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

Greens/EFA motion for a resolution

Tabled by ***Daniel Cohn-Bendit and Monica Frassoni***

The European Parliament,

 having regard to Articles 6 and 7 of the Treaty on European Union,

 having regard to Articles 2, 3, 5, 6 and 8 of the European Convention on Human Rights (ECHR),

 having regard to the Charter of Fundamental Rights of the European Union, especially Articles 1, 4, 19, 47 and 48 thereof,

 having regard to the European Convention for the Prevention of Torture,

 having regards to the provisions of the EU-USA agreement on judicial cooperation and extradition,

 having regard to Rule 103(2) of its Rules of Procedure,

A. whereas, for several months, press articles, eye-witness accounts and a report by the US Congressional Research Service (CRS) have given affirmation that the CIA reportedly uses 'secret detention centres' outside American territory, in particular in Europe, and uses European airfields as staging posts for the transfer of people arrested in the context of the 'war on terror'; whereas the prisoners reportedly have no rights in these centres, do not have access to a lawyer and are badly treated and probably tortured,

B. worried that in the context of the fight against international terrorism that has been conducted since 9/11, fundamental European and international rights have been violated,

C. whereas recent inquiries, press articles and reports by NGOs, especially Human Rights Watch, have given the codes and references of the aircraft and airport facilities allegedly used by the CIA for the transport of illegally extradited suspects, including facilities pertaining to NATO military bases,

D. whereas such reports have raised the issue of the alleged presence in at least ten countries, including EU Member States and candidate countries, of so-called CIA 'black sites', which have supposedly been used to detain and question in secret individuals suspected of terrorism,

E. sharing the rising public concern about the alleged breach of fundamental rights in Europe,

F. whereas judicial proceedings or government inquiries are under way in several Member States on extrajudicial renditions and abductions,

G. whereas the European Commission takes the view that it does not possess the necessary powers to open a judicial inquiry into these serious accusations; denouncing the continuing inaction by the Commission and EU ministers in the face of these allegations,

H. whereas on 21 November 2005 the Secretary General of the Council of Europe launched an official inquiry pursuant to Article 52 of the ECHR,

I. whereas the rapporteur of the Parliamentary Assembly of the Council of Europe (PACE) referred to suspicious movements by 31 aircraft allegedly belonging to entities with direct or indirect links to the CIA,

1. Is worried about the flagrant breaches of basic human rights that appear to be taking place on European soil, in particular abductions by the CIA and possible ill-treatment of prisoners in secret prisons;

2. Underlines that in the necessary fight against international terrorism torture can under no circumstances be legitimate;

3. States that as much light as possible must be shed on this issue and that, if these allegations are confirmed, they constitute a serious breach of Article 6 of the EU Treaty and that Article 7 of the EU Treaty should be applied in consequence; should these allegations be confirmed in the case of a candidate country, the safeguard clause in its accession treaty would be applied; welcomes, in this context, the examination announced by the Polish government of the subject of possible CIA secret prisons in the country, and asks for a substantial effort to be made;

4. Is concerned about the way the fight against international terrorism is being conducted, as it seriously erodes the credibility of the EU as a value-based community, and especially the standing of the European Charter of Fundamental Rights;

5. States that strong words are not enough; action is needed from the Council and individual Member States, as well as the Commission, which are currently failing to act in an adequate and speedy manner to clarify the situation;

6. Asks, therefore, for the setting up of a committee of inquiry, pursuant to Rule 176 of the Rules of Procedure, to clarify the abovementioned allegations as a complementary and supporting measure to the Council of Europe efforts;

7. Asks for the involvement of Eurocontrol, the national air control centres of all Member States concerned, and the European Satellite Centre to support the investigations and provide evidence, and also to make these available to the relevant Council of Europe rapporteur;

8. Fully supports the work of the Council of Europe, in particular the inquiry launched on 21 November and the request made to 45 governments that are parties to the ECHR to provide, by 21 February 2006, explanations on the manner in which they insure the effective implementation of the ECHR;

