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

2005/2658(RSP) - 15/12/2005 - Text adopted by Parliament, topical subjects

The European Parliament adopted a resolution on **the presumed use of European countries by the CIA for the transportation and illegal detention of prisoners.** The resolution was adopted by 359 votes in favour to 27 against with 32 abstentions.The Parliament stated that it 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 the following:

-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;

-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;

-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;

-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.

Parliament reaffirmed its determination in the fight against terrorism but stressed 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. The fight against terrorism must be fought by legal means. 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.

Parliament strongly condemned any use of torture, including cruel, inhuman and degrading treatment., and expressed 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. It welcomed the Council of Europe's investigation into the allegations and urged all Member States promptly to give any relevant information in relation to this. It called 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, and 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.