

FINDINGS OF THE PARLIAMENTARY INVESTIGATION BY THE SEIMAS COMMITTEE  
ON NATIONAL SECURITY AND DEFENCE  
CONCERNING THE ALLEGED TRANSPORTATION AND CONFINEMENT OF PERSONS  
DETAINED BY THE CENTRAL INTELLIGENCE AGENCY OF THE UNITED STATES OF  
AMERICA IN THE TERRITORY OF THE REPUBLIC OF LITHUANIA

INTRODUCTION

On 4 October 2001, the NATO Secretary General announced<sup>1</sup> that at the request of the United States of America (hereinafter – the “USA”), the NATO Allies agreed to expand the options available in the campaign against terrorism and committed themselves to take, individually or collectively, eight measures.<sup>2</sup> These measures were also approved by the NATO Parliamentary Assembly in its Declaration on the Fight against Terrorism of 9 October 2001.<sup>3</sup> Although the published documents contain no mention whatsoever of detention, transportation and confinement of suspected terrorists, the Parliamentary Assembly of the Council of Europe is of the opinion that such a decision could have served as a basis for the US Central Intelligence Agency (hereinafter – the “CIA”) to conduct a covert CIA suspected terrorists’ detention and interrogation programme<sup>4</sup> and initiate for this purpose a bilateral cooperation with overseas partners.

On 2 November 2005, *The Washington Post* published an article<sup>5</sup> claiming that, according to unnamed sources, the CIA was hiding and interrogating some of its most important detainees in Eastern Europe. Following the publication of the article by *The Washington Post* and subsequent similar publications in the media<sup>6</sup> about the covert CIA suspected terrorists’ detention and interrogation programme as well as its alleged implementation in Europe, the Parliamentary Assembly of the Council of Europe and the European Parliament initiated the investigations which did not list Lithuania as a state which could have hosted a secret CIA prison.

The report of the Temporary Committee set up by the European Parliament on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners<sup>7</sup> presents the information that: 1) Lithuania provided no written reaction to the committee’s invitation for cooperation; 2) official representatives of Lithuania did not receive any request for meetings with the investigators of the Temporary Committee; 3) Lithuania did not provide any useful elements to the investigators. The committee’s Working Document No 8 on the companies linked to the CIA, aircraft used by the CIA and the European countries in which CIA aircraft have made stopovers<sup>8</sup>

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<sup>1</sup> <http://www.nato.int/cps/en/natolive/opinions/19009.htm>

<sup>2</sup> It is the fifth measure of this agreement that could have served as the basis for issuance of clearances for CIA-controlled aircraft to fly over or land in the territory of another country: ‘provide blanket overflight clearances for the United States and other Allies’ aircraft, in accordance with the necessary air traffic arrangements and national procedures, for military flights related to operations against terrorism.’

<sup>3</sup> <http://www.nato-pa.int/Default.asp?SHORTCUT=331.htm>

<sup>4</sup> Special Review of the CIA Inspector General on this programme was declassified and published on 24 August 2009 (Central Intelligence Agency Inspector General Special Review “Counterterrorism Detention And Interrogation Activities (September 2001 – October 2003)”)

<sup>5</sup> Dana Priest, “CIA Holds Terror Suspects in Secret Prisons. Debate Is Growing Within Agency About Legality and Morality of Overseas System Set Up After 9/11”; *The Washington Post*, 2 November 2005

<sup>6</sup> Dana Priest, “Foreign Network at front of CIA’s Terror Fight. Joint Facilities in Two Dozen Countries Account for Bulk of Agency’s Post-9/11 Successes”; *The Washington Post*, 18 November 2005; Brian Ross, Richard Esposito “Sources Tell ABC News Top Al Qaeda Figures Held in Secret CIA Prisons. 10 Out of 11 High-Value Terror Leaders Subjected to “Enhanced Interrogation Techniques”; *ABC News*, 5 December 2005; Dana Priest, “Covert CIA Program Withstands New Furor. Anti-Terror Effort Continues to Grow”; *The Washington Post*, 30 December 2005;

<sup>7</sup> [http://www.europarl.europa.eu/comparl/tempcom/tdip/final\\_report\\_en.pdf](http://www.europarl.europa.eu/comparl/tempcom/tdip/final_report_en.pdf)

<sup>8</sup> [http://www.europarl.europa.eu/comparl/tempcom/tdip/working\\_docs/pe380984\\_it.pdf](http://www.europarl.europa.eu/comparl/tempcom/tdip/working_docs/pe380984_it.pdf)

contains a record that a CIA-operated aircraft made a single stopover in Lithuania in 2003. The resolution adopted by the European Parliament<sup>9</sup> does not make a mention of Lithuania.