9. Calls on Member States to abide by the law and, in furtherance of this aim, also to ensure that their security services are closely monitored and that no illegally retained evidence is used by European investigators or other authorities; asks the Member States affected, such as Germany, fully to disclose information on the cases where security forces allegedly interrogated prisoners in CIA detention in third countries;

10. Asks for the establishment of close cooperation with the Council of Europe through regular contacts with the PACE rapporteur and by holding a hearing with the Council of Europe Commissioner for Human Rights and the Secretary General;

11. Asks its Committees on Civil Liberties, Justice and Home Affairs, Foreign Affairs and Subcommittee on Human Rights to hold a joint hearing with the participation of representatives of the US Administration and the EU anti-terrorism coordinator;

12. Considers it necessary to verify the state of implementation of the EU-US agreement on extradition and judicial cooperation in penal matters and the other formal or informal arrangements dealing with the anti-terrorism cooperation;

13. Takes the view that the abduction of Abu Omar by the CIA, which took place in Milan on 7 February 2003, is a further example of how the fight against terrorism is being carried out at the expense of human rights and civil liberties and in apparent violation of EU and international treaties; supports the initiative of the Italian judicial authorities, which have requested the extradition of 22 CIA agents involved in this covert operation;

14. Is alarmed by the presumed abduction of German citizen Khaled el-Masri, probably kidnapped by CIA agents in Macedonia, to a prison in Afghanistan for 5 months' detention, followed by his release in Albania, probably because he turned out to be the wrong suspect; calls on the German government to clarify its role in this special case;

15. Condemns these illegal acts committed against EU citizens and third-country nationals; is worried by the circumvention of law by the United States, its effect on common international law standards and the backlash it causes in the fight against international terrorism;

16. Urges the Italian, German and all other governments concerned to provide and disclose all their information on these cases, making it clear whether and how national authorities have been involved, and fully to support the investigating legal authorities in their efforts;

17. Calls on the Egyptian authorities to clarify the role played by their country in the abduction of Abu Omar, which includes allegations of torture during the detention of the prisoner in Egypt; calls on the Macedonian, Afghan and Albanian governments to cooperate and to explain their countries' involvement in the CIA kidnapping of Khaled el?Masri;

18. Instructs its President to forward this resolution to the Council, the Commission, the Governments of the Member States and the United States Government and Congress.

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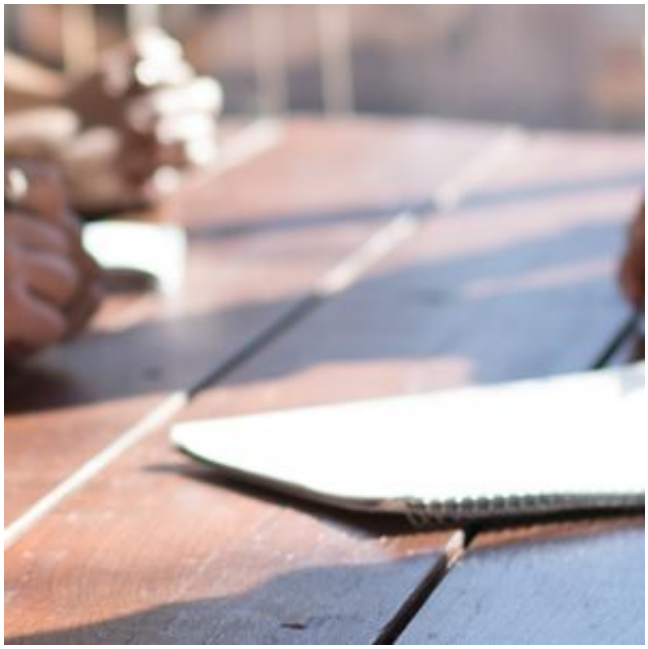
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