Организация Объединенных Наций A/HRC/13/G/13

Генеральная Ассамблея

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Совет по правам человека
Тринадцатая сессия
Пункт 3 повестки дня
Поощрение и защита всех прав человека, гражданских, политических, экономических, социальных и культурных прав, включая право на развитие

Письмо Постоянного представительства Румынии при Организации Объединенных Наций в Женеве от 27 января 2010 года на имя Верховного комиссара Организации Объединенных Наций по правам человека

Постоянное представительство Румынии при Организации Объединенных Наций и других международных организациях в Женеве свидетельствует свое уважение Управлению Верховного комиссара Организации Объединенных Наций по правам человека и в связи с переданным по факсу сообщением специальных процедур № 667 от 23 декабря 2009 года относительно проекта совместного исследования по вопросу о тайном содержании под стражей в ходе борьбы с терроризмом имеет честь препроводить комментарии румынских властей* в отношении представленных их вниманию выдержек.

Как уточняется в вышеупомянутом сообщении, органы государственной власти Румынии были бы крайне признательны за размещение их комментариев на вебсайте тринадцатой сессии Совета по правам человека в разделе, посвященном сообщениям правительств.

* Воспроизводится в приложении в полученном виде, только на том языке, на котором оно было представлено.

Просьба отправить на вторичную переработку

Annex

Comments of the Romanian Government

The Romanian Government would like to thank the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances for the opportunity to present comments on their draft common study on global practices pertaining to secret detention while countering terrorism.

The Romanian Government would like to make the following comments:

I. General Comments

Since November 2005, the Romanian authorities approached with great concern the information spread by the international mass media concerning the alleged existence on the Romanian territory of CIA detention centers for suspected terrorists. All these allegations have been firmly rejected by the Romanian authorities.

The Government of Romania reiterates that it has no information that on Romanian territory CIA secret detention centers ever existed or that the Romanian airports could have been used by the CIA for the transport or detention of suspected terrorists.

The Government of Romania reminds that that there are no proofs whatsoever of cases in which individuals or foreign intelligence personnel have been involved, on the Romanian territory, in actions of depriving of liberty or illegal transport of detainees.

II. Specific Comments

a. The Romanian authorities expressed their disappointment, in 2007, that the accusations towards Romanian authorities and Romanian high officials contained in the report of Senator Dick Marty ("Secret detentions and illegal transfers of detainees involving Council of Europe member states: second report") were not sustained by any proofs.

In our opinion, Senator Dick Marty based his conclusions on allegations, connections and information provided by unspecified sources. The credibility and accuracy of these information and sources can not be checked.

The Romanian Government expresses its hope that the report of the UN Special Rapporteurs will include the Romanian authorities position regarding the Senator Dick Marty 2007 report (in para 112).

b. The Romanian Government would like to inform the UN Special Rapporteurs that a right to reply has been sent to and published by the New York Times, following the publication of the article of David Johnston and Mark Mazzetti (namely "Interrogation inc: A window into CIA's embrace of secret jails"). Since the Romanian authorities rejected the allegation, we would appreciate that the report of the UN Special Rapporteurs will include the position expressed.

c. In particular, the Romanian Government would appreciate if the UN Special Rapporteurs would split the para 112, just after the reference to the New York Time article

of August 2009. In our opinion, there are two different aspects contained in the same paragraph. We would appreciate if the information based on the testimony of several former detainees of the CIA program would be kept separate from the allegations regarding the Romanian involvement in this program.

d. In para 118, the report quotes the conclusions of the inquiry made by a Romanian NGO, the Organization for the Defense of Human Rights (OADO). The report of the Romanian NGO - OADO is annexed to the Report of the Romanian Parliamentary Inquiring Committee. Therefore, we would appreciate if the report of the UN Special Rapporteurs will include the final conclusions of the Romanian Parliamentary Inquiring Committee (chapter 6), namely:

> "1. The Committee answers "Negative" to the question if there are/ there were secret American bases in Romania.
>
> 2. The Committee answers "Negative" to the question if there were in the period under investigation, facilities for detaining prisoners, other than the penitentiary ones (real, secret, ad-hoc, off-hand buildings used with that aim, eventually in the neighborhood of Timisoara, Bucharest-Otopeni or Baneasa and Constantza airports).
>
> 3. The Committee answers "Negative" to the question if there are / there were detained individuals, with or without documents, in the penitentiary system of Romania who could be assimilated as prisoners.
>
> 4. The Committee answers "Negative" to the question if there could be some weaknesses in the overall traffic control system (civil or military) or if, as a consequence of negligence, some flights could have been overlooked by the recording or monitoring systems or without applying ground procedures provided by international conventions.
>
> 5. The Committee answers "Negative" to the question if it would have been possible that certain Romanian institutions consciously participated (or participated by omission or negligence) in operations of illegal transport of prisoners through the airspace or on the Romanian airports.
>
> 6. The Committee answers "Negative" to the question if American or any other state civil flights could have transported, gotten off or taken on board individuals that could be considered as imprisoned, on the Romanian territory or under the responsibility of the Romanian authorities, according to the international regulations.
>
> 7. The Committee answers "Positive" to the question if there was an in-depth parliamentarian investigation aimed at establishing the media allegations on the existence of some detention centers and of some flights with illegal prisoners in Romania.
>
> 8. With regard to the question about the aim of the stopovers in Romania of the flights mentioned in Chapter 5, the Committee has strong arguments to reply that they had nothing in common with any possible illegal transports of prisoners on the Romanian territory."

e. Based on the Romanian authorities' verifications, a number of airplanes that proved to be rented by the CIA made stopovers on Romanian airports. The national investigations concluded that those stopovers had a mere technical purpose. There is no data whatsoever that detainees were on board of those airplanes.