



EUROPEAN PARLIAMENT

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*Plenary sitting*

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4.2.2015

B8-0098/2015

## MOTION FOR A RESOLUTION

to wind up the debate on the statements by the Council and the Commission

pursuant to Rule 123(2) of the Rules of Procedure

on the US Senate report on the use of torture by the CIA  
(2014/2997(RSP))

**Birgit Sippel, Tanja Fajon, Ana Gomes**

on behalf of the S&D Group

**Sophia in 't Veld, Javier Nart**

on behalf of the ALDE Group

**Marie-Christine Vergiat, Barbara Spinelli, Malin Björk,**

**Marina Albiol Guzmán, Younous Omarjee, Sofia Sakorafa,**

**Kostas Chrysogonos, Kostadinka Kuneva, Dimitrios Papadimoulis,**

**Marisa Matias**

on behalf of the GUE/NGL Group

**Laura Ferrara, Ignazio Corrao, Laura Agea, Tiziana Beghin,**

**Rolandas Paksas, Fabio Massimo Castaldo**

on behalf of the EFDD Group

**Eva Joly, Judith Sargentini**

on behalf of the Verts/ALE Group

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**European Parliament resolution on the US Senate report on the use of torture by the CIA  
(2014/2997(RSP))**

*The European Parliament,*

- having regard to the Treaty on European Union (TEU), in particular Articles 2, 3, 4, 6, 7 and 21 thereof,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 1, 2, 3, 4, 18 and 19 thereof,
- having regard to the European Convention on Human Rights and the protocols thereto,
- having regard to the relevant UN human rights instruments, in particular the International Covenant on Civil and Political Rights of 16 December 1966, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 and the relevant protocols thereto, and the International Convention for the Protection of All Persons from Enforced Disappearance of 20 December 2006,
- having regard to the European Court of Human Rights judgments in cases *al-Nashiri v. Poland*, *Abu Zubaydah v. Lithuania*, *Husayn (Abu Zubaydah) v. Poland*, *El-Masri v. the former Yugoslav Republic of Macedonia*, *Nasr and Ghali v. Italy*, and *al-Nashiri v. Romania*,
- having regard to the Italian Court judgment that convicted and sentenced to prison terms in absentia 22 CIA agents, one Air Force pilot and two Italian agents over their role in the 2003 kidnapping of the Imam of Milan, Abu Omar,
- having regard to its resolution of 6 July 2006 on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners, adopted midway through the work of the Temporary Committee<sup>1</sup>,
- having regard to its resolution of 14 February 2007 on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners<sup>2</sup>,
- having regard to its resolution of 11 September 2012 on alleged transportation and illegal detention of prisoners in European countries by the CIA: follow-up of the European Parliament TDIP Committee report<sup>3</sup>,
- having regard to its resolution of 10 October 2013 on alleged transportation and illegal

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<sup>1</sup> OJ C 303E, 13.12.2006, p. 833.

<sup>2</sup> OJ C 287E, 29.11.2007, p. 309.

<sup>3</sup> OJ C 353E, 3.12.2013, p. 1.

detention of prisoners in European countries by the CIA<sup>1</sup>,

- having regard to the United States Senate Select Committee on Intelligence (SSCI) study on the Central Intelligence Agency's (CIA's) Detention and Interrogation Programme and its use of various forms of torture on detainees between 2001 and 2006,
  - having regard to its resolutions on Guantánamo, the most recent being that of 23 May 2013 on Guantánamo: hunger strike by prisoners<sup>2</sup>,
  - having regard to the Council conclusions on fundamental rights and the rule of law and on the Commission's 2013 report on the application of the Charter of Fundamental Rights of the European Union (Luxembourg, 5 and 6 June 2014),
  - having regard to its resolution of 27 February 2014 on the situation of fundamental rights in the European Union (2012)<sup>3</sup>,
  - having regard to the Commission communication 'A new EU Framework to strengthen the Rule of Law' of 19 March 2014 (COM(2014)0158),
  - having regard to the Commission's EU anti-corruption report of 3 February 2014 (COM(2014)0038),
  - having regard to its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs<sup>4</sup>,
  - having regard to Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA,
  - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas respect for fundamental rights and the rule of law is an essential element in successful counterterrorism policies;
- B. whereas Parliament has repeatedly condemned the CIA's secret detention and extraordinary rendition programme, which resulted in multiple human rights violations including the use of torture and other inhumane or degrading treatment, abduction, secret detention, detention without trial, and violations of the non-refoulement principle;
- C. whereas, despite their particular nature, policies of national security and counterterrorism are not exempt from the principle of accountability, and there can be no impunity for violations of international law and human rights;

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<sup>1</sup> Texts adopted, P7\_TA(2013)0418.

