

# EUROPEAN PARLIAMENT

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

MONDAY, 20 NOVEMBER 2006

1-003

**IN THE CHAIR: MR GIORGOS  
DIMITRAKOPOULOS**

*(The meeting opened at 15.05)*

1-004

**Exchange of views with Mr Wolfgang Petritsch,  
High Representative of the international community  
in Bosnia and Herzegovina  
from August 1999 to May 2002**

1-005

**Chairman.** – I would like to present the apologies of our Chairman, Carlos Coelho. He is not here at present so he asked me to open the meeting. Hopefully he will be with us in due course.

The first item on our agenda is the exchange of views with Mr Wolfgang Petritsch, High Representative of the international community in Bosnia and Herzegovina from August 1999 to May 2002.

Mr Petritsch is Austria's Permanent Representative at the United Nations Organisation in Geneva and at other international organisations that also have their seat in Geneva. He has extensive experience of issues in the Balkan Peninsula and he has been involved in international negotiations that led to the end of conflicts in that region. In addition he was the Special Envoy for the European Union in Kosovo from October 1998 to July 1999.

We welcome him here today. We thank him for finding the time to be with us. We want to hear his important testimony with regard to the attitude of the international community at the time of the 'Six Algerians Affair': persons who were handed over to the American authorities early in 2002 and whose case we debated during our meeting of 25 April 2006 with their lawyer, Stephen Oleskey, with Mr Dizdarevic, President of the Helsinki Committee for Human Rights in Bosnia and Herzegovina, and with the former President of the Human Rights Chamber of Bosnia and Herzegovina.

1-006

**Wolfgang Petritsch, former High Representative of the international community in Bosnia and Herzegovina.** – I came prepared to answer questions and I am sure there are going to be questions. By way of introduction and in addition to what you have already said, maybe I should mention that I was in charge of the implementation of the Dayton Accords. In this respect I was the 'final authority in theatre', as it says in the Dayton Accords, on the implementation of the civilian parts. That was basically my job there, covering practically all areas from economic issues to political institutions.

I think if one wants to zero in on the ominous dates of 17 and 18 January 2002, it is important to know some of the parameters and circumstances – the framework of our political dealings there.

Firstly, for the first time since the end of the war, Bosnia and Herzegovina had what I would call a non-nationalistic government. It was not the nationalistic parties which were in power: a coalition, the Alliance for Change, was governing Bosnia and Herzegovina. You know that it is a highly decentralised political system where most of the powers rest with two entities: the Republika Srpska and a slightly bigger federation, the Muslim-Croat Federation. The case took place in the Federation. At that time the Federation Government was headed by someone from the Alliance for Change, Mr Alija Behman, a Social Democrat, who was Prime Minister. At the state level, the government, the Council of Ministers, was also led by a Social Democrat, Zlatko Lagumdžija, to my recollection. These were the two main political actors in this and they were the ones who were approached – if we reconstruct what happened – by the US Government to hand over the two suspects who a Federation Supreme Court had ruled should be released owing to insufficient evidence to support the charges against them. That is the first point I want to mention.

The second point is that the international community under my leadership was at the time withdrawing more and more from interfering in the everyday politics of Bosnia and Herzegovina. I have coined the expressions 'local ownership', 'local responsibility', because when I arrived I realised how dependent the local political elites were on the activities of the international community. With this democratically-elected, non-nationalistic government, I saw a big chance to further and promote the idea of ownership, of partnership with the international community and at the same time I was pushing very hard for closer European ties. At the time that this happened I was on the point of going away. Just two or three days later I addressed the Parliamentary Assembly of the Council of Europe in Strasbourg, to lobby for the accession of Bosnia and Herzegovina to the Council of Europe.

Of course it was in a way ill-fated timing that this coincided with the events of 17 and 18 January 2002. But nevertheless we were able to convince the Council of Europe that it would be a good idea to accept Bosnia and Herzegovina as a first formal step towards Europe in this strategy of Europeanisation, post-conflict stabilisation and the reform efforts in Bosnia Herzegovina.

This is just to set the stage and describe the circumstances under which the things in which you are

interested happened. Maybe I should stop here and see what questions are put.

1-007

**Chairman.** – Thank you very much for your presentation. I would like to start with the usual practice, which is that our rapporteur, Mr Fava, opens the debate.

