner is saying that the mere existence of such facilities or sites would be illegal under European law. That really is what it seems to me the issue.

Now, since you can't talk about this because it's intelligence, how are you going to resolve that fundamental problem?

SECRETARY RICE: Again, I would not under any circumstances comment yes or no on whether certain kinds of intelligence activities take place because if you do, then you're exposing intelligence activities whether the

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answer is yes or no. The Europeans are like we are, dependent on intelligence for fighting the war on terror. We are all dependent on cooperation for fighting the war on terror. And I assume that other governments don't intend to talk about their intelligence activities either. They are, by their nature, activities that you don't talk about.

Now, again, it shouldn't be surprising to anybody that intelligence agencies engage in the gathering of intelligence. That's what they do. It also shouldn't be surprising that they engage in the gathering of intelligence in order to try and prevent the kind of attack that we experienced on September 11th or that others have experienced since and before.

So what I will say to my European colleagues is that we are not breaking - that we're operating under our laws, we're operating under our international obligations, we're respecting the sovereignty of the countries with which we are cooperating, and that's all I can say. The United States is a country of rule of law. The United States is a friendly country to most of these countries. In all of these cases, we have been allies - not just in the war on terror; in some cases going all the way back to the Cold War and before.

And there does have to be an element of this in understanding that there are certain things that we simply can't talk about, but I'm going to state the principles and state the principles very clearly. We'll do everything that we can within the law to deal with terrorists. We will respect the sovereignty of our partners. We will conform with both our laws and our international obligations.

QUESTION: Madame Secretary, we understand that you are constrained by classified informations, but when it was needed before the war in Iraq, U.S. declassified some informations to explain that U.S. (inaudible) there were some weapon of mass destruction in Iraq. Don't you think it's time to declassify some information to reassure your European partners?

SECRETARY RICE: The declassification of information concerning weapons of mass destruction was first of all done so that the American people would understand what we knew at the time about the reasons for the resolutions against Saddam Hussein, and among other things the weapons of mass destruction were among those resolutions. There were also terrorism issues and there were also human rights issues in those resolutions. But we declassified that because in the decision that was pending as to whether or not it was time to make Saddam Hussein comply with the obligations he had undertaken, it was important to know the story of what was behind those resolutions. But it was done very carefully so as not to compromise intelligence operations of any kind.

And so our first goal and our first obligation has to be that in a war that is clearly a war in which intelligence saves lives, and I want to repeat that - this is a war in which intelligence saves lives - that we not compromise intelligence activities that are doing precisely that.

QUESTION: Madame Secretary, why did you choose to issue this statement just now, 15 minutes before leaving on this trip? Had you received any indication that some of the governments you're going to be talking to were going to ask you about this? And also could you talk a little bit about what you are going to do in some of these countries?

SECRETARY RICE: I'd be really glad to do the second, Joel. (Laughter.)

On the first point, I had said to the European presidency that I would try to answer as soon as possible. I received the letter from Jack Straw late last week. It seemed we needed some time to have a response that was appropriate to the questions asked. But I wanted to respond as soon as possible and it seemed only reasonable to respond before I go to Europe so that if there are questions of the kind that you're asking that I can answer them. And so yeah, the timing was geared to trying to do it before I get to Europe.

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I'm looking forward to the stops that I have. I'm going to Berlin. This will be the first opportunity, obviously, to meet with the new German Government. I have met Chancellor Merkel before, before she was Chancellor when she was in the opposition. I look forward to talking with her. I look forward to talking with my counterpart, the Foreign Minister, with whom I met last week, so that we can explore ways to continue to strengthen the U.S.-German relationship and push transatlantic relations forward.

I think I said once when I was here before that there had been a lot of putting the transatlantic relationship on the sofa and sort of analyzing it and saying how's it doing, but I think that it's incumbent on all of us in these difficult times to make sure that what the transatlantic relationship is really about is using it for the betterment of our goals and our interests, including pushing for the democracy agenda. I look forward to talking about Afghanistan, where Germany plays an especially important role; about Iran, where Germany is one of the EU-3 negotiating with the Iranians; and also about the upcoming elections in Iraq.

I'm very much looking forward to going to Romania, where we will sign a defense agreement on a base there that would be used for training. It is a statement really about how strong the U.S.-Romanian relationship has become. Romania is one of our strongest partners in Iraq. It's a member of NATO and has been very fierce in the war on terror. And so we will talk about that and I look forward to signing that.

I'm especially looking forward to going to Ukraine. I've not been to Ukraine since 2001, so this is a very different Ukraine than the Ukraine of 2001. Obviously, it is a Ukraine that has to deliver on the promises of the Orange Revolution and I look forward to talking about how U.S. partnership can help them to do that. I've met with lots of Ukrainian officials but I've not been there since 2001, and this is going to be, I think, a very interesting trip for me.

QUESTION: Back to the detainee issue. Obviously, one thing you're stressing is that the United States hasn't done anything that violates any European country's sovereignty. That would imply that at least some areas of each government know exactly what you've been doing. So why is the - why have the Europeans been pressuring you on this? Is it now not time for them to sort of step away from the pressure, given that you're all working together on it?

SECRETARY RICE: Well, I do think that it is important that all of us that are fighting the war on terror remind ourselves and our publics that we have an obligation to protect our people. I mentioned in my statement that I have been before an inquiry that asks you the question: "Did you do everything that you can? Why did you not do more?" And it is exceedingly hard when you look at the families of people who lost their lives in a terrorist attack and you wonder to yourself, "Did I do everything that I could?"

Now, four years after September 11th, when we have a much better understanding of the threat than we had prior to September 11th, when we know that there are terrorists who live, if you will, in plain view within our societies, I think the real question that our populations are going to be asking us is: "Are you doing everything that you can, lawfully?" Certainly lawfully, because we are democracies and we are countries of laws. But are you doing everything that you can to prevent the next terrorist attack?