<sup>2</sup> Texts adopted, P7\_TA(2013)0231.

<sup>3</sup> Texts adopted, P7\_TA(2014)0173.

<sup>4</sup> Texts adopted, P7\_TA(2014)0230.

- D. whereas accountability for extraordinary renditions, abductions, illegal secret detentions and torture is essential in order to protect and promote human rights effectively in the internal and external policies of the EU, and to ensure legitimate and effective security policies based on the rule of law;
- E. whereas Parliament has repeatedly called for full investigations into the collaboration of EU Member States with the CIA's secret detention and extraordinary rendition programme;
- F. whereas the former Parliament, in its resolution of 10 October 2013<sup>1</sup>, called on the current Parliament to continue to fulfil and implement the mandate given by the Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners, and consequently to ensure that its recommendations were followed up, to examine new elements that might emerge and to make full use of, and develop, its rights of inquiry;
- G. whereas the report by the US Senate Select Committee on Intelligence reveals new facts that reinforce allegations that a number of EU Member States, their authorities and officials and agents of their security and intelligence services were complicit in the CIA's secret detention and extraordinary rendition programme, sometimes through corrupt means based on substantial amounts of money provided by the CIA in exchange for their cooperation;
- H. whereas the report by the US Senate Select Committee on Intelligence rebuts CIA claims that torture revealed information that could not have been collected through traditional, non-violent interrogation techniques;
- I. whereas US President Barack Obama committed to closing the Guantánamo Bay detention facility by January 2010, a facility which holds 122 detainees without formal criminal charges having been brought against them before a criminal court, including 54 who have been officially cleared for release;
1. Welcomes the decision of the US Senate Select Committee on Intelligence to publish the summary of its report on the Central Intelligence Agency's Detention and Interrogation Programme; encourages the publication of the report in full, without excessive and unnecessary redactions;
  2. Expresses its horror and deep condemnation of the gruesome interrogation practices that characterised these illegal counterterrorism operations; underlines the fundamental conclusion by the US Senate that the violent methods applied by the CIA failed to generate intelligence that prevented further terrorist attacks; recalls its absolute condemnation of torture;
  3. Considers that the climate of impunity regarding the CIA programme has enabled the continuation of fundamental rights violations, as further revealed by the mass surveillance programmes of the US National Security Agency and secret services of various EU Member States;

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<sup>1</sup> Texts adopted, P7\_TA(2013)0418.

4. Calls on the US to investigate and prosecute the multiple human rights violations resulting from the CIA rendition and secret detention programmes, and to cooperate with all requests from EU Member States for information, extradition or effective remedies for victims in connection with the CIA programme;
5. Reiterates its calls on Member States to investigate the allegations that there were secret prisons on their territory where people were held under the CIA programme, and to prosecute those involved in these operations, taking into account all the new evidence that has come to light;
6. Expresses concerns regarding the obstacles encountered by national parliamentary and judicial investigations into some Member States' involvement in the CIA programme, the abuse of state secrecy, and the undue classification of documents resulting in the termination of criminal proceedings and leading to de facto impunity of perpetrators of human rights violations;
7. Calls for the adoption of an EU internal strategy on fundamental rights and invites the Commission to propose the adoption of such a strategy and a related plan of action;
8. Instructs its Committee on Civil Liberties, Justice and Home Affairs, with the association of its Committee on Foreign Affairs, and in particular its subcommittee on Human Rights, to resume its inquiry on 'alleged transportation and illegal detention of prisoners in European countries by the CIA' and to report to plenary within a year by:
  - following up on the recommendations made in its resolution of 11 September 2012 on alleged transportation and illegal detention of prisoners in European countries by the CIA: follow-up of the European Parliament TDIP Committee report<sup>1</sup>;
  - facilitating and supporting human-rights-compliant mutual legal assistance and judicial cooperation between investigating authorities and cooperation between lawyers involved in accountability work in Member States;
  - organising a hearing involving national parliaments and practitioners to take stock of all past and ongoing parliamentary and judicial inquiries;
  - organising a Parliamentary fact-finding mission involving all interested political groups to the EU Member States where CIA secret detention sites allegedly existed;
  - gathering all relevant information and evidence on possible bribes or other acts of corruption linked to the CIA programme;
9. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

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<sup>1</sup> OJ C 353E, 3.12.2013, p. 1.