After Mr Fava, I already have the names of three colleagues who wish to speak. If more decide to ask for the floor, would they please make this known during the debate.

1-008

**Giovanni Claudio Fava (PSE), Rapporteur.** – Mr Chairman, I would like to thank Mr Petritsch for being here today and for his willingness to work with us. You understand that this evening's discussion, like the discussion we had with other speakers in April this year, is not solely procedural or merely for the purposes of legal assessment, but is substantive in nature in that we are discussing six people who are still held in Guantánamo. Over four years later there is no news about their forthcoming release or of this affair being brought to a conclusion by the legal process.

The situation has also been marked by some particularly significant and unusual moments. For example, the Bosnian government is the only government formally to have acknowledged handing these six people over to American military personnel and therefore in essence, to have been in favour of their unlawful detention and transportation to Guantánamo. Moreover, the Human Rights Chamber of Bosnia-Herzegovina has also played a significant role in the affair: it had promulgated an order specifically and explicitly prohibiting the handover of these six former detainees because they had only just been released, and it required the government to do everything possible to prevent the rendition which seemed to be in the offing.

The Human Rights Chamber made three other orders requesting that everything politically and diplomatically appropriate should be done to obtain the release of the six detainees: nothing has happened over the years.

Having said that, I shall now move on to my questions. The High Representative of the United Nations had, so it would appear from official information from NATO, particularly far-reaching powers which allowed him to do everything necessary to be able to implement the reform measures provided for in the Dayton Accords. I would like to know when you learned of the affair of the six Algerian-Bosnians who had been handed over to the American military forces, and whether the United Nations was in a position to intervene to prevent their forced deportation and, subsequently, to facilitate their release.

Second question: we are dealing with a legal measure: the order from the Human Rights Chamber, which has the force of law and a government which decided not to take any account of that order and which accepts that it handed the six people over. In that case, is or was a legal

mechanism provided for in respect of the Bosnian authorities who failed to take account of that order? Has an inquiry ever been opened into the organisational or legal aspects?

The third question concerns the extraordinary pressure, evident from the testimonies heard by this committee, and from the statement from Dick Marty of the Council of Europe, which must have been exerted by the American Ambassador on the Bosnian Prime Minister. Were you in a position to know how that pressure was brought to bear? What is your opinion on the way that pressure influenced the fate of the six people discussed here?

1-009

**Wolfgang Petritsch, former High Representative of the international community in Bosnia and Herzegovina.** – Let me try to answer these three questions.

Firstly, the question as to what I did. It was clearly a matter between the elected government of Bosnia and Herzegovina and the US Administration. So in that respect the international community was formally excluded de facto. However, it was clear that at the time, with such a heavy presence of the international community and my mandate, that there were wider ramifications.

There were rumours that they would be released and also rumours that the Americans, who were not willing to supply any evidence to the Bosnian authorities, would not stop there and would see to it that they would not be released. However, it was not clear what this really meant. So it was only after the event that I was able to confront the commander of SFOR, the Stabilisation Force, the US General Sylvester, to ask him what had happened, since this was a security issue as much as a rule-of-law issue and both were of wider concern. The SFOR commander made it clear to me that he was not authorised to answer any questions pertaining to this case because he did not wear an international or NATO hat; he wore a US hat as a US general. That was a very clear and at the same time a very unsatisfactory answer.

One needs to keep in mind that at the time, in early 2002, such a short time after 9/11, there was enormous pressure on everyone whenever there was an issue involving terrorism. During the war Bosnia and Herzegovina had an influx of several hundred so-called mujahedin. Some of them were naturalised citizens of Bosnia and Herzegovina. Immediately after 9/11 that became a huge and very important issue in the public eye and the Bosnian Government had to immediately join the fight against terrorism. They took the necessary steps and went on to comply with the UN rules and regulations and I am sure also went beyond them. There was also the question of withdrawing citizenship and a committee of inquiry was set up to look into the issue of the citizenship acquired by former fighters during the war, basically in 1994. So there were many issues pertaining to this that need to be taken into consideration. That is one point.