A report on the investigation initiated by the Parliamentary Assembly of the Council of Europe<sup>10</sup> and the subsequently adopted document<sup>11</sup> mention Lithuania only once in the footnotes, but the mention is not linked to the covert CIA programme. Council of Europe Resolution 1562<sup>12</sup>, which was adopted later, did not contain a reference to Lithuania.

However, both the Parliamentary Assembly of the Council of Europe and the European Parliament urged the states to conduct national investigations of the alleged implementation of the covert CIA suspected terrorists' detention and interrogation programme and proposed to strengthen the democratic control and supervision of secret services.

In the course of the investigation conducted by the Parliamentary Assembly of the Council of Europe, the countries parties to the European Convention for the Protection of Human Rights and Fundamental Freedoms received a questionnaire concerning the alleged unlawful restriction of liberty of suspected terrorists and the alleged covert transportation of them. Lithuania's replies were prepared by the Ministry of Foreign Affairs of the Republic of Lithuania on the basis of the information provided by competent state institutions. These replies were approved at a consultation meeting of the Government of the Republic of Lithuania held on 25 January 2006 and were discussed at a meeting of the Seimas Committee on Foreign Affairs of 15 February 2006 when considering the issue of activities of the US secret services in Europe allegedly carried out in violation of human rights. No competent state institution, either in the course of preparation of the replies by the Ministry of Foreign Affairs or during consideration of the mentioned issue by the Seimas Committee on Foreign Affairs, provided the information confirming that the CIA or other US secret services had been engaged in the illegal confinement of suspected terrorists in the territory of the Republic of Lithuania or the information confirming that Lithuania's airports had been used for covert transportation of the suspected terrorists.

On 20 August 2009, the US television channel *ABC News* announced that until the end of 2005, a secret CIA prison had been operating in Lithuania for the purposes of detention of high-value Al Qaeda terrorists.

Having regard to this fact, on 9 September 2009 the Seimas Committee on National Security and Defence (hereinafter referred to as the "CNSD" or the "Committee") and the Seimas Committee on Foreign Affairs held a joint meeting at which they heard representatives of state institutions in relation to the media reported information regarding the transportation and confinement of CIA detainees in the territory of the Republic of Lithuania. These committees did not receive any data confirming the existence of a CIA prison in Lithuania. The written replies submitted by state institutions deny the information that such a prison could have existed.

During his visit in Lithuania on 20 October 2009, Commissioner for Human Rights of the Council of Europe Thomas Hammarberg urged to thoroughly investigate the suspicions of the alleged operation of a secret CIA prison in the country.

At a press conference of 20 October 2009, President of the Republic Dalia Grybauskaitė, in reply to questions regarding the alleged existence of a CIA prison in Lithuania, said that she had 'indirect suspicions' that it could have been in Lithuania.

In exercising parliamentary scrutiny and aiming at a comprehensive investigation of this issue (by acquiring the powers of Seimas ad hoc investigation commissions) as well as taking account of publicly voiced interpretations on the topic of the alleged CIA prison in Lithuania and the calls for the Parliament to conduct a thorough investigation, the Committee initiated adoption of the Seimas Resolution on Assigning the Seimas Committee on National Security and Defence to Conduct a Parliamentary Investigation of the Alleged Transportation and Confinement in the Territory of the

<sup>9</sup> [http://www.europarl.europa.eu/comparl/tempcom/tdip/final\\_ep\\_resolution\\_en.pdf](http://www.europarl.europa.eu/comparl/tempcom/tdip/final_ep_resolution_en.pdf)

<sup>10</sup> [http://assembly.coe.int/CommitteeDocs/2006/20060606\\_Ejdoc162006PartII-FINAL.pdf](http://assembly.coe.int/CommitteeDocs/2006/20060606_Ejdoc162006PartII-FINAL.pdf)

<sup>11</sup> [http://assembly.coe.int/CommitteeDocs/2007/EMarty\\_20070608\\_NoEmbargo.pdf](http://assembly.coe.int/CommitteeDocs/2007/EMarty_20070608_NoEmbargo.pdf)

<sup>12</sup> <http://www.assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta07/ERES1562.htm>

Republic of Lithuania of Persons Detained by the Central Intelligence Agency of the United States of America.

