Basic information

2006/2027(INI) INI - Own-initiative procedure	Procedure completed
Alleged use of European countries by the CIA for the transportation and illegal detention of prisoners. Interim report See also 2006/2200(INI) **Subject** 6.10.08 Fundamental freedoms, human rights, democracy in general **Geographical area** United States	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	TDIP Temporary committee on use of European countries by the CIA	FAVA Claudio (PSE)	26/01/2006
European Commission	**Commission DG**	**Commissioner**	
	Justice and Consumers	FRATTINI Franco	

Key events

Date	Event	Reference	Summary
18/01/2006	Committee referral announced in Parliament		
12/06/2006	Vote in committee		Summary
15/06/2006	Committee report tabled for plenary	A6-0213/2006	
05/07/2006	Debate in Parliament		
06/07/2006	Decision by Parliament	T6-0316/2006	Summary
06/07/2006	Results of vote in Parliament		
06/07/2006	End of procedure in Parliament		

Technical information

Procedure reference	2006/2027(INI)
Procedure type	INI - Own-initiative procedure

Procedure subtype	Special committee/Committee of inquiry
Amendments and repeals	See also 2006/2200(INI)
Legal basis	Rules of Procedure EP 213
Stage reached in procedure	Procedure completed
Committee dossier	TDIP/6/33596

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Amendments tabled in committee		PE374.151	22/05/2006	
Committee draft report		PE372.179	01/06/2006	
Committee report tabled for plenary, single reading		A6-0213/2006	15/06/2006	
Text adopted by Parliament, single reading		T6-0316/2006	06/07/2006	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2006)3874	29/09/2006	

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

2006/2027(INI) - 06/07/2006 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Giovanni Claudio **FAVA** (PES, IT) on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners, adopted midway through the work of the Temporary Committee. The resolution was adopted by 389 votes in favour, 137 against with 55 abstentions. Parliament stated that the CIA was in some cases directly responsible for the "illegal seizure, removal, abduction and detention of terrorist suspects" in Europe.

On the information obtained to date by the temporary committee:Parliament endorsed the conclusions of the Secretary-General of the Council of Europe following the inquiry conducted under Article 52 of the ECHR. It regretted that the rules governing the activities of secret services seemed inadequate in several Member States. More effective controls must be set up, in particular as regards the activities of foreign secret services on their territory, and also at foreign military bases. Rules of cooperation should be established at EU level.

On the illegal seizures, removals, arrests, abductions, extraordinary renditions and secret detentions carried out by the CIA, other US agencies or services or other third-country security services:on the basis of evidence presented to the temporary committee, Parliament believed that, in some cases, the CIA or other US services had been directly responsible 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. These actions did not correspond to known international law concepts and were contrary to the fundamental principles of human rights law. Parliament condemned the practice of extraordinary renditions, which wais aimed at ensuring that suspects were not brought before a court but were transferred to third countries to be interrogated, where they could be tortured, and detained in facilities controlled by the USA or local authorities. It considered unacceptable the practices of certain governments consisting in limiting their responsibilities by asking for diplomatic assurances from countries in respect of which there was strong reason to believe they practiced torture, which view was also expressed in the conclusions of Manfred Nowak, UN Special Rapporteur on torture. Parliament felt, moreover, that the extraordinary rendition of persons to places where torture is endemic was a violation of the principle of 'non-refoulement', as laid down in Article 3 of the UN Convention Against Torture.

Diplomatic assurances, insofar as they request an exception to the norm, were a tacit acknowledgement of the existence of torture practices in third countries and therefore contradictory to the EU's responsibilities. Parliament stated that it was deeply concerned that all the work of the temporary committee so far seemed to indicate that European airspace and airports had been used by CIA front-companies in order to bypass the legal

obligations for state aircraft as set out in the Chicago Convention. This enabled persons suspected of terrorism to be transferred illegally to the custody of the CIA or the US military or to other countries (including Egypt, Jordan, Syria and Afghanistan) which frequently use torture during interrogations, as is recognised by the US government itself.

