Resolution on follow-up to the European Parliament resolution of 11 February 2015 on the US Senate report on the use of torture by the CIA

2016/2573(RSP) - 08/06/2016 - Text adopted by Parliament, single reading

The European Parliament adopted by 329 votes to 299, with 49 abstentions, a resolution tabled by its Committee on Civil Liberties, Justice and Home Affairs, on follow-up to the European Parliament resolution of 11 February 2015 on the US Senate report on the use of torture by the CIA.

Rule of law and fight against terrorism: Members recalled that they have repeatedly called for the **fight against terrorism to respect the rule of law, human dignity, human rights and fundamental freedoms** .

They recalled that they have strongly condemned the US-led Central Intelligence Agency (CIA) rendition and secret detention programme involving multiple human rights violations, including unlawful and arbitrary detention, abduction, torture and other inhumane or degrading treatment, violation of the non-refoulement principle and enforced disappearance through the use of European airspace and territory by the CIA.

In addition, Parliament has repeatedly called for full investigations into the involvement of EU Member States in the CIA's secret detention and extraordinary rendition programme.

However, a study of the CIA's Detention and Interrogation Programme and its use of various forms of torture on detainees between 2001 and 2006 revealed new facts which reinforced allegations that a number of EU Member States, their authorities and officials and agents of their security and intelligence services had been complicit in the CIA's secret detention and extraordinary rendition programme.

Members recalled that Mark Martins, Chief Prosecutor of Military Commissions at Guantánamo Bay, stated that the events set out in the study on the CIA's Detention and Interrogation Programme did in fact occur.

In this regard, Parliament reiterated its **strong condemnation of the use of enhanced interrogation techniques**, which are prohibited under international law and which **breach**, inter alia, the rights to liberty, security, humane treatment, freedom from torture and equal protection under the law.

It expressed its serious concerns about the apathy shown by Member States and EU institutions with regard to recognising the multiple fundamental rights violations and torture which took place on European soil between 2001 and 2006 and regretted the fact that only one cross-party fact-finding mission to Romania was conducted in September 2015.

It called for more fact-finding missions to be organised by the European Parliament in those Member States identified in the US Senate study on the CIA's Detention and Interrogation Programme as being complicit in that programme, such as Lithuania, Poland, Italy and the United Kingdom.

Transatlantic cooperation: recalling the importance of transatlantic cooperation, Members stated that transatlantic cooperation on counterterrorism needs to **respect fundamental rights, fundamental freedoms and privacy**, as guaranteed by EU legislation.

Parliament repeated its call on the USA to continue to investigate and prosecute the multiple human rights violations resulting from the CIA rendition and secret detention programmes led by the previous US administration and to publish a study on the issue.

Ill-treatment at Guantánamo: while recalling its absolute condemnation of torture and enforced disappearance, Members called on the USA to comply with international law governing the investigation of **current allegations of torture and ill-treatment at Guantánamo**.

Parliament called on Member States to investigate, ensuring full transparency, the allegations that there were secret prisons on their territory in which people were held under the CIA programme (notably Lithuania, Romania and Poland).

In general, Parliament called on **all Members** of the European Parliament to fully and actively support the investigation into the involvement of EU Member States in the CIA's secret detention and extraordinary rendition programme, especially those who held government positions in the countries concerned during the events under investigation.

It called on the Commission and the Council to **report back to plenary before the end of June 2016** on the follow-up action taken on the recommendations and requests made by the European Parliament in its inquiry into the alleged transportation and illegal detention of prisoners in European countries by the CIA.

Parliament expressed its regret at the fact that the US President's undertaking to close Guantánamo by January 2010 has not yet been implemented. It stressed that in his State of the Union address of 20 January 2015, he reiterated his determination to fulfil his 2008 campaign pledge to close it down.

The issue of 'national security' blocking transparency: Members recalled that transparency is the absolute cornerstone of any democratic society, the *sine qua non* for a government's accountability to its people. They are therefore profoundly worried by the increasing trend for governments to unduly invoke 'national security' with the sole or primary aim of **blocking public scrutiny by citizens** (to whom the government is accountable) or by the judiciary (which is the guardian of a country's laws).

Lastly, Parliament reiterated its conviction that normal criminal trials under civilian jurisdiction are the best way to resolve the status of Guantánamo detainees. It called on the US authorities not to impose the death penalty on detainees at Guantánamo Bay.