

## **P.M.**

Denmark and the US are close allies in the international fight against terrorism. Our counter-terrorism relationship with the United States is vital to the national security of Denmark. Denmark wishes to maintain and strengthen this relationship consistent with Danish law and our international obligations.

The US has on several occasions confirmed that the US has respected – and will continue to respect – the sovereignty of Denmark and comply with all her international legal obligations in relation to activities in Danish, Greenlandic and Faroe territory and airspace.

Lately, there has been renewed focus in Denmark on alleged CIA flights through Danish and Greenlandic airspace. Reports in the press have presented credible information that CIA flights might have used Danish and Greenlandic airspace without the required Danish permission. On this basis the Danish Government has initiated a governmental inquiry into the issue.

The topic was briefly discussed when Prime Minister Fogh visited President Bush in Crawford on 1 March 2008. At the meeting Prime Minister Fogh underlined the Danish Government's assumption that the US does not conduct activities in Danish, Greenlandic or Faroe airspace and territory that violate international law. In response President Bush confirmed that US authorities would engage positively and constructively in providing the necessary information needed to conclude the governmental inquiry on the alleged CIA-flights.

A number of Danish governmental agencies are currently working to produce a report on the issue. In this process the following questions have arisen, which we request the US to answer.

Firstly, Danish government officials have compiled a list of all the flights of alleged CIA-flights through Danish, Greenlandic or Faroe Island airspace and territory. The flight-numbers, which has been investigated, are mentioned in international reports, press stories etc. on this issue. We would request the US to confirm that no detainees have been on board these flights, while in Danish, Greenlandic of Faroese airspace and territory.

Secondly, it is noted that in the territory and airspace of Denmark a state aircraft is defined by Danish authorities as an aircraft used for state purposes of a non-commercial character. We would ask the US to clarify the US understanding of the terms "civil aircraft" and "state aircraft" under the Chicago Convention.

Thirdly, in the wake of the 11 September attacks NATO on 4 October 2001 agreed to take a number of measures in the campaign against terrorism. Two of these measures were to provide blanket over-flight clearances for the United States, in accordance with the necessary air traffic arrangements and national procedures, for military flights related to

operations against terrorism; and to provide access for the United States to ports and airfields on the territory of NATO nations for operations against terrorism in accordance with national procedures. It is the clear understanding of the Danish Government that these measures only apply to military flights and do not provide any legal basis for covert operations, including extraordinary renditions by the CIA, through Danish, Greenlandic and Faroese airspace and territory. We would appreciate, if the US could confirm their agreement with this understanding of the NATO decision.

The report of the Danish governmental inquiry is to be presented to the Danish Parliament before 1 October 2008. In order to properly reflect US views on the issue, it would be highly appreciated, if a consolidated US position on the issues above could be presented no later than by the end of August 2008.

This PM and the corresponding written reply by the US will be made public as part of the Danish governmental inquiry.