



## Info

# MEPs debate alleged CIA renditions ahead of the vote on the final report

The House debated the final report from the Temporary Committee investigating the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners. MEPs expressed a variety of opinions with some condemning the CIA and EU Member State governments while others called the report anti-American propaganda based on speculative media reports. The vote on the final report takes place at midday today.

The rapporteur, Giovanni Claudio **FAVA** (PES, IT) pointed to the challenge inherent in the fight against terrorism and stated that the results of this report do not "allow anyone to look the other way." He mentioned again the principal actors who allegedly colluded with the CIA, reiterating that "around this affair there are responsibilities." Mr Fava pointed out that "the testimonies we received [...] are facts [and that] the facts speak for themselves." As an example, he referred to an innocent victim who had been tortured while in detention in Syria and stated that "this was a sample of humanity which was damaged, hurt and humiliated." Mr Fava did concede that there were those who would have preferred a softer approach in this report but he emphasised that MEPs are not Government representatives and that they "must reaffirm [their] autonomy [and their] independence." He concluded by stating that "this is the fruit of a common civil courage."

Speaking for the German Presidency of the Council Günther **GLOSER** recalled that it was one year ago that the European Parliament had taken the decision to set up the temporary committee to investigate alleged CIA renditions. The Council, he said, could not accept any compromise with regard to human rights, for example the Council has long-stated that Guantanamo Bay should be closed "forthwith". Many points raised by the temporary committee were under investigation in the Member States through parliamentary inquiries or through the national courts, and it was important for the EU to respect subsidiarity with respect to these investigations. "A more reticent use of words would have been more appropriate as the Council and the European Parliament are not so far apart on these matters," he said.

Speaking for the European Commission, Vice-President and Commissioner responsible for Justice, Freedom and Security, Franco **FRATTINI** said the issue of security is central to the debate, but legality is a prerequisite for security, security can not be provided at any cost. It was important that there was a quest for the truth and that the facts were clearly established, and this is what the judges would do. The Commissioner also stated that it was for national courts and inquiries to establish the facts, nevertheless the temporary committee's report had provided "a harvest of information".

Commissioner Frattini said: "It is clear that the US and the US authorities are not in the dock, it is the terrorists that are in the dock." Judicial investigations were still taking place including in the US congress. The EU institutions would continue to strengthen

Euro-Atlantic co-operation based on the pillars of law and security.

### **Political group speakers**

On behalf of the EPP-ED, Jas **GAWRONSKI** (IT) said his group had sought to improve the Fava report in committee, to find common ground but had not entirely succeeded. He criticised the committee's approach. For example it had turned up in Washington acting like a tribunal, something which clearly "did not facilitate dialogue".

He told the House that if his group's amendments were not adopted, it would vote against the report, but even if they were adopted, many of the group's Members would still vote against. He himself wanted to see two key amendments included, the first saying that the secret services must be allowed to operate secretly "as long as they comply with the law", the second saying that the CIA may fly wherever it wishes "as long as it is not in breach of the law".

He argued that the Fava report issued "a blanket condemnation of the secret services as a whole". But, he stressed, these services "must be allowed to deal with external threats!"

Council of Europe rapporteur Dick Marty, he added, "shares my view" and moreover has said there is "nothing new in the Fava report".

In conclusion, Mr Gawronski said he agreed with Commissioner Frattini. Certainly "we must speak up for human rights even when fighting terrorism" but the Fava report was "predicated on the assumption that there is one chief guilty party and that is the USA".

For the Socialists, Wolfgang **KREISSL-DÖRFLER** (DE) said "we cannot play the song of freedom on an instrument of violence". Yes, "international terror is a threat and must be combated by all available means" but, on the basis of national and international law, breaches of human rights "must be lambasted". This is "not some peccadillo" as some in the committee seemed to be suggesting "it is inhuman, immoral, unjust".

The committee's work had been to find out "what happened to people who were abducted and tortured, who was behind it?" Among other cases, a German citizen in Pakistan was abducted and taken to Guantanamo. If there had been anything in this, "he would have been brought to court". Ultimately, "does the end justify the means?"

