

HELLENIC REPUBLIC
GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS

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<p>Decision regarding the Potential Greek Involvement in CIA's Illegal Flights</p>

According to many reliable surveys the Greek air space as well as certain airports and/or military bases in Greece have been used, during the past two years, by USA's Central Intelligence Service in relation to practices known as 'rendition'.

Those practices consist of transferring individuals from one country to another, usually without any previous judicial or administrative procedure, such as extradition.

Those practices include:

- Transfer of detainees, in the context of 'war against terror', and their delivery to other States' authorities;
- Arrest and detention of individuals by foreign authorities;
- Abduction of suspects abroad.

It is well known that most States, to which the USA transfers the victims of 'rendition', exercise torture and other forms of ill-treatment during interrogation. There have been grievances that States which exercise torture have been for that purpose chosen to interrogate detainees, and that US interrogators have threatened detainees with transfer to these States.

In other cases, victims of 'rendition', who were brought under US jurisdiction by other States, have been kept in extraterritorial secret detention centres directed by the US (these centres are sometimes called 'black sites').

The NCHR considers those practices as being in breach of international law since they by-pass any judicial or administrative procedure, such as extradition as well as the special legislation on combating terrorism. Furthermore, 'rendition' entails multiple human rights violations, such as abduction, arbitrary arrest, and detention and illegal transfer without observing the prescribed procedures.

Both the arrest and detention of the majority of 'rendition' victims were illegal from the outset; some of them were abducted while some others had no access to any judicial authority. 'Rendition' also violates a number of guarantees with regards to the safety and freedom of the individual; for example 'rendition' victims cannot question the legality of their detention or the arbitrary decision of their transfer to another country.

'Rendition' constitutes an elementary feature of the international system of secret transfer and arbitrary detention. The aim of this system is the detention of individuals so as to extract information without any limitations or judicial supervision. Many of the victims have been detained or continue to be detained completely arbitrarily in terms of 'enforced disappearance'. Most of the detainees in secret detention centres (in the so-called black sites) have been victims of 'rendition'.

According to international law, States are under the obligation to prohibit the transfer and delivery of an individual to another State, where he faces the risk to be tortured or otherwise maltreated, as well as to prevent, penalize, investigate and punish acts of torture or other forms of ill-treatment, co-perpetration, complicity or instigation of torture.

A State which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible if it does so with knowledge of the circumstances of the internationally wrongful act. In other words, States which knowingly facilitate torture and ill-treatment, enforced disappearances and secret detention are also responsible for those violations.

The final report of the European Parliament's Committee for CIA's activities in Europe, despite the general lack of cooperation by European governments, affirms the European countries' complicity in illegal transfers by the CIA in Europe.

As far as Greece is concerned, the European Parliament notes that aircrafts, used by the CIA, have carried out 64 stops in Greek airports, and expresses its concern regarding the purpose of the said flights, which are related to rendition and detainees' transfer networks. Furthermore, it expresses its discontent with regards to stops taking place in Greece by aircrafts, for which there is proof that they were used by the CIA in other instances for rendition of named individuals.

Recommendations:

The National Commission for Human Rights,

- a) affirming that the fight against organized crime and armed violence needs to be conducted in respect of international law and human rights;
- b) evaluating the material in its possession and taking into account the reports and observations of both the Council of Europe and the European Parliament,

proposes to the Greek Government to:

- 1) Request from the US government to declare whether it has used airports or military bases in Greece or the Greek air space for rendition purposes.
- 2) To publicize whether the US government has ever requested from Greek officials diplomatic approval for conducting rendition flights or whether Greek officials had any information from the US regarding rendition flights using airports in Greek territory. If that was the case, what was the Greek government's response? Does the Greek government request or receive confirmation regarding the purpose or mission of flights run by other countries' security services? If yes, to publicize the kind of information requested, and the procedures followed in case of non-compliance. It is also

recommended to publicize any incidents involving CIA flights, where these questions remained unanswered or necessary information was provided.

- 3) To take the appropriate measures in order to prevent any future use of Greek airspace and airports in Greece by aircrafts used for illegal activities, requesting, *inter alia*, adequate information from aircrafts which wish to transit through the Greek airspace.
- 4) To examine whether national legislation enables Greek officials to force an aircraft, for which there are suspicions that is on 'rendition mission', to land in Greek airport and under which circumstances Greek security forces are allowed or compelled to board and control the aircraft.
- 5) To clarify whether the US had or have any detention or interrogation facility in Greece, or any other facility whose purpose is unknown. It is also recommended to state the actions taken in order to investigate these allegations and to ascertain the existence or not of such facilities.
- 6) To declare that illegal transfers and related flights are not permitted and to take effective measures so as to prevent illegal transfers via Greek territory and related flights via Greek air space.
- 7) To initiate or continue judicial and parliamentary investigations regarding the practice of illegal transfers and to cooperate fully for their completion. To evaluate the practices that might facilitate illegal transfers. To fully cooperate with the ongoing international and regional investigations regarding illegal transfer and secret detention, providing *inter alia* access to all related information and officials.
- 8) To ensure that no person is secretly or otherwise arbitrarily detained.
- 9) To enforce the prohibition of persons' transfer from Greek soil to any other State, when there are valid suspicions that the person involved would face serious human rights violations or the death

penalty and not to seek or accept diplomatic assurances or conclude bilateral agreements in those cases.

- 10) To pursue the criminal prosecution by the competent judicial officials of those allegedly having committed human rights violations in relation to illegal transfers.
- 11) To investigate where the victims of the 64 instances involving Greece are located and take the necessary steps so as the latter receive just satisfaction for any material and moral damage.

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