The following investigation questions were posed to the Committee by Seimas Resolution No XI-459 of 5 November 2009:

1) whether CIA detainees were subject to transportation and confinement in the territory of the Republic of Lithuania;

2) whether state institutions of the Republic of Lithuania (politicians, officers, civil servants) considered the issues relating to activities of secret CIA detention centres in the territory of the Republic of Lithuania, transportation and confinement of detainees in the territory of the Republic of Lithuania;

3) whether secret CIA detention centres operated in the territory of the Republic of Lithuania.<sup>13</sup>

While conducting the parliamentary investigation, the CNSD interviewed, whether orally or in writing, 55 persons who might have been aware of the information or who declared that they were aware of the information relating to the issue under investigation. The Committee interviewed the politicians, civil servants and officers who held office during 2002-2005 or who hold office currently. The Committee interviewed the Presidents of the Republic, the Speakers of the Seimas, the Prime Ministers, the Members of the European Parliament, the Ministers of National Defence, Foreign Affairs and the Interior, the Vice Minister of the Interior, the Commanders of the Armed Forces, the Chairmen and members of the Seimas Committee on National Security and Defence and the Seimas Committee on Foreign Affairs, the Directors and the Deputy Directors of the State Security Department (hereinafter – the “SSD”), the Director and the Deputy Directors of the Second Investigation Department under the Ministry of National Defence, the Commanders and the Deputy Commanders of the State Border Guard Service at the Ministry of the Interior (hereinafter – the “SBGS”), advisers to the Presidents of the Republic, the Director of the Civil Aviation Administration, the Director of Vilnius International Airport, the Aviation Security Director of Vilnius International Airport, other officers and civilians.

Requests for submission of information in writing were filed with the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of National Defence, the Ministry of Justice, the State Security Department, the Second Investigation Department under the Ministry of National Defence, the Secretary of the State Defence Council, the Centre of Registers, the SBGS, the Customs Department, the Civil Aviation Administration, and Vilnius International Airport. The requests were also filed with the international organisation Amnesty International, rapporteur for the investigation conducted by the Parliamentary Assembly of the Council of Europe Swiss senator Dick Marty and, with the assistance of the Ministry of Foreign Affairs, US competent authorities. The authorised representatives of the latter replied orally.

In the course of the parliamentary investigation, some facilities and premises were examined.

#### SUMMARY OF THE INFORMATION OBTAINED IN THE COURSE OF THE INVESTIGATION AND REPLIES TO THE QUESTIONS FORMULATED BY SEIMAS RESOLUTION NO XI-459 OF 5 NOVEMBER 2009

The Committee,

acting in compliance with the Constitution, the Statute of the Seimas and the Law on Ad Hoc Investigation Commissions of the Seimas;

having evaluated the written information received in the course of the parliamentary investigation and the clarifications on the issues under investigation given by persons at meetings;

having regard to the fact that the majority of the data collected in the course of the parliamentary investigation constitute a state or official secret and on the basis of the List of

<sup>13</sup> With a view to maintaining consistency, summary of the obtained information and the replies given to questions are presented in the findings of the investigation in a different order (1-3-2).

Categories of Information to be Classified specified in Article 7 of the Law on State Secrets and Official Secrets;

hereby presents a summary of the obtained information and replies to the questions formulated by Seimas Resolution No XI-459 of 5 November 2009:

### **1. Were CIA detainees subject to transportation and confinement<sup>14</sup> in the territory of the Republic of Lithuania?**

According to the data of the state enterprise *Oro navigacija* (Air Navigation), in 2002-2005 the US aircraft referred to in the media and official investigations of the European Parliament as aircraft used to transport CIA detainees, i.e.: No N85VM (GLF4), No N2189M (C-130), No N8183J (C-130), No N8213G (C-130), No 510MG (GLF4), No N313P (Boeing 737), No N379P (GLF5), No N1HC (GLF5), crossed Lithuania's airspace on 29 occasions. These data were presented on 28 April 2006 when preparing a reply to an inquiry by Dick Marty, Chairperson of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe, regarding the numbers of 41 aircraft indicated therein.

