

POLAND

CIA PRISONS



GUANTANAMO

BOTH WARSAW AND WASHINGTON PREFER TO KEEP MUM

The international scandal related to the leaks of secret information by former employee of US secret services Edward Snowden painfully hit at EU countries. Snowden revealed to the media the operating methods of US colleagues who collected information about their European allies. The scandal enraged the public in Poland where the detective story about CIA secret prisons continues to develop. It began ten years ago.



Small Polish village of Stariye Keijkuty which one can drive through in two minutes became known to the world in 2005. According to Human Rights Watch, a secret CIA prison was located on the premises of an intelligence school near the village 20 kilometers away from the military airfield in Szymany. Polish authorities denied the claim from the very beginning as rumors.

Naturally, it is hard to link a village with a dozen of houses and the abandoned military airfield with a rusty gate to sensational reports that aircraft with captured Al-Qaeda militants landed there and that detainees were driven in vehicles with dark windows to the base in Stariye Keijkuty (Varminko-Mazursko vojvodstvo).

Helsinki Foundation for Human Rights estimated that from eight to eleven prisoners were kept in Poland. Two of them were representatives of Saudi Arabia now held at Guantanamo base. They claimed they were tortured in Poland. According to Associated Press, terrorist Abd Al-Rahim Al-Nashiri was intimidated by a drilling machine switched on near his head. Handcuffed to the wall the man could not see there was no drill in the machine. A CIA officer also pressed a disarmed gun to his head and pressed the trigger.

In mid-June 2013 Yemen-born Walida Muhammad bin Attash demanded Polish prosecutors to recognize him as a victim in the case about secret CIA prisons in Poland, his lawyer Mariusz Paplaczek told a press confer-

ence. "A 50-page appeal submitted to Krakow prosecutors claimed a suspected crime and called to recognize Yemeni national Walida Muhammad bin Attash as a victim in the case investigated by Krakow prosecutors", he said at a presentation of a new report by the Amnesty International devoted to secret CIA prisons in Poland.

In 2008 the case was moved to Warsaw prosecutors

prosecutors could not advance such charges without major evidence.

In March 2009 Polish prosecutors asked the United States to provide legal assistance. The response arrived in Warsaw only seven months later. It was a refusal. The Americans cited the provision of an agreement saying the fulfillment of the Polish request can infringe on the national interests or jeopardize security.

Polish prosecutors had to look for information in the local intelligence service which thoroughly kept all its data secret. It agreed to disclose the secrets of NATO partner only after the Supreme Justice interfered. According to the rules of Polish intelligence, only the Supreme Justice can demand to divulge facts of specific significance. Ironically, the

who investigated it for four years and tried to comprehend whether Polish authorities had okayed the creation of secret jails on the territory of the country. They questioned 62 witnesses and collected 20 volumes of materials. However no acting or former representative of the top national leadership has confirmed such cooperation with American NATO partners.

The investigation was closed to the public eye and seemed to be endless. But unexpectedly in January 2012 prosecutors charged former Polish spy chief Zbigniew Siemiatkowski with launching prisons on the national territory for keeping CIA-held detainees. It was clear that

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norm was introduced by Siemiatkowski who was charged on the basis of information obtained by the prosecutors.

However the former chief spy is not the only participant in the process. It became known that prosecutors collected sufficient evidence to charge former Prime Minister Leszek Miller who currently chairs the Democratic Left Alliance that has a faction in parliament. In Poland they believe US secret

EXPERTS IN DISCORD

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services could get access to premises in the closed military zone in Keijkuty only upon his permission, as well as land and take off from the nearby airport in Szymany.

Polish Senator Jozef Pinior said the documents of the prosecution contain an instruction signed by Siemiatkowski and Miller on the norms for the operation of CIA prisons in Poland. "It describes in detail how the object should operate from the point of view of Polish state agencies. According to the document, although the prison was subordinated to the

we should soon know who permitted the location of CIA centers in our country, who knew about it and agreed and then concealed it from the public and European parliament commission", said the senator and expressed hope the charges against Siemiatkowski are only the first step towards answers to all questions.

The senator said if politicians agreed to have a closed operating base in the country it means they violated national sovereignty and key international agreements and values

10, 2010. He said he was granted a possibility to visit the villa where prisoners were reportedly kept but found no evidence of a jail. However he noted that the building had been recently renovated as if someone tried to conceal previous activities there.

Fresh information obtained by Polish journalists gives ground to say there was another building in Keijkuty rebuilt to keep prisoners while the villa was intended only for US military. Journalists admitted it was extremely difficult to

obtain such information as the personnel working in the intelligence school in 2002 was sacked and replaced by officers.