He stressed that we cannot "simply allow the security services to have their own way". "Illegal practices on European territories is not something the governments can condone". "We must remember what our community of values is based on: the rule of law, the separation of powers and democracy".

Lastly, he told the House there were "sins of omission and sins of commission" and the committee's work had been to bring these matters to light. "No paths must lead to Guantanamo", he concluded.

Speaking on behalf of his group, Ignasi **GUARDANS CAMBÓ** (ALDE, ES) told the House "what is at stake here today is Europe's credibility". In supporting the Fava report his group would be showing as much concern as anyone about security, including "the secret services, which can work inside the law". However, he went on, "we cannot support the idea that the only way to protect our freedom is through a dirty war". This would represent a "frontal attack on our values".

The committee had "uncovered an illegal, sometimes criminal scheme" set up as part of the fight against terrorism. It had "not acted as a court but as a political body" making its judgments on the basis of "hard facts". True, there were some facts that could not be proved before a court but this was "because many governments involved did not help us".

The committee had not invented anything: it had met the victims, or rather "those who could come" as "others are still in jail". Now it wanted to "make a political statement" and send a message to European governments, saying "on behalf of millions of citizens" that "you cannot fight terrorism through a dirty war in our name". This, he said, was the statement on which the House would be voting today.

The twelve months of investigations confirmed fears, but turned up little in the way of new facts, said Konrad **SZYMAŃSKI** (UEN, PL). However, this "inconvenient" lack of evidence got left out of the picture, amidst accusations ranging from abduction to torture. In the case of Poland, "there is no proof", so its accusers should "stay silent", he said.

These investigations were an "excellent example of collaboration with the Council of Europe and the fourth estate, especially the press and media" countered Cem **ÖZDEMİR** (Greens/EFA, DE). Yet within Parliament, "some committee members have been dealt with as if this were still the Warsaw Pact era", he said, adding that "if there's nothing to hide, you don't deal with people like this", and that "the *acquis communautaire* doesn't disappear on accession".

Khaled El Masri (a German resident who claims to have been abducted by CIA agents in the former Yugoslav Republic of Macedonia) still awaits an apology from the US authorities and clarifications from their German counterparts, said Mr Özdemir, adding that other, similar, cases still need to be investigated in Germany.

The case of Canadian citizen and alleged torture victim Mr Maher Arar showed just how little information is gleaned from torture, said Mr Özdemir. Although he welcomed the fact that Mr Arar would receive compensation, we should not forget prisoners in the Guantánamo Bay detention centre who have little to hope for. This "is not anti-Americanism - our concern is for human rights and democracy", he concluded.

This report is an "historic step", and the European Parliament has "brought rigour to its task" echoed Giusto **CATANIA** (GUE/NGL). "The US strategy was possible thanks only to the complicity of European secret services" he continued, and "Solana and De Vries need to address this" (Mr Javier Solana is the EU's EU Foreign Policy Representative and Secretary-General of the Council and Mr Gijs de Vries is its Counter-Terrorism Co-ordinator). General Nicolò Pollari (the former Director of the Italian secret services SISMI, accused of "concealing the truth" when he claimed that "Italian agents played no part in any CIA kidnapping") should be made to "render an account to the government", said Mr Catania, concluding that Tacitus's phrase: "They made a desert and called it peace" must not become a fitting description of the war against terror.

Gerard **BATTEN** (IND/DEM, UK) said the report represented typical "anti-Americanism" and a "grab for more power for the EU". Much of the content of the report, he said, was "speculation". The international community was now engaged in a war of ideology against "fundamentalist Islam" and he thanked the US for leading this battle.

Luca **ROMAGNOLI** (ITS, IT) said that the temporary committee had tried to investigate the allegations, but he could not agree with the report's conclusions which he said, "should be thrown-out". The report was at best tenuous and was based largely on media reports.