And terrorism is different than traditional law enforcement in that you can't afford to let somebody commit the crime before you detain them or question them. Because once they've committed the crime, you've already lost thousands or hundreds of innocent lives. And so I do hope that this trip will give us a chance to refocus on what it is that we're trying to do, to remind ourselves and our populations that there are difficult choices and difficult circumstances that we have not faced before on this war on terrorism, and that that's what we need to concentrate on. It's why I want to give the assurances that we are a country of laws, we are doing everything lawfully, because the President would never ask American citizens to behave unlawfully. So our people are operating under U.S. law and U.S. treaty obligations. We are respecting sovereignty and we are determined

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within what is lawful to do everything that we can. And I do hope we'll refocus on that point.

QUESTION: Thanks for giving me a follow-up. There's just a couple of things I don't understand and maybe you can make clearer. One is how do you choose which part of the intelligence operations you're not going to talk about and which you are? You obviously were very clear that you'd talk about, explain everything on renditions, but then nothing on secret prisons.

And then to go back to Glenn's question about cruel, inhumane and degrading treatment, I'd just like sort of a clearer answer that is the - does the United States allow CID on other countries' territory?

SECRETARY RICE: Our people, wherever they are, are operating under U.S. law and U.S. international obligations. The question of what intelligence information we can and cannot make public, we do very carefully from time to time release intelligence information, as we did with Saddam Hussein's activities prior to the war; but what we don't do is anything that will compromise ongoing operations in any way. If you notice, I spoke to principle about renditions, about the general practice of renditions and about some historical cases, not about specific operations that are underway.

And again, were I to confirm or deny, say yes or say no, then I would be compromising intelligence information. I'm not going to do that.

QUESTION: Thank you very much. A while back you mentioned the Cold War and our alliances. It seems to be back during the Cold War the allies gave us the benefit of the doubt very often on questions like this, and that's maybe less so today. Do you think that's true and, if so, why?

SECRETARY RICE: It's an interesting question. It would be an interesting thing to go back and look at. In some ways, as nontraditional as the Cold War was, as there was not a shooting war for the most part, it was still within the confines of what we understood to be relations between sovereign states. We understood the Soviet Union. We understood what the Soviet Union was doing in Eastern Europe. The Soviet Union had an army. The Soviet Union had intelligence agencies. It was a state within the international system that, while we by all means believed that it was on the wrong side of history, it operated to a certain extent within parameters that people understood in state-to-state relations.

We're now dealing with shadowy networks that know no boundaries, where the people do not align themselves to a state, where they deliberately do not align themselves to a state, but rather to a transnational ideology of hatred that doesn't bear allegiance to a state in the inter-state system. They don't wear uniforms. They operate outside of the traditional boundaries of the international system as we have known it. They wantonly kill innocent civilians in their cause. In fact, they seem to seek out innocent civilians to kill them.

What happened in Jordan, what happened in New York, what happened in Madrid, what happened in London, what happened in Casablanca, was not collateral damage. They wantonly sought out innocent civilians. This is different and I think that because of that the international system is having to deal with this problem, and it is, frankly, challenging our norms and our practices.

But what I would hope that our allies would acknowledge is that we are all in this together, that when we discover or uncover intelligence it is very often intelligence that saves European lives. Very often these are not plots that are headed for the United States; they're headed for someplace in Europe. And I can say that Europeans have uncovered intelligence that has helped protect American lives. That's as it should be.

But I hope they would also acknowledge that we are a country of laws and that we are doing this within the parameters of the law. That said, I know that these are hard and they're hard decisions and we've had to make hard choices. And as you know, democracies are going to debate these things and that's the benefit of

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democracies. But when democracies debate it, they need to debate it not just on one side of the issue, and that is the issue of how the actual activities are being carried out but also on the side of the issue of are we doing everything that we can lawfully to protect innocent life.

QUESTION: Can I just clarify something very quickly, because this is important? You say that you operate under U.S. law and your international treaty obligations. So am I to understand that if there's any potential breaking of European law, that the European countries are responsible for that and they have to actually answer to that?

SECRETARY RICE: The United States upholds U.S. law and its international obligations. That's the way the international system has always worked.

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SK43

**Boudreau, Paul E**

**To:** Burger, David  
**Subject:** RE: John Bellinger's conference calls with European journalists, 12/5/05 (re reports of renditions, secret flights)

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**From:** Orlansky, Michael D  
**Sent:** Monday, December 05, 2005 8:25 PM  
**To:** Milovanovic, Gillian A; Wohlers, Paul; Hubler, Stephen A  
**Subject:** FW: John Bellinger's conference calls with European journalists, 12/5/05 (re reports of renditions, secret flights)

FYI, these points provided by Brooks Robinson (PAO Geneva) through EUR/PPD, about a briefing to journalists by John Bellinger of L -- on deep background -- may be of interest regarding the continuing reports of renditions, secret flights and prisons in Europe.  
 Mike

-----Original Message-----

**From:** Davidson, Terry R  
**Sent:** Monday, December 05, 2005 7:44 PM  
**To:** EUR-PPD-DL; EUR-PPD-IO-DL; EUR-PPD-PAO-DL  
**Cc:** EUR-FO; EUR-Directors  
**Subject:** FW: John Bellinger's conference calls with European journalists, 12/5/05

Wanted to forward along to IOs and PAOs this excellent readout from Brooks Robinson of the "deep background" briefing by legal advisor John Bellinger:

His key points (summarized in my words, again, not for attribution):

- 1) The US has fully respected European sovereignty in counter-terrorism activities.
- 2) *Wrong to speak of torture flights -- we do not send people off to be tortured. We do not torture nor turn over detainees to those who do. Despite media reports to the contrary, no plane has been through European airports carrying people off to be tortured.*
- 3) Whether you call it rendition or transfer, this is not a new concept. Cited example of Carlos the Jackal rendition by the French as precedent, supported by European Commission of Human Rights.
- 4) Secretary's statement is not going on the offense, but encouraging a dialogue and responding to concerns.
- 5) Noting that some of the European shock about renditions/flights is disingenuous, he recalled Captain Louis Renault's line from *Casablanca*: *I am shocked, shocked to find that gambling is going on in here!*" Reporters captured the parallel.

