



**Statement before the House Committee on Foreign Affairs,
Subcommittee on International Organizations, Human Rights, and Oversight**

**“Extraordinary Rendition in
U.S. Counter terrorism Policy:
The Impact on Transatlantic Relations.”**

A Statement by

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April 17, 2007
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Thank you, Mr. Chairman, for this opportunity to address you and members of the House Committee on Foreign Affairs, Subcommittee on International Organizations, Human Rights, and Oversight on the impact of extraordinary rendition in U.S. counter terrorism policy on transatlantic relations. As a European analyst who spends a considerable amount of time in Europe meeting with policymakers and addressing public audiences, I can confirm that extraordinary rendition, along with the press revelations about secret U.S. prisons in Europe, have cast a dark shadow on our relationship with our European allies. While transatlantic intelligence and law enforcement cooperation continues, European political leaders are coming under increasing pressure to distance themselves from the United States. Over time, this could pose a considerable threat to joint intelligence activity with our European allies.

America's Ongoing Image Problem in Europe

The transatlantic relationship has long been heralded as one of the strongest – if not *the* strongest – partnerships in the international system. Over the last five years, however, America's image in Europe, particularly at the public level, has declined steadily. The war in Iraq, human rights abuses at Abu Ghraib, and allegations of torture and the desecration of the Koran at the Guantanamo Bay detention camp marked the years between 2003 and 2005 as some of the darkest and most strained in the history of the transatlantic relationship. During this period, polling data from the Pew Research Center for the People and the Press and the German Marshall Fund of the United States pointed to a steep decline in the favorability ratings of the United States.

In the last two years, efforts have been made on both sides of the Atlantic to renew transatlantic ties, and anecdotal evidence over the last year suggests an improvement at least at the political elite level.¹ However, European publics continue to have a negative view of the United States, and America's "war on terror" remains widely unpopular. In fact, data from a Pew poll conducted in the summer of 2006 found that people in Great Britain, France and Spain believe the U.S.-led war in Iraq is a greater threat to world peace than Iran's government and its nuclear program.² Anyone who has made a trip to Europe in recent months has certainly noticed the long list of grievances that Europeans often cite against the United States and its war on terror. Europeans complain of U.S. arrogance, question U.S. commitment to human rights and international law, and warn that the United States is fueling more conflicts than it is resolving.

When it was alleged in late 2005 that the United States was detaining top terror suspects in so-called "black sites" in eight countries and that the Central Intelligence Agency (CIA) was flying terrorist suspects between secret prisons and countries in the Middle East that have been known to torture detainees, America's image in Europe took another dive. For the past five years, Europeans have expressed deep concern over two issues: Washington's unwillingness to grant due process to terror suspects and the violation of suspects' human rights during interrogations. The rendition allegations and resulting

¹ President George Bush's decision to visit both NATO and the EU in early 2005 had a very positive effect on the transatlantic relationship. It was the first time a U.S. President had visited European institutions.

² U.S. a bigger threat than Iran? Bush calls idea "absurd." (2006, June 22). *Seattle Times*, website. Available at http://seattletimes.nwsourc.com/html/nationworld/2003077518_bush22.html

investigation by the European Parliament have now confirmed Europe's worst fears. Many Europeans now believe they have ample evidence to prove a long suspected gap between U.S. stated policies and action. As a result, U.S. promises not to torture terrorist suspects and to uphold the fundamental pillars of international law by offering all individuals a fair trial are no longer seen as credible.