It is considered bad manners to speak about the scandal even privately in Polish political circles. Each politician who is in any way involved in the scandal or simply knows about secret CIA prison in the country and can officially confirm its existence prefers to keep mum. Former Prime Minister Leszek Miller once said commenting Gazeta Wyborcza publications they



CIA, its activities were coordinated on behalf of the Polish state by the intelligence service which directly reports to the prime minister", he said.

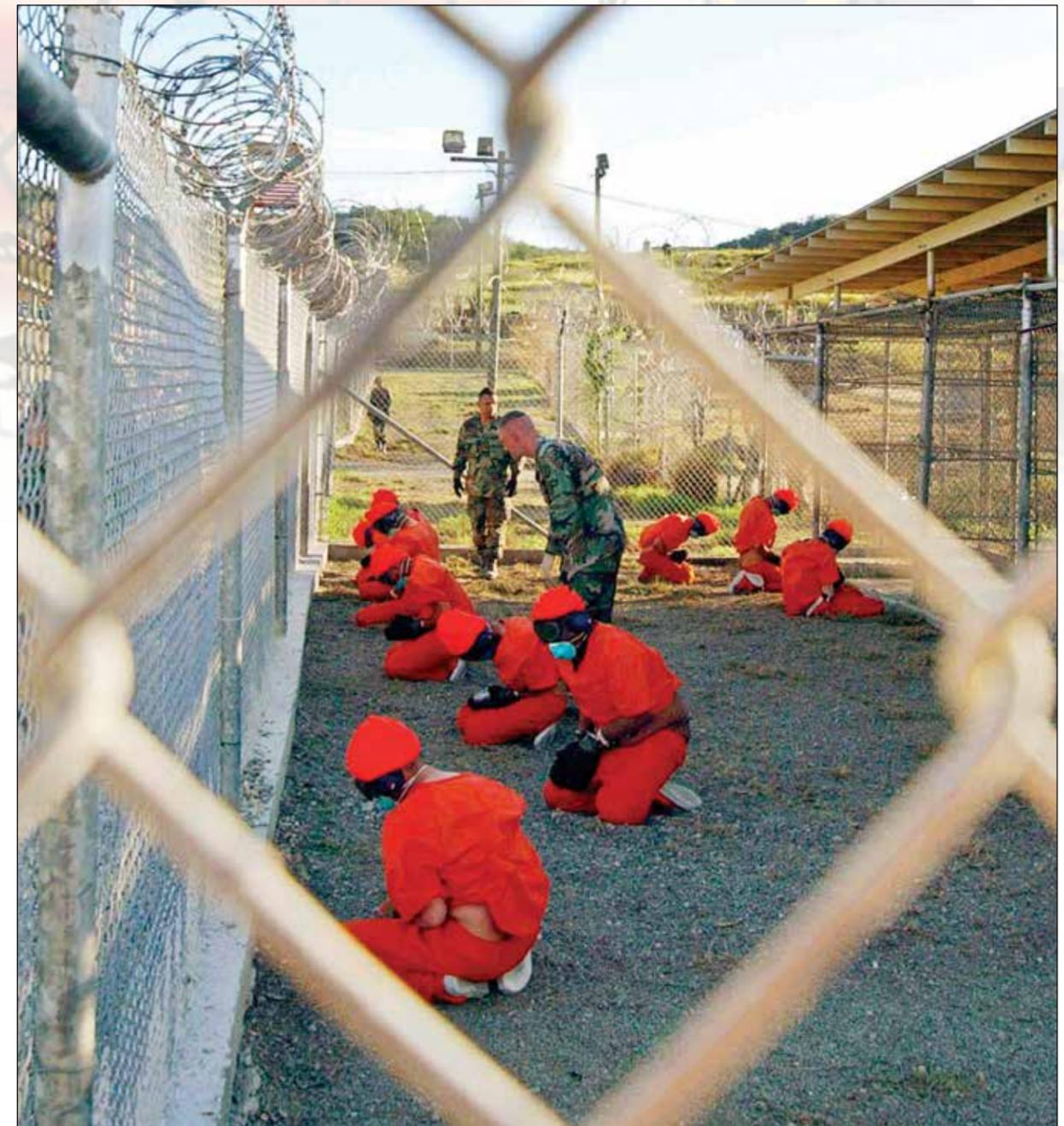
"The document is highly detailed and contains instruction on how to act if someone dies in the prison", Pinior said. Although it is still unknown whether "Polish authorities were aware of what Americans were doing or they thoughtlessly agreed to make the object extraterritorial the presence of the instruction on how to dispose of corpses gives ground to believe they knew what happened behind the fence", the senator concluded.

