

WRITTEN QUESTION E-5384/06
by Henrik Lax (ALDE)
to the Council

Subject: The Eurojust Agreement on judicial cooperation between the EU and the USA

At the beginning of November, an agreement was signed between the EU and the USA concerning exchanges of information between judicial authorities, also known as the Eurojust Agreement. Its purpose is to make it easier for the parties to obtain information from each other for use in investigating serious crimes.

The Agreement is linked to counter-terrorism measures. In aviation, the USA even demands information about incoming passengers' dietary habits. As has been revealed, inter alia, by the proceedings of the European Parliament's Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners, the US intelligence services have on mere suspicion abducted and transferred innocent people to countries outside the EU and the USA where they were exposed to torture.

The European Parliament was not informed about the Eurojust Agreement, either before or afterwards.

Before 11 September 2001, there was a major stumbling block in judicial cooperation with the USA: the death penalty. The war on terrorism led to further difficulties. Now a new problem has arisen. The USA has adopted legislation, the Military Commissions Act (MCA), which - contravening international agreements - legalises torture of 'milder kinds'. The Act applies to 'enemy combatants' who have been captured inside or outside the USA, it does not guarantee due process, and those captured can be detained for an indefinite period, to name but these points.

What guarantees are there that information provided to the USA pursuant to the Eurojust Agreement will not result in people's being abducted, tortured and executed?

Are there any guarantees that citizens of EU Member States will not be surrendered to the USA or its allies and exposed to torture?

Why was the European Parliament not informed about the Eurojust Agreement and the difficulties in judicial cooperation with the USA under the MCA?