In the course of the investigation, the Committee established that three occasions of crossing of Lithuania's airspace were omitted in the mentioned reply to Dick Marty, Chairperson of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe, and in the data provided by the state enterprise *Oro navigacija*:

- "CASA C-212" No N961BW, landed in Palanga on 2 January 2005;
- "Boeing 737" No N787WH, landed in Palanga on 18 February 2005;
- "Boeing 737" No N787WH, landed in Vilnius on 6 October 2005;

In the course of the investigation, with a view to verifying whether the CIA-related aircraft indicated in the material of the Temporary Committee of the European Parliament landed at Lithuania's airports and whether the enterprises referred to in the material made financial settlements for servicing of these aircraft, the Civil Aviation Administration was addressed and provided the information on the flights of the US aircraft, based on the data and financial documents of the companies and aircraft service enterprises operating at Vilnius, Kaunas, Šiauliai and Palanga airports.

When comparing the submitted data with the material of the Temporary Committee of the European Parliament, it was established that:

two CIA-related aircrafts landed at Vilnius International Airport:

- "C-130", registration No N8213G (4 February 2003, route Frankfurt-Vilnius-Warsaw, landed at 6.15 pm, departed at 7.27 pm);
- "Boeing 737", registration No N787WH (6 October 2005, route Antalya-Tallinn-Vilnius-Oslo. A letter of Vilnius International Airport dated 7 December 2009 states that this aircraft arrived from Tirana at 4.54 am and departed at 5.59 am. According to the documents of the SBGS, this aircraft arrived from Antalya and departed for Oslo).

Three CIA-related aircraft landed at Palanga International Airport:

- "CASA C-212", registration No N961BW (2 January 2005, operator "Presidential Airways", route Flesland (Norway)-Palanga-Simferopol (Ukraine), departed on 5 January 2005 at 9 am);
- "Boeing 737", registration No N787WH (18 February 2005, operator "Victory Aviation", route Bucharest-Palanga-Copenhagen, arrived at 6.09 pm, departed at 7.30 pm. It was recorded that the aircraft arrived carrying five passengers and three crew members);
- "Boeing 737-800", registration No N733MA (25 March 2006, route Porto (Portugal)-Palanga-Porto, arrived at 10.25 pm and departed at 11.55 pm).

<sup>14</sup> Summarized information and replies regarding the confinement of CIA detainees are presented in the part dealing with question No 2.



In the course of the investigation, the Committee did not establish any cases of CIA-related aircraft landing at Kaunas and Šiauliai airports.

Attention should be drawn to the fact that the Committee did not receive any data or documents from Vilnius International Airport or airport service companies confirming that on 20 September 2004 and in July 2005 (the exact date was not specified by the US television channel *ABC News*) presumable CIA-related aircraft landed at Vilnius International Airport.

In the course of the parliamentary investigation, the SSD submitted information regarding its cooperation with the SBGS in 2002-2006. It is evident from the documents submitted to the Committee that there had been an intensive exchange of data (including data provided by partners regarding the search for persons suspected of terrorism) in the field of combating terrorism. A period of time from April 2004 until September 2005 during which the SSD did not provide any information on the suspected terrorists to the SBGS should be singled out.

During the investigation, three occasions were established on which, according to the testimony of the SSD officers, they received the aircraft and escorted what was brought by them with the knowledge of the heads of the SSD:

1) "Boeing 737", registration No N787WH, which landed in Palanga on 18 February 2005. According to the data submitted by the SBGS, five passengers arrived in that aircraft, none of whom was mentioned by the former Deputy Director General of the SSD Dainius Dabašinskas in the explanations presented to the Committee at the meeting. According to the data of the Customs, no thorough customs inspection of the aircraft was carried out and no cargo was unloaded from or loaded onto it;

2) "Boeing 737", registration No N787WH, which landed in Vilnius on 6 October 2005. According to the data submitted by the SBGS, its officers were prevented from inspecting the aircraft; therefore, it is impossible to establish whether any passengers were on board the aircraft. No customs inspection of the aircraft was carried out;

3) "Boeing 737-800", registration No N733MA, which landed in Palanga on 25 March 2006. According to the data submitted by the Customs, no customs inspection was carried out. The documents of the SBGS contain no records of the landing and inspection of this aircraft.

