



EUROPEAN PARLIAMENT

2014 - 2019

Plenary sitting

4.2.2015

B8-0133/2015

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

**Monika Hohlmeier, Elmar Brok, Barbara Matera, David McAllister,
Daniel Caspary, Monica Macovei, Dubravka Šuica, Andrej Plenković,
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Michael Gahler, Gunnar Hökmark**
on behalf of the PPE Group

**European Parliament resolution on the US Senate summary 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, and 21 thereof,
- having regard to the Charter of Fundamental Rights of the European Union,
- 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 Guidelines to EU Policy Towards Third Countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the EU Guidelines on the Death Penalty,
- having regard to the UN Human Rights Council Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, focusing on commissions of inquiry in response to patterns or practices of torture or other forms of ill-treatment¹,
- having regard to the US-EU Joint Statement on Closure of Guantánamo Bay and Future Counterterrorism Cooperation of 15 June 2009,
- having regard to the European Court of Human Rights judgments *al-Nashiri v. Poland*, No 28761/11 of 24 July 2014, and *Husayn (Abu Zubaydah) v. Poland*, No 7511/13 of 24 July 2014,
- having regard to UN Security Council Resolution 2178 of 24 September 2014 on the threats to international peace and security caused by terrorist acts,
- having regard to its resolutions of 14 February 2007² and 19 February 2009³ on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners,

¹ A/HRC/19/61, 18.1.2012.

² OJ C 287 E, 29.11.2007, p. 309.

³ OJ C 76 E, 25.3.2010, p. 51.

- 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 report¹,
 - having regard to President Obama’s Executive Order 13491 on ensuring lawful interrogations, signed on 22 January 2009,
 - having regard to President Obama’s State of the Union address of 20 January 2015,
 - having regard to its plenary debate of 17 December 2014 on the US Senate Report on the use of torture by the CIA,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas the EU is founded on a commitment to democracy, the rule of law, human rights and fundamental freedoms, respect for human dignity and international law, not only in its internal policies but also in its external dimension; whereas the EU’s commitment to human rights, reinforced by the entry into force of the EU Charter of Fundamental Rights and the process of accession to the European Convention on Human Rights, must be reflected in all policy areas in order to make the EU’s human rights policy effective;
 - B. whereas Parliament has repeatedly called for the fight against terrorism to respect human dignity, human rights and fundamental freedoms, including in the context of international cooperation in this field, on the basis of the EU Treaties, the European Convention on Human Rights, national constitutions and fundamental rights legislation;
 - C. whereas Parliament has strongly condemned the US-led CIA rendition and secret detention programme involving multiple human rights violations, including unlawful and arbitrary detention, torture and other ill-treatment, as an outcome of its Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners;
 - D. whereas a proper accountability process is essential in order to preserve citizens’ trust in the democratic institutions, to protect and promote human rights effectively in the EU’s internal and external policies, and to ensure legitimate and effective security policies based on the rule of law;
 - E. whereas on 11 September 2001, the United States came under unprecedented attacks from al-Qaeda terrorists, claiming the lives of more than 3 000 people, when planes were flown into the twin towers of the World Trade Centre, the Pentagon and a field in Pennsylvania;
 - F. whereas EU-US relations are based on a strong partnership and cooperation in many fields, on the basis of common shared values of democracy, the rule of law and fundamental rights; whereas the EU and the US have strengthened their engagement in the fight against terrorism since the terrorist attacks of 11 September 2001, but whereas

¹ OJ C 353E, 3.12.2013, p. 1.

it is necessary to overcome divergences between EU and US policies in the fight against terrorism;

- G. whereas on 15 June 2009 the European Union and its Member States and the United States of America signed a Joint Statement on the closure of the Guantánamo Bay detention facility and future counterterrorism cooperation, based on shared values, international law and respect for the rule of law and human rights;
 - H. whereas the assistance of EU Member States in resettling some of the prisoners has been slow and limited;
 - I. whereas on 3 December 2014, after 6 years of investigations, the Senate Select Committee on Intelligence released an executive summary of the Committee Study of the Central Intelligence Agency's Detention and Interrogation Programme;
 - J. whereas the Senate committee's report runs to more than 6 000 pages but remains classified, and a 525-page summary has been released confirming that six days after the 9/11 attacks a Memorandum of Notification (MON) authorising the director of central intelligence (DCI) to 'undertake operations designed to capture and detain persons who pose a continuing, serious threat of violence or death to US persons and interest or who are planning terrorist activities' was signed;
 - K. whereas the report finds that the CIA employed enhanced interrogation techniques outlawed by US and international treaties banning the use of torture, to which the US is a signatory;
- 1. Underlines the fact that transatlantic cooperation based on common values such as the promotion of freedom and security, democracy and fundamental human rights is and must be a key priority in EU foreign relations; reiterates the clear position taken in the US-EU statement of 2009 to the effect that joint efforts to combat terrorism must comply with obligations under international law, in particular international human rights law and humanitarian law, and that this will make our countries stronger and more secure;
 - 2. Welcomes the Senate committee's report as a positive step in confronting publicly and critically the Central Intelligence Agency's detention and interrogation programme, demonstrating the willingness of the American political establishment, with the support of members from the two Congressional political parties, to carry out reasonably honest public accounting of the CIA programme;
 - 3. Reiterates its decisive commitment to cooperating with the US in the global fight against terrorism, while ensuring full and strict compliance with fundamental rights and rule of law obligations, and further stresses that effective counterterrorism measures and respect for human rights are not contradictory, but are complementary and mutually reinforcing aims; points out that respect for fundamental rights is an essential element in successful counterterrorism policies; recalls that the fight against terrorism requires a multilateral approach and therefore actively promotes a global alliance against terrorism within the United Nations, involving all international actors;

4. Reiterates its strong condemnation of the practices of enhanced interrogation techniques, which are prohibited under US and international legislation and which breach, inter alia, the rights to liberty, security, humane treatment, freedom from torture, presumption of innocence, fair trial, legal counsel and equal protection under the law; welcomes in this regard the executive orders issued by President Obama banning torture, promoting the humane treatment of detainees and ensuring that the US respects domestic and international laws that prohibit torture and cruel, inhuman and degrading treatment;
5. Welcomes the recent positive steps taken by President Obama in his continuing and repeated efforts to close the detention facility at the US military base in Guantánamo Bay, Cuba, and to provide for the release of the detainees who have not been charged; stresses that President Obama reiterated his determination to fulfil his 2008 campaign pledge to closing down the Guantánamo Bay prison in his State of the Union address of 20 January 2015;
6. Considers that the Member States have stated their willingness to abide by international law; consequently stresses that Member States conducting independent and effective inquiries on human rights violations connected with the CIA programme must base their investigation on solid judicial evidence and on respect for national judicial systems and EU law, not just on media and public speculation;
7. Calls on the Member States, in the light of the increased cooperation and exchange of information between their secret intelligence and security agencies, to ensure full democratic scrutiny of those agencies and their activities through appropriate internal, executive, judicial and independent parliamentary oversight;
8. Instructs its President to forward this resolution to the Commission, the Council and national parliaments.