America's moral authority has also suffered damage from the discovery that since September 11, the CIA has reportedly sent terror suspects to Syria – a country that, according to the U.S. State Department, uses torture during imprisonment.³ For the Bush Administration to simultaneously oppose engaging Syria in efforts to revive the Arab-Israeli peace process and stabilize Iraq on that grounds that Syria is a state sponsor of terrorism strikes European audiences as the epitome of hypocrisy. The conclusion some Europeans draw from such incidents is that the United States will partner with countries with poor human rights records in the name of short-term tactical gains in the war on terror.⁴

Such conclusions are disappointing for a corner of the world that once felt enormous gratitude for American action during the Cold War and into the 1990s. For decades Europeans have looked to the United States as the preeminent advocate of democratic values and human rights. Today America's moral authority is eroding, jeopardizing the transatlantic relationship and threatening U.S. national security.

Why Image Matters

President Bush has noted on several occasions that making policy is not a popularity contest. True. But when political elites in other countries start to feel that standing shoulder to shoulder with the United States is a political liability, low favorability ratings can indeed hinder America's ability to solve global challenges.

Europe is one of America's most important partners in combating the threat of radical extremism. Over the last five years, the United States has worked with partners in Europe to arrest and capture committed jihadists, halt terrorist recruitment, and address the roots of radicalization. That relationship has been fruitful on all fronts, producing countless counter terrorism victories and significantly improving the safety and security of citizens on both sides of the Atlantic.

Transatlantic tensions over rendition are threatening the U.S.-European counter terrorism cooperation in a number of ways. First, it is putting unnecessary strain on our relationship with Europe and distracting the two sides of the Atlantic from the tasks at

³ Brown, D. & Priest, D. Deported terror suspect details torture in Syria. (2003, Nov 5). *Washington Post*, p. A1.

⁴ Supporting this claim, in February 2006, in return for access to one of its citizens being held in Morocco (an al-Qaeda suspect arrested in connection with the September 11 attacks), the United States asked Germany to "avert pressure" from the EU over human rights abuses in Morocco, reminding Germans that Morocco is a "valuable partner in the fight against terrorism." See <http://www.eubusiness.com/afp/061026022457.yen9nlf0/>

hand. Instead of focusing on joint counter terrorism policies, European and American policymakers are now bogged down in disputes about rendition.

Second, European political elites are under enormous pressure from their publics to distance themselves from America's war on terror. While such pressure is unlikely to bring U.S.-European counter terrorism cooperation to a halt in the near term, there are already signs that negative public opinion is making it more difficult for political leaders in Europe to cooperate with the U.S. One only has to look at the latest European responses to U.S. calls for an increase in troop commitments in southern Afghanistan. While a number of political and military leaders in Europe have told me privately that they would support such a move, most claim that pushing that decision through national parliaments would be next to impossible. Europeans commonly believe that the United States abandoned its efforts in Afghanistan to pursue the unpopular Iraq war, leaving European governments and forces to deal with the dangerous security situation that the Iraq war in part created. This assumption, combined with a generally negative view of the United States, makes it political suicide for political elites to push for additional support on America's war on terror.

In those cases where political elites are willing to swim against the rising tide of public opinion to pursue bilateral or multilateral counter terrorism cooperation with the United States, some request that their support remain discreet. Few know, for example, that the CIA and French intelligence services established a top-secret joint intelligence center in 2002 in Paris called Alliance Base.⁵ Nor are most French citizens aware that as President Chirac was publicly battling the Bush Administration in its drive to go to war in Iraq, France was secretly agreeing to deploy 200 French special forces under U.S. command in Afghanistan. France prefers it that way. Publicly acknowledging close cooperation with the United States carries a certain risk of political vulnerability and public backlash.

Finally, unrelated to terrorism, the United States and Europe are facing an unusually long list of global challenges. In each of these areas – from energy security to regional crises such as Darfur to nonproliferation – Americans have been repeatedly asking Europeans to do more. But American policies do not operate in a vacuum. Difficulties in our counter terrorism relationship with Europe affect our relationship at other levels. Again, negative public sentiment towards the United States will never succeed in halting our cooperation with Europe entirely. It does, however, make asking for greater European support in other areas more challenging.