It noted that the work of the temporary committee had so far not revealed any evidence or proof of the existence of secret prisons in the EU. However, in the following months, the work of the temporary committee will focus more closely on this subject.

Parliament welcomed the reaction of the US Congress, which implemented the McCain Amendment designed to ensure better protection for alleged terrorists from illegal treatment by state agencies.

On the possibility that Member States and accession and candidate countries have been involved or complicit in arrests, illegal seizures, removals, abductions, expulsions, extraordinary renditions and secret detentions:Parliament considered it implausible that certain European governments were not aware of the activities linked to extraordinary rendition taking place on their territory. In particular, it felt that it was utterly implausible that many hundreds of flights through the airspace of several Member States, and a similar number of movements in and out of European airports could have taken place without the knowledge of either the security services or the intelligence services and without senior officials from those services at least giving thought to the link between those flights and the practice of extraordinary rendition. Such involvement or complicity was likely on the part of Italian authorities in the 2003 abduction of Egyptian cleric Abu Omar by CIA agents in Milan; on the part of Bosnian authorities in the abduction and transfer of six Bosnian nationals or residents of Algerian origin to Guantanamo Bay and on the part of Swedish authorities, who expelled Egyptian nationals Mohammed Al Zary and Ahmed Agiza, handing them over to CIA agents for transfer to Egypt. Parliament also condemnedthe 2003 abduction of German national Khaled El-Masri by the CIA and *d*eplored the reluctance of the FYROM authorities to confirm that El-Masri was in Skopje and was probably being held there before his rendition to Afghanistan by CIA agents. Measures allegedly taken by the FYROM government to investigate the matter, the Parliament pointed out, were inadequate.

Parliament reminded Member States that they had positive obligations as regards human rights, were required to take legislative measures to prevent human rights violations taking place on their territory and must also investigate alleged violations and punish those responsible. In the event of violations of the European Convention on Human Rights, they may be held liable for failure to comply with those positive obligations.

On the use of torture:Parliament stressed that the prohibition of torture or cruel, inhuman and degrading treatment as defined in Article 1 of the United Nations Convention against Torture, is absolute and allows no exceptions whether in times of war or threat of war, domestic political instability or any other emergency. Member States and accession and candidate countries must comply with Article 3 of the UN Convention against Torture, in particular the principle of 'non-refoulement'. Parliament called also on the United States to review its interpretation of the principle of 'non-refoulement', as set out in Article 3 of the Convention.

On the use of European airspace and European airports by the CIA:Parliament deplored the fact that no Member State or accession or candidate country had adopted procedures aimed at verifying whether civilian aircraft were being used for purposes incompatible with internationally established human rights standards. It considered that European legislation on the single European sky, the use, control and management of national airspace, the use of Member State airports and European carriers to be totally inadequate. It was necessary to establish how airspace, civil and military airports, and NATO and US bases have actually been used by the US secret services, and to ascertain whether there is any evidence to confirm that secret prisons have been operating in some European countries, as has been alleged in several investigations by journalists and authoritative NGOs.

On the future work of the temporary committee:Parliament noted the need to continue the work of the temporary committee and ascertain whether there had been a violation of Article 6 TEU by one or more Member States. The temporary committee will continue its work for the remainder of its established twelve-month term, without prejudice to the Rules of Procedure on the possibility of extending the term. Parliament called on the Council and each of its members, and in particular its Presidency, to lend their support to the work of the temporary committee, in accordance with the principle of loyal cooperation as defined by the Treaties and the decisions of the Court of Justice of the European Communities. In addition, it called on Member States to take a stronger stance on the closing of the detention centre in Guantánamo Bay and to take a pro-active role in finding a solution for detainees against whom no legal proceedings will be brought and who cannot return to their country of origin because they have become stateless or face torture or other cruel, inhuman and degrading treatment.