Resolution on EU judicial cooperation with the United States in combating terrorism

2001/2633(RSP) - 13/12/2001 - Text adopted by Parliament, topical subjects

Parliament has categorically declared that extradition from the European Union to the United States of America cannot be authorised for persons who could be sentenced to death or who are to be tried before military tribunals. In its resolution, Parliament emphasises any international agreement on police and judicial cooperation signed by the European Union and its Member States must fully respect the European Convention on Human Rights (ECHR). Parliament attaches particular importance to the provisions of the Convention on electronic surveillance, to the prohibition of discrimination between nationals and non-nationals, to the protection of fundamental rights in connection with the surveillance of electronic communications, to the protection of fundamental rights as regards the monitoring of communications between a prisoner and an attorney and to the enshrined right to a fair trial. The U.S. Patriot Act, on the other hand, which discriminates between U.S. and non-U.S. citizens, and President Bush's executive orders on military tribunals violate principles enshrined in the ECHR. Moreover, legal problems could arise from the fact that the United States regards terrorists as war criminals, which is not the case in the European Union. This means that extradition from an EU Member State to the United States cannot be authorised if the subject of the extradition request is to be tried by a military tribunal. Parliament also reiterates its demand for the total abolition of the death penalty in the United States. It reaffirms that the existence of the death penalty in the United States is an obstacle to any general U.S.-EU agreement, and that the Member States of the EU cannot extradite a defendant if he or she is liable to receive a death sentence. Parliament warns against the use of expulsion or deportation proceedings to camouflage what are actually extradition proceedings. It also opposes mandatory retention of data. Lastly, it asks to be fully informed and consulted before the adoption of any EU-U.S. cooperation agreement in the field of justice and home affairs and calls for the conclusion of any such agreement to be made conditional upon a ruling by the Court of Justice certifying its conformity with Community law.