Persons providing explanations to the Committee indicated that in similar cases cooperation takes place in accordance with the provisions of the Law on Intelligence in relation to the provision of assistance to an intelligence service in getting unrestricted access to aircraft and access to/departure from the territory of the airport; however, as indicated by the information submitted by the SBGS, upon the landing of the unscheduled aircraft from Antalya at Vilnius International Airport at 5.15 am on 6 October 2005, civil aviation officers prevented the SBGS officer from approaching the aircraft. In his official report, the officer stated that a car drove away from the aircraft and left the territory of the airport border control point. Upon contacting the civil aviation officers, it was explained that the heads of the SBGS had been informed of the landing of the above mentioned aircraft and the actions taken by the civil aviation officers. The letter from the SSD marked as 'CLASSIFIED' regarding the mentioned event was received by the SBGS on 7 October 2005, i.e., post factum.

It should be noted that before the above mentioned event, the SSD had never issued any letters of similar content to other services. The explanations provided in the course of the investigation make it evident that oral arrangements had been made with representatives of the airport and aviation security.

In the course of the investigation, another occasion was established on which the SSD applied to the SBGS with a similar letter (24 March 2006) in relation to the flight of an aircraft to Palanga airport on 25 March 2006.

As explained by the heads of the SBGS, this is a common cooperation practice. According to Commander of the SBGS General Saulius Stripeika, had the SBGS received the letter from the SSD before 6 October 2005, the incident would have not occurred and officers of the SBGS would have not interfered with the activities of the SSD.

In 2002-2005, the aircraft which official investigations link to the transportation of CIA detainees crossed the airspace of the Republic of Lithuania on repeated occasions. The data collected by the Committee indicate that CIA-related aircraft did land in Lithuania within the mentioned period of time.

The Committee failed to establish whether CIA detainees were transported through the territory of the Republic of Lithuania or were brought into/out of the territory of the Republic of Lithuania; however, conditions for such transportation did exist.

Deputy Director General of the SSD Dainius Dabašinskas, with the knowledge of Director General of the SSD Arvydas Pocius, provided the US officers with opportunities to get unrestricted access to the aircraft on at least two occasions. In addition, at least on one occasion the opportunities for inspection of the aircraft by the SBGS officers were deliberately restricted. In all the above mentioned cases, customs inspection was not carried out. Therefore, it was impossible to establish either the identity of the passengers or the purpose of the cargoes.

## **2. Did secret CIA detention centres operate in the territory of the Republic of Lithuania?**

The cases of partnership cooperation which are of relevance to the parliamentary investigation, carried out by the SSD in 2002-2006 and involving the equipment of certain tailored facilities, may be referred to as Project No 1 and Project No 2.

Based on the information received in the course of the parliamentary investigation, the implementation of partnership cooperation project No 1 was commenced by the SSD in 2002. In the course of the project, facilities suitable for holding detainees were equipped, taking account of the requests and conditions set out by the partners. Director General of the SSD Mečys Laurinkus and his deputy Dainius Dabašinskas both had knowledge of the project. When instructing the contractors to equip the facilities, Dainius Dabašinskas mentioned that the project 'had been blessed by the top officials of the State'; however, according to the testimony of the then political leaders, they had not been informed of it.

According to the data available to the Committee, the facilities were not used for the purpose of holding detainees. At present, they are used for other purposes.

The SSD submitted information that based on the documents held by the SSD, these facilities were equipped for the purpose other than holding detainees.

The implementation of Project No 2, which was examined in the course of the parliamentary investigation, was commenced by the SSD in the beginning of 2004. The necessary acquisitions were made for the purpose of implementation of the project, construction works were carried out to equip the facility, with the progress of works ensured by the partners themselves. The building was reconstructed to meet certain security requirements.

The SSD officers participated in the implementation of this project together with partners and, according to the officers, had unrestricted access to all the premises of the facility, however, when representatives of the partners were present in the facility, they did not visit some of the premises. The time of such meetings and adequate arrangements were communicated to the SSD officers by Deputy Director General of the SSD Dainius Dabašinskas.

According to the SSD officers, representatives of the partners were never left alone in the facility. They were always accompanied by either Dainius Dabašinskas or one of the SSD officers.

According to the information received in the course of the investigation, it is evident that the SSD did not seek to control the activities of the partners in Project No 2. The SSD did not monitor and record cargoes brought in and out and did not control the arrival and departure of the partners. In addition, the SSD did not always have the possibility to observe every person arriving and departing.