For the time being, the Secretary's words should be those we point to... Terry

**Terry Davidson**  
 Division Chief, Press and Outreach  
 Bureau of European and Eurasian Affairs  
 Room 4515, HST  
 Department of State  
 202-647-6291

**From:** Robinson, Brooks A(Geneva)

UNITED STATES DEPARTMENT OF STATE  
 REVIEW AUTHORITY: ARCHIE M BOLSTER  
 DATE/CASE ID: 28 JAN 2009 200706444

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**Sent:** Monday, December 05, 2005 10:28 AM  
**To:** Graffy, Colleen P; Erefi, Joseph A (PACE)(Washington); Homer, Jamie L (PACE)(PA/FO); Davidson, Terry R  
**Cc:** Barbaro, Anne V; Gianfranceschi, Robert E; Wood, Robert A; Platt, Lynne G; Polsson, Beth L(London); Roberts, Rick L(London); Wilbur, Richard M; Denig, Paul N; Kovar, Jeffrey D; Cassel, Lynn L; Bass, John R (OPS)  
**Subject:** John Bellinger's conference calls with European journalists, 12/5/05

John Bellinger just did a series of three strong deep-background briefings on the Secretary's statement this morning, for nine European/international journalists. His comments provided valuable context for the Secretary's remarks; he came across as open and responsive; the effort was clearly much appreciated. Two issues for PA/EUR follow-up are highlighted below.

Mr. Bellinger talked with nine European journalists, via conference call from Geneva. He did 20 minutes each with:

- Three Germans (Michael Backfisch of Handelsblatt, Clemens Wergin of Tagesspiegel, Nikolaus Busse of Frankfurter Allgemeine Zeitung);
- Three British (Dan Dombey of FT, Bronwyn Maddox of Times of London, and Diana Geddes of the Economist); and
- Three French/international (Corine Lesnes of Le Monde, Philippe Gelie of Le Figaro, and Brian Knowlton of IHT).

Bellinger started each session with opening remarks, briefly summarized:

- USG is being as forthcoming as possible; we take this very seriously.
- We can't get into specifics, but the sense that there have been hundreds of flights and therefore hundreds of renditions is way overblown.
- USG is not "on the offensive," but rather responding as comprehensively as possible.
- He then reviewed several of the Secretary's points: renditions are neither new nor done only by the US; we fully respect sovereignty; we don't do renditions with expectation of torture, nor have any of our planes passed via Europe to send someone to torture.

Questions focussed heavily on trying to pin him down on what "respect for sovereignty" means; what European governments actually knew/approved; what US-European intelligence cooperation looks like; why we can't just say we have no secret sites if in fact we don't; how we define torture and how we guarantee that people rendered are not tortured; and why we do renditions.

Mr. Bellinger strongly reinforced the Secretary's message, emphasizing that while he can't go into specifics and can neither confirm nor deny intelligence activities, that US-European cooperation is important for the protection of ALL our citizens. He emphasized as well, quoting the Secretary's remarks, that renditions involve "a very small number of extremely dangerous detainees," and are carried out with respect for other nations' sovereignty.

**Two questions arose that merit follow-up; I pass them along for your consideration:**

- **How exactly will the Secretary's response to the Straw letter be conveyed, and will it be made public? (e.g., will it be a copy of her remarks this morning under a cover letter?)**
- **Can we provide at least some specifics of how US-European intelligence cooperation has saved European lives? This would help our case.**

Thank-yous:  
Colleagues in Bonn, London, USEU, Paris, and Washington did a fantastic job rounding up reporters from key media outlets on just a few hours' notice, and Ops Center staff did an equally great job of coordinating the call-ins, again on short notice (and on the morning of the Secretary's travel).

\*\*\*\*\*

Brooks Anne Robinson  
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FP 0206

SKP

Boudreau, Paul E

To: Burger, David  
 Subject: RE: Rapid Response 06-07

RELEASED IN PART  
 B5

-----Original Message-----

From: Orlansky, Michael D  
 Sent: Wednesday, June 07, 2006 5:13 PM  
 To: Wohlers, Paul; Hubler, Stephen A  
 Subject: RE: Rapid Response 06-07

It's great of Omar Amach to send us the RRU talking points every day. Often they are useful.



B5

One Q today in the Dnevnik interview came up about this. Amb handled it extremely well by shifting the discussion to positive cooperation with Macedonia in counterterrorism, refraining from comment on the specific case, and staying away from the "we do not discuss intelligence matters" construct.  
 Mike

Message:

\* "The United States and many other countries are waging a war against terrorism. For our country this war often takes the form of conventional military operations in places like Afghanistan and Iraq. Sometimes this is a political struggle, a war of ideas. It is a struggle waged also by our law enforcement agencies. Often we engage the enemy through the cooperation of our intelligence services with their foreign counterparts." (Secretary Rice)

\* "We have defended as a useful tool in fighting terrorism the practice of rendition in certain rare circumstances where an individual would otherwise not be able to be brought to justice or would otherwise be able to escape and avoid capture."

\* "The suggestion that intelligence flights are somehow engaged in illegal activity really undermines the cooperation between the United States and Europe."

\* "In all circumstances we do not transfer the person with the expectation that the person would be

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tortured or would be mistreated." (State Legal Advisor Bellinger)

-----Original Message-----

From: Amach, Omar H (PACE)(RRU)  
Sent: Wednesday, June 07, 2006 1:34 PM  
Subject: Rapid Response 06-07

Hot Issues

Waiting for Iran's Answer: Headlines in Europe are guardedly optimistic about Iran's response to the package delivered by EU foreign policy chief Solana yesterday in Tehran: "Iran Recognizes 'Positive Steps' in Great Powers' Nuclear Offer;" "Iran Tempted by Deal to Defuse Nuclear Crisis;" "Iran Regime Split Over West's Latest Offer;" "Iran Opens to the European Plan." The Times of India comments: "It is now up to Tehran to reciprocate and show the world that Ahmadinejad was sincere when he recently shot off a letter to Bush proposing 'new solutions' for tackling international problems." However, Russian press speculate that the proposal "will be declined if Iran's legitimate right to enrich uranium is not affirmed." Pan-Arab TV reports that Russia says it will only support UN Security Council sanctions on Iran if Tehran is in breach of the Nuclear Non-Proliferation Treaty. China's official media carry the news without analysis or commentary.