Beyond America's Image and Public Opinion

The transatlantic tension surrounding the accusations of extraordinary rendition and secret prisons are doing more than battering America's image and making U.S. allies hesitate before cooperating with the United States. There are clear signs that the renditions themselves are having a negative impact on European counter terrorism efforts and the U.S.-European counter terrorism relationship more broadly.

⁵ Priest, D. Help from France key in covert operations. (2005, July 5) *Washington Post*, p. A1.

In at least one rendition case, the United States knowingly removed one of Italy's better sources in an ongoing investigation. According to a piece in *The Chicago Tribune* by John Crewdson in January of this year, the Italian intelligence services had had Abu Omar under surveillance for months.⁶ Through wire tapping and videotaping, the Italians were investigating Omar's suspected role in helping young European Muslims travel to Iraq to fight against the anticipated invasion. When the CIA abducted Omar in Milan in February 2003 (despite its knowledge of the Italian surveillance operation), the trail went cold, ending a major Italian investigation. While it is still too early to tell, one wonders whether or not DIGOS, Italy's anti-terrorist unit (which was not informed of the decision to render Omar⁷), will be as forthcoming with intelligence next time they coordinate with the United States on similar matters.

There is also evidence that revelations about the use of rendition in Europe have hindered Europeans' ability to recruit moderate Muslims to their intelligence sources. At the 2006 Aspen Ideas Festival in Colorado, Sir Richard Dearlove, the former Head of British Intelligence, MI6, remarked that the rendition issue has hindered the ability of Western intelligence agencies to recruit moderate Muslims because they no longer think countries like the UK are on the right side of the argument. To be sure, weighing the need to arrest and capture terrorist suspects against the necessity to win hearts and minds is a delicate balancing act – one with which each side of the Atlantic is struggling. In many cases, these two goals often work at cross-purposes. The question is – in countries with large Muslim communities that are increasingly disgruntled and isolated such as the UK – how far will Europeans allow their cooperation with the United States to trump their efforts to win hearts and minds, particularly if they believe the cooperation can lead to potentially destructive or counterproductive outcomes at home?

Finally, Europeans have long complained that intelligence sharing with the United States is one sided, that the United States takes far more than it is willing to give. The rendition and secret prisons issue has no doubt confirmed this suspicion, with several countries complaining that they were not adequately informed of such operations. (It is important to note, however, that in all cases at least a handful of Europeans knew about these operations and are therefore complicit.) To cite one public case, Spanish judge Baltasar Garzon complained in June of 2006 that U.S. officials were concealing information on the whereabouts of Mustafa Setmariam, a Syrian with Spanish citizenship, who is accused of being involved in both the September 11 attacks and the Madrid train bombings.⁸ Setmariam was captured in Pakistan in the fall of 2005 and is believed to be detained in a secret prison operated by the CIA. Spain cannot request his extradition because he has not been officially imprisoned. This incident has soured an already strained relationship between the U.S. and Spain. It is therefore not inconceivable that European intelligence services may, as a result of ongoing investigations, become more reluctant to share information.

⁶ Crewdson, J. CIA chiefs reportedly split over cleric plot: Agency schisms come to light in Italy probe. (2007, Jan 8). *The Chicago Tribune*.

⁷ Ibid.

⁸ Madrid bombings mastermind imprisoned in secret CIA jail. (2007, April 8). *The International News*, website. Available at http://www.thenews.com.pk/top_story_detail.asp?Id=3692.

