

**Opening Statement of Chairman Delahunt
Briefing and Hearing on “Extraordinary Renditions
in U.S. Foreign Policy:
Its Impact on Transatlantic Relations”**

April 17, 2007

The joint briefing for the Subcommittee on International Organizations, Human Rights and Oversight and the Subcommittee on Europe will come to order. On behalf of our Subcommittee’s ranking member, Mr. Rohrabacher, and myself, let me thank Chairman Wexler and his Ranking Member Mr. Gallegly and their staff for arranging this as a joint briefing. This will be our second joint event with your Subcommittee and we look forward to others where our interests and jurisdictions overlap.

Our Subcommittee has been conducting a series of hearings on foreign attitudes regarding U.S. policies—attitudes which we need to understand if we are to encourage cooperation of our allies in the struggle against international terrorism and other issues important to our national interest. In the wake of the horrific attacks of 9/11, we were moved by the extraordinary support -- the outpouring of sympathy -- from across the globe. I shall never forget that headlines in the French newspaper- Le Monde- that proclaimed, “Today, we are all Americans.” Sadly, that support has eroded dramatically. In previous hearings, well regarded pollsters testified how world opinion has turned against the United States in recent years. And, the GAO has concluded that this reality has profound negative consequences for our national interests.

Like American public opinion -- foreign public opinion has been affected by the war in Iraq. By disturbing images of prisoner abuse at Abu Ghraib. By the Administration's flouting of the Geneva Conventions at Guantanamo. And by other unnecessary excesses in the execution of our counterterrorism strategy. One initiative that has prompted severe rebuke -- particularly from Europe -- is the Bush Administration's practice of extraordinary renditions.

And, today, we will review that practice and a report by the European Parliament. For those of you unfamiliar with the term, I am referring to the practice by US government officials of seizing individuals suspected of links to Al-Qaeda and other terrorist organizations and transferring them to 3rd countries, such as Syria or Egypt, where some have reportedly faced cruel treatment or torture. Some news reports have called this our "torture by proxy" program.¹ Or as the minority witness in the second panel, Michael Scheuer, said, "It's very convenient. It's finding someone else to do your dirty work." (60 Minutes, CBS) The European Parliament's report, which we are addressing today, also includes in its analysis of extraordinary renditions the forcible abduction of suspects who are then transferred to secret CIA detention facilities for interrogation.

We also know the practice didn't come into existence during the Bush Administration. Apparently, some form of rendition has been in practice for decades.² But, according to press reports, the program has been dramatically expanded by the Bush Administration in both its reach and scope.

¹ New York Times Editorial, March 8, 2005.

² Id.

The methods used in the Bush program are utterly inconsistent with our broader foreign policy goals of promoting democracy and rule of law. They have brought us condemnation and could easily frustrate our efforts to work in a concerted way with our allies in fighting terrorism. All the while, the goals of the program could have been achieved if the Administration had worked with Congress to craft a policy that would have respected our international obligations and norms. As Michael Scheuer noted in a Frontline interview – the Administration apparently decided that they didn't want to go through the trouble of working with Congress to find a way to bring them to the US as POWs, as enemy combatants, whatever.

More importantly, these renditions appear to violate our obligations under the UN Convention Against Torture and other international treaties. Pursuant to that Convention, the Committee Against Torture considered the actions of the United States. Here are a few of their conclusions and recommendations as they are relevant to the practice of extraordinary rendition.

The Committee expressed concern about allegations that the US has established secret detention facilities, which are not accessible to the International Committee of the Red Cross. Detainees are allegedly deprived of fundamental legal safeguard, including an oversight mechanism in regard to their treatment and review procedures with respect to their detention.

They recommend that the US should ensure that no one is detained in any secret detention facility under its de facto effective control. Detaining

persons in such conditions constitutes, per se, a violation of the Convention. The US should investigate and disclose the existence of any such facilities and the authority under which they have been established and the manner in which detainees are treated. The US should publicly condemn any policy of secret detention.

The Committee expressed concern about reports of the involvement of the US in enforced disappearances.

They recommend that the US adopt all necessary measures to prohibit and prevent enforced disappearance in any territory under its jurisdiction, and prosecute and punish perpetrators, as this practice constitutes, per se, a violation of the Convention.

The Committee also expressed concern about by the US's use of "diplomatic assurances", or other kinds of guarantees, assuring that a person will not be tortured if expelled, returned, transferred or extradited to another State. Imagine accepting the assurances of Uzbekistan or Syria – is that the ultimate in naiveté or just a sham? They recommend that the US establish and implement clear procedures for obtaining such assurances, with adequate judicial mechanisms for review, and effective post-return monitoring arrangements.

People across the globe have admired our historical commitment to freedom and the rule of law. But they are appalled at our hypocrisy when we betray those values. The State Department recently issued its annual Human Rights Country Reports criticizing abusive practices carried out overseas. How

much credibility can such a report have when we ourselves are involved in abusive practices? What does the world think when we won't even talk to the Syrians, but will send terror suspects to them for questioning?! And we should remember that if the world opinion of America continues to erode, democracy everywhere will suffer – and our national interests will be the victim.