Roger **HELMER** (NI, UK) said that it was a case of "me too" as the Council of Europe had already produced a report on the matter which one British Minister had described as "having as many holes as a Swiss cheese". The Fava report was, he said, not much better. The committee had simply logged numerous flights, and based much of its work on press cuttings. The US authorities had admitted that a small number of renditions had taken place immediately after 9-11. The report boiled down to "anti-American propaganda" and attacked many national governments.

### **British and Irish speakers**

Sarah **LUDFORD** (ALDE, UK) said those who collaborate in refusing to face the facts on the grounds that an inquiry is anti-American will have red faces when the heavy guns in Congress turn their energies to this topic. It is about security, but built within a framework of law in which the security not to end up as a tortured ghost detainee counts too and it is certainly about promoting Europe's values in the world, the ones of democracy, human rights and the rule of law to which Member States signed up in the Treaty. Mrs Ludford agreed with US Defence Secretary Robert Gates who spoke at the recent Munich Security Conference

about the West's defeat of totalitarianism in the 20th century and our opposition to extremist ideologies now. He said: 'Our most effective weapon then and now has been Europe's and North America's shared belief in political and economic freedom, religious toleration, human rights, representative government and the rule of law. Those values kept our side united'. Indeed, so why has the Bush administration, not Americans as a whole, tossed away the moral high ground and dragged America's reputation into the mud by a programme of kidnapping, forced disappearance, dark prisons, indefinite detention, cruel and inhuman treatment and outsourcing of torture.

Mrs Ludford stated that she did not rejoice in the fact that the latest survey of global opinion finds an antagonism to America at an intense pitch. Even in Poland, fewer than four out of ten have a mainly positive view of the US. Europe has failed a test in the last five years, she said, a test of whether it will practise its values or only preach them. We have, she continued, lacked the guts to refuse to collude with torture flights and lacked the vision to use Europe's capacity to be a real and united best friend to America and it is about time that we actually practised those values.

Eoin **RYAN** (UEN, IE) said: "Some people are arguing that we should all support this report because otherwise we are not standing up for human rights. I have to say that I completely and totally disagree with that. I oppose flights of extraordinary rendition anywhere, but I cannot support this report because many of its conclusions are politically motivated."

Let us be clear, he continued, that we are talking about conclusions and not findings. This is not an evidence-based report. For example, reference to 147 suspected flights into Ireland or 300 flights into Germany is totally unsubstantiated. If these conclusions were presented before any court as factual evidence, they would be thrown out of court because they would be found to be both inaccurate and speculative. The European Parliament should remember that many of the things in this report are conclusions and not findings. For a report to conclude that all CIA flights should be banned in Ireland and not be banned in any of the other 26 member countries, lacks perspective and is another clear example of how politically motivated this report has become. This report does not look forward. It even fails to call for a review of the 60-year-old Chicago International Convention. However, Mr Ryan stated that he had an amendment on this. Some people, he stated, are saying that we should come back in six months' time with proposals. If there are proposals, they should be in the report here today. Mr Ryan believed that this report is full of conclusions and not findings and unfortunately, he stated, he will be voting against it.

Charles **TANNOCK** (EPP-ED, UK) said: "I was opposed from the very start to the Temporary Committee. It has proven to be an expensive exercise. We do not have any figures but I estimate the cost to be over EUR 1 million. It has duplicated Senator Marty's efforts in the Council of Europe and has produced nothing substantially new which was not already in the public domain. Regrettably the Left and Liberals cannot resist an opportunity to bash NATO and the United States which, in spite of making mistakes, remains a democracy which shares European common values and is our ally in the fight against global terrorism.