Impact inside Europe

In addition to creating tension between the United States and Europe, accusations of extraordinary rendition have spurred a number of heated debates inside Europe, creating multiple divides across the European continent. Fourteen countries have now admitted allowing the CIA to run secret prisons or carry out rendition on their territory. According to the document issued by the European Parliament, “Report on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners,” 1,245 flights operated by the CIA have flown into European airspace or stopped at European airports. Those figures have placed several European leaders and governments under scrutiny and raised a number of thorny questions about the degree to which European governments were complicit in the abduction of the European citizens in question. There is little doubt that at least a small number of government employees – probably intelligence officers – in all 14 countries not only knew about what was happening but pledged to help. As a result, five divides have surfaced inside Europe on this issue:

- *Divisions between the EU and national governments.* The European Parliament has taken an aggressive role in investigating the extraordinary renditions. Its report on the subject, released in January 2007, named and shamed the countries that cooperated with the United States (particularly, the UK, Italy, and Germany) and chided some European governments for failing to cooperate with their investigation. EU Justice and Home Affairs Commissioner, Franco Frattini, went so far as to threaten any EU member found guilty of participating in the CIA's alleged conduct with the loss of its voting rights.
- *Divisions between Central/Eastern and Western Europe.* Both Romania and Poland have been under some of the heaviest criticism for refusing to cooperate with the European Parliament's investigation.⁹ Polish military intelligence officials have admitted that CIA planes did land on Polish soil, but those same officials refuse to provide any additional details on when and how the operations were conducted and how much they knew about them. As a result, Poland has been reprimanded by its western neighbors and the EU for its complicity and warned that its pro-U.S. stance should not come into conflict with its stated commitments to uphold international norms on human rights.
- *Divisions between European publics and their governments.* European publics have channeled their anger and disappointment at two targets – the United States and their own governments. Some Europeans claim that they have lost faith in their own country's commitment to human rights, which European citizens have often regarded as much more morally rooted than that of the United States. Europeans have stressed that both issues – the failure to require due process and

⁹ The Polish Parliament, however, claims they were never asked and had they been asked, they would have cooperated fully.

the alleged use of torture – are in direct contradiction with European norms on human rights.

- *Divisions inside European governments between intelligence services and other agencies, particularly those tasked with anti-terror policies.* In the case of Italy, DIGOS, Italy's anti-terrorist unit, was not informed of U.S. plans to render Abu Omar, whom they had under surveillance. SISMI, the Italian CIA counterpart, was not only informed but assisted in the operation. This scenario, likely played out in other countries across Europe, has created tension between those who knew and those who didn't. As one retired U.S. intelligence officer told me just last week, "It has left more than a few European government officials questioning the loyalty of their intelligence services. In other words, do they work for their own country or the United States?"

Why Divisions inside Europe Hurt the United States

As witnessed with the animated debates over the future of the EU Constitutional Treaty, a divided Europe is a distracted Europe. And a distracted Europe is a weaker Europe. Internal bickering has been shown to hinder Europe's ability to take decisions as one and serve as a strong partner to the United States in addressing global challenges. At a time when America needs the EU to assert its role on the global stage, the five internal divisions cited above are absorbing significant amounts of energy and time.

Perhaps more troubling is the effect that the rendition issue has had on traditionally pro-U.S. allies – countries such as the United Kingdom and Poland. These countries have taken great pains to cooperate with the United States in spite of declining favorability ratings for the United States. The argument put forward by policymakers in those countries has always been that maintaining strong ties with the United States is a top priority. But the days when these pro-U.S. countries would do just about anything in the name of maintaining a close relationship with the United States might be coming to a close. Polish leaders in particular will increasingly have to balance their interest in supporting U.S. policies against pressure from their European neighbors to distance themselves from the United States.

Conclusion

While there is no shortage of success stories in the international fight against terror, especially among the transatlantic partners, the global coalition is plagued with mistrust and divisions over strategy and tactics. Assuming the war on terror will not end soon, the United States should take a number of steps to revitalize the coalition's mission and morale. Specific to the question of rendition, the United States should publicly and repeatedly emphasize its commitment to human rights and to the degree possible, make its policies and strategies transparent and open to debate. To be sure, the United States cannot and should not change its policies solely to improve public opinion. But the U.S. government must recognize that negative sentiment towards the United States can at times threaten the overall effectiveness of its counter terrorism cooperation with European allies.