Message:

u "I want to solve this issue with Iran diplomatically. I appreciate Javier Solana carrying a message to the Iranians that America, Russia, China, Britain, France and Germany -- the main group of negotiators -- wants this problem to be solved."

u "We will see if the Iranians take our offer seriously.  
<[http://www.whitehouse.gov/news/releases/2006/06/images/20060606-7\\_f1g1620-515h.html](http://www.whitehouse.gov/news/releases/2006/06/images/20060606-7_f1g1620-515h.html)> The choice is theirs to make. I have said the United States will come and sit down at the table with them, so long as they're willing to suspend their enrichment in a verifiable way." (President Bush)

u "This package has been presented to the Iranian Government and we want to give them a little bit of space to consider what's in the package, both on the positive as well as the negative side. And we want to do that free from having a public debate about what has been agreed upon by all the members of the P5+1." (State Spokesman McCormack)

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Europeans See "Spider Web" of CIA Renditions: The Council of Europe's just-released report concludes that "authorities in several European countries actively participated with the CIA in these unlawful actions." Although it appears to break no new ground, the report has prompted European media to once again consider their governments' role in anti-terror operations. The *Guardian* calls the report a "damning verdict" and concludes that "the full extent of European collusion with the CIA...is laid bare today by the continent's most authoritative human rights body." Further international reaction is expected as the story gains traction in the media.

### Message:

u "The United States and many other countries are waging a war against terrorism. For our country this war often takes the form of conventional military operations in places like Afghanistan and Iraq. Sometimes this is a political struggle, a war of ideas. It is a struggle waged also by our law enforcement agencies. Often we engage the enemy through the cooperation of our intelligence services with their foreign counterparts." (Secretary Rice)

u "We have defended as a useful tool in fighting terrorism the practice of rendition in certain rare circumstances where an individual would otherwise not be able to be brought to justice or would otherwise be able to escape and avoid capture."

u "The suggestion that intelligence flights are somehow engaged in illegal activity really undermines the cooperation between the United States and Europe."

u "In all circumstances we do not transfer the person with the expectation that the person would be tortured or would be mistreated." (State Legal Advisor Bellinger)

Somali Islamists Deny Terrorist Ties: Pan-Arab TV coverage of Somalia juxtaposes President Bush's statement that he does not want Somalia to turn into a safe haven for Al-Qaeda with the chairman of the Mogadishu Islamic Courts Union's denial of any connection to terrorists. On Al-Arabiya, the leader of Islamic group says: "America knows there is no Al-Qaeda in Somalia... [US concern] stems only from the failure of its supporters." Al-Sharq Al-Awsat headlines: "Mogadishu's New Leader: I Don't Know the Taliban and We Will Establish an Islamic Republic." Egypt's Al-Ahram comments that recent events are a major turning point and calls on regional organizations like the African Union and Arab League to step in. European media remain critical of the US role. A German paper's comment that "In Somalia, the US was dealt its first defeat in the war on terror" is reiterated in a Turkish headline: "US Loses Control in Somalia."

### Message:

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u "When there's instability anywhere in the world, we're concerned. There is instability in Somalia. The first concern, of course, would be to make sure that Somalia does not become an al-Qaeda safe haven, that it doesn't become a place from which terrorists can plot and plan. We're watching very carefully the developments there." (President Bush)

u "There are many different factions even to this one group. I'm not going to characterize them in any particular way. I couldn't get into whether or not they have links to Al-Qaeda or not. That said, we do have serious concerns and publicly stated concerns about the presence of foreign terrorists in Somalia." (State Spokesperson McCormack)



Boudreau, Paul E

SK36

To: Burger, David  
Subject: RE: 12-07-05 Final Guidances

RELEASED IN PART  
B5

From: Milovanovic, Gillian A  
Sent: Thursday, December 08, 2005 9:09 AM  
To: Hubler, Stephen A; Wohlers, Paul; Vaden, Andrew J  
Subject: FW: 12-07-05 Final Guidances

-----Original Message-----

From: Orlansky, Michael D  
Sent: Thursday, December 08, 2005 8:53 AM  
To: Milovanovic, Gillian A  
Subject: RE: 12-07-05 Final Guidances

Thanks, Ambassador. [redacted]

[redacted] I am checking for guidance and statements now, and keeping them in a special file for use as needed. Will also check the other system this morning. B5

While the recent EUR and global focus on the el-Masri case has been picked up in most Macedonian media, the fact that it is nearly 2 years old and was the subject of earlier investigative reports tends to make it somewhat less prominent in the media than many might have anticipated. They are more focused on Macedonia-specific issues, as usual. In the event this particular case becomes a significant obstacle to Macedonia on the way to the EU, there would be more attention given to it locally.

Mike

-----Original Message-----

From: Milovanovic, Gillian A  
Sent: Thursday, December 08, 2005 8:44 AM  
To: Orlansky, Michael D  
Subject: FW: 12-07-05 Final Guidances

B5

[redacted]

From: Pfeuffer, Paul  
Sent: Wednesday, December 07, 2005 11:58 PM  
To: English, Charles L; Wohlers, Paul(Skopje); Milovanovic, Gillian A(Skopje); Sainz, Francisco D  
Subject: FW: 12-07-05 Final Guidances

The guidance written today on el-Masri. From what I saw at the noon briefing (almost all of it), Adam never got this specific question....  
Unclear whether in fact the Germans released a statement formally, but German press is reporting it did.

What is your reaction to the statement by German MOI that U.S. Ambassador [Coates] discussed el-Masri with Minister in 2004. Can you confirm? What was discussed?

10/29/2008

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UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: ARCHIE M BOLSTER  
DATE/CASE ID: 28 JAN 2009 200706444

FP 0211

- We have seen the statement from the German Ministry of the Interior and we have no further comment on it.
- Our partnership with Germany, as with our other European allies, is close and we continue to maintain an active dialogue - as we have for many years - with them concerning counterterrorism issues through many channels: diplomatic, intelligence, and via law enforcement agencies. This close cooperation and coordination is essential if we are to meet our responsibilities to protect our citizens from terrorist threats.