The other point is that the United States enjoyed great sympathy among the population of Bosnia and Herzegovina because of the simple fact that they had put an end to the war through the military intervention of NATO. The United States' change of mind was clearly behind the NATO intervention. Also, the US led the peace negotiations. That created a huge wave of sympathy for the United States, whereas the Europeans were seen as not really getting on with the job. Also, Srebrenica was something that cast a shadow over the effectiveness of European political will.

Apart from this, the United States was also, apart from the European Union, the main actor and probably stronger in political terms than in financial terms, as Europe paid more than 50% of the costs. Nevertheless, it was a very important contribution both financially and politically and, as you have indicated in your third question, pressure was clearly there. I do not think it was said *expressis verbis*. I think it was clear to everyone involved that the Americans wanted to see action on the terrorism issue.

Just to remind you: immediately after 9/11 there was a terrorist threat in Sarajevo where both the US and the British Embassies were evacuated. My own office was evacuated around 9/11. There were always terrorist threats; it sometimes did not make a lot of difference whether they were real or not. But, without going into detail or giving a more graphic description, a certain atmosphere was created. So it was very clear that the government had to deliver and that the international actors had to be extremely careful about what they were doing and saying.

To come back to the first question on what I did: immediately after these events I made contact with the Commander of SFOR. I contacted the other heads of international organisations there, the OSCE and the rather small UN missions. (By the way my representation was not attached to the UN. It had a Security Council mandate but was not formally speaking a UN position. I was High Representative of the international community, a coalition of 55 governments and international organisations created by the Dayton Accords, although the post was linked to the UN.)

There were two levels: the formal public one and the informal one. The public one was my statement in which I recalled the UN efforts under Kofi Annan and the British Ambassador Jeremy Greenstock, the Chairman of the Counter-Terrorism Committee, which basically stated that the protection of human rights was the best prophylactic against terrorism. On the more specific situation in Bosnia and Herzegovina, I called for respect for and the implementation of the human rights agreements.

Clearly on this extremely sensitive issue it was necessary to be very careful in the wording because I already knew through my informal channels that the United States would have been ready to withdraw their

support for the peace implementation mission. It was clear to me that I had to choose between the lesser evil – breaching the rule of law – or the greater evil – US withdrawal from the peace implementation efforts in Bosnia and Herzegovina. So I had to weigh these two up and it was clear that I had to tread a very thin line to keep the Americans on board. At the same time it was also clear that criticising the Bosnian Government would not make a lot of sense. Yes, formally they were in charge, but clearly they were very dependent on international support. Also, immediately before the beginning of the accession process to the Council of Europe, we had to be extremely careful not to produce a backlash against our peace implementation efforts.

I was acutely aware that this was a highly sensitive, an extremely sensitive situation. That was also expressed by my Bosnian counterparts, the Prime Minister at state level and the Federation Prime Minister and the other interlocutors who clearly said: We have to do this; we do not see another way out. Therefore I had to calibrate my public position in such a way that the government would not come under attack more than necessary. However, at the same time, I insisted on the principle that human rights agreements need to be respected and implemented.

On the legal mechanisms to which you referred in your second question, clearly there are legal mechanisms in the bilateral relations between Bosnia and Herzegovina and the United States. However, there would have also been a legal mechanism based on the Dayton Accords. That would have been if one of the stakeholders – and the United States clearly was one of the stakeholders – had initiated an inquiry into how much the situation created by the release of the six Algerians imperilled and impaired the security of the whole mission of the implementation of the Dayton Accords. But this is more a theoretical consideration, which was never really enlarged on because we were confronted with the now well-known facts.

I should also add that, because this was clearly designated as a bilateral American issue with the Bosnian Government, there was no formal or informal information forthcoming from the American side regarding what would happen to the six Algerians.

1-010

**Giovanni Claudio Fava (PSE), Rapporteur.** – Your Excellency, I would nonetheless like you to clarify what your office did afterwards: were there at least some specific, formal instances of intervention, at least when the six were in Guantánamo. The Bosnian Government had also undertaken to ensure that their imprisonment would end as soon as possible. I would like to know whether there were at least some instances of intervention by your office to encourage their release, and whether such interventions were of an official, substantive legal nature.

1-011

**Wolfgang Petritsch, former High Representative of the international community in Bosnia and Herzegovina.** –

We were supporting the government in their efforts to clarify matters with the American side and we were calling on the US to put things in order, to ensure that matters were being dealt with in the way that they ought to be. I admit that we did not have a lot of success but my job was terminated (that was not related to the case we are discussing here) and, as has already been said, I left my assignment a few months later. Up to that time we did not meet with any success in clarifying the issue.