Pinior remains one of the few people who keeps speaking about the issue and publicly calling for truth. He is convinced that the circle of people informed about secret CIA prisons in Poland is much wider than expected. "I believe

stipulated in the Polish Constitution. "Attempts to hide behind the pretext of observing state interests will fail as Polish interests mean to protect the Constitution", Pinior said.

An anonymous source of the leading Polish newspaper Gazeta Wyborcza which learned a lot of details about the case claimed that ten years ago the Poles only allowed Americans to use the airfield while the supposed prison was only a small guarded villa. "Our people brought prisoners from the airfield and took them back to aircraft. They had no chance to enter the house", the source said.

The newspaper reported that in 2006 several months after information about secret CIA prisons in Central Europe became public the Polish intelligence school was visited by Polish Ombudsman Janusz Kokchanowski who was killed in an air crash near Smolensk on April



were based on rumors and inventions which endanger the lives of Polish soldiers in Afghanistan. "If the prosecution claims that investigation goes on in a closed regime but you can read details in newspapers than it means degradation of Polish state institutions", he said and stressed "there were no secret CIA prisons in Poland".

Current Prime Minister Donald Tusk who headed the government in 2007 could definitely obtain information about secret prisons. But he continues to protect state interests despite public pledge to have the secret of CIA prisons exposed. "The government will work to prevent negative consequences of the case but it will continue to be investigated", he explained. However all those investigating it should keep in mind "state security and understand that any incaution and negligence are the gravest of all sins", Tusk added. Besides, the prosecution is not free from the responsibility to observe the interests of the state, the prime minister said.

Polish President Bronislaw Komorowski chose another line of behavior in the sensitive issue. He publicly reminds the Poles he had already urged "honest investigation as the talk is about the good name of Poland. It is a troublesome and painful issue for the Polish state however prosecutors have to investigate it", he said and expressed cautious hope the charges against the former chief spy and Poland in general will find no factual and legal evidence.

Political observers agree that judging by the composition of parliamentary parties none of them can profit from the uncovered mystery

of the XXI century - secret CIA prisons. Only representatives of the recently formed Palikot's Movement who are unlikely to be involved in the scandal continue to demand the truth.



Prosecutors collected sufficient evidence to charge former Prime Minister Leszek Miller who currently chairs the Democratic Left Alliance that has a faction in parliament.

Party leader Janusz Palikot said the charges against former chief spy Siemiatkowski are the main confirmation of Polish cooperation with American secret services on its territory. "It is important that Warsaw prosecutors collected materials which allow not only to confirm that the prisons existed but also that people were tortured there", he said and recalled that Poland signed an agreement on keeping secrets in NATO framework which restricts the activities of investigators as Americans do not want to make

public all materials. "Nevertheless, our prosecutors believe they have enough evidence to bring charges", Palikot said.

Deputy chairman of the commission for international affairs of the Polish Sejm and member of the opposition Democratic Left Alliance Tadeusz Iwinski also admitted that CIA Gulfstream aircraft made numerous flights to nearly 30 countries in the world from Afghanistan. They have likely landed also in Szymany from where prisoners were taken to the closed military zone in Stariye Keijkuty which it is no secret

was for many years a training center for Polish spies.

As for torture and humiliation of prisoners, Iwinski said "there is no evidence they took place in Poland as Polish authorities could not allow them". He added the claims advanced by former prisoners are groundless. "Polish authorities acted in compliance with the interests of the state. If something wrong happened it was done by the Americans".

In the meantime, the Americans continue to keep mum while Polish authorities work hard to delay the investigation, according to Polish press reports. Right after charges were brought against the former chief spy the prosecutor general decided to take the secret prison case from Warsaw prosecutors after four years of investigation and without providing explanations handed it over to Krakow prosecutors. Observers described the decision as an attempt to drag on investigation and prevent charging other high-ranking state officials. "That decision is



troublesome. The investigation went on properly. As a representative of the injured party I was excited to know about charges in the case", said lawyer Petsak who represents Saudi national Abd Al-Rahim Al-Nashiri. He claims he was tortured and beaten near the airfield in Szymany in the northeast of Poland. "The transfer of the case in such a moment seems to be an attempt to foul it", the lawyer said.

Political observers believe the decision of Warsaw prosecutors regarding Siemiatkowski caused a critical reaction in the office of the prosecutor general which believes the conviction of the former chief spy and bringing to responsibility the former prime minister is detrimental to Polish security and interests.



