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MOTION FOR A RESOLUTION

to wind up the debate on statements by the Council and Commission
pursuant to Rule 103(2) of the Rules of Procedure

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on behalf of the ALDE Group

on the alleged use of European countries by the CIA for the transport and
illegal detention of prisoners

European Parliament resolution on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners

The European Parliament,

- having regard to the international, European and national instruments on human rights and fundamental freedoms and on the prohibition of arbitrary detention, enforced disappearances and torture, such as the International Covenant on Civil and Political Rights of 16 December 1966 and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984,
 - having regard to the report on the findings of the Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners (TDIP), as well as to other reports and resolutions raising the issue, including the Council of Europe work on this matter,
 - having regard to its resolution of 4 February 2009 on the return and resettlement of the Guantánamo detention facility inmates¹,
 - having regard to the letter sent by its President to national parliaments on the follow-up by Member States to the TDIP report,
 - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas its report on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners addressed a series of detailed recommendations to Member States, the Commission and the Council,
- B. whereas since the adoption of the EP report, a series of developments have taken place in EU Member States, including:
- the statements by the UK Foreign Secretary on two US extraordinary rendition flights carrying two prisoners that landed on UK territory in 2002 and the compiling of a list of suspect flights that would be sent to US authorities to request specific assurances that they had not been used for rendition, as well as the statements by the Prime Minister in this regard; the request from the UK Home Secretary to the Attorney General to investigate possible 'criminal wrongdoing' by MI5 and the CIA in relation to Binyam Mohamed's treatment; the High Court ruling of 5 February 2009 that it was unable to order the disclosure of information about the alleged torture of Binyam Mohamed because the UK Foreign Secretary affirmed that the UK was threatened by the US with the blocking of intelligence-sharing about terrorism,
 - the decision by the Polish Prime Minister to hand over to prosecutors documents on CIA flights and prisons, and the finding of the Polish Public Prosecutor that over a dozen CIA

¹ *Texts adopted*, P6_TA-PROV(2009)0045.

flights involved the Szymany Airport, thereby confirming the TDIP Committee's findings,

- the publication by El País of documents containing new information concerning CIA flights in Spain,
 - information on CIA flights in Portugal, as well as the statements the Foreign Minister in this regard,
 - the imposition by governments of a state secrecy requirement on information relevant to the inquiries, such as in Italy, where a ruling by the Constitutional Court is awaited on this issue,
- C. whereas on 3 February 2009 the EU Commissioner for Freedom, Security and Justice stated in the European Parliament that he had undertaken a series of actions to implement Parliament's recommendations, including writing to the authorities of Poland and Romania to ask them to reveal the whole truth about the alleged existence of secret prisons on their soil, and issuing a Communication proposing new measures in the field of civil aviation,
- D. whereas extraordinary rendition and secret detention are contrary to international human rights law, the European Convention on Human Rights and the Charter of Fundamental Rights, and whereas the US authorities are currently reviewing these practices,
- E. whereas those kidnapped in some Member States under the extraordinary rendition programme have been flown to Guantánamo or to other states by the US authorities on military or CIA flights, which have often flown over EU territory and in some cases have also made stopovers in certain EU Member States; whereas those taken to third countries have undergone torture in local prisons,
- F. whereas some Member States have approached the US authorities requesting the release and repatriation of persons who have undergone extraordinary rendition and who are their nationals or who were previously resident on their territory; whereas officials of some Member States have had access to prisoners in Guantánamo or in other detention centres, and have also interrogated them to verify the charges brought against them by the US authorities,
- G. whereas its report stated, and subsequent events have confirmed, that several EU Member States had been involved in, or had cooperated actively or passively with the US authorities in, the CIA's and US military's illegal transport of prisoners to, and/or their detention in, Guantánamo and the 'secret prisons' acknowledged by President Bush – as proven by some recently disclosed information concerning governments' authorisations of US requests for over-flight and by government information on secret prisons – and that EU Member States bear a particular share of political, moral and legal responsibility for the transportation and detention of those imprisoned in Guantánamo and in secret detention facilities,
1. Calls on the Member States, the Commission and the Council to fully implement the recommendations made by Parliament in its report on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners and to assist in ascertaining the truth by opening inquiries or collaborating with the competent authorities,

by disclosing and providing all relevant information, and by ensuring effective parliamentary scrutiny of the actions of secret services; calls on Member States and EU institutions to forward to Parliament any relevant information, parliamentary inquiry report or judgment;

2. Calls on the European Union and the United States to strengthen transatlantic dialogue on a new common approach to tackling terrorism based on the common values of respect for international human rights law, democracy and the rule of law, in a framework of international cooperation, such as the EU-US agreements on extradition and mutual assistance;
3. Welcomes the forthcoming visit to the United States, on 16 and 17 March, by the Commissioner for Freedom, Security and Justice, the Czech Presidency and the EU Counter-Terrorism Coordinator, and calls on the EU representatives to raise the issue of extraordinary rendition and of secret detention facilities, as these are serious violations of international and European human rights law; calls on the Justice and Home Affairs Council of 26 February to take a firm stance on this, as well as to discuss the issue of the closure of Guantánamo and the resettlement of detainees, taking into due consideration Parliament's resolution on the subject;
4. Calls on the European Union, the Member States and the US authorities to investigate and fully clarify the abuses and violations of international and national law on human rights, fundamental freedoms, the prohibition of torture and ill-treatment, enforced disappearance and the right to a fair trial committed in connection with the 'war against terror', so as to establish responsibility for secret detention centres - including Guantánamo - and the extraordinary rendition programme, and to ensure that such violations will not recur in the future and that the fight against terrorism is pursued without breaching human rights, fundamental freedoms, democracy and the rule of law;
5. Calls on the Commission, the Council and the Counter-Terrorism Coordinator, after the visit of the EU delegation to the US, to report to Parliament on the application of the agreements on mutual legal assistance and on extradition, as well as on EU-US cooperation in the field of anti-terrorism while ensuring full respect for human rights, so that the competent committee can address these issues in a report drafted inter alia on the basis of paragraph 232 of the TDIP Temporary Committee report;
6. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for the CFSP, the Counter-Terrorism Coordinator, the parliaments of the Member States, the NATO Secretary-General, the Secretary-General and President of the Parliamentary Assembly of the Council of Europe, the United Nations Secretary-General and the President and Congress of the United States of America.