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*Permanent Delegation of Turkey  
to the European Union  
The Ambassador*

*no: 90*

30 January 2007

Dear Mr. Chairman,

With reference to the report on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners (A6-9999/2007), I am writing to outline our views and observations regarding the allegations contained in the report. I wish to express our regret that the report contains serious and unfounded accusations against Turkey.

We have always attached importance to establishing fruitful cooperation and constructive relationship with the European Parliament. With this understanding, I deem it necessary to make clarifications with a view to avoiding any misrepresentations as well as giving a complete picture. I would therefore like to transmit herewith an information note regarding the allegations against Turkey in the report.

I am confident that the facts contained in the enclosed note will be given due consideration.

Sincerely,

Volkan BOZKIR  
Ambassador  
Permanent Delegate

Encl.

Mr. Carlos COELHO  
Chairman  
TDIP Temporary Committee  
European Parliament  
Brussels

c.c. Mr. Giovanni Claudio FAVA  
Rapporteur  
TDIP Temporary Committee  
European Parliament  
Brussels



*Permanent Delegation of Turkey  
to the European Union  
The Ambassador*

no: 30

30 January 2007

Dear Mr.Rapporteur,

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**VIEWS AND INFORMATION REGARDING THE REPORT ON THE ALLEGED  
USE OF EUROPEAN COUNTRIES BY THE CIA FOR THE TRANSPORTATION  
AND ILLEGAL DETENTION OF PRISONERS (A6-9999/2007)**

With regard to the allegations in paragraph 134:

Within the context of the established procedures in accordance with the Chicago Convention on civil aviation, it is possible for an aircraft belonging to a foreign intelligence service to fly with civil registration and without notifying the identities of passengers. Request of information concerning the identities of passengers or search of aircraft in line with the right arising from Article 16 of the Chicago Convention is carried out only upon the presence of a serious doubt and/or denunciation as passengers who enter into or depart from the territory of the country by the aircrafts in question are in any case subject to customs and passport inspection.

The tasks and services set out in the National Civil Aviation Security Programme and the standards of ICAO are implemented by the Ministry of the Interior and the Ministry of Transport. The Ministry of the Interior is responsible for the security of the airports. In case of a denunciation of an illegal act, airport authorities may take action by informing the Ministry of the Interior. Deputy Governor of the Province where the airport is located is responsible for the coordination of the law enforcement agencies and ensuring the security of the airport.

Turkish national agencies have reached no findings regarding any unacknowledged deprivation of liberty conducted by foreign agencies within the territory of the Republic of Turkey or any transportation by aircraft or otherwise of the persons deprived of their liberty. It should be stressed that Turkish national agencies have not established any kind of cooperation with foreign intelligence services in this respect. On the other hand, there were no prior information that would lead the Turkish authorities to launch an official investigation

With regard to the allegations in paragraphs 132 and 133 about Mr.Murat Kurnaz:

During the operations conducted by the US and Coalition Forces in Afghanistan and Pakistan after the 9/11 terrorist attacks, it was learned that there were six Turkish citizens among those who were captured and transferred to Guantanamo.

As a result of numerous initiatives vis-à-vis the US Administration, four Turkish citizens were released and sent back to Turkey on different dates: Mr.İbrahim Şen on 22 November 2003, Mr.Yüksel Çelikkögüs on 22 November 2003, Mr.Mahmut Nuri Mert on 1 April 2004, and Mr.Salih Uyar on 18 April 2004. The fifth Turkish citizen Mr.Mesut Şen was released on 25 April 2005 and sent to Belgium since he holds the Belgian nationality as well.

It should be underlined that Mr.Murat Kurnaz was never interrogated at Guantanamo Bay Naval Base by Turkish authorities, and he was released upon and as a result of Turkey's determined demands.

Starting from his capture in Pakistan and transfer to Guantanamo on 15 February 2002, Turkey has made every effort at different levels vis-à-vis the US authorities both in Ankara

and in Washington for Mr.Kurnaz to be released as the other five Turkish nationals, to be sent to Turkey or to Germany where he was born and his family still lives.

A Turkish delegation composed of relevant authorities visited Guantanamo Base between 3-7 June 2002. This visit was made upon the invitation of the US Department of Defense to show *in situ* the living conditions at the Base. The Turkish delegation interviewed with Mr.Kurnaz along with the other Turkish detainees so as to have a first-hand opinion about their situation.

Therefore, it is out of question that the said delegation might have conducted an interrogation at a place located out of Turkey, at a time there were no substantial accusations brought by the US authorities against any of them. It was the case for all six Turkish nationals at Guantanamo. Therefore, Mr.Kurnaz was never interrogated at Guantanamo.

During his visit to USA in December 2003, Mr. Cemil Çiçek, Turkish Minister of Justice, told the US Secretary of Justice and President of the FBI that Turkey followed closely the situation of the Turkish nationals kept at Guantanamo and requested them to accelerate the procedures which would lead to their rendition to Turkish authorities as soon as possible.