1-012

**Frieda Brepoels (PPE-DE).** – Mr Chairman, with regard to Mr Petritsch I would now like to examine a number of matters which my colleague Mr Fava has raised as rapporteur. You have outlined fully the situation within which this has occurred.

In April this year we also heard here from Mrs Picard, who is the former president of the Human Rights Chamber and also president of the Helsinki Committee. It appeared from the statements made that at no time had there been any compliance with court judgments or decisions of the Human Rights Chamber, that even innocence per se was not presumed, and that the executive was involved in this regard in an unacceptable manner.

Back then the president of the Helsinki Committee spoke here about your function and about the fact that you did not actually make any response at that time, that you were obviously not prepared to offend American diplomats, and that there was a desire not to endanger this government. However, we are of course now faced with the fact that these individuals have now been in Guantánamo for five years without having been charged with anything.

Last weekend I also read in a Flemish newspaper – one of the lawyers is clearly Belgian – that one of these individuals has been held for over a year in solitary confinement and has been tortured there. This is a terrible state of affairs. When the Human Rights Chamber for Bosnia-Herzegovina directed the government to enter into diplomatic negotiations with the United States some months later, it was in fact discovered not only that very little success had been achieved but also that the government was remaining completely passive.

I understand from the lawyer's statement now that various legal proceedings have already been conducted in relation to these six individuals, including in the United States, and that the intention is now to shift matters to Europe by bringing cases before the Court of Human Rights.

To sum up, it can in fact be said that it is established, legally speaking, that the Bosnian government has committed a serious error in extraditing these six individuals and that it remains politically very passive. Moreover, last week one of these lawyers said that this passiveness could at present be attributed primarily to internal political reasons on account of which no one

within this government is willing to take up the case of these six individuals. It is not only you who are involved but also the entire international community, the embassy and SFOR. Normally, all of them in fact allow events to just happen and I therefore have two questions for you.

You have perhaps already replied in one way or other, but can you provide any explanation, on the basis of your experience, for this passiveness on the part of the Bosnian government in taking up matters with the United States with a view to bringing about the return of these individuals and for the internal political reasons now being stated? And what do you think can now be done to secure the release of these individuals?

Finally, Chairman, I would, if I may, also like to say something about the fact that the Bosnian government agreed so quickly to this illegal extradition. Why are, or were, the United States actually in such a powerful position that they were able to force through such unlawful requests?

1-013

**Jan Marinus Wiersma (PSE).** – I have listened very carefully to what Mr Petritsch has said. There was already a problem in Bosnia before 9/11. Everybody knew a group of mujahedin who fought in the war remained there. Some of them were Afghanistan veterans. There must have been cooperation between you and NATO troops concerning these people before 9/11. Can you say something about that? Also, as there had always been concern, what changed after 9/11? For example, I can imagine that, after the military activity in the Zenica region, there must have been monitoring and an exchange of information on the people who stayed there. Indeed a lot of them obtained Bosnian citizenship. Can you comment on that?

A second question I would like to put is: was there an awareness within the community of experts, the ambassadors or the people you worked with in Sarajevo, that these six Algerians would be dealt with by the Americans in the way in which they were dealt with? I ask this because you mentioned rumours. Were there rumours or was it a point of discussion that the Americans were going to do something they were not supposed to do?

1-014

**Sarah Ludford (ALDE), Vice-Chairwoman.** – Mr Petritsch, in one sense I understand what you are saying about the situation in January 2002 concerning the weakness of the EU part of the international community compared to the United States part, which went back a decade.

We can all draw our conclusions about the situation in terms of failure or inability to stand up to the Americans. But in another sense one can obviously make a parody of your really quite shocking statement that while calibrating your response you nonetheless insisted on the principle that human rights decisions had to be respected. This is after the order of the Human Rights Chamber had been flouted. And when you are talking

about supporting the local institutions, these were local courts – the Supreme Court and the Human Rights Chamber – whose decisions were completely ignored and undermined. It is a very sad and sorry tale of betrayal of what was promised at Dayton, which was to set up a system founded on human rights and the rule of law.

