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

2009/2511(RSP) - 19/02/2009 - Text adopted by Parliament, single reading

The European Parliament adopted, by 334 votes to 247 with 86 abstentions, a resolution on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners. The resolution had been tabled for consideration in plenary by the PES, ALDE, Greens/ALE and GUE/NGL groups.

Parliament recalls its resolution of 14 February 2007 which addressed a series of 46 detailed recommendations to Member States, the Council and the Commission. Since the adoption of that resolution, a series of developments have taken place in Member States. Parliament recalls particularly the statements by the UK Foreign Secretary on two US extraordinary rendition flights carrying two prisoners that landed on UK territory in 2002, as well as the statements by the Prime Minister in this regard. It also recalls the referral by the UK Home Secretary to the UK Attorney General of the question of possible 'criminal wrongdoing' by MI5 and the CIA in relation to Binyam Mohamed's treatment, as well as the High Court's 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 asserted that the UK was threatened by the US with the blocking of intelligence-sharing about terrorism, and the legal challenge to the ruling based on doubts about the veracity of that assertion.

Parliament notes that its resolution of 14 February 2007 stated, and subsequent events have confirmed, that **several 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 transportation** 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 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.

It **denounces the lack of action** taken so far by the Member States and the Council to shed light on the extraordinary rendition programme and to implement Parliament's recommendations, deploring the lack of satisfactory answers given by the Council to Parliament on 3 February 2009. Parliament calls on Member States, the Council and the Commission to implement fully Parliament's recommendations and to assist in ascertaining the truth by opening inquiries or collaborating with the competent bodies, by providing all relevant information, and by ensuring effective parliamentary scrutiny of the action of secret services.

Members welcome the ratification by the US Senate of the EU-US Agreements on Extradition and Mutual Legal Assistance, as well as the issuing by President Obama on 22 January 2009 of three executive orders on closing the Guantánamo detention centre, halting the proceedings of military commissions, ending the use of torture and shutting secret prisons abroad. These are a **considerable step forward,** but they do not seem to address fully the issues of secret detention and abduction or that of the use of torture. Parliament highlights the fact that **some ambiguities persist** as to the continuation of a limited number of rendition schemes and of secret detention facilities. It recalls that secret detention is in itself a serious violation of basic human rights, and that any victim of an act of torture has an enforceable right to redress and to fair and adequate compensation.

The resolution calls on the EU, Member States and the US authorities to provide full clarification about the violations of international and national law on human rights, the prohibition of torture, 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. It must be ensured that such violations will not recur in the future and that the fight against terrorism is pursued without breaching the rule of law.