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**From:** EUR Press

**Sent:** Wednesday, December 07, 2005 5:46 PM

**To:** EUR-DCM-DL; EUR-Deskofficers-DL; EUR-Directors; EUR-PPD-DL; EUR-PPD-IO-DL; EUR-PPD-PAO-DL  
**Cc:** /o=GOV+DOS/ou=DCMETROC/cn=AD/cn=EUR/cn=Baku/cn=Users/cn=MarkiwTM; /o=GOV+DOS/ou=DCMETR Recipients/cn=RuppeAE; /o=GOV+DOS/ou=DCMETROC/cn=FADS Global Recipients/cn=AngelikaVBatuyeva-000200014301; /o=GOV+DOS/ou=DCMETROC/cn=FADS Global Recipients/cn=OlegDolzansky-000500004548; Adams, Richard J; Allison, Alicia P(Istanbul); Alsace, Juan A(Barcelona); BerlinPA@state.gov; Beth Poisson; Boehm, Maja ; Corwin, Elizabeth A; Dodman, Michael J; Draper, Mark(Riga); Durham, Robert J; Ellis, Brinille E; Fogarty, John F; Gollner-Sweet, Katharina(Istanbul); Halliburton, Suneta L; Heller, Lisa K.; Houston, Randall W; Huckaby, Richard W; Hurst, Loren W; Jacobson, Tracey A (Ashgabat); Johnson Maia, Jeannine E; Jones, Deborah K (Istanbul); Kao, Pauline A; Kelsey, Thomas A(Munich); Kovalyuk, Vadim R; Lerner, Patricia ; Manso, Patricia R; Martin, Paul J; mary ann peters; McCarthy, Evan; Motovilov, Dmitri A; Nakas, Naida(Sarajevo); Ngutter, Dorothy M; Pejcinovic, Sanja(Sarajevo); Pommersheim, John Mark ; Reid, Walter S(Adana); Ressler, H. Kirkby; Robertson, Thomas B(Ljubljana); Robl, Terri L; Rosenberry, Sara A; Siekert, Magda S; Smith, Taiya M; Wilson, Mark A (Skopje); Wilson, Ross L

**Subject:** FW: 12-07-05 Final Guidances

Gerry Keener  
Press Office  
Bureau of European and Eurasian Affairs  
U.S. Department of State  
202-647-8602  
[KeenerGF@State.gov](mailto:KeenerGF@State.gov)

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**From:** Clay, Noel C (PACE)

**Sent:** Wednesday, December 07, 2005 5:45 PM

**To:** PA Guidances Group

**Subject:** 12-07-05 Final Guidances

S1245

**Boudreau, Paul E**

To: Burger, David  
Subject: RE: U.S. Press 12/4/05: WashPost, Boston Globe articles of interest; 12/3 NYT PCorwin letter to ed on Kosovo

RELEASED IN PART  
B6

From: Michael Orlansky [redacted]

B6

Sent: Sunday, December 04, 2005 10:27 AM

To: [redacted] milovanovicg@state.gov; hublersa@state.gov; Carol Oakley; Paul D Wohlers; PD&MJ Wohlers

B6

Cc: Orlansky, Mike (work)

Subject: U.S. Press 12/4/05: WashPost, Boston Globe articles of interest; 12/3 NYT PCorwin letter to ed on Kosovo

Good morning. Three items are below FYI.

References to Macedonia are found in a lengthy front-page story by Dana Priest in today's Washington Post and also in, among others, a Boston Globe piece on the Secretary's forthcoming trip to Germany, Romania, Ukraine and Belgium.

Unrelatedly, The New York Times ran a letter to the editor from Phillip Corwin about Kosovo status negotiations. Corwin is a former UN employee who worked in peacekeeping operations in Bosnia, Kosovo and elsewhere in this region c. 1992-1997, and wrote the book "Dubious Mandate: A Memoir of the UN in Bosnia, Summer 1995."

Mike

Wrongful Imprisonment: Anatomy of a CIA Mistake

December 4, 2005

The Washington Post pA1  
by Dana Priest

In May 2004, the White House dispatched the U.S. ambassador in Germany to pay an unusual visit to that country's interior minister. Ambassador Daniel R. Coats carried instructions from the State Department transmitted via the CIA's Berlin station because they were too sensitive and highly classified for regular diplomatic channels, according to several people with knowledge of the conversation.

Coats informed the German minister that the CIA had wrongfully imprisoned one of its citizens, Khaled Masri, for five months, and would soon release him, the sources said. There was also a request: that the German government not disclose what it had been told even if Masri went public. The U.S. officials

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feared exposure of a covert action program designed to capture terrorism suspects abroad and transfer them among countries, and possible legal challenges to the CIA from Masri and others with similar allegations.

The Masri case, with new details gleaned from interviews with current and former intelligence and diplomatic officials, offers a rare study of how pressure on the CIA to apprehend al Qaeda members after the Sept. 11, 2001, attacks has led in some instances to detention based on thin or speculative evidence. The case also shows how complicated it can be to correct errors in a system built and operated in secret.

The CIA, working with other intelligence agencies, has captured an estimated 3,000 people, including several key leaders of al Qaeda, in its campaign to dismantle terrorist networks. It is impossible to know, however, how many mistakes the CIA and its foreign partners have made.

Unlike the military's prison for terrorist suspects at Guantanamo Bay, Cuba - where 180 prisoners have been freed after a review of their cases - there is no tribunal or judge to check the evidence against those picked up by the CIA. The same bureaucracy that decides to capture and transfer a suspect for interrogation - a process called "rendition" - is also responsible for policing itself for errors.

The CIA inspector general is investigating a growing number of what it calls "erroneous renditions," according to several former and current intelligence officials.

One official said about three dozen names fall in that category; others believe it is fewer. The list includes several people whose identities were offered by al Qaeda figures during CIA interrogations, officials said. One turned out to be an innocent college professor who had given the al Qaeda member a bad grade, one official said.

"They picked up the wrong people, who had no information. In many, many cases there was only some vague association" with terrorism, one CIA officer said.

While the CIA admitted to Germany's then-Interior Minister Otto Schily that it had made a mistake, it has labored to keep the specifics of Masri's case from becoming public. As a German prosecutor works to verify or debunk Masri's claims of kidnapping and torture, the part of the German government that was informed of his ordeal has remained publicly silent.