The procedure for accounting and using monetary funds and material valuables intended for financing of joint actions is approved by internal regulations of the SSD, however, based on the

explanation provided in the course of the parliamentary investigation regarding one of the implemented joint projects and monetary funds used for its implementation, the accounting of these funds was inappropriate. Explanations provided by individual persons in relation to the sources of financing of joint actions, amounts of monetary funds used for separate actions or accounting thereof are not consistent and therefore require further investigation.

**The Committee established that the SSD had received a request from the partners to equip facilities in Lithuania suitable for holding detainees.**

**While implementing Project No 1, conditions were created for holding detainees in Lithuania, however, according to the data available to the Committee, the premises were not used for that purpose.**

**The persons who gave testimony to the Committee deny any preconditions for and possibilities of holding and interrogating detainees at the facilities of Project No 2, however, the layout of the building, its enclosed nature and protection of the perimeter as well as fragmented presence of the SSD staff in the premises allowed for the performance of actions by officers of the partners without the control of the SSD and use of the infrastructure at their discretion.**

**3. Did state institutions of the Republic of Lithuania (politicians, officers, civil servants) considered the issues relating to activities of secret CIA detention centres in the territory of the Republic of Lithuania, transportation and confinement of detainees in the territory of the Republic of Lithuania?**

The Committee received certain information about international cooperation of the SSD with partners and application of special measures provided for in the Law on Intelligence during joint operations. The legal basis of international cooperation of the SSD is laid down in the Law on Intelligence. The following norms of importance:

1) paragraph 3 of Article 7: 'Intelligence services shall, within their competence, cooperate with intelligence and secret services of other states in the field of safeguarding of European and transatlantic security.';

2) subparagraph 9 of paragraph 1 of Article 10: 'Intelligence services shall have the right to cooperate with secret and intelligence services of other states for the purposes of safeguarding national security of the Republic of Lithuania.';

3) paragraph 1 of Article 8: 'Activities of intelligence services shall be coordinated by the State Defence Council.';

4) paragraph 1 of Article 9: 'The Minister of National Defence and the Director General of the State Security Department shall, taking account of the main spheres of activities of intelligence services, recommendations of the State Defence Council and international cooperation needs, set tasks for subordinate intelligence services.'.

When summarizing these norms, a conclusion should be drawn that legal acts do not directly require the directions (tasks) of international cooperation of the SSD 'to be approved' at any specific political level (at the State Defence Council, the CNDS); such directions (tasks) used to arise from a general need for international cooperation and direct contacts of the SSD with secret services of other countries. However, in seeking to obtain recommendations of the State Defence Council concerning international cooperation, the SSD could submit to the State Defence Council (or the President of the Republic, who initiates sittings of the State Defence Council) the information necessary to draw up such recommendations. In 2002-2005, such issues were not considered at the State Defence Council and there were no recommendations. This is partially confirmed by the letter of the Secretary of the State Defence Council of 3 December 2009, stating that in 2001-2005 wide-scale direct cooperation between the SSD and CIA was mentioned only once – at a sitting of the State Defence Council (19 September 2001) when considering the issue on

international terrorism and anti-terrorist actions and prevention, crisis management and the legal base.

None of the country's top officials, according to them, were informed about the purposes and content of partnership cooperation of the SSD in 2002. Only several officers of the SSD had knowledge of Project No 1.

According to the testimony of the former Director General of the SSD Mečys Laurinkus, in mid-2003 he informed the then President of the Republic Rolandas Paksas about a possibility, after Lithuania's accession to NATO, to receive a request to participate in the programme concerning the transportation of detainees. According to the testimony of Rolandas Paksas, Lithuania was requested permission to bring into the country the persons suspected of terrorism. The information submitted to the President of the Republic did not contain any mention of a detention centre or a prison. In August of the same year, when President of the Republic Rolandas Paksas enquired the then acting Director General Dainius Dabašinskas if there was any new information concerning Lithuania's participation in the said programme, he was told that there was no new information.

