

Ref: TG EUR 37/2010.001

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**AMNESTY
INTERNATIONAL**



24 February 2010

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Dear Premier Tusk,

Amnesty International launched a campaign in April 2009 calling for accountability for Poland's alleged complicity in human rights violations committed in the context of the rendition and secret detention programme led by the US Central Intelligence Agency (CIA). It is in the context of that campaign that I am writing to alert you to information that may be of value to Poland's ongoing investigation regarding allegations that a secret detention facility operated on Polish territory between 2003-2005.

On 26 January 2010, four special procedures of the United Nations Human Rights Council issued a joint study on global practices in relation to secret detention in the context of countering terrorism. The report was issued by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Arbitrary Detention, and the Working Group on Enforced or Involuntary Disappearances.

The UN report includes information already in the public domain, originating from reports of inter-governmental organizations and the media, including allegations that a number of "high value" detainees were held in a secret facility in the village of Stare Kiejkuty at various times between 2003 and 2005; claims by detainee Khalid Sheikh Mohamed that he believed he was held in Poland after receiving a water bottle with a Polish label; ABC news television reports that two other detainees were held in secret in Poland; Polish press reports that Polish authorities assigned a group of Polish intelligence officers to assist US operatives; and confirmation by Polish officials that planes operating in the context of the US-led rendition programme did in fact land on Polish territory, some under cover of faked flight plans. Some of this information also appears in Amnesty International's own reporting, in particular, our June 2008 report *State of Denial: Europe's Role in Rendition and Secret Detention* (AI Index: EUR 01/003/2008).

More recent research and analysis undertaken by the UN experts and detailed in the UN secret detentions report contributes additional information of importance, especially with respect to the use of fake flight plans and claims by unnamed US sources that "high value" detainee Abd al-Rahim Nashiri was also held in secret detention in Poland. In addition, the UN experts expressed concern about the near total secrecy surrounding the Polish investigation. In specific:

- Analyzing aeronautical data, the experts identified additional fake flight plans. For example, "a flight from Bangkok, Thailand to Szymany, Poland on 5 December 2002 (stopping at Dubai) was identified, which was disguised under multiple layers of secrecy, including charter and sub-contracting arrangements that would avoid there being any discernible 'fingerprints' of a US Government operation, as well as the filing of 'dummy' flight plans. The UN experts were made aware of the role of the CIA's chief aviation contractor through sources in the United States". In a separate but related development, flight records provided to the Warsaw-based Helsinki Foundation for Human Rights by the Polish Air Navigation Services Agency (PANSAs) in February 2010 confirmed that rendition flights landed in Poland and that the CIA and its Polish partners created fake flight logs in an attempt to cover-up the true flight paths of aircraft used for rendition flights.

The records indicated that a number of flights listed Warsaw as their final destination but the planes actually landed at Szymany;

- The CIA Inspector General's report, "Counterterrorism Detention and Interrogation Activities (September 2001 – October 2003)," the unclassified version of which was issued in August 2009, included information regarding the interrogations of two "high value" detainees, Abu Zubaydah and Abd al-Rahim al-Nashiri. According to the UN secret detentions report, "[t]wo US sources with knowledge of the HVD programme informed the Experts that a passage [of the IG report] revealing that '[e]nhanced interrogation of Al-Nashiri continued through 4 December 2002' and another, partially redacted, which stated, 'However, after being moved [redacted] Al-Nashiri was thought to have been withholding information', indicate that it was at this time that he [Al-Nashiri] was rendered to Poland. The passages are partially redacted because they explicitly state the facts of Al-Nashiri's rendition – details which remain classified as 'Top Secret'";
- As part of the research for the study, the UN experts sent a questionnaire to the Polish government seeking information regarding the status of the investigation into the allegations of Polish government complicity in renditions and secret detentions. The government's official reply stated that Polish prosecutors would not comply with any request for information because the evidence gathered was classified or secret and the prosecutors were bound by confidentiality. In the UN report, the experts stated that "they are concerned about the lack of transparency into this investigation. After 18 months still nothing is known about the exact scope of the investigation, but the Experts expect that any such investigation would not be limited to the question whether Polish officials created an 'extraterritorial zone' in Poland but also whether officials were aware that 'enhanced interrogation techniques' were applied there."

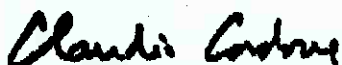
Given past and recent compelling information regarding Poland's role in CIA-led renditions and secret detention, Poland's international legal obligations require it to conduct a full, impartial, and effective investigation. The UN report contains information and possible leads that the Polish authorities and prosecutors should pursue. In particular, Amnesty International urges the prosecutors investigating the allegations to make direct contact with the offices of the special procedures involved in drafting the report to initiate a frank discussion about ways in which they can collaborate to ensure that information relevant to the investigation in Poland is pursued.

Polish government claims of secrecy and/or confidentiality should not be invoked to obstruct lines of investigation or to hold prosecutors back from pursuing lines of inquiry so clearly relevant to a full and impartial investigation of these serious allegations. Amnesty International has expressed concern in the past about the lack of information regarding the terms of reference, lines of inquiry, and status of the Polish investigation.

We respectfully request that you respond by confirming your receipt of this letter and your government's plans to follow-up on the information contained in the UN secret detentions report. If Amnesty International can be of assistance with the provision of contact information or other details, please do not hesitate to contact our offices.

A copy of this letter is being sent to Krzysztof Kwiatkowski, Minister of Justice.

Yours sincerely



Claudio Cordone
Secretary General (ad interim)