Masri's attorneys say they intend to file a lawsuit in U.S. courts this week.

Masri was held for five months largely because the head of the CIA's Counterterrorist Center's al Qaeda unit "believed he was someone else," one former CIA official said. "She didn't really know. She just had a hunch."

The CIA declined to comment for this article, as did Coats and a spokesman at the German Embassy in Washington. Schily did not respond to several requests for comment last week.

CIA officials stress that apprehensions and renditions are among the most sure-fire ways to take potential terrorists out of circulation quickly. In 2000, then-CIA Director George J. Tenet said that

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"renditions have shattered terrorist cells and networks, thwarted terrorist plans, and in some cases even prevented attacks from occurring."

### *The Counterterrorist Center*

After the September 2001 attacks, pressure to locate and nab potential terrorists, even in the most obscure parts of the world, bore down hard on one CIA office in particular, the Counterterrorist Center, or CTC, located until recently in the basement of one of the older buildings on the agency's sprawling headquarters compound. With operations officers and analysts sitting side by side, the idea was to act on tips and leads with dramatic speed.

The possibility of missing another attack loomed large. "Their logic was: If one of them gets loose and someone dies, we'll be held responsible," said one CIA officer, who, like others interviewed for this article, would speak only anonymously because of the secretive nature of the subject.

To carry out its mission, the CTC relies on its Rendition Group, made up of case officers, paramilitaries, analysts and psychologists. Their job is to figure out how to snatch someone off a city street, or a remote hillside, or a secluded corner of an airport where local authorities wait.

Members of the Rendition Group follow a simple but standard procedure: Dressed head to toe in black, including masks, they blindfold and cut the clothes off their new captives, then administer an enema and sleeping drugs. They outfit detainees in a diaper and jumpsuit for what can be a day-long trip. Their destinations: either a detention facility operated by cooperative countries in the Middle East and Central Asia, including Afghanistan, or one of the CIA's own covert prisons - referred to in classified documents as "black sites," which at various times have been operated in eight countries, including several in Eastern Europe.

In the months after the Sept. 11 attacks, the CTC was the place to be for CIA officers wanting in on the fight. The staff ballooned from 300 to 1,200 nearly overnight.

"It was the Camelot of counterterrorism," a former counterterrorism official said. "We didn't have to mess with others - and it was fun."

Thousands of tips and allegations about potential threats poured in after the attacks. Stung by the failure to detect the plot, CIA officers passed along every tidbit. The process of vetting and evaluating information suffered greatly, former and current intelligence officials said. "Whatever quality control mechanisms were in play on September 10th were eliminated on September 11th," a former senior intelligence official said.

J. Cofer Black, a professorial former spy who spent years chasing Osama bin Laden, was the CTC's director.

With a flair for melodrama, Black had earned special access to the White House after he briefed President Bush on the CIA's war plan for Afghanistan.

Colleagues recall that he would return from the White House inspired and talking in missionary terms.

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Black, now in the private security business, declined to comment.

Some colleagues said his fervor was in line with the responsibility Bush bestowed on the CIA when he signed a top secret presidential finding six days after the 9/11 attacks. It authorized an unprecedented range of covert action, including lethal measures and renditions, disinformation campaigns and cyber attacks against the al Qaeda enemy, according to current and former intelligence officials. Black's attitude was exactly what some CIA officers believed was needed to get the job done.

Others criticized Black's CTC for embracing a "Hollywood model" of operations, as one former longtime CIA veteran called it, eschewing the hard work of recruiting agents and penetrating terrorist networks. Instead, the new approach was similar to the flashier paramilitary operations that had worked so well in Afghanistan, and played well at the White House, where the president was keeping a scorecard of captured or killed terrorists.

The person most often in the middle of arguments over whether to dispatch a rendition team was a former Soviet analyst with spiked hair that matched her in-your-face personality who heads the CTC's al Qaeda unit, according to a half-dozen CIA veterans who know her. Her name is being withheld because she is under cover.

She earned a reputation for being aggressive and confident, just the right quality, some colleagues thought, for a commander in the CIA's global war on terrorism. Others criticized her for being overzealous and too quick to order paramilitary action.

### The CIA and Guantanamo Bay

One way the CIA has dealt with detainees it no longer wants to hold is to transfer them to the custody of the U.S. military at Guantanamo Bay, where defense authorities decide whether to keep or release them after a review.

About a dozen men have been transferred by the CIA to Guantanamo Bay, according to a Washington Post review of military tribunal testimony and other records. Some CIA officials have argued that the facility has become, as one former senior official put it, "a dumping ground" for CIA mistakes.

But several former intelligence officials dispute that and defend the transfer of CIA detainees to military custody. They acknowledged that some of those sent to Guantanamo Bay are prisoners who, after interrogation and review, turned out to have less valuable information than originally suspected. Still, they said, such prisoners are dangerous and would attack if given the chance.

Among those released from Guantanamo is Mamdouh Habib, an Egyptian-born Australian citizen, apprehended by a CIA team in Pakistan in October 2001, then sent to Egypt for interrogation, according to court papers. He has alleged that he was burned by cigarettes, given electric shocks and beaten by Egyptian captors. After six months, he was flown to Guantanamo Bay and let go earlier this year without being charged.

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Another CIA former captive, according to declassified testimony from military tribunals and other records, is Mohamedou Oulad Slahi, a Mauritanian and former Canada resident, who says he turned himself in to the Mauritanian police 18 days after the 9/11 attacks because he heard the Americans were looking for him.

The CIA took him to Jordan, where he spent eight months undergoing interrogation, according to his testimony, before being taken to Guantanamo Bay.

Another is Muhammad Saad Iqbal Madni, an Egyptian imprisoned by Indonesia authorities in January 2002 after he was heard talking - he says jokingly - about a new shoe bomb technology. He was flown to Egypt for interrogation and returned to CIA hands four months later, according to one former intelligence official.

After being held for 13 months in Afghanistan, he was taken to Guantanamo Bay, according to his testimony.

