

Uncovering the truth

Give us a chance to investigate the CIA allegations, says Claude Moraes MEP.

In the Christmas edition of the Parliament Magazine the lead editorial rightly said detention centres and “extraordinary rendition” of terrorist suspects allegedly organised by the CIA have no place in the EU and the European parliament needed to take action. That process has now begun - the first full meeting took place on February 13, and the first examination of witnesses will take place on February 23 where it is hoped that Council of Europe rapporteur Dick Marty will give his take on the controversy.

But as the inquiry begins, many within the institutions, journalists, and other sceptics are keen to point out the many difficulties we will face. It is worth setting these out openly. The first criticism is that we may be duplicating the council’s inquiry. There is no question in my mind that the Council of Europe has succeeded in reaching a critical stage - that despite the difficulties in obtaining clear and unambiguous information from member states, there is in fact a case to answer. As Dick Marty said, “It has been proved - and in fact never denied that individuals have been abducted, deprived of their liberty and transported...in Europe to be handed over to countries in which they have suffered torture.” Marty added that it was, “highly unlikely that European governments, or at least their intelligence services, were unaware of such abductions.”

So why begin another inquiry? As one MEP put it when making the case to commissioner Frattini, “the parliament pays close attention to the smallest detail of the

ingredients in our food and cosmetics. What do we say to them if we cannot examine as a parliament whether our own member states have breached Article 6 of the EU Treaty which outlines the basic principles of democracy, human rights, and respect of law on which the EU has been built.” MEPs are directly elected - they answer to their constituents, and when constituents write to me in London, I want to tell them that we have investigated these allegations to the limits of our powers. Crucially, the mandate of our committee is explicit about cooperation with the Council of Europe. The body is respected internationally as a defender of human rights but is not directly elected and cannot impose sanctions against its members in the way that the EU can if a fundamental breach has been proved.

Other clear practical difficulties begin with the fact that our committee cannot compel witnesses to attend. Nor does it act as a superior court where witnesses take an oath under cross-examination. But herein lies a potential strength of the committee, whose workings will be very open and transparent to the world’s media, allowing the potential “naming and shaming” of witnesses or member states that are obstructive. It is hoped that high-level of investigative journalism and NGO activity will continue. This began in March 2005 when the New York Times reported that the Bush administration gave the CIA power to carry out its rendition programme. It continued in June when the paper reported that Italy had arrested 13 people linked to the CIA for “kidnapping” an Egyptian suspect Hassan Nasir



“MEPs are directly elected - they answer to their constituents, and when constituents write to me in London, I want to tell them that we have investigated these allegations to the limits of our powers.”

and flying him to Egypt where he said he was tortured. This evidence along with an ambitious list of potential witnesses gives us some optimism that a strong narrative will be created in the four-month interim report to be produced by the committee.

Further problems that have been cited include the intrinsic barriers inherent in any investigation involving intelligence information, or politicians who may be in the position of investigating their own member states and governments. Both are tough issues, but the inquiry must depend on the most rigorous forensic approach combined with the “political heat”, that in partnership with the media can approach the truth.

Finally, it is increasingly being said that the parliament committee begins at a “dead end” in the Council of Europe inquiry and that member states have given up as much information as they are willing to. Recent evidence shows that the story still has momentum. For example, despite earlier denials, the Romanian president recently conceded that CIA flights have

passed through Romania but said authorities were not able to determine which US agency was piloting planes. President Basescu added that the Mihail Kogalniceanu base was definitely used by the US to move troops and equipment. He said, “I have never rejected the reality of CIA involvement but reject allegations that US-Romanian cooperation disrespected human rights.” This illustrated to me as a committee member that painfully slow steps forward in Romania and a number of EU member states is taking place in uncovering the truth.

Does this mean that the parliament’s temporary committee will find the “smoking gun” and uncover the whole truth? We simply do not know at this stage. But the evidence I have seen thus far from the members of the committee spanning civil liberties and foreign affairs and the secretariat is that there is a determination to pursue hard, detailed work over the coming weeks. European citizens should be satisfied four months from now that we have given it our best shot. ★

Claude Moraes
MEP is a member of the parliament’s committee of inquiry on alleged CIA activity in the EU