So my question is: did you take active steps in EU capitals to alert them to what was about to happen? You referred to rumours. When Mrs Picard came to one of our meetings in April, she said the international community was fully aware of this affair and she particularly highlighted the fact that international police supervised the delivery by the Federation Government of the Algerian Six to the SFOR airbase and later congratulated them on the way they did it in the midst of demonstrations.

Did you make it known in national European capitals that this was contrary to everything that we committed ourselves to – the Dayton Agreements, EU Treaties, clauses on human rights and the rule of law – and that this was really intolerable? Did you point out: we have to say to the Americans that they cannot do this; not only can you not weaken the local institutions by bullying them in this way, it would be a complete betrayal of all the principles that we stand for? These indeed are principles that you highlight, only to close the stable door after the horse has bolted. Did you insist on these points in the national capitals and what response did you get?

1-015

**Wolfgang Petritsch**, former High Representative of the international community in Bosnia and Herzegovina. – On the first question concerning the Bosnian authorities' passivity, as it was called, again it needs to be borne in mind how dependent this government was and still is on external help and assistance. With the United States in a situation like this immediately after 9/11, I believe there are other governments in Europe who would not be able to resist in such circumstances. In Bosnia and Herzegovina, the situation is such that it still is considered a very weak state.

There was and still is a very close relationship between the United States and Bosnia and Herzegovina. Just to give an example, the personnel at the US Embassy in Sarajevo is about as numerous as in my office as High Representative at its height. So you can imagine how overwhelming the influence of the United States has been on the government in Bosnia and Herzegovina. It still is of course, although it has decreased. At the time it was solely focused on the issue of terrorism.

Mr Wiersma asked about the issue of the mujahedin before 9/11. Yes, of course we kept a very close eye on this issue. There was the issue of citizenship but there was also another issue, which related to the Zenica region, to which you referred, and also beyond. There was a village that had been abandoned by Bosnian Serbs where about 30 families of former mujahedin had settled

and this blocked the return of about 2000 IDPs, mostly Bosnian Serbs. I had to resolve the issue and I was dealing, not personally but through intermediaries, with the leader of this group, Abu Hamsa, in order to get them out so the return of Serbs could continue. We were able to settle this in a peaceful way, although there were some skirmishes and SFOR was ready to intervene. But I was trying to resolve this in a peaceful way, which succeeded. That was always an issue, but one that became much more urgent after 9/11. We were watching this very closely through our regional and local officers in the meetings with my military vis-à-vis, COMSFOR, and with the OSCE antenna.

The issue of citizenship was dealt with by the Bosnian Government commission, on the insistence of the international community. That was put in place rather quickly and they started to research the issue of who acquired citizenship and how. Some of the citizenships were revoked at the time, immediately after 9/11.

The second question regarding awareness of how these six Algerians would be dealt with also ties in with the Vice-Chairwoman's reference to the rumours that were circulating. Clearly that could not have been foreseen. You need to remember that there was a legal case pending at the Supreme Court and the Supreme Court unsuccessfully asked for evidence from the United States and therefore had to free the six Algerians on 17 January.

I have to respond when you call this a parody. As I said at the beginning of the meeting, perhaps before everybody had arrived, the mission of the High Representative of the international community in Bosnia and Herzegovina was to weigh this case, which was a matter of a breach of the rule of law and human rights, serious as it was, against the international community's overall mission and to decide whether I should impair the continued presence of the United States as one of the main actors in the peace implementation efforts in Bosnia and Herzegovina. As I said before, this was a choice between bad and worse. Worse would have been if the United States had withdrawn its support. That would have meant that the whole mission would most likely have collapsed.

I have on several occasions referred to the local institutions, to the weakness of the institutional set-up of local government, the various layers of government, the Federation Government and the State Government. This is indeed a sad and sorry tale but it is also the sad and sorry tale of the Bosnian people, the citizens who are confronted with many other issues of daily survival. So unfortunately they do not have the luxury of being able to care very much about issues of the rule of law when their basic human rights are being violated in so many other ways such as high unemployment and in other areas that I do not want to go into. This is not to defend this legal transgression. It is just to explain that we are not talking about a country which has all the means at its disposal to be a true democracy and to protect its people when such things happen.