### The Masri Case

Khaled Masri came to the attention of Macedonian authorities on New Year's Eve 2003. Masri, an unemployed father of five living in Ulm, Germany, said he had gone by bus to Macedonia to blow off steam after a spat with his wife. He was taken off a bus at the Tabanovce border crossing by police because his name was similar to that of an associate of a 9/11 hijacker. The police drove him to Skopje, the capital, and put him in a motel room with darkened windows, he said in a recent telephone interview from Germany.

The police treated Masri firmly but cordially, asking about his passport, which they insisted was forged, about al Qaeda and about his hometown mosque, he said.

When he pressed them to let him go, they displayed their pistols.

Unbeknown to Masri, the Macedonians had contacted the CIA station in Skopje. The station chief was on holiday. But the deputy chief, a junior officer, was excited about the catch and about being able to contribute to the counterterrorism fight, current and former intelligence officials familiar with the case said.

"The Skopje station really wanted a scalp because everyone wanted a part of the game," a CIA officer said. Because the European Division chief at headquarters was also on vacation, the deputy dealt directly with the CTC and the head of its al Qaeda unit.

In the first weeks of 2004, an argument arose over whether the CIA should take Masri from local authorities and remove him from the country for interrogation, a classic rendition operation.

The director of the al Qaeda unit supported that approach. She insisted he was probably a terrorist, and should be imprisoned and interrogated immediately.

Others were doubtful. They wanted to wait to see whether the passport was proved fraudulent. Beyond that, there was no evidence Masri was not who he claimed to be - a German citizen of Arab descent traveling after a disagreement with his wife.

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The unit's director won the argument. She ordered Masri captured and flown to a CIA prison in Afghanistan.

On the 23rd day of his motel captivity, the police videotaped Masri, then bundled him, handcuffed and blindfolded, into a van and drove to a closed-off building at the airport, Masri said. There, in silence, someone cut off his clothes. As they changed his blindfold, "I saw seven or eight men with black clothing and wearing masks," he later said in an interview. He said he was drugged to sleep for a long plane ride.

### Afghanistan

Masri said his cell in Afghanistan was cold, dirty and in a cellar, with no light and one dirty cover for warmth. The first night he said he was kicked and beaten and warned by an interrogator: "You are here in a country where no one knows about you, in a country where there is no law. If you die, we will bury you, and no one will know."

Masri was guarded during the day by Afghans, he said.

At night, men who sounded as if they spoke American-accented English showed up for the interrogation. Sometimes a man he believed was a doctor in a mask came to take photos, draw blood and collect a urine sample.

Back at the CTC, Masri's passport was given to the Office of Technical Services to analyze. By March, OTS had concluded the passport was genuine. The CIA had imprisoned the wrong man.

At the CIA, the question was: Now what? Some officials wanted to go directly to the German government; others did not. Someone suggested a reverse rendition: Return Masri to Macedonia and release him. "There wouldn't be a trace. No airplane tickets. Nothing. No one would believe him," one former official said. "There would be a bump in the press, but then it would be over."

Once the mistake reached Tenet, he laid out the options to his counterparts, including the idea of not telling the Germans. Condoleezza Rice, then Bush's national security adviser, and Deputy Secretary of State Richard L. Armitage argued they had to be told, a position Tenet took, according to one former intelligence official.

"You couldn't have the president lying to the German chancellor" should the issue come up, a government official involved in the matter said.

Senior State Department officials decided to approach Interior Minister Schily, who had been a steadfast Bush supporter even when differences over the Iraq war strained ties between the two countries. Ambassador Coats had excellent rapport with Schily.

The CIA argued for minimal disclosure of information.

The State Department insisted on a truthful, complete statement. The two agencies quibbled over whether it should include an apology, according to officials.

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Meanwhile, Masri was growing desperate. There were rumors that a prisoner had died under torture. Masri could not answer most questions put to him. He said he steadied himself by talking with other prisoners and reading the Koran.

A week before his release in late May 2004, Masri said he was visited in prison by a German man with a goatee who called himself Sam. Masri said he asked him if he were from the German government and whether the government knew he was there. Sam said he could not answer either question.

"Does my wife at least know I'm here?" Masri asked.

"No, she does not," Sam replied, according to Masri.

Sam told Masri he was going to be released soon but that he would not receive any documents or papers confirming his ordeal. The Americans would never admit they had taken him prisoner, Sam added, according to Masri.

On the day of his release, the prison's director, who Masri believed was an American, told Masri that he had been held because he "had a suspicious name," Masri said in an interview.

Several intelligence and diplomatic officials said Macedonia did not want the CIA to bring Masri back inside the country, so the agency arranged for him to be flown to Albania. Masri said he was taken to a narrow country road at dusk. When they let him off, "They asked me not to look back when I started walking," Masri said. "I was afraid they would shoot me in the back."

He said he was quickly met by three armed men. They drove all night, arriving in the morning at Mother Teresa Airport in Tirana. Masri said he was escorted onto the plane, past all the security checkpoints, by an Albanian.

Masri has been reunited with his children and wife, who had moved the family to Lebanon because she did not know where her husband was. Unemployed and lonely, Masri says neither his German nor Arab friends dare associate with him because of the publicity.

Meanwhile, a German prosecutor continues to work Masri's case. A Macedonia bus driver has confirmed that Masri was taken away by border guards on the date he gave investigators. A forensic analysis of Masri's hair showed he was malnourished during the period he says he was in the prison. Flight logs show a plane registered to a CIA front company flew out of Macedonia on the day Masri says he went to Afghanistan.

Masri can find few words to explain his ordeal. "I have very bad feelings" about the United States, he said. "I think it's just like in the Arab countries: arresting people, treating them inhumanly and less than that, and with no rights and no laws."

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Boston Globe  
Dec. 4, 2005

CIA charges roil EU on eve of visit  
Rice trip comes amid probes of detentions

By Colin Nickerson and Farah Stockman, Globe Staff

BERLIN -- Secretary of State Condoleezza Rice flies into a hornets' nest of criticism tomorrow as she begins a four-country swing through Europe amid mounting outrage over allegations that the United States has conducted covert counter-terrorism missions on the continent.