Informed sources in the Polish capital say Krakow prosecution of appeals enjoys major trust of Polish Attorney General Andrzej Seremet. After the case was moved to Krakow investigation did not progress at all and drags on. According to the latest decision, its deadline has been moved to mid-October 2013.

"I suspect that current Polish authorities will drag on investigation. If charges are brought against Siemiatkowski and Miller it will mean that national leaders would have to be that or another way held responsible because they

knew everything but did nothing", Palikot commented. "The political elite wants the case to be never finished. That is the reason for pressure from the attorney general to move investigation to Krakow", he added.

"It is a mockery of law enforcers. Such actions should trigger resignation of Andrzej Seremet as attorney general. With all my respect to secrecy of investigation it is not more important than the protection of the Constitution. We are no banana republic", said Pinior.

It is hard to predict how the situation will develop. On the one hand, judging by national media reports investigation has approached the final stage and the evidence collected by Warsaw prosecutors is strong enough and charges against Siemiatkowski are irrefutable. If Krakow prosecutors decide to support Warsaw colleagues influential Polish politicians, including incumbent ones, may stand trial. On the other hand, in 18 months since the transfer of the case to Krakow absolutely nothing unexpected has happened.

International law experts believe the accumulated materials can result in a motion to the State tribunal however it should be considered by Polish parliamentarians according to acting legislation. The current political storm over Poland reveals interests of various political circles and each of them prefers to play on its own home ground, said Adam Krzykowski, the anchor of the Panorama program on the Second channel of the Polish TV. The very fact that the motion is possible due to collected evidence is very important as it confirms what has been called "rumors" for six years, the journalist said with irony.

The main issue of concern for many observers is whether the disclosure of facts confirming the existence of secret CIA prisons on the Polish territory truly threatens national security. On the one hand, terrorists are long aware of Polish allied ties with the United States. But local media say Al-Qaeda is an unpredictable organization and do not rule out that a terrorist group may decide to revenge Poland today.

It is likely the reason for concern in Warsaw over the decision of the European Court of Human Rights to declassify the case of Saudi national Abd Al-Rahim al-Nashiri who said he was kept and beaten in a secret CIA prison in the northeast of the country. "It means we shall be reserved in cooperation with the ECtHR which until now developed properly", said Polish government spokesman Pawel Gras. "Many investigation aspects have been classified and cooperation with the ECtHR will not develop as it is expected in Strasburg until Polish prosecutors complete investigation in order to avoid complications," he stressed.

According to National Security Bureau chief Stanislaw Koziej, the decision to declassify the documents jeopardizes Polish security. "If all data we send to Strasburg have to be disclosed Polish authorities will preliminary assess the transferred information because investigation continues", he said.

Human rights activists call on Warsaw to be less reserved. "Poland is the only country in Europe which is investigating the facts of secret prisons", European human rights expert Julia Hall told a press conference. "We currently believe the investigation is delayed for unknown reasons", she said adding human rights activists receive no information from the Polish side as investigation has been classified. Amnesty International representatives urged Polish authorities to publicly support investigation and refrain from political pressure on prosecutors.

CIA chief John Brennan secretly visited Poland in mid-July. However the news leaked to the media. Nobody knows why exactly Brennan came to Warsaw. It is only known that his second

stop was in Romania. Its authorities are also accused of participating in the US program of secret abduction and keeping people in CIA prisons.

In summer independent UN expert Ben Emmerson urged the US administration to disclose the results of confidential investigations of CIA abductions and interrogations. He also advised the governments of Lithuania, Poland, and Romania to carry out independent investigation of alleged secret CIA objects on their territories. Emmerson recommended US au-

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thorities " to immediately publish the report by the Senate intelligence committee regarding secret CIA abduction and interrogation program". He substantiated his re-

quest by the necessity to comply with responsibility principles in reported systemic violations of human rights in the fight against terrorism. Emmerson called on the governments which reportedly allowed the CIA to use their airspace and airports by planes carrying suspected terrorists to revise domestic legislation and practice and thoroughly analyze investigation results, if any.

Irina Polina,
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Amber Bridge learned that Lithuanian prosecutors officially stated in late July that despite calls from non-governmental organizations of the country to revise their position due to Lithuanian presidency in the EU they see no grounds for a resumption of the investigation of possible Lithuanian participation in the US program of secret detention and transfer of detainees to CIA prisons. "According to prosecutors, there are currently no grounds to resume investigation. The issue of resumption can be decided only after receiving substantial and important factual data", said spokeswoman for Lithuanian prosecutor general's office Vilma Mazone.