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EU and a U.S. Secret

Editorial

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AMERICA'S European friends are cringing over reports of the CIA's use of their territory for the secret imprisonment of al Qaeda terrorism suspects. A top official of the European Union warns member states they could lose EU voting rights for hosting clandestine detention sites in which CIA prisoners are held and interrogated outside the democracies' legal systems.

Leaders of Poland and Romania deny that their countries were thus used by the CIA as part of an international network of "black sites," first described in a Nov. 2 Washington Post report that did not name the countries. The alleged prisons are linked in human-rights critiques to scores of secret flights by CIA aircraft moving captives among locations in Europe and Asia.

The Council of Europe is investigating the allegations in its role as the continent's chief human-rights watchdog, and the EU has raised the issue with Washington. Clandestine lockups would violate the European Convention on Human Rights. The EU's justice and home affairs commissioner, Franco Frattini, also suggests the "black sites" violate the 25-nation bloc's founding principles that include the rule of law, so a member state assisting the CIA in this activity could be punished with the loss of EU voting rights.

The Bush administration has maintained a guilty silence amid our allies' consternation over its policy of setting aside legal scruples and ducking judicial oversight in the pursuit of Osama bin Laden's accomplices.

Similar priorities prompted the offshoring of enemy combatants' detention at Guantanamo, and the holding of terror suspects (such as newly charged Jose Padilla) for years without trial.

This does not make it easier for governments such as the new power-sharing coalition in Germany to establish warmer relations with the United States. Foreign Minister Frank-Walter Steinmeier arrives in Washington today in the wake of claims by German news media that the CIA had operated up to 80 secret flights through Germany carrying prisoners for interrogation outside any nation's legal safeguards.