Accusations that the United States has snatched terrorism suspects from European streets, operated secret detention facilities, and used airports as layover points for CIA planes transferring captives have caused a furor. The charges have provoked parliamentary inquiries, caused close US allies to issue indignant demands for information, and triggered a spate of criminal investigations.

Most of the allegations are speculative, but they have made for blaring headlines from Portugal to Poland in recent days and stoked anti-US anger on the continent to levels not seen since the invasion of Iraq. The European Union's top justice official warned last week that any member state found to have permitted secret US jails on its territory could be stripped of its voting rights in the organization.

"It is very, very important to get at the truth," Justice Commissioner Franco Frattini said at a news conference in Berlin. "Right now there is no US response."

The controversy threatens to overshadow Rice's visit, which is set to begin in Germany, where she will meet with the country's new pro-American chancellor, Angela Merkel. Merkel has been thrust into a difficult situation by a series of European and American media reports that air bases in the country have served as key layover points for CIA flights carrying detainees.

There's little doubt that planes operated by the CIA have made hundreds of flights in and out of Europe since the attacks against the United States on September 11, 2001. At issue is the nature of their missions, whether European human rights laws were breached, and -- perhaps most ticklish of all -- whether European intelligence agencies were aware of covert "renditions" of terrorist suspects.

From Germany, Rice is scheduled to travel to Romania and Ukraine before doubling back to Belgium. Her high-profile visit to Europe is likely to intensify demands by politicians, editorialists, and human-rights activists that Washington explain its alleged use of European airports and other facilities on the continent for "extraordinary renditions." This refers to the capture of terrorist suspects in one country and their covert transfer to another country -- usually one with few human rights protections -- for interrogation.

In Washington, State Department and intelligence officials have been preparing Rice for tough

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questioning on the secret sites and flights. It is unclear, however, how far European leaders will want to push the issue since it could boomerang back if it turns out their own intelligence agencies were complicit.

Even as Rice prepares, German prosecutors probe charges that the CIA plucked a German citizen of Lebanese descent, Khaled Masri, from Macedonia in 2003 and flew him to Afghanistan for five months of interrogation before releasing him with neither explanation nor apology, as he has alleged. Another investigation is underway into claims by Italy that the CIA kidnapped radical Muslim cleric Abu Omar in Milan, also in 2003, then flew him to an interrogation facility in Egypt by way of the US air base in Ramstein, Germany. Italy has demanded the arrest of 22 Americans, including CIA operatives, in connection with the incident.

There have long been murmurs that the CIA has secretly transferred detainees from Afghanistan and Iraq to secret detention facilities via airports in Europe.

The suspicions exploded into a continent-wide controversy last month after the Washington Post reported that two of eight covert CIA detention facilities were in unidentified "democracies" in Eastern Europe. The US-based group Human Rights Watch named Romania and Poland as the most likely locations of the so-called "black sites" in Europe.

Poland and Romania have heatedly denied the allegations. The White House has refused to confirm or deny the reports.

In some ways, the charges are as awkward for European leaders as for the United States. If the CIA has been using airports on the continent as a stop for the transfer of terror suspects, it would seem that either European officials were complicit -- in apparent violation of the EU's human rights charter -- or were ignorant, suggesting an inability to control US activities on their own soil.

The European Union, often more antagonistic to the United States than its individual member states, has vowed to press the issue during Rice's visit. Frattini said the 25-nation alliance has "an institutional and moral duty to promote and defend fundamental rights of people."

Even America's closest allies are demanding answers.

At least eight European nations have launched inquiries into allegations that the US may be operating a "ghost gulag" with scores of detainees shunted from one detention facility to another, mainly in the Middle East and Central Asia, via transit points in Europe.

An even more explosive allegation is that the CIA may be illegally holding terror suspects at sites in Europe, with Human Rights Watch naming two former military air bases in Romania and Poland.

The Council of Europe -- a intergovernmental human rights agency -- has started an investigation into "suspicious movements" of aircraft chartered by the CIA. The agency plans to use satellite data to track unusual building activity or suspicious airplane landings at supposedly shuttered air bases in Eastern Europe.

European media have reported that about 300 flights operated by the CIA landed at European airports

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between November 2001 and the summer of 2005. That does not mean, however, that the flights necessarily carried detainees.

According to The New York Times, 94 CIA-operated flights passed through Germany during that period, 76 through Britain, 33 through Ireland, 16 through Portugal, 15 each through Spain and the Czech Republic, and 13 through Cyprus, with smaller numbers of flights reported in Italy, Poland, Romania, Greece, Macedonia, Switzerland, France, Estonia, and Sweden.

Intelligence analysts estimate that the United States is holding 100 prisoners without charges outside its territory. Human Rights Watch last week published a list of 26 "ghost detainees" it believes the CIA has incarcerated for questioning in secret overseas detention facilities. Many of the detainees are suspected of involvement in murderous crimes, including the Sept. 11 attacks and the 1998 bombings of US embassies in Kenya and Tanzania.

White House spokesman Scott McClellan promised Friday that Rice will "respond in due course" to European demands for more information on alleged secret prisons and transfers of detainees.

"We face . . . an enemy that abides by no laws, that abides by no treaties, an enemy that wears no uniform," McClellan told reporters. "But we also have a responsibility to respect the laws and the values and the treaty obligations that we have agreed to."

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New York Times

December 3, 2005

The Future of Kosovo

To the Editor:

Re "In Meeting With Rival Factions, U.N. Envoy Paves Way for Kosovo Talks" (news article, Nov. 26):

Recognition of Kosovar independence would only reward Albanian terrorism in that region and encourage an independent Kosovo to pursue the annexation of western Macedonia and areas in the Presevo valley in Serbia where there are Albanian majorities.

It would also encourage separatist movements in other parts of Europe, including Montenegro.

If Kosovo is allowed to be independent, then why not Republika Srpska, and why not the Croatian-controlled region of western Bosnia? And why shouldn't Bosnia have some of the Adriatic coast that belongs almost exclusively to Croatia? And on and on, ad infinitum.

If Kosovo is not to be partitioned, then it must be autonomous within Serbia.

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Phillip Corwin  
New York, Nov. 26, 2005

The writer is a former official in the United Nations' department of peacekeeping operations.

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