



PERMANENT MISSION OF PORTUGAL
GENEVA

The Ambassador

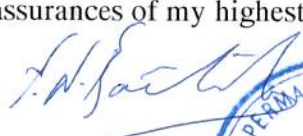
Geneva, 5th August 2015

Dear Sirs/Madam,

I have the honour to send herewith the response from the Portuguese Government to your joint communication of June the 3rd regarding information that you have received concerning the alleged detention and torture of an Italian citizen of Moroccan origin, in the context of the secret detention, rendition and torture programme operated by the U.S. Central Intelligence Agency after 11 September 2001.

Furthermore, my authorities acknowledge that the abovementioned document will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Sirs/Madam, the assurances of my highest consideration.


Pedro Nuno Bártolo
Ambassador
Permanent Representative of Portugal



Mr. Seong-Phil Hong, Chair-Rapporteur of the Working Group on Arbitrary Detention
Mr. Ariel Dulitzky, Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances
Mr. Dainius Puras, Special Rapporteur on right to physical and mental health
Ms. Gabriela Knaul, Special Rapporteur on the independence of judges and lawyers
Mr. Ben Emmerson, Special Rapporteur on fundamental freedoms while countering terrorism
Mr. Juan E. Méndez, Special Rapporteur on torture
Mr. Alfred de Zayas, Independent Expert on the promotion of a democratic and equitable international order
Mr. Pablo de Greiff, Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence
Palais des Nations
Geneva



Response by the Portuguese Government to the Joint Communication from Special Procedures

Portugal would like to reiterate that it supports and fully respects the independence of the Human Rights Council Special Procedures and is deeply committed to cooperating unreservedly with the mandate holders.

Portugal has a longstanding open invitation to all Human Rights Special Procedures and attaches the utmost importance to having comprehensive and interactive discussions with the relevant mandate holders.

With regard to the designated CIA renditions flight program, Portugal would like to reiterate that it denies any involvement in such program and that it never authorized the use of its territory or of its airspace for that purpose.

Furthermore, Portugal never received a request for the use of its territory or airspace for the transportation of detainees in the framework of renditions flight program. The US has given its assurances that in this matter their authorities did not violate Portuguese sovereignty, existent bilateral agreements or applicable international law.

Moreover, should such a request have been made, Portugal would have refused granting permission.

Due to the critical importance it attributes to this matter, Portugal conducted thorough internal investigations and cooperated fully with inquiries undertaken in several international *fora* and at national level, in an entirely cooperative spirit and transparent manner.

In 2006, Portugal provided information requested in the framework of the two inquiries conducted by both the Secretary-General of the Council of Europe and the European Parliament. The Portuguese Government has also provided information to the Portuguese National Parliament.

In 2007, the Portuguese Government asked the General Attorney's Office, an independent judicial body, to conduct its own investigation on this matter. This investigation concluded that there was no evidence of the involvement of the Portuguese Government in these activities.

In October 2013, Portugal replied to the joint letter from the Vice-President of the European Commission, Viviane Reding, and the European Commissioner for Home Affairs, Cecilia Malmström on the recommendations included in the European



Parliament's resolution on the alleged transportation and illegal detention of prisoners in European countries by the CIA, adopted in September 2012.

It should be understood that, following this reply, the European Parliament's resolution of October 10th 2013 did not mention Portugal.

In November 2013, following the discussion on the 5th and 6th periodic reports on the implementation of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Portugal provided the Committee Against Torture with additional extensive information on this issue.

Furthermore, Portugal also cooperated and replied to information requests from civil society. For instance, in 2012, Portugal granted the NGO *Access Info Europe* access to the documentation in accordance with Portuguese legislation regarding access to administrative documents.

The case of the alleged transfer of Mr. Abou Elkassim Britel from Pakistan to Morocco does not involve Portugal. The flight with the code number associated to Mr. Britel's case flew to Porto, after the alleged rendition to Moroccan authorities.

This aircraft identified itself to the national competent authorities as a privately operated flight. No request for authorization for this flight was made by the US authorities. Specific information relating to this aircraft was transmitted by Portugal in the framework of investigations from the inquiries already mentioned above. No follow-up of this particular flight has been requested by any of the institutions responsible for conducting these inquiries.

Portugal considers that it has met all its obligations of inquiry to the fullest extent possible and has undergone extensive national and international scrutiny regarding its alleged participation in this rendition program. Nevertheless, Portugal remains available to cooperate in any additional investigation or inquiry.