The Fava report is heavy on allegations and accusations, but light on conclusive proof. Inevitably some mistakes and excesses may have occurred but in my opinion there was no systematic US policy for extraordinary renditions to illegally torture abductees in third countries or any proof of the existence of CIA detention camps in Romania or Poland. Where there is evidence of wrong doing such as in Italy, the national criminal justice systems have kicked in and started prosecutions. Simple renditions of illegal combatant terror suspects through EU territory are a proven fact, but not necessarily illegal in international law where torture is not involved and diplomatic assurances to the Member States do offer safeguards in extradition cases to third countries. The report also seeks to extend the powers of the European Parliament into areas like security and counter-terrorism which are the remit more properly of national parliaments and governments. I particularly dislike the request of the British Government to extend consular protection to former UK residents who had not bothered to become citizens, but chosen instead to travel to dangerous parts of the world. This is contrary to all the traditional obligations and rights of citizenship of our Member States. Finally, calls for Article 6 and 7 sanctions against Member States are totally unacceptable in my view."

Claude **MORAES** (PES, UK) said "Whatever the political difficulties in this inquiry, above all we had a duty to European citizens not only to investigate existing allegations of rendition, but to ensure that we set a hu-

man rights standard in this continent, not just for the current victims but for any future victims and communities who may be affected by rendition or human rights abuse. The rapporteur, my political group and all of those Members in this House who genuinely care about human rights have worked extremely hard to present a plenary report with substance and balance. It is important that a credible report goes to Council. We now have the opportunity shortly to vote for such a report, a report which I believe deserves broad support right across this House."

Proinsias **DE ROSSA** (PES, IE) said: "All 785 of us have a responsibility to demonstrate that our Treaty commitments to human rights are not just rhetoric. We have established that some Member States authorities, including unfortunately Ireland, are colluding in a breach of human rights. If we do not loudly shout 'stop' our people will believe they are on their own and that would be disastrous for the cohesion and indeed the future of our democracies. We are not talking about history, nor do we lack evidence. We have it straight from President Bush that he will continue with extraordinary renditions and with secret detention centres. Member States, the Commission, the Council have an obligation to take on board our 100 or more recommendations on getting to the full truth, preventing abuse of human rights and torture and ensuring our intelligence services are accountable to our parliaments. To be successful in countering terrorism, we have to defend our democratic and our humanitarian values, not abandon them as too costly or inconvenient. Otherwise we concede victory to those who want to destroy those self same values."

Finally, I want to urge Members in particular to reject amendment 38 from the UEN, which seeks to create the fiction that the problem is an outdated Chicago Convention. The problem is a failure of Member States to actually implement the Chicago Convention."

### ***Response to the debate***

Mr **Gloser** responded for the Council. He said that while there had been many differences between the different contributors to the debate, it was clear that "the large majority of the chamber agrees that combat of terrorism is necessary, this purpose is legitimate, but it must be fought only with legal means." He said that the Council did not have any competences here, and he rejected out of hand the criticism of Javier Solana, who had, he said, cooperated with the committee "within his means."

It was important and right for Member States, he said, to carry out the necessary investigations and reveal the factual situation. In some cases, he said, the report turned allegations and assumptions into facts. Saying that references to Articles 6 and 7 of the treaty could be "a formal argument" he said the Council did not have any powers to introduce measures.

Regarding the secret services, he said the important thing was the basis for their work, and that remained within the remit of the Member States. Finally, he said that security issues and the combat with international terrorism were not limited to EU Member States – they could only be solved via international cooperation, with the United States, working on basis of common values shared by the EU and the US.

Commissioner **Frattini** said all could agree on the principle on that security and fundamental freedoms can never be played off one against the other. "A single violation committed during an investigation makes it mandatory for courts to punish those responsible and reject the evidence obtained – and also gives a propaganda victory to terrorists." Rules, he said, must be respected in investigations, otherwise the law is broken and terrorists will not be punished by the law. "We have had far too few terrorists convicted so far," he said.

He said that the report would have added value if it was clear that it was not a condemnation of United States. It should not make general value judgements or make rulings, something which should be left for the courts.

The added value of report was that it sent a message of firmness and unity against terrorism, he said. "The message to terrorists is that they cannot take any comfort – terrorist break laws and we must respect them. I hope there will be huge vote in favour of Member States discharging their moral and institutional duty to find out what has happened and change the rules where necessary, including on secret services."

Finally, he said that more European-United States cooperation was needed both on security and respect for individual rights.

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