Mr.Kurnaz's mother, Mrs. Rabiye Kurnaz and his German lawyer Mr. Bernhard Docke visited the Turkish Embassy in Washington on 8 March 2004. They shared the information related to their meetings with various NGOs and Congressmen in Washington and New York. On this occasion, the Embassy officials provided them with information about the official initiatives.

Moreover, in February 2005, Mr. Baher Azmy, Mr.Kurnaz's lawyer in the US contacted with the Turkish Embassy in Washington and asked for further information about the situation of Mr.Kurnaz. Mr.Azmy told that he had already visited Mr.Kurnaz twice in Guantanamo. He conveyed his observations that Mr.Kurnaz was in good health both physically and psychologically. He further told that Mr.Kurnaz did not have any message to anyone or any authority in Turkey, but only a message to his mother. Mr.Azmy stressed that Mr.Kurnaz intended to return to Germany after his release.

After this meeting, Minister-Counsellor of the German Embassy in Washington called the Turkish Embassy and said that he also met with Mr.Azmy. The German diplomat also told that his authorities were in the process of evaluating the situation to accept the extradition of Mr.Kurnaz to Germany and to decide to prolong his residence permit.

The Turkish Embassy in Washington has always been in close contact with the US authorities by providing them with necessary information and documents, demanding insistently his early release through written demarches as well as visits to the State Department and Pentagon to show the utmost importance attached to the case.

In a meeting on 30 March 2005 with Mr.Nicholas Burns, US Under-Secretary of State, the Turkish Ambassador in Washington reiterated once again the demand for the immediate release of Mr.Kurnaz and other Turkish detainees.

The report mentions that the "German Government's initiative in January 2006 which led to the release of Mr.Murat Kurnaz is appreciated." Such an expression falls short of reflecting the truth. Therefore, complementary information is needed to see the whole picture. Since Mr.Kurnaz was born on 19 March 1982 in Bremen/Germany and his family still lives there, his case was also followed by the German Embassies in Ankara and Washington. In this vein,

on 9 January 2006, before Chancellor Angela Merkel's visit to Washington, Minister-Counsellor of the German Embassy in Ankara made a demarche to the Turkish Foreign Ministry. At that meeting, the Minister-Counsellor told that Mr.Kurnaz's case was followed by the German public closely and conveyed their request to take an initiative together with Turkey in Washington. As a result, Turkish and German Embassies took parallel and concurrent initiatives vis-à-vis the State Department.

Within this framework, the Turkish Embassy's Minister-Counsellor met with Mr.Sam Witten, Legal Advisor acting on behalf of the Ambassador in charge of War Crimes at the US Department of State, on 18 January 2005 and conveyed the copy of the Verbal Note sent by the Turkish Foreign Ministry on 28 July 2005 to the US Embassy in Ankara, calling for immediate release of Mr.Kurnaz once again.

Upon the invitation of the US authorities, the Director General for Security Affairs at the Turkish Foreign Ministry visited Washington together with the representatives of the Turkish General Staff and National Police on 22-23 March 2006. He met with Mr.Cully Stimson, Deputy Undersecretary for Detainee Affairs at Pentagon and Mr.Sam Witten, during which he explained in detail Turkey's point of view on the accusations brought against Mr.Kurnaz. He pointed out that since there was no concrete and founded accusation, he demanded the immediate release of Mr. Kurnaz. On 21 April 2006, just before Chancellor Merkel's visit to Washington, the demand for his release was brought once again to the attention of the State Department and Pentagon.

Believing that every effort and initiative could contribute to his release, Turkey welcomed such an initiative and shared the contents of its demarches vis-à-vis US authorities timely with the German Embassy in Washington and the German Government in Berlin.

Mr.Kurnaz was set free and sent to Germany, upon his request, on 24 August 2006. Since Mr.Kurnaz had neither a criminal record nor a court order in absentia for his arrest in Turkey, his extradition was never sought. Moreover, the assumptions brought forward by the US authorities have never been sufficient to incriminate Mr.Kurnaz to be linked with Al-Qaeda.

Turkey has never remained indifferent to Mr.Kurnaz's case since the very beginning. On every occasion and at every possible level, Turkey followed his case strictly. It is necessary to underline the fact that Mr.Kurnaz was released upon and as a result of Turkey's initiatives. His return to Germany should not be seen as a surprise since he was born in Bremen/Germany where he still lives with his family.

The Turkish Embassies in Washington and in Berlin as well as the Consulate General in Hannover have always been involved in this process to facilitate the flow of communication between the parties. The Turkish Consulate General in Hannover has always been in constant contact with Mr.Kurnaz's family in Bremen during his detention and with Mr.Kurnaz himself after his release.