



EUROPEAN PARLIAMENT

2014 - 2019

Plenary sitting

9.2.2015

B8-0123/2015 }
B8-0133/2015 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 123(2) and (4) of the Rules of Procedure

replacing the motions by the following groups:

ECR (B8-0123/2015)

PPE (B8-0133/2015)

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

**Elmar Brok, Cristian Dan Preda, Andrej Plenković, David McAllister,
Francisco José Millán Mon, Eduard Kukan, Michael Gahler,
Gunnar Hökmark, Daniel Caspary, Monica Macovei, Dubravka Šuica,
Barbara Matera, Monika Hohlmeier, József Nagy**

on behalf of the PPE Group

Timothy Kirkhope, Charles Tannock

on behalf of the ECR Group

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 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 UN Security Council Resolution 2178 of 24 September 2014 on the threats to international peace and security caused by terrorist acts,
 - 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) and (4) 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, and the EU Treaties;
- B. whereas the EU has developed internal security and counter-terrorism policies based on police and judicial cooperation and the promotion of intelligence-sharing; whereas respect

¹ A/HRC/19/61, 18.1.2012.

for fundamental rights and the rule of law and effective democratic parliamentary oversight of intelligence services are important elements of such cooperation;

- C. whereas a proper accountability process is essential in order to preserve citizens' trust in the democratic institutions and to protect and promote human rights effectively in the EU's internal and external policies;
- D. whereas Parliament has previously condemned the US-led CIA rendition and secret detention programme;
- E. whereas several Member States have held or have begun to hold inquiries as to accusations over their involvement in the transportation and illegal detention of prisoners in European countries by the CIA;
- F. whereas on 11 September 2001 the United States came under unprecedented attacks from al-Qaeda terrorists, which claimed 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;
- G. 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 USA have strengthened their engagement in the fight against terrorism since the terrorist attacks of 11 September 2001;
- H. 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 counter-terrorism cooperation, based on shared values, international law and respect for the rule of law and human rights; whereas the assistance of EU Member States in resettling some of the Guantánamo Bay prisoners has been slow and limited;
- I. whereas the emergence of ISIS, and especially the presence of many European citizens in the ranks of this organisation and their subsequent return to their home countries, creates a wholly new security situation for the EU;
- J. whereas on 3 December 2014, after six 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;
- K. whereas the Senate committee's report runs to more than 6 000 pages but remains classified, and whereas 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 interests or who are planning terrorist activities' was signed;
- L. 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 USA is a signatory;
- 1. Underlines the fact that effective counter-terrorism measures and respect for human rights are not contradictory in nature, but should be complementary and mutually reinforcing aims; stresses, however, that respect for fundamental rights is an essential element in successful

counter-terrorism policies; stresses, furthermore, that transatlantic cooperation based on these same common values must be a key priority in EU foreign relations;

2. Reaffirms its view that the international fight against terrorism, and bilateral or multilateral international cooperation in this area, including as part of NATO or between intelligence and security services, must be conducted with full respect for human rights and fundamental freedoms and with appropriate democratic and judicial oversight;
3. Underlines the fact that in the current security situation close cooperation between Member States and between the EU and the USA on fighting and countering terrorism is essential;
4. Welcomes the Senate committee's report as a positive step in confronting publicly and critically the CIA's detention and interrogation programme, demonstrating the willingness of the American democratic political system, with the support of members of the two Congressional political parties, to carry out an honest public accounting of the CIA programme;
5. Reiterates the EU's decisive commitment to cooperating with the USA in the global fight against terrorism and recalls that the fight against terrorism requires a multilateral approach, and is therefore actively promoting a global alliance against terrorism within the United Nations, involving all international actors;
6. Reiterates its strong condemnation of the practices of enhanced interrogation techniques, which are prohibited under international legislation and which breach, inter alia, the rights to liberty, security, humane treatment, freedom from torture, presumption of innocence, a fair trial, legal counsel and equal protection under the law;
7. Welcomes the executive orders issued by President Obama banning torture, promoting the humane treatment of detainees and ensuring that the USA respects domestic and international laws that prohibit torture and cruel, inhuman and degrading treatment;
8. 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 in his State of the Union address of 20 January 2015 President Obama reiterated his determination to fulfil his 2008 campaign pledge to close down the Guantánamo Bay prison;
9. Considers that the Member States have stated their willingness to abide by international law; stresses, therefore, that Member States conducting independent and effective inquiries into human rights violations connected with the CIA programme must base their investigations on solid judicial evidence and on respect for national judicial systems, EU and international law, the primacy of national security, and the sensitivities of possible ongoing criminal investigations;
10. 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, while respecting Member State competence and sovereignty in the area of national security;

11. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the parliaments and governments of the Member States, the Council of Europe, NATO, the United Nations and the Government and two Houses of Congress of the United States.