

## **TDIP COMMITTEE DELEGATION TO WASHINGTON: 8-12 MAY 2006**

The TDIP Committee delegation had the opportunity to meet with different political authorities and representatives from the civil society in Washington (see attached).

### The main political conclusions to be taken from this delegation are:

- Several sources have made clear to the delegation that the alleged activities investigated by the TDIP Committee are undertaken not only by the CIA, but also by other agencies or services, mainly within the Department of Defence.
- Not everyone within the US Administration and the secret services (including CIA officials) agrees with the rendition program and other actions undertaken in the framework of the war against terrorism.
- It could be interpreted that American standards concerning the interpretation of torture are not exactly the same than European standards.
- Several politicians warned us that we were not very welcome in the US.
- The TDIP Committee has been confirmed by the Department of State that numerous flights by CIA have taken place during last years. Nevertheless, they refused to give any comments on specific cases, except the one concerning Maher Arar where they explained that he was merely expelled from the US by the American Immigration Services.
- The Department of State stated clearly that the European Parliament has not jurisdiction to make an inquisition to the Department of State.
- The Department of State recognised that there have been "2 or 3 cases" of renditions, but these happened some years ago. They do not confirm nor deny the usual practice of "extraordinary renditions". The Department of State keeps saying that the US is in State of War, that the current situation is new, so, "out of the usual framework", that "perfection is unattainable" and that "you have to choose options".
- According to the interpretation by the Department of State on the Convention Against Torture and the implementation of the CAT by US Law (Foreign Affairs Reform and Restructuring Act, adopted in 1998), Art 3 of the CAT is "not binding for cases outside the US", which is contrary to the opinion exposed by all American lawyers that the Delegation has met.
- It has been clearly stated by main interlocutors that all actions carried out by American Intelligence Services in Europe could have not taken place without the knowledge of local authorities or at least corresponding services

- Both the European Parliament and the Department of State clearly committed themselves to safeguard the transatlantic relations and to enforce cooperation in the legitimate fight against terrorism.
- The contacts with the Congresspersons have been especially useful. In a way, they have confirmed to the TDIP delegation the existence of the rendition program, but also made clear that under the present circumstances it is very difficult for an American citizen or politician to criticise the actions adopted by Bush's Government in the framework of the war against terrorism.
- Tensions concerning respective competencies between Congress and President have been reported to the TDIP Delegation by some Congresspersons, including on matters investigated by the TDIP Committee. Also, it has been said that these renditions do not happen any more at present.
- One of the Congressmen (Markey) is the author of the House bill to ban the outsourcing of torture using the illegal practice of "extraordinary rendition", but it was outvoted by the Republican majority.
- Other Congressmen have clearly stated that if the alleged known cases were true (i.e. El Masri), this would be very serious for the American government. Congress persons do not exclude that exceptional cases of torture could have happened.
- Meetings with journalists have confirmed that they have received big pressure from the White House in order not to mention the names of the Eastern European countries involved in the "black sites' issue".
- It is necessary for the TDIP Committee now to deepen further on the eventual implication of Member States or candidate countries on the alleged actions.

## PERSONS MET BY THE TDIP COMMITTEE DELEGATION

### **US DEPARTMENT OF STATE:**

- **Dan Fried**, *Assistant Secretary of State, Bureau of European and Eurasian Affairs* & **John Bellinger**, *Legal Adviser, Office of the Legal Adviser US Department of State*

### **US CONGRESSMEN:**

- **Representative Robert Wexler** (*Democrat-Florida*),
- **Senator Arlen Specter** (*Republican-Pennsylvania*)
- **Senator Richard Durbin** (*Democrat-Illinois*)
- **Representative Ed Markey** (*Democrat-Massachusetts*)

### **LAWYERS & EXPERTS**

- Scott Horton**, *Chair, Committee on International Law; New York City Bar Association; Adjunct Professor, Columbia Law School; Partner, PATTERSON, BELKNAP, WEBB & TYLER LLP*
- **Margaret L. Satterthwaite**, *Assistant Professor of Clinical Law & Faculty Director Center for Human Rights & Global Justice New York University School of Law*
- **Barbara Olshansky**, *Director and Counsel Guantanamo Global Justice Initiative, Deputy Legal Director for the Center for Constitutional Rights*
- **Steven M. Watt**, *Staff Attorney, Human Rights Working Group, American Civil Liberties Union*

### **NGOs**

- **Human Rights Watch**, *Jonathan Sifton and Jennifer Daskal*
- **Amnesty International**, *Angela Colaiuta, John Bradshaw, Smita Baruah, Jumana Musa*
- **Human Rights First**, *Elisa Massimino*

## **THINK TANKS**

- **American Legislative Exchange Council**, *David Rivkin, Partner, Baker & Hostetler LLP, Olivier Guitta, Sally McNamara, International Project Director*

- **The Center for American Progress**, *Morton H. Halperin, Senior Fellow and Director of the Security and Peace Initiative, Lawrence J. Korb, Senior Fellow, Peter Rundlet, Vice President for National Security, Ken Gude, Associate Director, International Rights and Responsibility Program*

## **OTHERS**

- **James Woolsey** (*Former CIA Director*)