

**Presumed use of European countries for the transportation and illegal detention of prisoners by the CIA**

**European Parliament resolution on presumed use of European countries by the CIA for the transportation and illegal detention of prisoners**

*The European Parliament,*

- having regard to Articles 6 and 7 of the Treaty on European Union,
  - having regard to Articles 2, 3, 5 and 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms,
  - having regard to Articles 1, 4, 19, 47 and 48 of the Charter of Fundamental Rights of the European Union,
  - having regard to Articles 2, 3 and 11 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,
  - having regard to Written Questions No E-2203/05 and No E-2204/05 to the Commission and to the Council, tabled by Martine Roure, Giovanni Claudio Fava and Wolfgang Kreissl-Dörfler (of the PSE) on 9 June 2005, on cases of ‘extraordinary renditions’ in the territory of the European Union,
  - having regard to the EU-US Transatlantic Dialogue and in particular to the EU-US summit of 20 June 2005 and the resulting EU-US declarations on the fight against terrorism and on democracy, freedom and human rights,
  - having regard to the provisions of the EU-US agreements on extradition<sup>1</sup> and on mutual legal assistance<sup>2</sup>,
  - having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas international terrorism poses one of the greatest threats to society within the EU and to its values,
- B. whereas on 2 November 2005 the Washington Post alleged that the CIA had been holding and interrogating terrorist suspects at secret facilities in Eastern Europe as part of a global covert transport, prison and interrogation system known as ‘extraordinary rendition’ established after the attacks of 11 September 2001 and operating beyond any judicial controls or extradition requirements,
- C. whereas cooperation in the field of intelligence remains a competence of the Member States and falls within the scope of their bilateral and multilateral relations,
- D. worried that in the context of the fight against international terrorism that has been

---

<sup>1</sup> OJ L 181, 19.7.2003, p. 27.

<sup>2</sup> OJ L 181, 19.7.2003, p. 34.

conducted since 11 September 2001, fundamental European and international rights have apparently been violated,

- E. whereas allegedly these and other terrorist suspects are in US or foreign custody as ‘ghost detainees’, meaning that they may have been kidnapped and are detained incommunicado without any legal rights or access to counsel or the Red Cross/Red Crescent,
- F. whereas such detainees may be subject to cruel, inhumane or degrading treatment or torture,
- G. whereas judicial, parliamentary or official inquiries have been launched in several Member States to investigate the alleged role of the CIA in the abduction and subsequent transport and illegal detention of these ‘ghost detainees’,
- H. whereas such inquiries, as well as press disclosures and reports by NGOs such as Human Rights Watch have indicated codes and references for the aircraft and airport facilities allegedly used by the CIA for the transport of suspects subject to extraordinary rendition, including facilities such as Aviano in Italy, Ramstein in Germany and Kogalniceanu in Romania, situated in the territory of the European Union and its future Member States,
- I. whereas any aid or assistance to agents of another State in conduct amounting to secret deprivation of liberty and torture, including aid or assistance in the transportation by aircraft and use of airport facilities, is also a violation of Articles 3 and 5 of the European Convention on Human Rights,
- J. whereas on 21 November 2005 the Secretary General of the Council of Europe set up an inquiry into these allegations under Article 52 of the European Convention on Human Rights, asking the 45 governments that are parties to that convention to provide answers by 21 February 2006,
- K. whereas the matter has legal, moral and security implications for the conduct of the fight against terror that the European Union has pledged to fight and win,
- L. whereas the Parliamentary Assembly of the Council of Europe (PACE) has appointed a rapporteur, Dick Marty, to lead its inquiry,
- M. whereas it is of the utmost importance to carry out a full investigation into any allegation of US breaches of human rights and the rule of law and the complicity of European governments, given the very serious implications for the respect of fundamental rights in the European Union,
  - 1. Reaffirms its determination in the fight against terrorism but stresses that this fight cannot be won by sacrificing the very principles that terrorism seeks to destroy, notably that the protection of fundamental rights must never be compromised;
  - 2. Expresses the belief that the fight against terrorism must be fought by legal means and that this new kind of war must be won while respecting international law and with a responsible attitude on the part of governments and public opinion alike;
  - 3. Strongly condemns any use of torture, including cruel, inhuman and degrading treatment;
  - 4. Recalls that Article 6 of the Treaty on European Union obliges the Union and Member

States to respect fundamental rights as guaranteed by the European Convention on Human Rights and as they result from the Member States' common constitutional traditions, and that international obligations as well as those common principles forbid the use of torture;

5. Recalls that Article 7 of the Treaty on European Union provides for the Council, in the event of a serious and persistent violation of fundamental rights by a Member State or of the risk thereof, to suspend certain rights, including the right to vote in Council, as recently restated by Commission Vice-President Frattini;
6. Expresses its deep concern at the allegations concerning the role of the CIA in the illegal kidnapping, transportation, secret detention and torture of terrorist suspects, as well as at the alleged presence of CIA secret detention sites inside the territory of the European Union, and the accession and candidate countries;
7. Stresses that full transparency and mutual respect for basic principles of legislation is essential for a further strengthening of EU-US relations and cooperation in the fight against terrorism;
8. Welcomes the Council of Europe's investigation into the allegations and urges all Member States promptly to give any relevant information in relation to this;
9. Calls on the Council and Commission to clarify the press reports concerning an agreement of 2003 between the European Union and the United States giving the US access to 'special' transit facilities;
10. Calls on all the governments concerned to make every effort to investigate the allegations made so far and to provide all necessary information to the Commission and the Council of Europe;
11. Believes that in parallel with, and learning from, the inquiry led by the PACE rapporteur Dick Marty, Parliament must conduct its own parliamentary inquiry, which should, at the very least, be conducted through a Temporary Committee set up under Article 175 of its Rules of Procedure and draw on the expertise of its network of fundamental rights experts, with a view to examining, inter alia:
  - (a) whether the CIA has been involved in 'extraordinary rendition' of 'ghost detainees' detained incommunicado without any legal rights or access to counsel, subjected to cruel treatment or torture, and transported within the territory of the European Union, including through flights and detention at secret sites;
  - (b) whether such a practice could be considered legal in the territory of the European Union according to Article 6 of the Treaty on European Union, Articles 2, 3, 5 and 6 of the European Convention on Human Rights, and the EU-US agreements on extradition and on mutual legal assistance;
  - (c) whether EU citizens or legal residents were among those involved in 'extraordinary rendition' operations, illegal detention or torture in the framework of alleged covert CIA operations in the territory of the EU;
  - (d) whether Member States, public officials or persons acting in an official capacity

were involved or complicit in the acknowledged or unacknowledged illegal deprivation of liberty of individuals, including rendition, transfer, detention or torture, whether by action or omission;

12. Is committed to opening the procedure under Article 7 of the Treaty on the European Union if investigations confirm the allegations that any Member State has given assistance, whether by act or omission, to agents acting on behalf of other governments in conducting such practices;
13. Calls on the European Council to discuss these issues at its meeting of 16 to 17 December 2005 and demands that the current UK Presidency and future Austrian Presidency, together with Parliament's President, Josep Borrell, urgently establish the necessary contacts with US Secretary of State Condoleezza Rice, the US Congress, national parliaments and the Council of Europe;
14. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and of the accession and candidate countries, the Council of Europe and both houses of the US Congress.