Although Director General of the SSD Mečys Laurinkus received a negative answer from President of the Republic Rolandas Paksas regarding the bringing into the Republic of Lithuania of persons interrogated by the USA, neither the then President of the Republic Rolandas Paksas nor acting President of the Republic Artūras Paulauskas was asked for political approval of activities under Project No 2. Mečys Laurinkus had knowledge of launching the activities under Project No 2 in March-April 2004. According to President of the Republic Valdas Adamkus, he was informed about cooperation with the USA in general terms and no information was provided to him about running of Project No 2 in 2004-2006. According to Arvydas Pocius, President of the Republic Valdas Adamkus and his advisors were adequately informed of the project. Several SSD officers, including Mečys Laurinkus, Arvydas Pocius, Dainius Dabašinskas, had the knowledge of Project No 2 at the time of launching and running thereof.

On 18 August 2009, Head of the SSD Povilas Malakauskas informed President of the Republic Dalia Grybauskaitė (as well as former Presidents of the Republic Valdas Adamkus and Algirdas Mykolas Brazauskas) that *ABC News* was preparing articles about the CIA detainees who were allegedly confined in Lithuania and planning to name one of the facilities owned by the SSD as a prison. Povilas Malakauskas could not deny the possibility of confinement in Lithuania of the persons detained by the CIA.

Likewise, while considering the reports of the SSD, the CNSD was provided information about international cooperation in a fragmentary manner. For instance, when considering the SSD's activity report of 2003, it was mentioned that 'cooperation with NATO member states is in progress. A wish for more active cooperation with the SSD can already be perceived on the side of the Allies, which will require additional staff, investments.' Decisions of the CNSD on the SSD's reports never contained any proposals concerning international cooperation.

***Information gathered by the Committee and the explanations received by it show that the State Defence Council, the Government, the Seimas have not considered the issues related to activities of secret CIA detention centres in the territory of the Republic of Lithuania, to the transportation and confinement of detainees in the territory of the Republic of Lithuania.***

***According to the country's top officials (the Presidents of the Republic, the Prime Ministers, the Speakers of the Seimas), the members of the CNSD of the Seimas were informed about the international cooperation between the SSD and CIA in a generalized manner, without discussing the concrete operations and their results. The mention of wide-scale direct cooperation between the SSD and CIA was made only once at a sitting of the State Defence Council (19 September 2001) when considering an issue on international terrorism and anti-terrorism actions and prevention, crisis management and the legal base. Transportation and detention of the detainees were not discussed at the sitting of the State Defence Council of Lithuania. The CNSD of the Seimas was not informed about the character of cooperation.***



***On the basis of the received information, the Committee established that when carrying out the SSD partnership cooperation Project No 1 and Project No 2, the then heads of the SSD did not inform any of the country's top officials about the purposes and content of the said Projects.***

## PROPOSAL

To propose to the Prosecutor General's Office to investigate whether the acts of Mečys Laurinkus, Arvydas Pocius and Dainius Dabašinskas contained the elements of misuse of office or abuse of powers.

## RECOMMENDATIONS

1. Coordination and control of activities of intelligence services must be enhanced by defining an explicit system for establishing the needs and priorities of intelligence information, needs of international cooperation among intelligence services and tasks for intelligence services as well as for evaluating their activities, which would also reflect institutional and political responsibility.

2. Provision of information to the country's top officials must be improved. It is necessary to clearly define a procedure for providing information.

3. The composition of activity reports submitted by the SSD should be reviewed and made more detailed:

- the committee carrying out parliamentary scrutiny should receive more exhaustive information about international cooperation of the SSD;

- the information provided regarding international cooperation carried out by the SSD should reflect the results of joint operations or actions, their evaluation and the resources used for these purposes;

- the committee carrying out parliamentary scrutiny must be, on a yearly basis, introduced to the reorganization of the SSD's structure, its impact on the efficiency of the institution's activities, management and use of the available resources.

4. It is necessary to explicitly regulate the financial resources used in intelligence and operational activities, their accounting and control of their use, concurrently ensuring adequate confidentiality of intelligence and operational activities.

5. It is necessary to solve the issue of provision of classified information to decision-making entities in the cases when the originator of information is not the SSD.

6. Provisions of the Law on Intelligence should be improved by a more precise regulation of the cooperation of intelligence services with other state institutions.

7. The SSD must enhance the protection of classified information, improve the mechanism of control of investigations in progress.

8. The National Civil Aviation Security Programme should be improved to create legal conditions for officers of state institutions (the SBGS) to fulfil their functions laid down by legal acts unhindered by security guards of enterprises within the territories of border control points of airports.