Concerning what active steps I undertook: that was one of the main issues at all the meetings of the Steering Board, which was the main oversight body. It met once a week and comprised the ambassadors of the most important and relevant countries and organisations from the United States to Russia, Germany, France, the UK, Turkey for the OAC Group, and the European Commission, to name just the most important ones. It was both in this setting and at a bilateral level where we discussed these issues and where I urged those colleagues to report to their capitals and to get feedback because it was very clear that this could not be handled at the level of Bosnia and Herzegovina or at the ambassadorial level. This was the most burning political issue, apart from terrorism, of course. This was not just the case in Bosnia and Herzegovina, it was the case in most of the other countries and we know from other governments what happened there. So, let us put this in perspective and see how this poor and very weak country was so dependent on international help and support and thus clearly on the United States.

On the next question on the IPTF: the IPTF was part of the UN mission. I also inquired there and I was assured by the then head of the IPTF, as well as by the head of the UN mission, Jacques Klein, that there was no active participation of the International Police Task Force in this, but I can only convey to you as the information which I received upon inquiry. My most important channel to the US Government was through my principal deputy who was American. He of course had direct contact with Washington and I was able to communicate through him in the usual way and in this case also the fastest and most secure way to convey messages to Washington.

1-016

**Sarah Ludford (ALDE), Vice-Chairwoman.** – With respect, Mr Petritsch, I do not think you have answered my specific question. That was: did you alert national capitals to the imminent undermining of local institutions through defiance of the local court orders and therefore the undermining of human rights in Bosnia and Herzegovina by the American insistence on delivering people in breach of international law? If so, what response did you get?

1-017

**Wolfgang Petritsch, former High Representative of the international community in Bosnia and Herzegovina.** – The order for provisional measures on the organisation of the proceedings, as the Chamber decision is called, was issued on 17 January and that was also the date when things were happening. So there was no time to send warnings directly to European capitals. But, as I have said, we discussed the issue at the level of the Steering Board ambassadors and I am confident that they immediately reported their findings and our views and the implicit danger for the rule of law and human rights to their respective capitals.

1-018

**Raül Romeva i Rueda (Verts/ALE).** – Staying more or less on the same tack as before, you say that you asked the Ambassadors to inform their capitals but I would also like to insist on the point whether you received, directly, any response or any communication expressing indignation or any sign of concern on the part of the European capitals and the Council in particular, which after all was the body to which I understand you and others were accountable. I would therefore like to know whether in view of the facts you received any sign of concern in that regard and any direct complaint about what was happening and what happened.

The second question is as follows: were the events which occurred in the case of the six Algerians a one-off incident or by contrast was that type of practice and pressure more or less standard, at least while you were in the country? What was the role of your office in this kind of situation? To what extent were you able to intervene? Were you informed first? To what extent were you able to give your opinion on that type of procedure if such procedures occurred?

Thirdly, given the change in the US Congress over the last few days, we have received information, which is naturally very preliminary in nature, that there is a degree of interest among the new Chamber to investigate this situation. Have you received any explicit request for information from the new US Congress which would in any event enable a new investigation into these events to be opened?

1-019

**Giulietto Chiesa (PSE).** – Mr Petritsch, in some ways you have rewritten the history of the last few years today by telling us on several occasions that the international community was blackmailed and put under extraordinary pressure by the United States so that it would accede to requests to violate international agreements and laws. You have told us twice that you had to choose between what was bad, namely breaking the law, and what was worse, namely forfeiting American assistance in the operation. These, I believe, are statements of extremely high importance.

I would like to know first, if you knew how the six Algerians arrived in Bosnia? Secondly I would like to know if you were aware that the six people in question, alongside others, were recruited for Bosnia by a US organisation calling itself the MPRI which worked as a cover for the Central Intelligence Agency and which in practice constructed the 'Islamic division' in Bosnia alongside Alija Izetbegović. Thirdly, I would like to know whether you have any information that the six Algerians obtained Bosnian citizenship as a prize for fighting the Serbs. Finally, I would like to know whether you knew, or were informed of the fact that Osama Bin Laden received a diplomatic passport from the Republic of Bosnia and Herzegovina in Vienna?

These are all facts of great importance in understanding how the six Algerians ended up in the database held by

the American secret services. I would like to know how much of this information was conveyed to you.

