



# EUROPEAN PARLIAMENT

Mr. Ban Ki-moon  
Secretary-General of the United Nations

UN Headquarters,  
New York, NY  
10017 USA

Brussels, January 22, 2007

Dear Secretary-General Ban Ki-moon, Your Excellency

Let me start by congratulating you for your recent appointment. I wish you, and the organization you lead, all the best in tackling the many challenges the world is facing at the moment.

As a Portuguese member of the European Parliament and of its *Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners (TDIP)*, I have been involved in an investigation to find out if, and to what extent, my own country, Portugal, and other European countries, have been complicit with the 'extraordinary rendition' programme of the current US administration.

In the course of that investigation, we have come across data from European companies responsible for air traffic control, which show that between 2002 and 2006, many military and state flights to/from Guantanamo crossed European airspace, some of them even performing stopovers on European territory - the vast majority of those planes had US number plates.

Some European governments have confirmed some of those flights, but have argued that they were legitimate, since they were made 'within the context of Operation Enduring Freedom' and that this operation 'takes place under the aegis of the UN and

of NATO', or 'under the mandate of the United Nations and NATO.' Some have gone as far as to describe this operation as being 'at the service of the United Nations'. They conclude that therefore these flights to Guantanamo are harmless, since they amount to simple flights from and to an American military base.

This approach seems to be an attempt to legitimize a bilateral decision by some European governments to allow for these flights to take place, by presenting them as part of a NATO/UN - and therefore multilateral - endeavour.

My own understanding is that this is a misleading and inaccurate interpretation of the facts, since it is important to distinguish between the two distinct operations that make up the international military presence in Afghanistan: one under NATO (ISAF) and another one in which the USA lead an ad-hoc coalition (Enduring Freedom).

What I find particularly shocking is the suggestion that the UN might have ever been involved in flights suspected of transporting prisoners outside any judicial system, in violation of international law, such as those who have been brought to Guantánamo since 2002, where there is a notorious detention camp that has been systematically condemned by UN leaders, including the past and present Secretaries-General.

In the light of these statements, and the allegations they contain about the legal and political legitimization by the UN of US flights to/from Guantanamo, and therefore potentially of so-called 'extraordinary renditions', I would like to ask you for the following clarifications:

1. What is the nature of the UN mandate covering Operation Enduring Freedom in Afghanistan?
2. To what extent does that mandate cover military and state flights to/from US facilities on Guantanamo Bay?
3. To what extent would you say that it is accurate to consider Operation Enduring Freedom to be '*under the aegis of the UN*', '*at the service of the UN*', and even '*under the mandate of Security Council Resolution 1707*' [which extends the mandate of the International Security Assistance Force (ISAF) for a 12-month period beyond 13 October 2006]?

4. Finally, what are your views about any statement that links the UN, its legal and political role, and its activities in Afghanistan, with the existence of US military and state flights to/from US facilities on Guantanamo Bay?

Best regards,

Ana Gomes  
Member of the European Parliament

CC: Ms Louise Arbour  
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