Congress has a role here in ensuring that our laws - our values - are respected by any Administration. Congress unfortunately abdicated its oversight responsibility—a failure which these hearings will begin to correct. But while Congress took no action, others stepped up to the plate. Much of what we know about the renditions program is known because of the important work of news agencies and nongovernmental organizations. In January, the European Parliament made an important contribution to the debate by issuing a report on what the CIA was doing in Europe, and on their own governments' apparent complicity in its operations.

Today, we will hear from two European Parliamentarians, Claudio Fava and Baroness Sarah Ludford, involved in preparing that report. Another Member of the Parliament, Jonathan Evans, will speak on the impact this practice has had on our transatlantic relations. On our expert panel, Julianne Smith from the Center for Strategic International Studies will also discuss how the practice has affected European cooperation with us. Mr. Michael Scheuer, former Chief of the Bin Laden Unit at the CIA, will likewise make a statement. I look forward to their testimony.

But before introducing these speakers, let me first turn to my Ranking Member, Dana Rohrabacher, for his opening statement, then to Chairman Wexler and Mr. Gallegly.

[other members make statements]

Before I proceed to the statements, I would like to note the presence of other Members of the European Parliament:

Ms. Pervenche Madeleine Angès Berès

Ms. Frieda Brepoels

Mr. Patrick Gaubert

Mr. Luis Francisco Herrero-Tejedor Aljar

Ms. Sophia Helena In't Veld

Ms. Piia-Nora Pauliina Kauppi

Mr. Stavros Lambrinidis

Ms. Martine Roure

I welcome our colleagues to this briefing. Now I want to introduce our speakers on this panel.

Jonathan Evans of the United Kingdom is Chairman of the European Parliament's delegation for relations with the United States. He has been a member of the European Parliament since 1999 and is a member of the Conservative and Unionist Party. He also sits on the European Parliament's Committee on Economic and Monetary Affairs. He was a member of the United Kingdom's Parliament for Breckon and Radnor from 1992 to 1997,

where he served in several offices, including as Under-Secretary of State for his home country of Wales.

Baroness Sarah Ludford MEP is London's Liberal Democrat Euro-MP and a life peer in the House of Lords. She is spokeswoman for the British Liberal Democrats in the European Parliament on the Civil Liberties, Justice & Home Affairs committee and Vice-Chairwoman of the European Parliament's Human Rights Sub-Committee. She was previously Vice-Chairwoman of the European Parliament's temporary committee on extraordinary rendition. She is also a member of the Economic & Monetary Affairs Committee and the European Parliament delegation to South-East Europe, the Balkans.

Claudio Fava has been representing Catania, Sicily as a Member of the European Parliament since 1999. He is the author of the Report on the Alleged Use of European Countries by the CIA for Transportation and Illegal Detention of Prisoners. He is a member of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs as well as the Parliament's Delegation to Andean Communities. Prior to joining the European Parliament, he was a member of the Italian Chamber of Deputies.

[proceed with statements from witnesses, then Qs and As]

Let me thank you for your comments this morning.

[Strike gavel.] This briefing is now closed.

[**strike gavel again.**] I now call to order the joint hearing of the Subcommittee on International Organizations, Human Rights and Oversight and the Subcommittee on Europe.

[after starting hearing]. Without objection, I ask that Mr. Markey be considered a Member of the Subcommittee for this hearing for the purpose of taking testimony and asking questions. [Note: Mr. Markey asks questions only after every other member of the HCFA has been allowed to ask questions.]

Without objection, a statement from Amnesty International, which is included in the Member packets, will be made part of the record.

Let me introduce our witnesses today.

Julianne Smith is the director of the Europe Program and the Initiative for a Renewed Transatlantic Partnership (RTP), where she leads the Center's research and program activities on U.S.-European political, security, and economic relations. She co-directs the Transatlantic Dialogue on Terrorism, which examines U.S.-European disagreements over the root causes of terrorism. She also served as one of the lead investigators for the CSIS project on European Defense Integration. She is the author or contributor to a number of CSIS books and reports, including *America and the World in the Age of Terror* (2005) and *Transforming NATO (...again): A Primer for the NATO Summit in Riga 2006* (2006), *Five Years After 9/11: An Assessment of America's War on Terror* (2006).

Mr. Michael Scheuer has served in the CIA from 1982-2004, nineteen of those years handling covert action. He most recently served as Chief of the Bin Laden Unit at the Agency. He is the author of *Imperial Hubris*, a New York Times and Washington Post bestseller translated into 8 languages. He also wrote *Through Our Enemies' Eyes: Osama bin Laden, Radical Islam, and the Future of America*. His commentary has been published in leading news publications such as the New York Times and he has appeared on many news programs. He also is an Adjunct Professor of Security Studies at Georgetown University.