1-020

**Sophia in 't Veld (ALDE).** – You said you had to weigh this individual case against the threat by the US to withdraw. If there was such a direct relationship then, instead of calling this pressure, would you not call it blackmail?

1-021

**Wolfgang Petritsch, Former High Representative of the international community in Bosnia and Herzegovina.** – Let me start with the first speaker of this round. You were following up on a previous question. Yes, there were of course responses of concern in the Steering Board and also on an individual basis but there were no official responses to this.

The second question concerned whether this was a one-off case or whether it was standard practice. It was definitely not standard practice. This is rather a unique case. I am not aware of any other case that occurred at least during my tenure in Bosnia and Herzegovina.

To answer the second speaker: you called it blackmail; this is of course a choice that everyone has to make for himself. I was trying to describe the circumstances and these need to be borne in mind whenever we speak about what kind of global hysteria had been created or had broken out spontaneously with regard to terrorism, for good reasons or not. But this is just a statement of fact and you need to realise that the work had to be done against this background.

I have no idea when the six Algerians arrived in Bosnia and Herzegovina. These mujahedin were called in or volunteered during the course of the war. The Muslim side was more affected by the UN arms embargo than the Serbian side, which basically had the former Yugoslav military on its side.

I have no knowledge about recruitment by a US organisation. Citizenship was acquired by marriage: foreigners acquired citizenship when they married Bosnian women. That was the rule. With regard to Osama Bin Laden and his document, I have no knowledge whatsoever to this effect.

I am not sure whether I have properly understood the question by the third speaker, Mrs in't Veld, but I think I have answered it when referring to the issue of whether it was pressure or blackmail. This is really in the eye of the beholder. It is important for me at least to remain objective and rational in conveying to you the facts as well as the atmosphere and the circumstances in which this took place. That I believe is all I can add.

1-022

#### IN THE CHAIR: MR CARLOS COELHO

1-023

**Chairman.** – Mr Petritsch, thank you so much for having accepted our invitation and answering our questions. I am sorry I could not listen to you as I was at

another meeting but my colleagues will tell me everything you have said and I thank you on behalf of this committee.

1-024

**Exchange of views with Mr Javier Aguado Zaragoza, Chief Prosecutor of the Audiencia nacional (High Court), and Mr Vicente González Mota, Prosecutor of the Audiencia nacional (High Court)**

1-025

**Chairman.** – I have the pleasure of welcoming Javier Aguado Zaragoza, Chief Prosecutor of the Audiencia nacional and Vicente González Mota, Prosecutor of the Audiencia nacional. The Audiencia nacional is the highest court in Spain, and deals in particular with matters concerning terrorism drugs trafficking and organised crime.

Mr Aguado Zaragoza has been the Chief Prosecutor since May 2006 and Mr González Mota is the Prosecutor in charge of the investigation which opened on 18 May 2006 into the alleged use of Spanish airports by CIA agents. I note that we have debated the allegations concerning Spain on two previous occasions, namely on 20 April with journalist Matias Vallés of the Diario de Mallorca and on 14 September with the Minister for Foreign Affairs, Miguel Moratinos.

1-026

Mr Aguado Zaragoza and Mr González Mota, thank you very much for accepting our invitation. We now call upon you to make your initial statements. Afterwards you will be able to reply to questions put by the MEPs. Thank you very much.

1-027

**Javier Aguado Zaragoza, Chief Prosecutor of the Audiencia nacional (Spain).** – Good afternoon, ladies and gentlemen. As a representative of the Spanish Public Prosecutor's Office and the person in charge of the Public Prosecutor's Office at the Audiencia nacional, I would like to say that it is of course a great honour to appear before the highest representatives of European sovereignty and I believe that this appearance is part of an inexorable duty to contribute to the legitimate objectives pursued by this committee of enquiry.

The presentation which my colleague and I wish to give will be in two distinct parts, tailored to the time constraints of the session. In the first part I shall outline to you the legal framework – the Spanish legislation – within which the specific investigation into the flights by the CIA is being carried out, namely the rules of jurisdiction and competence which govern the operation of Spanish justice in this enquiry into human rights offences, and the second part in which my colleague from the Public Prosecutor's Office, Mr González Mota, will brief you about the circumstances of the investigation which began in legal terms in June 2006, but subject to the strictest confidentiality in respect of matters which are the subject of on-going investigation.