Alleged use of European countries by the CIA for the transportation and illegal detention of prisoners. Interim report

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The Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners adopted its interim report drawn up by Giovanni Claudio FAVA (PES, IT). The European Parliament decided on 18 January 2006 to set up this committee to find out whether the CIA or other US agents or intelligence services of other third countries carried out abductions, "extraordinary rendition", detention at secret sites, detention incommunicado or torture or other cruel, inhuman or degrading treatment of prisoners on the territory of the European Union, including accession and candidate countries, or used that territory to those ends, for example through flights.

The report made it clear that, on the basis of the information it had received to date, the committee believed that the CIA had organised extraordinary renditions, and it criticised European states for inactivity or complicity in the face of this phenomenon. It said that the CIA had been "directly responsible" on several occasions for the "illegal seizure, removal, abduction and detention of terrorist suspects on the territory of Member States, accession and candidate countries" and for the "extraordinary rendition of, amongst others, European nationals or residents". It pointed out that these actions constituted violations of fundamental rights under international law.

MEPs said that the CIA - using aircraft hired by front companies - had made use of such practices for the illegal transfer of terrorist suspects to countries which frequently use torture during interrogations. They called for extraordinary renditions to be "clearly prohibited" in international law, and reminded Member States that, under the case-law of the EU Court of Human Rights, countries have "positive obligations" to prevent human rights violations on their territory. They added that, in the event of violations of the European Convention on Human Rights, Member States "may be held liable" for failure to comply with those positive obligations.

The committee said that it was "implausible ..... that certain European governments were not aware of the activities linked to extraordinary rendition taking place on their territory". It argued that such involvement or complicity was likely on the part of the Italian authorities in the 2003 abduction of Egyptian cleric Abu Omar by CIA agents in Milan, and it also cited other cases. The report added that, in several EU countries, rules governing the activities of secret services seem "inadequate" and that intelligence cooperation between EU countries and their allies "should not be confused with the abandonment of sovereignty over European territory and airspace".

The committee noted the need to continue its work and "further examine the relevant events" for the remainder of its twelve-month term. During this period, it proposed to invite the Secretary-General of NATO to a hearing to clarify the possible involvement of SFOR and KFOR forces in the illegal arrest, handing over and detention of terrorist suspects. The committee called on the Member States to take a stronger stance on the closure of the detention centre in Guantánamo Bay and to "take a pro-active role" in finding a solution for the detainees. Finally, it stressed the need to "ascertain whether there is any evidence to confirm that secret prisons have been operating in some European countries".